

# HB5098



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5098

Introduced 1/27/2022, by Rep. Martin J. Moylan

### SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. Requires notice to be given to the Department of Transportation by the corporate authority of a municipality initiating annexation, disconnection and annexation, or disconnection under Article 7 of the Code.

LRB102 24594 AWJ 33829 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  
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 lake, river, or other waterway or  
15 the territory is separated from the municipality by a strip  
16 parcel, railroad or public utility right-of-way, or former  
17 railroad right-of-way that has been converted to a  
18 recreational trail, but upon annexation the area included  
19 within that strip parcel, right-of-way, or former right-of-way  
20 shall not be considered to be annexed to the municipality. For  
21 purposes of this Section, "strip parcel" means a separation no  
22 wider than 30 feet between the territory to be annexed and the  
23 municipal boundary.

1           Except in counties with a population of more than 600,000  
2 but less than 3,000,000, territory which is not contiguous to  
3 a municipality but is separated therefrom only by a forest  
4 preserve district, federal wildlife refuge, open land or open  
5 space that is part of an open space program, as defined in  
6 Section 115-5 of the Township Code, or conservation area, may  
7 be annexed to the municipality pursuant to Section 7-1-7 or  
8 7-1-8, but only if the annexing municipality can show that the  
9 forest preserve district, federal wildlife refuge, open land,  
10 open space, or conservation area creates an artificial barrier  
11 preventing the annexation and that the location of the forest  
12 preserve district, federal wildlife refuge, open land, open  
13 space, or conservation area property prevents the orderly  
14 natural growth of the annexing municipality. Except for  
15 parcels of land less than one acre in size, it shall be  
16 conclusively presumed that the forest preserve district,  
17 federal wildlife refuge, open land, open space, or  
18 conservation area does not create an artificial barrier if the  
19 property sought to be annexed is bounded on at least 3 sides by  
20 (i) one or more other municipalities (other than the  
21 municipality seeking annexation through the existing forest  
22 preserve district, federal wildlife refuge, open land, open  
23 space, or conservation area), (ii) forest preserve district  
24 property, federal wildlife refuge, open land, open space, or  
25 conservation area, or (iii) a combination of other  
26 municipalities and forest preserve district property, federal

1 wildlife refuge property, open land, open space, or  
2 conservation area. Except of parcels of land less than one  
3 acre in size, it shall also be conclusively presumed that the  
4 forest preserve district, federal wildlife refuge, open land,  
5 open space, or conservation area does not create an artificial  
6 barrier if the municipality seeking annexation is not the  
7 closest municipality within the county to the property to be  
8 annexed. The territory included within such forest preserve  
9 district, federal wildlife refuge, open land, open space, or  
10 conservation area shall not be annexed to the municipality nor  
11 shall the territory of the forest preserve district, federal  
12 wildlife refuge, open land, open space, or conservation area  
13 be subject to rights-of-way for access or services between the  
14 parts of the municipality separated by the forest preserve  
15 district, federal wildlife refuge, open land, open space, or  
16 conservation area without the consent of the governing body of  
17 the forest preserve district or federal wildlife refuge.  
18 Parcels of land less than one acre in size may be annexed to  
19 the municipality pursuant to Section 7-1-7 or 7-1-8 if it  
20 would be contiguous to the municipality but for the separation  
21 therefrom by a forest preserve district, federal wildlife  
22 refuge, open land or open space that is part of an open space  
23 program, as defined in Section 115-5 of the Township Code, or  
24 conservation area. The changes made to this Section by Public  
25 Act 91-824 are declaratory of existing law and shall not be  
26 construed as a new enactment.

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

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

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

24          When any land proposed to be annexed is part of any Fire  
25          Protection District or of any Public Library District and the  
26          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. An  
5 affidavit that service of notice has been had as provided by  
6 this Section must be filed with the clerk of the court in which  
7 the annexation proceedings are pending or will be instituted  
8 or, when no court proceedings are involved, with the recorder  
9 for the county where the land is situated. No annexation of  
10 that land is effective unless service is had and the affidavit  
11 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 within  
14 the area annexed. These highways shall be considered to be  
15 annexed even though not included in the legal description set  
16 forth in the petition for annexation. When any land proposed  
17 to be annexed includes any highway under the jurisdiction of  
18 any township, the Township Commissioner of Highways, the Board  
19 of Town Trustees, the Township Supervisor, and the Township  
20 Clerk shall be notified in writing by certified or registered  
21 mail before any court hearing or other action is taken for  
22 annexation. In the event that a municipality fails to notify  
23 the Township Commissioner of Highways, the Board of Town  
24 Trustees, the Township Supervisor, and the Township Clerk of  
25 the annexation of an area within the township, the  
26 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 When annexing territory separated from the municipality by  
10 a lake, river, or other waterway, the municipality also  
11 annexes the portion of the lake, river, or other waterway that  
12 would make the municipality and territory contiguous if the  
13 lake, river, or other waterway is under the jurisdiction and  
14 control of another unit of local government or the State, or  
15 the federal government if allowed under federal law, except  
16 for any territory within the corporate limits of another  
17 municipality.

18 Any annexation, disconnection and annexation, or  
19 disconnection under this Article of any territory must be  
20 reported by certified or registered mail by the corporate  
21 authority initiating the action to the election authorities  
22 having jurisdiction in the territory, the Department of  
23 Transportation, and the post office branches serving the  
24 territory within 30 days of the annexation, disconnection and  
25 annexation, or disconnection.

26 Failure to give notice to the required election

1 authorities or post office branches will not invalidate the  
2 annexation or disconnection. For purposes of this Section  
3 "election authorities" means the county clerk where the clerk  
4 acts as the clerk of elections or the clerk of the election  
5 commission having jurisdiction.

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

15 For the purpose of this Section, a toll highway or  
16 connection between parcels via an overpass bridge over a toll  
17 highway shall not be considered a deterrent to the definition  
18 of contiguous territory.

19 When territory is proposed to be annexed by court order  
20 under this Article, the corporate authorities or petitioners  
21 initiating the action shall notify each person who pays real  
22 estate taxes on property within that territory unless the  
23 person is a petitioner. The notice shall be served by  
24 certified or registered mail, return receipt requested, at  
25 least 20 days before a court hearing or other court action. If  
26 the person who pays real estate taxes on the property is not



1 the owner of record, then the payor shall notify the owner of  
2 record of the proposed annexation.

3 (Source: P.A. 99-63, eff. 1-1-16; 100-53, eff. 1-1-18.)