



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0720

Introduced 02/01/05, by Rep. David R. Leitch - Keith P. Sommer
- Aaron Schock

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. Provides that any territory to be annexed to a municipality shall be considered contiguous notwithstanding that the territory is separated from the municipality by a former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included in the right-of-way shall not be considered to be annexed to the municipality.

LRB094 08076 AJO 38260 b

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 railroad or public utility
15 right-of-way or former railroad right-of-way that has been
16 converted to a recreational trail, but upon annexation the area
17 included within that right-of-way or former right-of-way shall
18 not be considered to be annexed to the municipality.

19 Except in counties with a population of more than 500,000
20 but less than 3,000,000, territory which is not contiguous to a
21 municipality but is separated therefrom only by a forest
22 preserve district may be annexed to the municipality pursuant
23 to Sections 7-1-7 or 7-1-8, but only if the annexing
24 municipality can show that the forest preserve district creates
25 an artificial barrier preventing the annexation and that the
26 location of the forest preserve district property prevents the
27 orderly natural growth of the annexing municipality. It shall
28 be conclusively presumed that the forest preserve district does
29 not create an artificial barrier if the property sought to be
30 annexed is bounded on at least 3 sides by (i) one or more other
31 municipalities (other than the municipality seeking annexation
32 through the existing forest preserve district), (ii) forest

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

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

26 When any land proposed to be annexed is part of any Fire
27 Protection District or of any Public Library District and the
28 annexing municipality provides fire protection or a public
29 library, as the case may be, the Trustees of each District
30 shall be notified in writing by certified or registered mail
31 before any court hearing or other action is taken for
32 annexation. The notice shall be served 10 days in advance. An
33 affidavit that service of notice has been had as provided by
34 this Section must be filed with the clerk of the court in which
35 the annexation proceedings are pending or will be instituted
36 or, when no court proceedings are involved, with the recorder

1 for the county where the land is situated. No annexation of
2 that land is effective unless service is had and the affidavit
3 filed as provided in this Section.

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

25 Any annexation, disconnection and annexation, or
26 disconnection under this Article of any territory must be
27 reported by certified or registered mail by the corporate
28 authority initiating the action to the election authorities
29 having jurisdiction in the territory and the post office
30 branches serving the territory within 30 days of the
31 annexation, disconnection and annexation, or disconnection.

32 Failure to give notice to the required election authorities
33 or post office branches will not invalidate the annexation or
34 disconnection. For purposes of this Section "election
35 authorities" means the county clerk where the clerk acts as the
36 clerk of elections or the clerk of the election commission

1 having jurisdiction.

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

11 For the purpose of this Section, a toll highway or
12 connection between parcels via an overpass bridge over a toll
13 highway shall not be considered a deterrent to the definition
14 of contiguous territory.

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

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