



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5186

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-13

from Ch. 24, par. 7-1-13

Amends the Illinois Municipal Code. Provides that any unincorporated territory containing 60 acres or less may be annexed by any municipality by which it is bounded if it is wholly bounded by one or more municipalities in a county with a population of more than 800,000 inhabitants and less than 2,000,000 inhabitants and a railroad or operating property, as defined in the Property Tax Code, being immediately adjacent to, but exclusive of the property. Provides that railroad property shall not be subject to the zoning or jurisdiction of the municipality annexing the territory, nor shall the utility property be included for purposes of calculating the territory annexed. Provides that lands used for agricultural purposes or to produce agricultural goods may not be annexed under certain provisions of the Section. Effective immediately.

LRB095 17405 HLH 43477 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 7-1-13 as follows:

6 (65 ILCS 5/7-1-13) (from Ch. 24, par. 7-1-13)

7 Sec. 7-1-13. Whenever any unincorporated territory
8 containing 60 acres or less, is wholly bounded by (a) one or
9 more municipalities, (b) one or more municipalities and a creek
10 in a county with a population of 400,000 or more, or one or
11 more municipalities and a river or lake in any county, (c) one
12 or more municipalities and the Illinois State boundary, (d) one
13 or more municipalities and property owned by the State of
14 Illinois, except highway right-of-way owned in fee by the
15 State, (e) one or more municipalities and a forest preserve
16 district or park district, ~~or~~ (f) if the territory is a
17 triangular parcel of less than 10 acres, one or more
18 municipalities and an interstate highway owned in fee by the
19 State and bounded by a frontage road, or (g) one or more
20 municipalities in a county with a population of more than
21 800,000 inhabitants and less than 2,000,000 inhabitants and
22 either a railroad or operating property, as defined in the
23 Property Tax Code (35 ILCS 200/11-70), being immediately

1 adjacent to, but exclusive of that railroad property, that
2 territory may be annexed by any municipality by which it is
3 bounded in whole or in part, by the passage of an ordinance to
4 that effect after notice is given as provided in this Section.
5 Land or property that is used for agricultural purposes or to
6 produce agricultural goods shall not be annexed pursuant to
7 item (g). Nothing in this Section shall subject any railroad
8 property to the zoning or jurisdiction of any municipality
9 annexing the property under this Section. The corporate
10 authorities shall cause notice, stating that annexation of the
11 territory described in the notice is contemplated under this
12 Section, to be published once, in a newspaper of general
13 circulation within the territory to be annexed, not less than
14 10 days before the passage of the annexation ordinance, and for
15 land annexed pursuant to item (g), notice shall be given to the
16 impacted land owners. When the territory to be annexed lies
17 wholly or partially within a township other than that township
18 where the municipality is situated, the annexing municipality
19 shall give at least 10 days prior written notice of the time
20 and place of the passage of the annexation ordinance to the
21 township supervisor of the township where the territory to be
22 annexed lies. The ordinance shall describe the territory
23 annexed and a copy thereof together with an accurate map of the
24 annexed territory shall be recorded in the office of the
25 recorder of the county wherein the annexed territory is
26 situated and a document of annexation shall be filed with the

1 county clerk and County Election Authority. Nothing in this
2 Section shall be construed as permitting a municipality to
3 annex territory of a forest preserve district in a county with
4 a population of 3,000,000 or more without obtaining the consent
5 of the district pursuant to Section 8.3 of the Cook County
6 Forest Preserve District Act nor shall anything in this Section
7 be construed as permitting a municipality to annex territory
8 owned by a park district without obtaining the consent of the
9 district pursuant to Section 8-1.1 of the Park District Code.
10 (Source: P.A. 94-396, eff. 8-1-05.)

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