

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 7-1-1 and by adding Section 7-1-5.3 as
6 follows:

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

8 (Text of Section before amendment by P.A. 93-1098)

9 Sec. 7-1-1. Annexation of contiguous territory. Any
10 territory that is not within the corporate limits of any
11 municipality but is contiguous to a municipality may be annexed
12 to the municipality as provided in this Article. For the
13 purposes of this Article any territory to be annexed to a
14 municipality shall be considered to be contiguous to the
15 municipality notwithstanding that the territory is separated
16 from the municipality by a railroad or public utility
17 right-of-way or former railroad right-of-way that has been
18 converted to a recreational trail, but upon annexation the area
19 included within that right-of-way or former right-of-way shall
20 not be considered to be annexed to the municipality.

21 Except in counties with a population of more than 600,000
22 ~~500,000~~ but less than 3,000,000, territory which is not
23 contiguous to a municipality but is separated therefrom only by
24 a forest preserve district may be annexed to the municipality
25 pursuant to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the
26 annexing municipality can show that the forest preserve
27 district creates an artificial barrier preventing the
28 annexation and that the location of the forest preserve
29 district property prevents the orderly natural growth of the
30 annexing municipality. It shall be conclusively presumed that
31 the forest preserve district does not create an artificial
32 barrier if the property sought to be annexed is bounded on at

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

18 In counties that are contiguous to the Mississippi River
19 with populations of more than 200,000 but less than 255,000, a
20 municipality that is partially located in territory that is
21 wholly surrounded by the Mississippi River and a canal,
22 connected at both ends to the Mississippi River and located on
23 property owned by the United States of America, may annex
24 noncontiguous territory in the surrounded territory under
25 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
26 from the municipality by property owned by the United States of
27 America, but that federal property shall not be annexed without
28 the consent of the federal government.

29 For the purposes of this Article, any territory to be
30 annexed to a municipality that is located in a county with more
31 than 500,000 inhabitants shall be considered to be contiguous
32 to the municipality if only a river and a national heritage
33 corridor separate the territory from the municipality. Upon
34 annexation, no river or national heritage corridor shall be
35 considered annexed to the municipality.

36 When any land proposed to be annexed is part of any Fire

1 Protection District or of any Public Library District and the
2 annexing municipality provides fire protection or a public
3 library, as the case may be, the Trustees of each District
4 shall be notified in writing by certified or registered mail
5 before any court hearing or other action is taken for
6 annexation. The notice shall be served 10 days in advance. An
7 affidavit that service of notice has been had as provided by
8 this Section must be filed with the clerk of the court in which
9 the annexation proceedings are pending or will be instituted
10 or, when no court proceedings are involved, with the recorder
11 for the county where the land is situated. No annexation of
12 that land is effective unless service is had and the affidavit
13 filed as provided in this Section.

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

35 Any annexation, disconnection and annexation, or
36 disconnection under this Article of any territory must be

1 reported by certified or registered mail by the corporate
2 authority initiating the action to the election authorities
3 having jurisdiction in the territory and the post office
4 branches serving the territory within 30 days of the
5 annexation, disconnection and annexation, or disconnection.

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

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

21 For the purpose of this Section, a toll highway or
22 connection between parcels via an overpass bridge over a toll
23 highway shall not be considered a deterrent to the definition
24 of contiguous territory.

25 When territory is proposed to be annexed by court order
26 under this Article, the corporate authorities or petitioners
27 initiating the action shall notify each person who pays real
28 estate taxes on property within that territory unless the
29 person is a petitioner. The notice shall be served by certified
30 or registered mail, return receipt requested, at least 20 days
31 before a court hearing or other court action. If the person who
32 pays real estate taxes on the property is not the owner of
33 record, then the payor shall notify the owner of record of the
34 proposed annexation.

35 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

1 (Text of Section after amendment by P.A. 93-1098)

2 Sec. 7-1-1. Annexation of contiguous territory. Any
3 territory that is not within the corporate limits of any
4 municipality but is contiguous to a municipality may be annexed
5 to the municipality as provided in this Article. For the
6 purposes of this Article any territory to be annexed to a
7 municipality shall be considered to be contiguous to the
8 municipality notwithstanding that the territory is separated
9 from the municipality by a strip parcel, ~~or~~ railroad or public
10 utility right-of-way, or former railroad right-of-way that has
11 been converted to a recreational trail, but upon annexation the
12 area included within that strip parcel, ~~or~~ right-of-way, or
13 former right-of-way shall not be considered to be annexed to
14 the municipality. For purposes of this Section, "strip parcel"
15 means a separation no wider than 30 feet between the territory
16 to be annexed and the municipal boundary.

