



Sen. Terry Link

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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 500,000
22 but less than 3,000,000, territory which is not contiguous to a
23 municipality but is separated therefrom only by a forest
24 preserve district or open land or open space that is part of an

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