

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

22 Except in counties with a population of more than 600,000  
23 but less than 3,000,000, territory which is not contiguous to a  
24 municipality but is separated therefrom only by a forest  
25 preserve district, federal wildlife refuge, or open land or  
26 open space that is part of an open space program, as defined in  
27 Section 115-5 of the Township Code, may be annexed to the  
28 municipality pursuant to Section 7-1-7 or 7-1-8, but only if  
29 the annexing municipality can show that the forest preserve  
30 district, federal wildlife refuge, open land, or open space  
31 creates an artificial barrier preventing the annexation and  
32 that the location of the forest preserve district, federal

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

31 In counties that are contiguous to the Mississippi River  
32 with populations of more than 200,000 but less than 255,000, a  
33 municipality that is partially located in territory that is  
34 wholly surrounded by the Mississippi River and a canal,  
35 connected at both ends to the Mississippi River and located on  
36 property owned by the United States of America, may annex

1 noncontiguous territory in the surrounded territory under  
2 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated  
3 from the municipality by property owned by the United States of  
4 America, but that federal property shall not be annexed without  
5 the consent of the federal government.

6 For the purposes of this Article, any territory to be  
7 annexed to a municipality that is located in a county with more  
8 than 500,000 inhabitants shall be considered to be contiguous  
9 to the municipality if only a river and a national heritage  
10 corridor separate the territory from the municipality. Upon  
11 annexation, no river or national heritage corridor shall be  
12 considered annexed to the municipality.

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

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

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

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

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

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

34 For the purpose of this Section, a toll highway or  
35 connection between parcels via an overpass bridge over a toll  
36 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. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.