

HB5429



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5429

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. Provides that when two municipalities have annexed property adjacent to the same highway, jurisdiction over the highway shall be shared equally between both municipalities.

LRB098 17550 JLK 52659 b

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, open land or open
3 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 open space, or conservation area creates an artificial barrier
9 preventing the annexation and that the location of the forest
10 preserve district, federal wildlife refuge, open land, open
11 space, or conservation area property prevents the orderly
12 natural growth of the annexing municipality. It shall be
13 conclusively presumed that the forest preserve district,
14 federal wildlife refuge, open land, open space, or conservation
15 area does not create an artificial barrier if the property
16 sought to be annexed is bounded on at least 3 sides by (i) one
17 or more other municipalities (other than the municipality
18 seeking annexation through the existing forest preserve
19 district, federal wildlife refuge, open land, open space, or
20 conservation area), (ii) forest preserve district property,
21 federal wildlife refuge, open land, open space, or conservation
22 area, or (iii) a combination of other municipalities and forest
23 preserve district property, federal wildlife refuge property,
24 open land, open space, or conservation area. It shall also be
25 conclusively presumed that the forest preserve district,
26 federal wildlife refuge, open land, open space, or conservation

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

16 For the purpose of this Section, "conservation area" means
17 an area dedicated to conservation and owned by a not-for-profit
18 organized under Section 501(c)(3) of the Internal Revenue Code
19 of 1986, or any area owned by a conservation district.

20 In counties that are contiguous to the Mississippi River
21 with populations of more than 200,000 but less than 255,000, a
22 municipality that is partially located in territory that is
23 wholly surrounded by the Mississippi River and a canal,
24 connected at both ends to the Mississippi River and located on
25 property owned by the United States of America, may annex
26 noncontiguous territory in the surrounded territory under

1 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated
2 from the municipality by property owned by the United States of
3 America, but that federal property shall not be annexed without
4 the consent of the federal government.

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

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

26 The new boundary shall extend to the far side of any

1 adjacent highway and shall include all of every highway within
2 the area annexed. However, when two municipalities have annexed
3 property adjacent to the same highway, jurisdiction over the
4 highway shall be shared equally between both municipalities
5 from each municipality's border directly contiguous to the
6 adjacent highway to the center of the highway. These highways
7 shall be considered to be annexed even though not included in
8 the legal description set forth in the petition for annexation.
9 When any land proposed to be annexed includes any highway under
10 the jurisdiction of any township, the Township Commissioner of
11 Highways, the Board of Town Trustees, the Township Supervisor,
12 and the Township Clerk shall be notified in writing by
13 certified or registered mail before any court hearing or other
14 action is taken for annexation. In the event that a
15 municipality fails to notify the Township Commissioner of
16 Highways, the Board of Town Trustees, the Township Supervisor,
17 and the Township Clerk of the annexation of an area within the
18 township, the municipality shall reimburse that township for
19 any loss or liability caused by the failure to give notice. If
20 any municipality has annexed any area before October 1, 1975,
21 and the legal description in the petition for annexation did
22 not include the entire adjacent highway, any such annexation
23 shall be valid and any highway adjacent to the area annexed
24 shall be considered to be annexed notwithstanding the failure
25 of the petition to annex to include the description of the
26 entire adjacent highway.

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

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

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

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

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

11 (Source: P.A. 96-1000, eff. 7-2-10; 96-1233, eff. 7-23-10;
12 97-601, eff. 1-1-12.)