



Sen. Emil Jones, III

Filed: 3/19/2015

09900SB0369sam002

LRB099 03111 AWJ 33037 a

1 AMENDMENT TO SENATE BILL 369

2 AMENDMENT NO. _____. Amend Senate Bill 369 by replacing
3 everything after the enacting clause with the following:

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

1 area included within that strip parcel, right-of-way, or former
2 right-of-way shall not be considered to be annexed to the
3 municipality. For purposes of this Section, "strip parcel"
4 means a separation no wider than 30 feet between the territory
5 to be annexed and the municipal boundary.

6 Except in counties with a population of more than 600,000
7 but less than 3,000,000, territory which is not contiguous to a
8 municipality but is separated therefrom only by a forest
9 preserve district, federal wildlife refuge, open land or open
10 space that is part of an open space program, as defined in
11 Section 115-5 of the Township Code, or conservation area, may
12 be annexed to the municipality pursuant to Section 7-1-7 or
13 7-1-8, but only if the annexing municipality can show that the
14 forest preserve district, federal wildlife refuge, open land,
15 open space, or conservation area creates an artificial barrier
16 preventing the annexation and that the location of the forest
17 preserve district, federal wildlife refuge, open land, open
18 space, or conservation area property prevents the orderly
19 natural growth of the annexing municipality. Except for parcels
20 of land less than one acre in size, it ~~it~~ shall be conclusively
21 presumed that the forest preserve district, federal wildlife
22 refuge, open land, open space, or conservation area does not
23 create an artificial barrier if the property sought to be
24 annexed is bounded on at least 3 sides by (i) one or more other
25 municipalities (other than the municipality seeking annexation
26 through the existing forest preserve district, federal

1 wildlife refuge, open land, open space, or conservation area),
2 (ii) forest preserve district property, federal wildlife
3 refuge, open land, open space, or conservation area, or (iii) a
4 combination of other municipalities and forest preserve
5 district property, federal wildlife refuge property, open
6 land, open space, or conservation area. Except of parcels of
7 land less than one acre in size, it ~~it~~ shall also be
8 conclusively presumed that the forest preserve district,
9 federal wildlife refuge, open land, open space, or conservation
10 area does not create an artificial barrier if the municipality
11 seeking annexation is not the closest municipality within the
12 county to the property to be annexed. The territory included
13 within such forest preserve district, federal wildlife refuge,
14 open land, open space, or conservation area shall not be
15 annexed to the municipality nor shall the territory of the
16 forest preserve district, federal wildlife refuge, open land,
17 open space, or conservation area be subject to rights-of-way
18 for access or services between the parts of the municipality
19 separated by the forest preserve district, federal wildlife
20 refuge, open land, open space, or conservation area without the
21 consent of the governing body of the forest preserve district
22 or federal wildlife refuge. Parcels of land less than one acre
23 in size may be annexed to the municipality pursuant to Section
24 7-1-7 or 7-1-8 if it would be contiguous to the municipality
25 but for the separation therefrom by a forest preserve district,
26 federal wildlife refuge, open land or open space that is part

1 of an open space program, as defined in Section 115-5 of the
2 Township Code, or conservation area. The changes made to this
3 Section by Public Act 91-824 are declaratory of existing law
4 and shall not be construed as a new enactment.

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

9 In counties that are contiguous to the Mississippi River
10 with populations of more than 200,000 but less than 255,000, a
11 municipality that is partially located in territory that is
12 wholly surrounded by the Mississippi River and a canal,
13 connected at both ends to the Mississippi River and located on
14 property owned by the United States of America, may annex
15 noncontiguous territory in the surrounded territory under
16 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
17 from the municipality by property owned by the United States of
18 America, but that federal property shall not be annexed without
19 the consent of the federal government.

20 For the purposes of this Article, any territory to be
21 annexed to a municipality that is located in a county with more
22 than 500,000 inhabitants shall be considered to be contiguous
23 to the municipality if only a river and a national heritage
24 corridor separate the territory from the municipality. Upon
25 annexation, no river or national heritage corridor shall be
26 considered annexed to the municipality.

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

15 The new boundary shall extend to the far side of any
16 adjacent highway and shall include all of every highway within
17 the area annexed. These highways shall be considered to be
18 annexed even though not included in the legal description set
19 forth in the petition for annexation. When any land proposed to
20 be annexed includes any highway under the jurisdiction of any
21 township, the Township Commissioner of Highways, the Board of
22 Town Trustees, the Township Supervisor, and the Township Clerk
23 shall be notified in writing by certified or registered mail
24 before any court hearing or other action is taken for
25 annexation. In the event that a municipality fails to notify
26 the Township Commissioner of Highways, the Board of Town

1 Trustees, the Township Supervisor, and the Township Clerk of
2 the annexation of an area within the township, the municipality
3 shall reimburse that township for any loss or liability caused
4 by the failure to give notice. If any municipality has annexed
5 any area before October 1, 1975, and the legal description in
6 the petition for annexation did not include the entire adjacent
7 highway, any such annexation shall be valid and any highway
8 adjacent to the area annexed shall be considered to be annexed
9 notwithstanding the failure of the petition to annex to include
10 the description of the entire adjacent highway.

11 Any annexation, disconnection and annexation, or
12 disconnection under this Article of any territory must be
13 reported by certified or registered mail by the corporate
14 authority initiating the action to the election authorities
15 having jurisdiction in the territory and the post office
16 branches serving the territory within 30 days of the
17 annexation, disconnection and annexation, or disconnection.

18 Failure to give notice to the required election authorities
19 or post office branches will not invalidate the annexation or
20 disconnection. For purposes of this Section "election
21 authorities" means the county clerk where the clerk acts as the
22 clerk of elections or the clerk of the election commission
23 having jurisdiction.

24 No annexation, disconnection and annexation, or
25 disconnection under this Article of territory having electors
26 residing therein made (1) before any primary election to be

1 held within the municipality affected thereby and after the
2 time for filing petitions as a candidate for nomination to any
3 office to be chosen at the primary election or (2) within 60
4 days before any general election to be held within the
5 municipality shall be effective until the day after the date of
6 the primary or general election, as the case may be.

7 For the purpose of this Section, a toll highway or
8 connection between parcels via an overpass bridge over a toll
9 highway shall not be considered a deterrent to the definition
10 of contiguous territory.

11 When territory is proposed to be annexed by court order
12 under this Article, the corporate authorities or petitioners
13 initiating the action shall notify each person who pays real
14 estate taxes on property within that territory unless the
15 person is a petitioner. The notice shall be served by certified
16 or registered mail, return receipt requested, at least 20 days
17 before a court hearing or other court action. If the person who
18 pays real estate taxes on the property is not the owner of
19 record, then the payor shall notify the owner of record of the
20 proposed annexation.

21 (Source: P.A. 96-1000, eff. 7-2-10; 96-1233, eff. 7-23-10;
22 97-601, eff. 1-1-12.)".