

SB2905



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2905

Introduced 2/18/2016, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-2

from Ch. 24, par. 7-1-2

Amends the Illinois Municipal Code. Provides that when a municipality annexes unincorporated areas, the corporate authorities shall also provide notice of any known costs that may be incurred by residents and businesses of the unincorporated property because of the annexation to which they would otherwise not be subject.

LRB099 19095 AWJ 43484 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 7-1-2 as follows:

6 (65 ILCS 5/7-1-2) (from Ch. 24, par. 7-1-2)

7 Sec. 7-1-2. (a) A written petition signed by a majority of
8 the owners of record of land in the territory and also by a
9 majority of the electors, if any, residing in the territory
10 shall be filed with the circuit court clerk of the county in
11 which the territory is located, or the corporate authorities of
12 a municipality may initiate the proceedings by enacting an
13 ordinance expressing their desire to annex the described
14 territory. A person owning land underlying a highway shall not
15 be considered an owner of record for purposes of this petition
16 unless that person owns some land not underlying a highway
17 proposed to be annexed in the petition for annexation. No tract
18 of land in excess of 10 acres in area may be included in the
19 ordinances of a municipality initiating the proceedings,
20 however, without the express consent of the owner of the tract
21 unless the tract (i) is subdivided into lots or blocks or (ii)
22 is bounded on at least 3 sides by lands subdivided into lots or
23 blocks. A tract of land shall be deemed so bounded if it is

1 actually separated from the subdivision only by the
2 right-of-way of a railroad or other public utility or at a
3 public highway. The petition or ordinance, as the case may be,
4 shall request the annexation of the territory to a specified
5 municipality and also shall request that the circuit court of
6 the specified county submit the question of the annexation to
7 the corporate authorities of the annexing municipality or to
8 the electors of the unincorporated territory, as the case may
9 be. The circuit court shall enter an order fixing the time for
10 the hearing upon the petition, and the day for the hearing
11 shall be not less than 20 nor more than 30 days after the
12 filing of the petition or ordinance, as the case may be.

13 (b) The petitioners or corporate authorities, as the case
14 may be, shall give notice of the annexation petition or
15 ordinance, as the case may be, not more than 30 nor less than
16 15 days before the date fixed for the hearing. This notice
17 shall state that a petition for annexation or ordinance, as the
18 case may be, has been filed and shall give the substance of the
19 petition, including a description of the territory to be
20 annexed, the name of the annexing municipality, and the date
21 fixed for the hearing. If annexing unincorporated property, the
22 corporate authorities shall also provide in the notice
23 information on any known costs that may be incurred by
24 residents and businesses of the unincorporated property
25 because of the annexation to which they would otherwise not be
26 subject. This notice shall be given by publishing a notice at

1 least once in one or more newspapers published in the annexing
2 municipality or, if no newspaper is published in the annexing
3 municipality, in one or more newspapers with a general
4 circulation within the annexing municipality and territory. A
5 copy of this notice shall be filed with the clerk of the
6 annexing municipality and the municipal clerk shall send, by
7 registered mail, an additional copy to the highway commissioner
8 of each road district within which the territory proposed to be
9 annexed is situated. If a municipal clerk fails to send the
10 notice to a highway commissioner as required by this
11 subsection, the municipality shall reimburse the road district
12 served by that highway commissioner for any loss or liability
13 caused by that failure. Any notice required by this Section
14 need not include a metes and bounds legal description of the
15 territory to be annexed, provided that the notice includes: (i)
16 the common street address or addresses and (ii) the property
17 index number ("PIN") or numbers of all the parcels of real
18 property contained in the territory to be annexed.

19 (c) The petitioners or corporate authorities, as the case
20 may be, shall pay to the clerk of the circuit court \$10 as a
21 filing and service fee, and no petition or ordinance, as the
22 case may be, shall be filed until this fee is paid.

23 (d) No petitioner may withdraw from this petition except by
24 consent of the majority of the other petitioners, or where it
25 is shown to the satisfaction of the court that the signature of
26 the petitioner was obtained by fraud or misrepresentation.

1 (e) If a State charitable institution is situated upon a
2 tract or tracts of land that lie partly within and partly
3 without the corporate limits of any municipality, the corporate
4 authorities of the municipality may by resolution without any
5 petition or proceedings required by this Article but with the
6 written consent of the Director of the State Department having
7 jurisdiction of the institution, annex any part or all of the
8 tracts lying without the corporate limits.

9 (f) If real estate owned by the State of Illinois or any
10 board, agency, or commission of the State is situated in
11 unincorporated territory adjacent to a municipality, the
12 corporate authorities of the municipality may annex any part or
13 all of the real estate only with the written consent of the
14 Governor or the governing authority of the board, agency, or
15 commission, without any petition or proceedings required by
16 this Article by resolution of the corporate authorities. This
17 requirement does not apply, however, to State highways located
18 within territory to be annexed under this Article.

19 (Source: P.A. 97-336, eff. 8-12-11.)