

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 7-1-1 as follows:

6 (65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

7 Sec. 7-1-1. Annexation of contiguous territory. Any
8 territory that is not within the corporate limits of any
9 municipality but is contiguous to a municipality may be annexed
10 to the municipality as provided in this Article. For the
11 purposes of this Article any territory to be annexed to a
12 municipality shall be considered to be contiguous to the
13 municipality notwithstanding that the territory is separated
14 from the municipality by a strip parcel, railroad or public
15 utility right-of-way, or former railroad right-of-way that has
16 been converted to a recreational trail, but upon annexation the
17 area included within that strip parcel, right-of-way, or former
18 right-of-way shall not be considered to be annexed to the
19 municipality. For purposes of this Section, "strip parcel"
20 means a separation no wider than 30 feet between the territory
21 to be annexed and the municipal boundary.

22 Except in counties with a population of more than 600,000
23 but less than 3,000,000, territory which is not contiguous to a

1 municipality but is separated therefrom only by a forest
2 preserve district, federal wildlife refuge, open land or open
3 space that is part of an open space program, as defined in
4 Section 115-5 of the Township Code, or conservation area, may
5 be annexed to the municipality pursuant to Section 7-1-7 or
6 7-1-8, but only if the annexing municipality can show that the
7 forest preserve district, federal wildlife refuge, open land,
8 open space, or conservation area creates an artificial barrier
9 preventing the annexation and that the location of the forest
10 preserve district, federal wildlife refuge, open land, open
11 space, or conservation area property prevents the orderly
12 natural growth of the annexing municipality. It shall be
13 conclusively presumed that the forest preserve district,
14 federal wildlife refuge, open land, open space, or conservation
15 area does not create an artificial barrier if the property
16 sought to be annexed is bounded on at least 3 sides by (i) one
17 or more other municipalities (other than the municipality
18 seeking annexation through the existing forest preserve
19 district, federal wildlife refuge, open land, open space, or
20 conservation area), (ii) forest preserve district property,
21 federal wildlife refuge, open land, open space, or conservation
22 area, or (iii) a combination of other municipalities and forest
23 preserve district property, federal wildlife refuge property,
24 open land, open space, or conservation area. It shall also be
25 conclusively presumed that the forest preserve district,
26 federal wildlife refuge, open land, open space, or conservation

1 area does not create an artificial barrier if the municipality
2 seeking annexation is not the closest municipality within the
3 county to the property to be annexed. The territory included
4 within such forest preserve district, federal wildlife refuge,
5 open land, open space, or conservation area shall not be
6 annexed to the municipality nor shall the territory of the
7 forest preserve district, federal wildlife refuge, open land,
8 open space, or conservation area be subject to rights-of-way
9 for access or services between the parts of the municipality
10 separated by the forest preserve district, federal wildlife
11 refuge, open land, open space, or conservation area without the
12 consent of the governing body of the forest preserve district
13 or federal wildlife refuge. The changes made to this Section by
14 Public Act 91-824 are declaratory of existing law and shall not
15 be construed as a new enactment.

16 For the purpose of this Section, "conservation area" means
17 an area dedicated to conservation and owned by a not-for-profit
18 organized under Section 501(c)(3) of the Internal Revenue Code
19 of 1986, or any area owned by a conservation district.

20 In counties that are contiguous to the Mississippi River
21 with populations of more than 200,000 but less than 255,000, a
22 municipality that is partially located in territory that is
23 wholly surrounded by the Mississippi River and a canal,
24 connected at both ends to the Mississippi River and located on
25 property owned by the United States of America, may annex
26 noncontiguous territory in the surrounded territory under

1 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
2 from the municipality by property owned by the United States of
3 America, but that federal property shall not be annexed without
4 the consent of the federal government.

5 For the purposes of this Article, any territory to be
6 annexed to a municipality that is located in a county with more
7 than 500,000 inhabitants shall be considered to be contiguous
8 to the municipality if only a river and a national heritage
9 corridor separate the territory from the municipality. Upon
10 annexation, no river or national heritage corridor shall be
11 considered annexed to the municipality.

12 When any land proposed to be annexed is part of any Fire
13 Protection District or of any Public Library District and the
14 annexing municipality provides fire protection or a public
15 library, as the case may be, the Trustees of each District
16 shall be notified in writing by certified or registered mail
17 before any court hearing or other action is taken for
18 annexation. The notice shall be served 10 days in advance. An
19 affidavit that service of notice has been had as provided by
20 this Section must be filed with the clerk of the court in which
21 the annexation proceedings are pending or will be instituted
22 or, when no court proceedings are involved, with the recorder
23 for the county where the land is situated. No annexation of
24 that land is effective unless service is had and the affidavit
25 filed as provided in this Section.

26 The new boundary shall extend to the far side of any

1 adjacent highway and shall include all of every highway within
2 the area annexed. These highways shall be considered to be
3 annexed even though not included in the legal description set
4 forth in the petition for annexation. When any land proposed to
5 be annexed includes any highway under the jurisdiction of any
6 township, the Township Commissioner of Highways, the Board of
7 Town Trustees, the Township Supervisor, and the Township Clerk
8 shall be notified in writing by certified or registered mail
9 before any court hearing or other action is taken for
10 annexation. In the event that a municipality fails to notify
11 the Township Commissioner of Highways, the Board of Town
12 Trustees, the Township Supervisor, and the Township Clerk of
13 the annexation of an area within the township, the municipality
14 shall reimburse that township for any loss or liability caused
15 by the failure to give notice. If any municipality has annexed
16 any area before October 1, 1975, and the legal description in
17 the petition for annexation did not include the entire adjacent
18 highway, any such annexation shall be valid and any highway
19 adjacent to the area annexed shall be considered to be annexed
20 notwithstanding the failure of the petition to annex to include
21 the description of the entire adjacent highway.

22 Any annexation, disconnection and annexation, or
23 disconnection under this Article of any territory must be
24 reported by certified or registered mail by the corporate
25 authority initiating the action to the election authorities
26 having jurisdiction in the territory and the post office

1 branches serving the territory within 30 days of the
2 annexation, disconnection and annexation, or disconnection.

3 Failure to give notice to the required election authorities
4 or post office branches will not invalidate the annexation or
5 disconnection. For purposes of this Section "election
6 authorities" means the county clerk where the clerk acts as the
7 clerk of elections or the clerk of the election commission
8 having jurisdiction.

9 No annexation, disconnection and annexation, or
10 disconnection under this Article of territory having electors
11 residing therein made (1) before any primary election to be
12 held within the municipality affected thereby and after the
13 time for filing petitions as a candidate for nomination to any
14 office to be chosen at the primary election or (2) within 60
15 days before any general election to be held within the
16 municipality shall be effective until the day after the date of
17 the primary or general election, as the case may be.

18 For the purpose of this Section, a toll highway or
19 connection between parcels via an overpass bridge over a toll
20 highway shall not be considered a deterrent to the definition
21 of contiguous territory.

22 When territory is proposed to be annexed by court order
23 under this Article, the corporate authorities or petitioners
24 initiating the action shall notify each person who pays real
25 estate taxes on property within that territory unless the
26 person is a petitioner. The notice shall be served by certified

1 or registered mail, return receipt requested, at least 20 days
2 before a court hearing or other court action. If the person who
3 pays real estate taxes on the property is not the owner of
4 record, then the payor shall notify the owner of record of the
5 proposed annexation.

6 (Source: P.A. 95-174, eff. 1-1-08; 96-1000, eff. 7-2-10;
7 96-1233, eff. 7-23-10.)