



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0334

Introduced 1/22/2007, by Rep. Mike Fortner

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

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

Amends the Illinois Municipal Code. Provides that any unincorporated territory containing 60 acres or less may be annexed by any municipality by which it is bounded if it is wholly bounded by one or more municipalities in a county with a population of more than 800,000 inhabitants and less than 2,000,000 inhabitants and either (i) a utility right-of-way that is at least 100 feet wide or (ii) a railroad or operating property, as defined in the Property Tax Code, being immediately adjacent to, but exclusive of the property. Provides that railroad property shall not be subject to the zoning or jurisdiction of the municipality annexing the territory, nor shall the utility property be included for purposes of calculating the territory annexed. Provides that lands used primarily for agricultural purposes or to produce agricultural goods may not be annexed under certain provisions of the Section. Effective immediately.

LRB095 05113 HLH 25182 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 Section 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

7 Sec. 7-1-13. Whenever any unincorporated territory  
8 containing 60 acres or less, is wholly bounded by (a) one or  
9 more municipalities, (b) one or more municipalities and a creek  
10 in a county with a population of 400,000 or more, or one or  
11 more municipalities and a river or lake in any county, (c) one  
12 or more municipalities and the Illinois State boundary, (d) one  
13 or more municipalities and property owned by the State of  
14 Illinois, except highway right-of-way owned in fee by the  
15 State, (e) one or more municipalities and a forest preserve  
16 district or park district, ~~or~~ (f) if the territory is a  
17 triangular parcel of less than 10 acres, one or more  
18 municipalities and an interstate highway owned in fee by the  
19 State and bounded by a frontage road, or (g) one or more  
20 municipalities in a county with a population of more than  
21 800,000 inhabitants and less than 2,000,000 inhabitants and  
22 either (i) a utility right-of-way that is at least 100 feet  
23 wide or (ii) a railroad or operating property, as defined in

1 the Property Tax Code (35 ILCS 200/11-70), being immediately  
2 adjacent to, but exclusive of that railroad property, that  
3 territory may be annexed by any municipality by which it is  
4 bounded in whole or in part, by the passage of an ordinance to  
5 that effect after notice is given as provided in this Section.  
6 Land or property that is primarily used for agricultural  
7 purposes or to produce agricultural goods may not be annexed  
8 pursuant to item (g). Nothing in this Section shall subject any  
9 railroad property to the zoning or jurisdiction of any  
10 municipality annexing the property under this Section, nor  
11 shall the utility property be included for purposes of  
12 calculating the territory annexed under this Section. The  
13 corporate authorities shall cause notice, stating that  
14 annexation of the territory described in the notice is  
15 contemplated under this Section, to be published once, in a  
16 newspaper of general circulation within the territory to be  
17 annexed, not less than 10 days before the passage of the  
18 annexation ordinance. When the territory to be annexed lies  
19 wholly or partially within a township other than that township  
20 where the municipality is situated, the annexing municipality  
21 shall give at least 10 days prior written notice of the time  
22 and place of the passage of the annexation ordinance to the  
23 township supervisor of the township where the territory to be  
24 annexed lies. The ordinance shall describe the territory  
25 annexed and a copy thereof together with an accurate map of the  
26 annexed territory shall be recorded in the office of the

1 recorder of the county wherein the annexed territory is  
2 situated and a document of annexation shall be filed with the  
3 county clerk and County Election Authority. Nothing in this  
4 Section shall be construed as permitting a municipality to  
5 annex territory of a forest preserve district in a county with  
6 a population of 3,000,000 or more without obtaining the consent  
7 of the district pursuant to Section 8.3 of the Cook County  
8 Forest Preserve District Act nor shall anything in this Section  
9 be construed as permitting a municipality to annex territory  
10 owned by a park district without obtaining the consent of the  
11 district pursuant to Section 8-1.1 of the Park District Code.  
12 (Source: P.A. 94-396, eff. 8-1-05.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.