



Sen. A. J. Wilhelmi

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LRB095 03371 HLH 32602 a

1 AMENDMENT TO SENATE BILL 473

2 AMENDMENT NO. _____. Amend Senate Bill 473 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

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

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

1 preserve district property, federal wildlife refuge, open
2 land, or open space, or (iii) a combination of other
3 municipalities and forest preserve district property, federal
4 wildlife refuge property, open land, or open space. It shall
5 also be conclusively presumed that the forest preserve
6 district, federal wildlife refuge, open land, or open space
7 does not create an artificial barrier if the municipality
8 seeking annexation is not the closest municipality within the
9 county to the property to be annexed. The territory included
10 within such forest preserve district, federal wildlife refuge,
11 open land, or open space shall not be annexed to the
12 municipality nor shall the territory of the forest preserve
13 district, federal wildlife refuge, open land, or open space be
14 subject to rights-of-way for access or services between the
15 parts of the municipality separated by the forest preserve
16 district, federal wildlife refuge, open land, or open space
17 without the consent of the governing body of the forest
18 preserve district or federal wildlife refuge. The changes made
19 to this Section by this amendatory Act of 91st General Assembly
20 are declaratory of existing law and shall not be construed as a
21 new enactment.

22 In counties that are contiguous to the Mississippi River
23 with populations of more than 200,000 but less than 255,000, a
24 municipality that is partially located in territory that is
25 wholly surrounded by the Mississippi River and a canal,
26 connected at both ends to the Mississippi River and located on

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

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

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

1 filed as provided in this Section.

2 When any land proposed to be annexed is part of a school
3 district, the annexing municipality shall notify that school
4 district of the proposed annexation in writing sent by
5 certified or registered mail at least 10 days prior to any
6 public hearing for annexation.

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

1 adjacent highway.

2 Any annexation, disconnection and annexation, or
3 disconnection under this Article of any territory must be
4 reported by certified or registered mail by the corporate
5 authority initiating the action to the election authorities
6 having jurisdiction in the territory and the post office
7 branches serving the territory within 30 days of the
8 annexation, disconnection and annexation, or disconnection.

9 Failure to give notice to the required election authorities
10 or post office branches will not invalidate the annexation or
11 disconnection. For purposes of this Section "election
12 authorities" means the county clerk where the clerk acts as the
13 clerk of elections or the clerk of the election commission
14 having jurisdiction.

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

24 For the purpose of this Section, a toll highway or
25 connection between parcels via an overpass bridge over a toll
26 highway shall not be considered a deterrent to the definition

1 of contiguous territory.

2 When territory is proposed to be annexed by court order
3 under this Article, the corporate authorities or petitioners
4 initiating the action shall notify each person who pays real
5 estate taxes on property within that territory unless the
6 person is a petitioner. The notice shall be served by certified
7 or registered mail, return receipt requested, at least 20 days
8 before a court hearing or other court action. If the person who
9 pays real estate taxes on the property is not the owner of
10 record, then the payor shall notify the owner of record of the
11 proposed annexation.

12 (Source: P.A. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06;
13 94-1065, eff. 8-1-06.)

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