



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4968

Introduced 1/21/2010, by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. In provisions concerning annexation under specified circumstances, adds that a municipality may annex territory which is not contiguous to the municipality if the territory is separated by an area dedicated to conservation and owned by a not-for-profit organized under Section 501(c)(3) of the Internal Revenue Code of 1986 under certain circumstances. Provides that it is presumed that an existing forest preserve district property, federal wildlife refuge, open land, open space, or conservation area owned by a not-for-profit organized under Section 501(c)(3) of the Internal Revenue Code creates an artificial barrier preventing annexation if the property to be annexed has access to municipal water and sewer service without new easements or new rights-of-way for access. Makes revisory changes. Effective immediately.

LRB096 16797 RLJ 32104 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

1 municipality but is separated therefrom only by a forest
2 preserve district, federal wildlife refuge, ~~or~~ open land or
3 open space that is part of an open space program, as defined in
4 Section 115-5 of the Township Code, or conservation area, may
5 be annexed to the municipality pursuant to Section 7-1-7 or
6 7-1-8, but only if the annexing municipality can show that the
7 forest preserve district, federal wildlife refuge, open land,
8 ~~or~~ open space, or conservation area creates an artificial
9 barrier preventing the annexation and that the location of the
10 forest preserve district, federal wildlife refuge, open land,
11 ~~or~~ open space, or conservation area property prevents the
12 orderly natural growth of the annexing municipality. It shall
13 be conclusively presumed that the forest preserve district,
14 federal wildlife refuge, open land, ~~or~~ open space, or
15 conservation area does not create an artificial barrier if the
16 property sought to be annexed is bounded on at least 3 sides by
17 (i) one or more other municipalities (other than the
18 municipality seeking annexation through the existing forest
19 preserve district, federal wildlife refuge, open land, ~~or~~ open
20 space, or conservation area), (ii) forest preserve district
21 property, federal wildlife refuge, open land, ~~or~~ open space, or
22 conservation area, or (iii) a combination of other
23 municipalities and forest preserve district property, federal
24 wildlife refuge property, open land, ~~or~~ open space, or
25 conservation area. It shall also be conclusively presumed that
26 the forest preserve district, federal wildlife refuge, open

1 land, ~~or~~ open space, or conservation area does not create an
2 artificial barrier if the municipality seeking annexation is
3 not the closest municipality within the county to the property
4 to be annexed. It shall be conclusively presumed that an
5 existing forest preserve district property, federal wildlife
6 refuge, open land, open space, or conservation area does create
7 an artificial barrier preventing annexation if the property to
8 be annexed has access to municipal water and sewer without new
9 easements or rights-of-way for access. The territory included
10 within such forest preserve district, federal wildlife refuge,
11 open land, ~~or~~ open space, or conservation area shall not be
12 annexed to the municipality nor shall the territory of the
13 forest preserve district, federal wildlife refuge, open land,
14 ~~or~~ open space, or conservation area be subject to rights-of-way
15 for access or services between the parts of the municipality
16 separated by the forest preserve district, federal wildlife
17 refuge, open land, ~~or~~ open space, or conservation area without
18 the consent of the governing body of the forest preserve
19 district or federal wildlife refuge. The changes made to this
20 Section by Public Act 91-824 ~~this amendatory Act of 91st~~
21 ~~General Assembly~~ are declaratory of existing law and shall not
22 be construed as a new enactment.

23 For the purpose of this Section, "conservation area" means
24 an area dedicated to conservation and owned by a not-for-profit
25 organized under Section 501(c)(3) of the Internal Revenue Code
26 of 1986.

1 In counties that are contiguous to the Mississippi River
2 with populations of more than 200,000 but less than 255,000, a
3 municipality that is partially located in territory that is
4 wholly surrounded by the Mississippi River and a canal,
5 connected at both ends to the Mississippi River and located on
6 property owned by the United States of America, may annex
7 noncontiguous territory in the surrounded territory under
8 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
9 from the municipality by property owned by the United States of
10 America, but that federal property shall not be annexed without
11 the consent of the federal government.

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

19 When any land proposed to be annexed is part of any Fire
20 Protection District or of any Public Library District and the
21 annexing municipality provides fire protection or a public
22 library, as the case may be, the Trustees of each District
23 shall be notified in writing by certified or registered mail
24 before any court hearing or other action is taken for
25 annexation. The notice shall be served 10 days in advance. An
26 affidavit that service of notice has been had as provided by

1 this Section must be filed with the clerk of the court in which
2 the annexation proceedings are pending or will be instituted
3 or, when no court proceedings are involved, with the recorder
4 for the county where the land is situated. No annexation of
5 that land is effective unless service is had and the affidavit
6 filed as provided in this Section.

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

1 notwithstanding the failure of the petition to annex to include
2 the description of the entire adjacent highway.

3 Any annexation, disconnection and annexation, or
4 disconnection under this Article of any territory must be
5 reported by certified or registered mail by the corporate
6 authority initiating the action to the election authorities
7 having jurisdiction in the territory and the post office
8 branches serving the territory within 30 days of the
9 annexation, disconnection and annexation, or disconnection.

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

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

25 For the purpose of this Section, a toll highway or
26 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. 94-361, eff. 1-1-06; 94-1065, eff. 8-1-06;
14 95-174, eff. 1-1-08; revised 11-3-09.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.