



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2157

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-8
65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-8
from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Requires that petitions for a municipality to annex contiguous territory that is not within the corporate limits of a municipality must also include: that the petition for annexation is made solely for the benefit of the owners of record of the land and, if applicable, the electors residing in the territory; and that the petition for annexation is not made for the purpose of assisting any municipality in annexing specified unincorporated territory containing 60 acres or less. In provisions concerning annexing unincorporated territory containing 60 acres or less, provides that the land being annexed must be wholly bounded by specified privately-owned land. Defines "privately-owned land". Effective immediately.

LRB101 06064 AWJ 51085 b

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 Sections 7-1-8 and 7-1-13 as follows:

6 (65 ILCS 5/7-1-8) (from Ch. 24, par. 7-1-8)

7 Sec. 7-1-8. Any territory which is not within the corporate
8 limits of any municipality but which is contiguous to a
9 municipality at the time of annexation and which territory has
10 no electors residing therein, or any such territory with
11 electors residing therein, may be annexed to the municipality
12 in the following manner: a written petition signed by the
13 owners of record of all land within such territory and by at
14 least 51% of the electors residing therein shall be filed with
15 the municipal clerk. The petition shall request annexation and
16 shall state (a) that no electors reside therein or that at
17 least 51% of such electors residing therein join in the
18 petition, whichever shall be the case, (b) that the petition
19 for annexation is made solely for the benefit of the owners of
20 record of the land and, if applicable, the electors residing in
21 the territory, and (c) that the petition for annexation is not
22 made for the purpose of assisting any municipality in annexing
23 additional territory pursuant to Section 7-1-13, and shall be

1 under oath. The corporate authorities of the municipality to
2 which annexation is sought shall then consider the question of
3 the annexation of the described territory. A majority vote of
4 the corporate authorities then holding office is required to
5 annex. The vote shall be by "yeas" and "nays" entered on the
6 legislative records. A copy of the ordinance annexing the
7 territory together with an accurate map of the annexed
8 territory shall be recorded with the recorder and filed with
9 the County Clerk within the county wherever the annexed
10 territory is located.

11 (Source: P.A. 83-358.)

12 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

13 Sec. 7-1-13. Annexation.

14 (a) Whenever any unincorporated territory containing 60
15 acres or less, is wholly bounded by (a) privately-owned land
16 located in one or more municipalities, (b) privately-owned land
17 located in one or more municipalities and a creek in a county
18 with a population of 400,000 or more, or one or more
19 municipalities and a river or lake in any county, (c)
20 privately-owned land located in one or more municipalities and
21 the Illinois State boundary, (d) except as provided in item (h)
22 of this subsection (a), privately-owned land located in one or
23 more municipalities and property owned by the State of
24 Illinois, except highway right-of-way owned in fee by the
25 State, (e) privately-owned land located in one or more

1 municipalities and a forest preserve district or park district,
2 (f) if the territory is a triangular parcel of less than 10
3 acres, privately-owned land located in one or more
4 municipalities and an interstate highway owned in fee by the
5 State and bounded by a frontage road, (g) privately-owned land
6 located in one or more municipalities in a county with a
7 population of more than 800,000 inhabitants and less than
8 2,000,000 inhabitants and either a railroad or operating
9 property, as defined in the Property Tax Code (35 ILCS
10 200/11-70), being immediately adjacent to, but exclusive of
11 that railroad property, (h) privately-owned land located in one
12 or more municipalities located within a county with a
13 population of more than 800,000 inhabitants and less than
14 2,000,000 inhabitants and property owned by the State,
15 including without limitation a highway right-of-way owned in
16 fee by the State, or (i) privately-owned land located in one or
17 more municipalities and property on which a federally funded
18 research facility in excess of 2,000 acres is located, that
19 territory may be annexed by any municipality by which it is
20 bounded in whole or in part, by the passage of an ordinance to
21 that effect after notice is given as provided in subsection (b)
22 of this Section. Land or property that is used for agricultural
23 purposes or to produce agricultural goods shall not be annexed
24 pursuant to item (g). Nothing in this Section shall subject any
25 railroad property to the zoning or jurisdiction of any
26 municipality annexing the property under this Section. The

1 ordinance shall describe the territory annexed and a copy
2 thereof together with an accurate map of the annexed territory
3 shall be recorded in the office of the recorder of the county
4 wherein the annexed territory is situated and a document of
5 annexation shall be filed with the county clerk and County
6 Election Authority. Nothing in this Section shall be construed
7 as permitting a municipality to annex territory of a forest
8 preserve district in a county with a population of 3,000,000 or
9 more without obtaining the consent of the district pursuant to
10 Section 8.3 of the Cook County Forest Preserve District Act nor
11 shall anything in this Section be construed as permitting a
12 municipality to annex territory owned by a park district
13 without obtaining the consent of the district pursuant to
14 Section 8-1.1 of the Park District Code. As used in this
15 subsection, "privately-owned land" means land not owned by the
16 State or any school district or unit of local government.

17 (b) The corporate authorities shall cause notice, stating
18 that annexation of the territory described in the notice is
19 contemplated under this Section, to be published once, in a
20 newspaper of general circulation within the territory to be
21 annexed, not less than 10 days before the passage of the
22 annexation ordinance, and for land annexed pursuant to item (g)
23 of subsection (a) of this Section, notice shall be given to the
24 impacted land owners. The corporate authorities shall also, not
25 less than 15 days before the passage of the annexation
26 ordinance, serve written notice, either in person or, at a

1 minimum, by certified mail, on the taxpayer of record of the
2 proposed annexed territory as appears from the authentic tax
3 records of the county. When the territory to be annexed lies
4 wholly or partially within a township other than the township
5 where the municipality is situated, the annexing municipality
6 shall give at least 10 days prior written notice of the time
7 and place of the passage of the annexation ordinance to the
8 township supervisor of the township where the territory to be
9 annexed lies. If the territory to be annexed lies within the
10 unincorporated area of a county, then the annexing municipality
11 shall give at least 10 days' prior written notice of the time
12 and place of the passage of the annexation ordinance to the
13 corporate authorities of the county where the territory to be
14 annexed lies.

15 (c) When notice is given as described in subsection (b) of
16 this Section, no other municipality may annex the proposed
17 territory for a period of 60 days from the date the notice is
18 mailed or delivered to the taxpayer of record unless that other
19 municipality has initiated annexation proceedings or a valid
20 petition as described in Section 7-1-2, 7-1-8, 7-1-11 or 7-1-12
21 of this Code has been received by the municipality prior to the
22 publication and mailing of the notices required in subsection
23 (b).

24 (Source: P.A. 96-1000, eff. 7-2-10; 96-1048, eff. 7-14-10;
25 96-1049, eff. 7-14-10; 97-333, eff. 8-12-11; 97-446, eff.
26 8-19-11.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.