

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

1 land, ~~or~~ open space, or conservation area does not create an  
2 artificial barrier if the municipality seeking annexation is  
3 not the closest municipality within the county to the property  
4 to be annexed. The territory included within such forest  
5 preserve district, federal wildlife refuge, open land, ~~or~~ open  
6 space, or conservation area shall not be annexed to the  
7 municipality nor shall the territory of the forest preserve  
8 district, federal wildlife refuge, open land, ~~or~~ open space, or  
9 conservation area be subject to rights-of-way for access or  
10 services between the parts of the municipality separated by the  
11 forest preserve district, federal wildlife refuge, open land,  
12 ~~or~~ open space, or conservation area without the consent of the  
13 governing body of the forest preserve district or federal  
14 wildlife refuge. The changes made to this Section by Public Act  
15 91-824 ~~this amendatory Act of 91st General Assembly~~ are  
16 declaratory of existing law and shall not be construed as a new  
17 enactment.

18 For the purpose of this Section, "conservation area" means  
19 an area dedicated to conservation and owned by a not-for-profit  
20 organized under Section 501(c)(3) of the Internal Revenue Code  
21 of 1986.

22 In counties that are contiguous to the Mississippi River  
23 with populations of more than 200,000 but less than 255,000, a  
24 municipality that is partially located in territory that is  
25 wholly surrounded by the Mississippi River and a canal,  
26 connected at both ends to the Mississippi River and located on

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

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

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

1 filed as provided in this Section.

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

24 Any annexation, disconnection and annexation, or  
25 disconnection under this Article of any territory must be  
26 reported by certified or registered mail by the corporate

1 authority initiating the action to the election authorities  
2 having jurisdiction in the territory and the post office  
3 branches serving the territory within 30 days of the  
4 annexation, disconnection and annexation, or disconnection.

5 Failure to give notice to the required election authorities  
6 or post office branches will not invalidate the annexation or  
7 disconnection. For purposes of this Section "election  
8 authorities" means the county clerk where the clerk acts as the  
9 clerk of elections or the clerk of the election commission  
10 having jurisdiction.

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

20 For the purpose of this Section, a toll highway or  
21 connection between parcels via an overpass bridge over a toll  
22 highway shall not be considered a deterrent to the definition  
23 of contiguous territory.

24 When territory is proposed to be annexed by court order  
25 under this Article, the corporate authorities or petitioners  
26 initiating the action shall notify each person who pays real

1 estate taxes on property within that territory unless the  
2 person is a petitioner. The notice shall be served by certified  
3 or registered mail, return receipt requested, at least 20 days  
4 before a court hearing or other court action. If the person who  
5 pays real estate taxes on the property is not the owner of  
6 record, then the payor shall notify the owner of record of the  
7 proposed annexation.

8 (Source: P.A. 94-361, eff. 1-1-06; 94-1065, eff. 8-1-06;  
9 95-174, eff. 1-1-08; revised 11-3-09.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.