

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, open land or open  
3 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 open space, or conservation area creates an artificial barrier  
9 preventing the annexation and that the location of the forest  
10 preserve district, federal wildlife refuge, open land, open  
11 space, or conservation area property prevents the orderly  
12 natural growth of the annexing municipality. Except for parcels  
13 of land less than one acre in size, it ~~it~~ shall be conclusively  
14 presumed that the forest preserve district, federal wildlife  
15 refuge, open land, open space, or conservation area does not  
16 create an artificial barrier if the property sought to be  
17 annexed is bounded on at least 3 sides by (i) one or more other  
18 municipalities (other than the municipality seeking annexation  
19 through the existing forest preserve district, federal  
20 wildlife refuge, open land, open space, or conservation area),  
21 (ii) forest preserve district property, federal wildlife  
22 refuge, open land, open space, or conservation area, or (iii) a  
23 combination of other municipalities and forest preserve  
24 district property, federal wildlife refuge property, open  
25 land, open space, or conservation area. Except of parcels of  
26 land less than one acre in size, it ~~it~~ shall also be

1 conclusively presumed that the forest preserve district,  
2 federal wildlife refuge, open land, open space, or conservation  
3 area does not create an artificial barrier if the municipality  
4 seeking annexation is not the closest municipality within the  
5 county to the property to be annexed. The territory included  
6 within such forest preserve district, federal wildlife refuge,  
7 open land, open space, or conservation area shall not be  
8 annexed to the municipality nor shall the territory of the  
9 forest preserve district, federal wildlife refuge, open land,  
10 open space, or conservation area be subject to rights-of-way  
11 for access or services between the parts of the municipality  
12 separated by the forest preserve district, federal wildlife  
13 refuge, open land, open space, or conservation area without the  
14 consent of the governing body of the forest preserve district  
15 or federal wildlife refuge. Parcels of land less than one acre  
16 in size may be annexed to the municipality pursuant to Section  
17 7-1-7 or 7-1-8 if it would be contiguous to the municipality  
18 but for the separation therefrom by a forest preserve district,  
19 federal wildlife refuge, open land or open space that is part  
20 of an open space program, as defined in Section 115-5 of the  
21 Township Code, or conservation area. The changes made to this  
22 Section by Public Act 91-824 are declaratory of existing law  
23 and shall not be construed as a new enactment.

24 For the purpose of this Section, "conservation area" means  
25 an area dedicated to conservation and owned by a not-for-profit  
26 organized under Section 501(c)(3) of the Internal Revenue Code

1 of 1986, or any area owned by a conservation district.

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

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

20 When any land proposed to be annexed is part of any Fire  
21 Protection District or of any Public Library District and the  
22 annexing municipality provides fire protection or a public  
23 library, as the case may be, the Trustees of each District  
24 shall be notified in writing by certified or registered mail  
25 before any court hearing or other action is taken for  
26 annexation. The notice shall be served 10 days in advance. An

1 affidavit that service of notice has been had as provided by  
2 this Section must be filed with the clerk of the court in which  
3 the annexation proceedings are pending or will be instituted  
4 or, when no court proceedings are involved, with the recorder  
5 for the county where the land is situated. No annexation of  
6 that land is effective unless service is had and the affidavit  
7 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, the Board of  
15 Town Trustees, the Township Supervisor, and the Township Clerk  
16 shall be notified in writing by certified or registered mail  
17 before any court hearing or other action is taken for  
18 annexation. In the event that a municipality fails to notify  
19 the Township Commissioner of Highways, the Board of Town  
20 Trustees, the Township Supervisor, and the Township Clerk of  
21 the annexation of an area within the township, the municipality  
22 shall reimburse that township for any loss or liability caused  
23 by the failure to give notice. If any municipality has annexed  
24 any area before October 1, 1975, and the legal description in  
25 the petition for annexation did not include the entire adjacent  
26 highway, any such annexation shall be valid and any highway

1 adjacent to the area annexed shall be considered to be annexed  
2 notwithstanding the failure of the petition to annex to include  
3 the description of the entire adjacent highway.

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

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

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

26 For the purpose of this Section, a toll highway or

1 connection between parcels via an overpass bridge over a toll  
2 highway shall not be considered a deterrent to the definition  
3 of contiguous territory.

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

14 (Source: P.A. 96-1000, eff. 7-2-10; 96-1233, eff. 7-23-10;  
15 97-601, eff. 1-1-12.)