



Sen. Terry Link

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09400HB0720sam004

LRB094 08076 AJ0 46530 a

1 AMENDMENT TO HOUSE BILL 720

2 AMENDMENT NO. _____. Amend House Bill 720 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 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

1 pursuant to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the
2 annexing municipality can show that the forest preserve
3 district creates an artificial barrier preventing the
4 annexation and that the location of the forest preserve
5 district property prevents the orderly natural growth of the
6 annexing municipality. It shall be conclusively presumed that
7 the forest preserve district does not create an artificial
8 barrier if the property sought to be annexed is bounded on at
9 least 3 sides by (i) one or more other municipalities (other
10 than the municipality seeking annexation through the existing
11 forest preserve district), (ii) forest preserve district
12 property, or (iii) a combination of other municipalities and
13 forest preserve district property. It shall also be
14 conclusively presumed that the forest preserve district does
15 not create an artificial barrier if the municipality seeking
16 annexation is not the closest municipality to the property to
17 be annexed. The territory included within such forest preserve
18 district shall not be annexed to the municipality nor shall the
19 territory of the forest preserve district be subject to
20 rights-of-way for access or services between the parts of the
21 municipality separated by the forest preserve district without
22 the consent of the governing body of the forest preserve
23 district. The changes made to this Section by this amendatory
24 Act of 91st General Assembly are declaratory of existing law
25 and shall not be construed as a new enactment.

26 In counties that are contiguous to the Mississippi River
27 with populations of more than 200,000 but less than 255,000, a
28 municipality that is partially located in territory that is
29 wholly surrounded by the Mississippi River and a canal,
30 connected at both ends to the Mississippi River and located on
31 property owned by the United States of America, may annex
32 noncontiguous territory in the surrounded territory under
33 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
34 from the municipality by property owned by the United States of

1 America, but that federal property shall not be annexed without
2 the consent of the federal government.

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

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

24 The new boundary shall extend to the far side of any
25 adjacent highway and shall include all of every highway within
26 the area annexed. These highways shall be considered to be
27 annexed even though not included in the legal description set
28 forth in the petition for annexation. When any land proposed to
29 be annexed includes any highway under the jurisdiction of any
30 township, the Township Commissioner of Highways and the Board
31 of Town Trustees shall be notified in writing by certified or
32 registered mail before any court hearing or other action is
33 taken for annexation. In the event that a municipality fails to
34 notify the Township Commissioner of Highways and the Board of

1 Town Trustees of the annexation of an area within the township,
2 the municipality shall reimburse that township for any loss or
3 liability caused by the failure to give notice. If any
4 municipality has annexed any area before October 1, 1975, and
5 the legal description in the petition for annexation did not
6 include the entire adjacent highway, any such annexation shall
7 be valid and any highway adjacent to the area annexed shall be
8 considered to be annexed notwithstanding the failure of the
9 petition to annex to include the description of the entire
10 adjacent highway.

11 Any annexation, disconnection and annexation, or
12 disconnection under this Article of any territory must be
13 reported by certified or registered mail by the corporate
14 authority initiating the action to the election authorities
15 having jurisdiction in the territory and the post office
16 branches serving the territory within 30 days of the
17 annexation, disconnection and annexation, or disconnection.

18 Failure to give notice to the required election authorities
19 or post office branches will not invalidate the annexation or
20 disconnection. For purposes of this Section "election
21 authorities" means the county clerk where the clerk acts as the
22 clerk of elections or the clerk of the election commission
23 having jurisdiction.

24 No annexation, disconnection and annexation, or
25 disconnection under this Article of territory having electors
26 residing therein made (1) before any primary election to be
27 held within the municipality affected thereby and after the
28 time for filing petitions as a candidate for nomination to any
29 office to be chosen at the primary election or (2) within 60
30 days before any general election to be held within the
31 municipality shall be effective until the day after the date of
32 the primary or general election, as the case may be.

33 For the purpose of this Section, a toll highway or
34 connection between parcels via an overpass bridge over a toll

1 highway shall not be considered a deterrent to the definition
2 of contiguous territory.

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

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

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

15 Sec. 7-1-1. Annexation of contiguous territory. Any
16 territory that is not within the corporate limits of any
17 municipality but is contiguous to a municipality may be annexed
18 to the municipality as provided in this Article. For the
19 purposes of this Article any territory to be annexed to a
20 municipality shall be considered to be contiguous to the
21 municipality notwithstanding that the territory is separated
22 from the municipality by a strip parcel, ~~or~~ railroad or public
23 utility right-of-way, or former railroad right-of-way that has
24 been converted to a recreational trail, but upon annexation the
25 area included within that strip parcel, ~~or~~ right-of-way, or
26 former right-of-way shall not be considered to be annexed to
27 the municipality. For purposes of this Section, "strip parcel"
28 means a separation no wider than 30 feet between the territory
29 to be annexed and the municipal boundary.

