

1 AN ACT in relation to territory annexations.

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
10 annexed to the municipality as provided in this Article. For
11 the 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 railroad or public utility
15 right-of-way, but upon annexation the area included within
16 that right-of-way shall not be considered to be annexed to
17 the municipality.

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

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

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

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

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

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

34 Any annexation, disconnection and annexation, or

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

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

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

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

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

1 owner of record of the proposed annexation.

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

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.