



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1251

Introduced 2/15/2007, by Rep. Patricia Reid Lindner

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/2-2-16 new  
65 ILCS 5/7-3-1  
65 ILCS 5/7-4-2.5 new

from Ch. 24, par. 7-3-1

Amends the Illinois Municipal Code. Provides that a parcel of contiguous land of not more than 200 acres that is owned by a county shall be considered for purposes of determining whether a newly incorporated municipality constitutes a contiguous territory, but shall not be included in the incorporation without the consent of the county board. Provides that a parcel of land of less than 200 acres that is owned by the county may be disconnected from the municipality, regardless of whether the disconnection renders any of the remaining territory within the municipality not contiguous to the municipality. Provides that land that is owned by the county that has been disconnected or excluded from incorporation in the municipality shall not be subject to the ordinances or regulations of the municipality without consent of the county board.

LRB095 09153 HLH 29346 b

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

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 7-3-1 and by adding Sections 2-2-16 and  
6 7-4-2.5 as follows:

7 (65 ILCS 5/2-2-16 new)

8 Sec. 2-2-16. Incorporation of territory including land  
9 owned by a county. Whenever a parcel of contiguous land of not  
10 more than 200 acres owned by a county is included within the  
11 territory intended to be embraced within a new municipality,  
12 such land shall be considered for purposes of determining  
13 whether the proposed municipality constitutes a contiguous  
14 territory but upon incorporation shall not be considered to be  
15 incorporated into the municipality without the consent of the  
16 county board.

17 (65 ILCS 5/7-3-1) (from Ch. 24, par. 7-3-1)

18 Sec. 7-3-1. Within one year of the organization of any  
19 municipality under the provisions of Divisions 2 and 3 of  
20 Article 2 of this Code, any territory which has been included  
21 therein may be disconnected from such municipality if the  
22 territory sought to be disconnected ~~is~~ (1) is upon the ~~the~~

1 border, but within the boundary of the municipality, (2)  
2 contains 20 or more acres, (3) if disconnected will not result  
3 in the isolation of any part of the municipality from the  
4 remainder of the municipality, ~~and~~ (4) if disconnected will not  
5 be a territory wholly bounded by one or more municipalities or  
6 wholly bounded by one or more municipalities and a river or  
7 lake, (5) if disconnected, the growth prospects and plan and  
8 zoning ordinances, if any, of such municipality will not be  
9 unreasonably disrupted, (6) if disconnected, no substantial  
10 disruption will result to existing municipal service  
11 facilities such as, but not limited to, sewer systems, street  
12 lighting, water mains, garbage collection and fire protection,  
13 and (7) if disconnected the municipality will not be unduly  
14 harmed through loss of tax revenue in the future. If territory  
15 is less than 200 acres and owned by a county, it may be  
16 disconnected regardless of whether the disconnection renders  
17 any portion of the remaining territory within the municipality  
18 not contiguous to the municipality. The procedure for  
19 disconnection shall be as follows:

20 A written petition directed to the circuit court of the  
21 county in which the territory proposed to be disconnected is  
22 located and if such territory is located in more than one  
23 county then to the circuit court of the county in which the  
24 greater part of such territory may be located, which petition  
25 shall be signed by a majority of the electors, if any, residing  
26 within the territory and also signed by a majority of the

1 owners of record of land in such territory, and also  
2 representing a majority of the area of land in such territory,  
3 shall be filed with the clerk of the court within one year of  
4 the organization of any municipality under the provisions of  
5 Divisions 2 and 3 of Article 2 of this Code. The petition shall  
6 set forth the description of the territory to be detached from  
7 such municipality, shall allege the pertinent facts in support  
8 of the disconnection of such territory and shall pray the court  
9 to detach the territory from the municipality.

10 (Source: Laws 1965, p. 2176.)

11 (65 ILCS 5/7-4-2.5 new)

12 Sec. 7-4-2.5. Exclusion of county-owned land.  
13 Notwithstanding any provision of law to the contrary, all  
14 territory owned by a county which shall have been excluded from  
15 incorporation or disconnected from a municipality under the  
16 provisions of Section 2-2-16 or Section 7-3-1 of this Code  
17 shall not be subject to any of the ordinances or regulations of  
18 the municipality without the consent of the county board.