30 Except in counties with a population of more than 600,000
31 ~~500,000~~ but less than 3,000,000, territory which is not
32 contiguous to a municipality but is separated therefrom only by
33 a forest preserve district or open land or open space that is

1 part of an open space program, as defined in Section 115-5 of
2 the Township Code, may be annexed to the municipality pursuant
3 to Section ~~Sections~~ 7-1-7 or 7-1-8, but only if the annexing
4 municipality can show that the forest preserve district, open
5 land, or open space creates an artificial barrier preventing
6 the annexation and that the location of the forest preserve
7 district, open land, or open space property prevents the
8 orderly natural growth of the annexing municipality. It shall
9 be conclusively presumed that the forest preserve district,
10 open land, or open space does not create an artificial barrier
11 if the property sought to be annexed is bounded on at least 3
12 sides by (i) one or more other municipalities (other than the
13 municipality seeking annexation through the existing forest
14 preserve district, open land, or open space), (ii) forest
15 preserve district property, open land, or open space, or (iii)
16 a combination of other municipalities and forest preserve
17 district property, open land, or open space. It shall also be
18 conclusively presumed that the forest preserve district, open
19 land, or open space does not create an artificial barrier if
20 the municipality seeking annexation is not the closest
21 municipality to the property to be annexed. The territory
22 included within such forest preserve district, open land, or
23 open space shall not be annexed to the municipality nor shall
24 the territory of the forest preserve district, open land, or
25 open space be subject to rights-of-way for access or services
26 between the parts of the municipality separated by the forest
27 preserve district, open land, or open space without the consent
28 of the governing body of the forest preserve district. The
29 changes made to this Section by this amendatory Act of 91st
30 General Assembly are declaratory of existing law and shall not
31 be construed as a new enactment.

32 In counties that are contiguous to the Mississippi River
33 with populations of more than 200,000 but less than 255,000, a
34 municipality that is partially located in territory that is

1 wholly surrounded by the Mississippi River and a canal,
2 connected at both ends to the Mississippi River and located on
3 property owned by the United States of America, may annex
4 noncontiguous territory in the surrounded territory under
5 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
6 from the municipality by property owned by the United States of
7 America, but that federal property shall not be annexed without
8 the consent of the federal government.

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

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

30 The new boundary shall extend to the far side of any
31 adjacent highway and shall include all of every highway within
32 the area annexed. These highways shall be considered to be
33 annexed even though not included in the legal description set
34 forth in the petition for annexation. When any land proposed to

1 be annexed includes any highway under the jurisdiction of any
2 township, the Township Commissioner of Highways and the Board
3 of Town Trustees shall be notified in writing by certified or
4 registered mail before any court hearing or other action is
5 taken for annexation. In the event that a municipality fails to
6 notify the Township Commissioner of Highways and the Board of
7 Town Trustees of the annexation of an area within the township,
8 the municipality shall reimburse that township for any loss or
9 liability caused by the failure to give notice. If any
10 municipality has annexed any area before October 1, 1975, and
11 the legal description in the petition for annexation did not
12 include the entire adjacent highway, any such annexation shall
13 be valid and any highway adjacent to the area annexed shall be
14 considered to be annexed notwithstanding the failure of the
15 petition to annex to include the description of the entire
16 adjacent highway.

17 Any annexation, disconnection and annexation, or
18 disconnection under this Article of any territory must be
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20 authority initiating the action to the election authorities
21 having jurisdiction in the territory and the post office
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25 or post office branches will not invalidate the annexation or
26 disconnection. For purposes of this Section "election
27 authorities" means the county clerk where the clerk acts as the
28 clerk of elections or the clerk of the election commission
29 having jurisdiction.

30 No annexation, disconnection and annexation, or
31 disconnection under this Article of territory having electors
32 residing therein made (1) before any primary election to be
33 held within the municipality affected thereby and after the
34 time for filing petitions as a candidate for nomination to any

1 office to be chosen at the primary election or (2) within 60
2 days before any general election to be held within the
3 municipality shall be effective until the day after the date of
4 the primary or general election, as the case may be.

5 For the purpose of this Section, a toll highway or
6 connection between parcels via an overpass bridge over a toll
7 highway shall not be considered a deterrent to the definition
8 of contiguous territory.

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

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

20 (65 ILCS 5/7-1-5.3 new)

21 Sec. 7-1-5.3. Planned unit development; rail-trail. When a
22 developer petitions a municipality to annex property for a
23 planned unit development of residential, commercial, or
24 industrial sub-divisions that is located adjacent to a former
25 railroad right-of-way that has been converted to a recreational
26 trail ("rail-trail") that is owned by the State, a unit of
27 local government, or a non-profit organization, the
28 municipality shall notify the State, unit of local government,
29 or non-profit organization and furnish the proposed
30 development plans to the State, unit of local government, or
31 non-profit organization for review. The municipality shall
32 require the developer petitioning for annexation to reasonably
33 accommodate the rail-trail and modify its proposed development

1 plans to ensure against adverse impacts to the users of the
2 rail-trail or the natural and built resources within the
3 right-of-way. If the municipality does not require the
4 developer to make a modification prior to annexation, the
5 municipality shall provide a written explanation to the State,
6 unit of local government, or non-profit organization owning the
7 rail-trail. The intent of this review and planning process is
8 to ensure that no development along a rail-trail negatively
9 affects the safety of users or the natural and built resources
10 within the right-of-way.

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.".