



Sen. Terry Link

**Filed: 5/25/2004**

09300HB0834sam002

LRB093 05634 MKM 51298 a

1 AMENDMENT TO HOUSE BILL 834

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 834 by replacing  
3 everything after the enacting clause with the following:

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 or railroad or public  
15 utility right-of-way, but upon annexation the area included  
16 within that strip parcel or right-of-way shall not be  
17 considered to be annexed to the municipality. For purposes of  
18 this Section, "strip parcel" means a separation no wider than  
19 30 feet between the territory to be annexed and the municipal  
20 boundary.

21 Except in counties with a population of more than 900,000  
22 ~~500,000~~ but less than 3,000,000, territory which is not  
23 contiguous to a municipality but is separated therefrom only by  
24 a forest preserve district or open land or open space that is

1 part of an open space program, as defined in Section 115-5 of  
2 the Township Code, may be annexed to the municipality pursuant  
3 to Sections 7-1-7 or 7-1-8, but only if the annexing  
4 municipality can show that the forest preserve district, open  
5 land, or open space creates an artificial barrier preventing  
6 the annexation and that the location of the forest preserve  
7 district, open land, or open space property prevents the  
8 orderly natural growth of the annexing municipality. It shall  
9 be conclusively presumed that the forest preserve district,   
10 open land, or open space does not create an artificial barrier  
11 if the property sought to be annexed is bounded on at least 3  
12 sides by (i) one or more other municipalities (other than the  
13 municipality seeking annexation through the existing forest  
14 preserve district, open land, or open space), (ii) forest  
15 preserve district property, open land, or open space, or (iii)  
16 a combination of other municipalities and forest preserve  
17 district property, open land, or open space. It shall also be  
18 conclusively presumed that the forest preserve district, open  
19 land, or open space does not create an artificial barrier if  
20 the municipality seeking annexation is not the closest  
21 municipality to the property to be annexed. The territory  
22 included within such forest preserve district, open land, or  
23 open space shall not be annexed to the municipality nor shall  
24 the territory of the forest preserve district, open land, or  
25 open space be subject to rights-of-way for access or services  
26 between the parts of the municipality separated by the forest  
27 preserve district, open land, or open space without the consent  
28 of the governing body of the forest preserve district. The  
29 changes made to this Section by this amendatory Act of 91st  
30 General Assembly are declaratory of existing law and shall not  
31 be construed as a new enactment.

32 In counties that are contiguous to the Mississippi River  
33 with populations of more than 200,000 but less than 255,000, a  
34 municipality that is partially located in territory that is

1 wholly surrounded by the Mississippi River and a canal,  
2 connected at both ends to the Mississippi River and located on  
3 property owned by the United States of America, may annex  
4 noncontiguous territory in the surrounded territory under  
5 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated  
6 from the municipality by property owned by the United States of  
7 America, but that federal property shall not be annexed without  
8 the consent of the federal government.

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

23 The new boundary shall extend to the far side of any  
24 adjacent highway and shall include all of every highway within  
25 the area annexed. These highways shall be considered to be  
26 annexed even though not included in the legal description set  
27 forth in the petition for annexation. When any land proposed to  
28 be annexed includes any highway under the jurisdiction of any  
29 township, the Township Commissioner of Highways and the Board  
30 of Town Trustees shall be notified in writing by certified or  
31 registered mail before any court hearing or other action is  
32 taken for annexation. In the event that a municipality fails to  
33 notify the Township Commissioner of Highways and the Board of  
34 Town Trustees of the annexation of an area within the township,

1 the municipality shall reimburse that township for any loss or  
2 liability caused by the failure to give notice. If any  
3 municipality has annexed any area before October 1, 1975, and  
4 the legal description in the petition for annexation did not  
5 include the entire adjacent highway, any such annexation shall  
6 be valid and any highway adjacent to the area annexed shall be  
7 considered to be annexed notwithstanding the failure of the  
8 petition to annex to include the description of the entire  
9 adjacent highway.

10 Any annexation, disconnection and annexation, or  
11 disconnection under this Article of any territory must be  
12 reported by certified or registered mail by the corporate  
13 authority initiating the action to the election authorities  
14 having jurisdiction in the territory and the post office  
15 branches serving the territory within 30 days of the  
16 annexation, disconnection and annexation, or disconnection.

17 Failure to give notice to the required election authorities  
18 or post office branches will not invalidate the annexation or  
19 disconnection. For purposes of this Section "election  
20 authorities" means the county clerk where the clerk acts as the  
21 clerk of elections or the clerk of the election commission  
22 having jurisdiction.

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

32 For the purpose of this Section, a toll highway or  
33 connection between parcels via an overpass bridge over a toll  
34 highway shall not be considered a deterrent to the definition

1 of contiguous territory.

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

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