



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2231

Introduced 1/11/2006, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Municipal Code. Provides that territory that is separated from a municipality only by a federal wildlife refuge may be annexed to the municipality if the municipality can show that the federal wildlife refuge creates an artificial barrier preventing annexation. Provides that it shall be conclusively presumed that the federal wildlife refuge does not create an artificial barrier if the annexing municipality is not the closest municipality within the county to the property to be annexed (now, does not limit the provision to municipalities within the county). Effective immediately.

LRB094 18299 HLH 53610 b

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 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
16 been converted to a recreational trail, but upon annexation the
17 area included within that strip parcel, right-of-way, or former
18 right-of-way shall not be considered to be annexed to the
19 municipality. For purposes of this Section, "strip parcel"
20 means a separation no wider than 30 feet between the territory
21 to be annexed and the municipal boundary.

22 Except in counties with a population of more than 600,000
23 but less than 3,000,000, territory which is not contiguous to a
24 municipality but is separated therefrom only by a forest
25 preserve district, federal wildlife refuge, or open land or
26 open space that is part of an open space program, as defined in
27 Section 115-5 of the Township Code, may be annexed to the
28 municipality pursuant to Section 7-1-7 or 7-1-8, but only if
29 the annexing municipality can show that the forest preserve
30 district, federal wildlife refuge, open land, or open space
31 creates an artificial barrier preventing the annexation and
32 that the location of the forest preserve district, open land,

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

28 In counties that are contiguous to the Mississippi River
29 with populations of more than 200,000 but less than 255,000, a
30 municipality that is partially located in territory that is
31 wholly surrounded by the Mississippi River and a canal,
32 connected at both ends to the Mississippi River and located on
33 property owned by the United States of America, may annex
34 noncontiguous territory in the surrounded territory under
35 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
36 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
35 Town Trustees of the annexation of an area within the township,
36 the municipality shall reimburse that township for any loss or

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

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

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

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

31 For the purpose of this Section, a toll highway or
32 connection between parcels via an overpass bridge over a toll
33 highway shall not be considered a deterrent to the definition
34 of contiguous territory.

35 When territory is proposed to be annexed by court order
36 under this Article, the corporate authorities or petitioners

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

9 (Source: P.A. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.