



Rep. Jack D. Franks

Filed: 3/11/2011

09700HB1793ham001

LRB097 09571 KMW 52588 a

1 AMENDMENT TO HOUSE BILL 1793

2 AMENDMENT NO. _____. Amend House Bill 1793 by replacing
3 everything after the enacting clause with the following:

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

1 area included within that strip parcel, right-of-way, or former
2 right-of-way shall not be considered to be annexed to the
3 municipality. For purposes of this Section, "strip parcel"
4 means a separation no wider than 30 feet between the territory
5 to be annexed and the municipal boundary.

6 Except in counties with a population of more than 600,000
7 but less than 3,000,000, territory which is not contiguous to a
8 municipality but is separated therefrom only by a forest
9 preserve district, federal wildlife refuge, open land or open
10 space that is part of an open space program, as defined in
11 Section 115-5 of the Township Code, or conservation area or any
12 area owned by a conservation district, may be annexed to the
13 municipality pursuant to Section 7-1-7 or 7-1-8, but only if
14 the annexing municipality can show that the forest preserve
15 district, federal wildlife refuge, open land, open space, or
16 conservation area creates an artificial barrier preventing the
17 annexation and that the location of the forest preserve
18 district, federal wildlife refuge, open land, open space, or
19 conservation area property prevents the orderly natural growth
20 of the annexing municipality. It shall be conclusively presumed
21 that the forest preserve district, federal wildlife refuge,
22 open land, open space, conservation district, or conservation
23 area does not create an artificial barrier if the property
24 sought to be annexed is bounded on at least 3 sides by (i) one
25 or more other municipalities (other than the municipality
26 seeking annexation through the existing forest preserve

1 district, federal wildlife refuge, open land, open space,
2 conservation district, or conservation area), (ii) forest
3 preserve district property, federal wildlife refuge, open
4 land, open space, conservation district, or conservation area,
5 or (iii) a combination of other municipalities and forest
6 preserve district property, federal wildlife refuge property,
7 open land, open space, conservation district, or conservation
8 area. It shall also be conclusively presumed that the forest
9 preserve district, federal wildlife refuge, open land, open
10 space, conservation district, or conservation area does not
11 create an artificial barrier if the municipality seeking
12 annexation is not the closest municipality within the county to
13 the property to be annexed. The territory included within such
14 forest preserve district, federal wildlife refuge, open land,
15 open space, conservation district, or conservation area shall
16 not be annexed to the municipality nor shall the territory of
17 the forest preserve district, federal wildlife refuge, open
18 land, open space, conservation district, or conservation area
19 be subject to rights-of-way for access or services between the
20 parts of the municipality separated by the forest preserve
21 district, federal wildlife refuge, open land, open space,
22 conservation district, or conservation area without the
23 consent of the governing body of the forest preserve district
24 or federal wildlife refuge. The changes made to this Section by
25 Public Act 91-824 are declaratory of existing law and shall not
26 be construed as a new enactment.

1 For the purpose of this Section, "conservation area" means
2 an area dedicated to conservation and owned by a not-for-profit
3 organized under Section 501(c)(3) of the Internal Revenue Code
4 of 1986, or any area owned by a conservation district.

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

16 For the purposes of this Article, any territory to be
17 annexed to a municipality that is located in a county with more
18 than 500,000 inhabitants shall be considered to be contiguous
19 to the municipality if only a river and a national heritage
20 corridor separate the territory from the municipality. Upon
21 annexation, no river or national heritage corridor shall be
22 considered annexed to the municipality.

23 When any land proposed to be annexed is part of any Fire
24 Protection District or of any Public Library District and the
25 annexing municipality provides fire protection or a public
26 library, as the case may be, the Trustees of each District

1 shall be notified in writing by certified or registered mail
2 before any court hearing or other action is taken for
3 annexation. The notice shall be served 10 days in advance. An
4 affidavit that service of notice has been had as provided by
5 this Section must be filed with the clerk of the court in which
6 the annexation proceedings are pending or will be instituted
7 or, when no court proceedings are involved, with the recorder
8 for the county where the land is situated. No annexation of
9 that land is effective unless service is had and the affidavit
10 filed as provided in this Section.

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

1 any area before October 1, 1975, and the legal description in
2 the petition for annexation did not include the entire adjacent
3 highway, any such annexation shall be valid and any highway
4 adjacent to the area annexed shall be considered to be annexed
5 notwithstanding the failure of the petition to annex to include
6 the description of the entire adjacent highway.

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

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

20 No annexation, disconnection and annexation, or
21 disconnection under this Article of territory having electors
22 residing therein made (1) before any primary election to be
23 held within the municipality affected thereby and after the
24 time for filing petitions as a candidate for nomination to any
25 office to be chosen at the primary election or (2) within 60
26 days before any general election to be held within the

1 municipality shall be effective until the day after the date of
2 the primary or general election, as the case may be.

3 For the purpose of this Section, a toll highway or
4 connection between parcels via an overpass bridge over a toll
5 highway shall not be considered a deterrent to the definition
6 of contiguous territory.

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

17 (Source: P.A. 95-174, eff. 1-1-08; 96-1000, eff. 7-2-10;
18 96-1233, eff. 7-23-10.)".