17 Except in counties with a population of more than 600,000
18 ~~500,000~~ but less than 3,000,000, territory which is not
19 contiguous to a municipality but is separated therefrom only by
20 a forest preserve district or open land or open space that is
21 part of an open space program, as defined in Section 115-5 of
22 the Township Code, may be annexed to the municipality pursuant
23 to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the annexing
24 municipality can show that the forest preserve district, open
25 land, or open space creates an artificial barrier preventing
26 the annexation and that the location of the forest preserve
27 district, open land, or open space property prevents the
28 orderly natural growth of the annexing municipality. It shall
29 be conclusively presumed that the forest preserve district,
30 open land, or open space does not create an artificial barrier
31 if the property sought to be annexed is bounded on at least 3
32 sides by (i) one or more other municipalities (other than the
33 municipality seeking annexation through the existing forest
34 preserve district, open land, or open space), (ii) forest
35 preserve district property, open land, or open space, or (iii)
36 a combination of other municipalities and forest preserve

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

16 In counties that are contiguous to the Mississippi River
17 with populations of more than 200,000 but less than 255,000, a
18 municipality that is partially located in territory that is
19 wholly surrounded by the Mississippi River and a canal,
20 connected at both ends to the Mississippi River and located on
21 property owned by the United States of America, may annex
22 noncontiguous territory in the surrounded territory under
23 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
24 from the municipality by property owned by the United States of
25 America, but that federal property shall not be annexed without
26 the consent of the federal government.

27 For the purposes of this Article, any territory to be
28 annexed to a municipality that is located in a county with more
29 than 500,000 inhabitants shall be considered to be contiguous
30 to the municipality if only a river and a national heritage
31 corridor separate the territory from the municipality. Upon
32 annexation, no river or national heritage corridor shall be
33 considered annexed to the municipality.

34 When any land proposed to be annexed is part of any Fire
35 Protection District or of any Public Library District and the
36 annexing municipality provides fire protection or a public

1 library, as the case may be, the Trustees of each District
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3 before any court hearing or other action is taken for
4 annexation. The notice shall be served 10 days in advance. An
5 affidavit that service of notice has been had as provided by
6 this Section must be filed with the clerk of the court in which
7 the annexation proceedings are pending or will be instituted
8 or, when no court proceedings are involved, with the recorder
9 for the county where the land is situated. No annexation of
10 that land is effective unless service is had and the affidavit
11 filed as provided in this Section.

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

33 Any annexation, disconnection and annexation, or
34 disconnection under this Article of any territory must be
35 reported by certified or registered mail by the corporate
36 authority initiating the action to the election authorities

1 having jurisdiction in the territory and the post office
2 branches serving the territory within 30 days of the
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5 or post office branches will not invalidate the annexation or
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7 authorities" means the county clerk where the clerk acts as the
8 clerk of elections or the clerk of the election commission
9 having jurisdiction.

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

19 For the purpose of this Section, a toll highway or
20 connection between parcels via an overpass bridge over a toll
21 highway shall not be considered a deterrent to the definition
22 of contiguous territory.

23 When territory is proposed to be annexed by court order
24 under this Article, the corporate authorities or petitioners
25 initiating the action shall notify each person who pays real
26 estate taxes on property within that territory unless the
27 person is a petitioner. The notice shall be served by certified
28 or registered mail, return receipt requested, at least 20 days
29 before a court hearing or other court action. If the person who
30 pays real estate taxes on the property is not the owner of
31 record, then the payor shall notify the owner of record of the
32 proposed annexation.

33 (Source: P.A. 93-1098, eff. 1-1-06.)

34 (65 ILCS 5/7-1-5.3 new)

35 Sec. 7-1-5.3. Planned unit development; rail-trail. When a

1 developer petitions a municipality to annex property for a
2 planned unit development of residential, commercial, or
3 industrial sub-divisions that is located adjacent to a former
4 railroad right-of-way that has been converted to a recreational
5 trail ("rail-trail") that is owned by the State, a unit of
6 local government, or a non-profit organization, the
7 municipality shall notify the State, unit of local government,
8 or non-profit organization and furnish the proposed
9 development plans to the State, unit of local government, or
10 non-profit organization for review. The municipality shall
11 require the developer petitioning for annexation to reasonably
12 accommodate the rail-trail and modify its proposed development
13 plans to ensure against adverse impacts to the users of the
14 rail-trail or the natural and built resources within the
15 right-of-way. If the municipality does not require the
16 developer to make a modification prior to annexation, the
17 municipality shall provide a written explanation to the State,
18 unit of local government, or non-profit organization owning the
19 rail-trail. The intent of this review and planning process is
20 to ensure that no development along a rail-trail negatively
21 affects the safety of users or the natural and built resources
22 within the right-of-way.

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section
26 represented by multiple versions), the use of that text does
27 not accelerate or delay the taking effect of (i) the changes
28 made by this Act or (ii) provisions derived from any other
29 Public Act.