



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4319

Introduced 12/27/2005, by Rep. Robert W. Pritchard

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-15.1-2.1

from Ch. 24, par. 11-15.1-2.1

Amends the Illinois Municipal Code. Provides that property to be annexed under an annexation agreement is subject to the police power, land use and other ordinances, control, and jurisdiction (now, ordinances, control, and jurisdiction) of the annexing municipality. Provides that the ordinances, control, and jurisdiction of the annexing municipality divest any other unit of government of jurisdiction that the unit has or claims to have over the property. Provides that the Section does not apply if the property is not contiguous to the municipality, unless (i) the municipality serves the property with a municipality-owned utility or (ii) in the annexation agreement concerning property within 5 miles of the municipality, the municipality commits to extend within one year a municipally-owned utility to the property, and the municipality complies or (iii) the property is within one mile of the municipality. Also provides exceptions for certain specified counties. The changes apply to all existing annexation agreements, subject to the vested rights of parties to the existing annexation agreements. Effective immediately.

LRB094 15323 HLH 51416 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 11-15.1-2.1 as follows:

6 (65 ILCS 5/11-15.1-2.1) (from Ch. 24, par. 11-15.1-2.1)

7 Sec. 11-15.1-2.1. Annexation agreement; municipal  
8 jurisdiction.

9 (a) Property that is the subject of an annexation agreement  
10 adopted under this Division is subject to the police power,  
11 land use and other ordinances, control, and jurisdiction of the  
12 annexing municipality in all respects the same as property that  
13 lies within the annexing municipality's corporate limits. The  
14 ordinances, control, and jurisdiction of the annexing  
15 municipality shall divest those of other units of government  
16 having or claiming prior jurisdiction.

17 (b) This Section shall not apply in Cook, Dekalb, DuPage,  
18 Kane, Kendall, Lake, Madison, McHenry, St. Clair, McLean,  
19 Tazewell, Will, and Winnebago Counties ~~(i) a county with a~~  
20 ~~population of more than 3,000,000, (ii) a county that borders a~~  
21 ~~county with a population of more than 3,000,000 or (iii) a~~  
22 ~~county with a population of more than 246,000 according to the~~  
23 ~~1990 federal census and bordered by the Mississippi River,~~  
24 unless the parties to the annexation agreement have, at the  
25 time the agreement is signed, ownership or control of all  
26 property that would make the property that is the subject of  
27 the agreement contiguous to the annexing municipality, in which  
28 case the property that is the subject of the annexation  
29 agreement is subject to the police power, land use and other  
30 ordinances, control, and jurisdiction of the municipality in  
31 all respects the same as property owned by the municipality  
32 that lies within its corporate limits.

1       (c) This Section shall not apply to property that is not  
2 contiguous to the annexing municipality unless (i) the annexing  
3 municipality serves the property with at least one  
4 municipally-owned utility or (ii) the annexation agreement  
5 binds the annexing municipality to serve, and the municipality  
6 does serve, the property with at least one municipally-owned  
7 utility within 12 months after the execution of the agreement,  
8 and the property is not more than 5 miles from the nearest  
9 corporate boundary of the annexing municipality or (iii) the  
10 property is within one mile of the nearest corporate boundary  
11 of the annexing municipality.

12       For purposes of this Section, a "municipally-owned  
13 utility" means a municipally-owned gas, water, or electric  
14 service provider.

15       (d) This amendatory Act of the 94th General Assembly  
16 applies to all existing annexation agreements, subject to the  
17 vested rights of parties to existing annexation agreements.

18       (Source: P.A. 87-1137.)

19       Section 99. Effective date. This Act takes effect upon  
20 becoming law.