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09300HB6436ham001

LRB093 16188 MKM 49627 a

1 AMENDMENT TO HOUSE BILL 6436

2 AMENDMENT NO. _____. Amend House Bill 6436 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 adding Section 7-3-6.2 as follows:

6 (65 ILCS 5/7-3-6.2 new)

7 Sec. 7-3-6.2. Disconnection and annexation; surrounded or
8 nearly surrounded territory.

9 (a) This Section does not apply in (i) a municipality with
10 a population of more than 1,000,000, (ii) a municipality that
11 borders a municipality with a population of more than
12 1,000,000, or (iii) a municipality that is located on the
13 border of a county with a population of more than 3,000,000.

14 (b) Territory that is within the corporate limits of any
15 municipality may be disconnected from that municipality and
16 annexed to another municipality to which the territory is
17 contiguous as provided in this Section.

18 (c) For purposes of this Section, territory to be
19 disconnected shall be territory within a municipality located
20 in whole or in part within a county having a population of more
21 than 3,000,000, which territory (1) is not less than 20 acres
22 in area, but does not exceed 160 acres in area; (2) is located
23 on the border of the municipality; (3) if disconnected, will
24 not result in the isolation of any part of the municipality

1 from the remainder of the municipality; and (4) is bounded on
2 at least 3 sides by (i) another municipality or (ii) a
3 combination of another municipality and the Eisenhower
4 Expressway, provided that there are no municipal streets within
5 or abutting the territory that are under the jurisdiction of
6 the disconnecting municipality and that cross over or under the
7 Eisenhower Expressway such that the municipal streets directly
8 connect the territory to the portion of the disconnecting
9 municipality on the other side of the Eisenhower Expressway.

10 (d) A petition, signed by not less than 10% or 100,
11 whichever is lesser, of the electors of the territory to be
12 disconnected and by the owners of record of more than 50% of
13 the territory, shall be filed with the circuit court for the
14 county in which the territory is situated. The petition shall
15 describe the territory and request that the question of the
16 disconnection and subsequent annexation of the territory be
17 submitted to the electors of the territory.

18 (e) After considering the petition, the court shall give
19 notice of the petition to the corporate authorities of each
20 municipality. The corporate authorities of the contiguous
21 annexing municipality shall, within not more than 60 days of
22 the notice, vote on the question of the annexation. If a
23 majority of the members of the corporate authorities of the
24 municipality, by a vote recorded in the minutes, vote in favor
25 of the annexation, an ordinance shall be passed annexing the
26 territory upon disconnection from the first municipality. The
27 clerk of the annexing municipality shall certify and file a
28 copy of the annexation ordinance, together with a map showing
29 the boundary lines of the territory to be annexed, with the
30 clerk of the court. If within 60 days of the notice, the
31 annexing municipality fails to approve the annexation by the
32 requisite majority vote of the members of the corporate
33 authorities, the matter shall be dismissed by the court.

34 (f) If the corporate authorities of the annexing

1 municipality vote in favor of the annexation, adopt an
2 annexation ordinance, and file a certified copy of the
3 annexation ordinance with the clerk of the court, the clerk of
4 the court shall certify the question to the proper election
5 authority for submission to the electors of the territory. The
6 question shall be presented at an election in accordance with
7 the general election law.

8 The question shall be in substantially the following form:

9 Shall the territory (describe territory) be
10 disconnected from (name of municipality) and annexed to
11 (name of municipality)?

12 The election authority must record the votes as "Yes" or "No"
13 and the result of the election shall be entered of record in
14 the court.

15 (g) If a majority of persons voting upon the question vote
16 for disconnection and annexation by the contiguous
17 municipality, the described territory is disconnected from the
18 first municipality and annexed to the annexing municipality
19 upon the terms stated in the annexation ordinance, whereupon
20 the jurisdiction of the annexing municipality is extended over
21 the territory and the disconnecting municipality loses
22 jurisdiction over the territory.

23 (h) If a majority of persons voting on the question vote
24 against the disconnection and annexation, the territory
25 remains in the first municipality, the matter shall be
26 dismissed by the court, the annexing municipality's annexation
27 ordinance shall be null and void, and no further proceedings
28 shall be had on the question for at least 22 months from the
29 date of the election.

30 (i) If the proposition passes, the clerk of the annexing
31 municipality, within 90 days after the results of the election
32 are certified, shall file for recordation with the county clerk
33 and the recorder of the county in which the annexed territory
34 is situated a certified copy of the ordinance with an accurate

1 map of the territory annexed.

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