

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.)