

SB0473



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0473

Introduced 2/8/2007, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

65 ILCS 5/7-1-1

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

Amends the Illinois Municipal Code. Provides that, when any land is proposed to be annexed to a municipality, the corporate authorities of each school district potentially affected by the proposed annexation shall be notified by the municipality in writing by certified or registered mail before any court hearing or other action is taken for annexation. Establishes procedures for the service of the notice. Provides that the annexation is not effective without service. Effective immediately.

LRB095 03371 HLH 23375 b

A BILL FOR

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

1 municipality but is separated therefrom only by a forest
2 preserve district, federal wildlife refuge, or open land or
3 open space that is part of an open space program, as defined in
4 Section 115-5 of the Township Code, may be annexed to the
5 municipality pursuant to Section 7-1-7 or 7-1-8, but only if
6 the annexing municipality can show that the forest preserve
7 district, federal wildlife refuge, open land, or open space
8 creates an artificial barrier preventing the annexation and
9 that the location of the forest preserve district, federal
10 wildlife refuge, open land, or open space property prevents the
11 orderly natural growth of the annexing municipality. It shall
12 be conclusively presumed that the forest preserve district,
13 federal wildlife refuge, open land, or open space does not
14 create an artificial barrier if the property sought to be
15 annexed is bounded on at least 3 sides by (i) one or more other
16 municipalities (other than the municipality seeking annexation
17 through the existing forest preserve district, federal
18 wildlife refuge, open land, or open space), (ii) forest
19 preserve district property, federal wildlife refuge, open
20 land, or open space, or (iii) a combination of other
21 municipalities and forest preserve district property, federal
22 wildlife refuge property, open land, or open space. It shall
23 also be conclusively presumed that the forest preserve
24 district, federal wildlife refuge, open land, or open space
25 does not create an artificial barrier if the municipality
26 seeking annexation is not the closest municipality within the

1 county to the property to be annexed. The territory included
2 within such forest preserve district, federal wildlife refuge,
3 open land, or open space shall not be annexed to the
4 municipality nor shall the territory of the forest preserve
5 district, federal wildlife refuge, open land, or open space be
6 subject to rights-of-way for access or services between the
7 parts of the municipality separated by the forest preserve
8 district, federal wildlife refuge, open land, or open space
9 without the consent of the governing body of the forest
10 preserve district or federal wildlife refuge. The changes made
11 to this Section by this amendatory Act of 91st General Assembly
12 are declaratory of existing law and shall not be construed as a
13 new enactment.

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

25 For the purposes of this Article, any territory to be
26 annexed to a municipality that is located in a county with more

1 than 500,000 inhabitants shall be considered to be contiguous
2 to the municipality if only a river and a national heritage
3 corridor separate the territory from the municipality. Upon
4 annexation, no river or national heritage corridor shall be
5 considered annexed to the municipality.

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

20 When any land is proposed to be annexed to a municipality,
21 the corporate authorities of each school district potentially
22 affected by the proposed annexation shall be notified by the
23 municipality in writing concerning the proposed annexation by
24 certified or registered mail before any court hearing is held
25 or some other action is taken for annexation. The notice shall
26 be served at least 10 days in advance of any hearing or action

1 for annexation. An affidavit that service of notice has been
2 had as provided by this Section must be filed with the clerk of
3 the court in which the annexation proceedings are pending or
4 will be instituted or, when no court proceedings are involved,
5 with the recorder for each county where the land is situated.
6 No annexation of that land is effective unless service is had
7 and the affidavit filed as provided in this Section.

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

1 petition to annex to include the description of the entire
2 adjacent highway.

3 Any annexation, disconnection and annexation, or
4 disconnection under this Article of any territory must be
5 reported by certified or registered mail by the corporate
6 authority initiating the action to the election authorities
7 having jurisdiction in the territory and the post office
8 branches serving the territory within 30 days of the
9 annexation, disconnection and annexation, or disconnection.

10 Failure to give notice to the required election authorities
11 or post office branches will not invalidate the annexation or
12 disconnection. For purposes of this Section "election
13 authorities" means the county clerk where the clerk acts as the
14 clerk of elections or the clerk of the election commission
15 having jurisdiction.

16 No annexation, disconnection and annexation, or
17 disconnection under this Article of territory having electors
18 residing therein made (1) before any primary election to be
19 held within the municipality affected thereby and after the
20 time for filing petitions as a candidate for nomination to any
21 office to be chosen at the primary election or (2) within 60
22 days before any general election to be held within the
23 municipality shall be effective until the day after the date of
24 the primary or general election, as the case may be.

25 For the purpose of this Section, a toll highway or
26 connection between parcels via an overpass bridge over a toll

1 highway shall not be considered a deterrent to the definition
2 of contiguous territory.

3 When territory is proposed to be annexed by court order
4 under this Article, the corporate authorities or petitioners
5 initiating the action shall notify each person who pays real
6 estate taxes on property within that territory unless the
7 person is a petitioner. The notice shall be served by certified
8 or registered mail, return receipt requested, at least 20 days
9 before a court hearing or other court action. If the person who
10 pays real estate taxes on the property is not the owner of
11 record, then the payor shall notify the owner of record of the
12 proposed annexation.

13 (Source: P.A. 93-1098, eff. 1-1-06; 94-361, eff. 1-1-06;
14 94-1065, eff. 8-1-06.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.