



Sen. Steve Stadelman

**Filed: 4/1/2016**

09900SB2905sam001

LRB099 19095 MJP 46873 a

1 AMENDMENT TO SENATE BILL 2905

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2905 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Section 7-1-2 as follows:

6 (65 ILCS 5/7-1-2) (from Ch. 24, par. 7-1-2)

7 Sec. 7-1-2. (a) A written petition signed by a majority of  
8 the owners of record of land in the territory and also by a  
9 majority of the electors, if any, residing in the territory  
10 shall be filed with the circuit court clerk of the county in  
11 which the territory is located, or the corporate authorities of  
12 a municipality may initiate the proceedings by enacting an  
13 ordinance expressing their desire to annex the described  
14 territory. A person owning land underlying a highway shall not  
15 be considered an owner of record for purposes of this petition  
16 unless that person owns some land not underlying a highway

1 proposed to be annexed in the petition for annexation. No tract  
2 of land in excess of 10 acres in area may be included in the  
3 ordinances of a municipality initiating the proceedings,  
4 however, without the express consent of the owner of the tract  
5 unless the tract (i) is subdivided into lots or blocks or (ii)  
6 is bounded on at least 3 sides by lands subdivided into lots or  
7 blocks. A tract of land shall be deemed so bounded if it is  
8 actually separated from the subdivision only by the  
9 right-of-way of a railroad or other public utility or at a  
10 public highway. The petition or ordinance, as the case may be,  
11 shall request the annexation of the territory to a specified  
12 municipality and also shall request that the circuit court of  
13 the specified county submit the question of the annexation to  
14 the corporate authorities of the annexing municipality or to  
15 the electors of the unincorporated territory, as the case may  
16 be. The circuit court shall enter an order fixing the time for  
17 the hearing upon the petition, and the day for the hearing  
18 shall be not less than 20 nor more than 30 days after the  
19 filing of the petition or ordinance, as the case may be.

20 (b) The petitioners or corporate authorities, as the case  
21 may be, shall give notice of the annexation petition or  
22 ordinance, as the case may be, not more than 30 nor less than  
23 15 days before the date fixed for the hearing. This notice  
24 shall state that a petition for annexation or ordinance, as the  
25 case may be, has been filed and shall give the substance of the  
26 petition, including a description of the territory to be

1 annexed, the name of the annexing municipality, and the date  
2 fixed for the hearing. If annexing unincorporated residential  
3 property, the corporate authorities shall also provide in the  
4 notice information on municipal property tax rates and any  
5 known rates and fees for municipal gas, electric, water, sewer,  
6 and garbage that may be incurred by residents of the  
7 unincorporated property because of the annexation to which they  
8 would otherwise not be subject. This notice shall be given by  
9 publishing a notice at least once in one or more newspapers  
10 published in the annexing municipality or, if no newspaper is  
11 published in the annexing municipality, in one or more  
12 newspapers with a general circulation within the annexing  
13 municipality and territory. A copy of this notice shall be  
14 filed with the clerk of the annexing municipality and the  
15 municipal clerk shall send, by registered mail, an additional  
16 copy to the highway commissioner of each road district within  
17 which the territory proposed to be annexed is situated. If a  
18 municipal clerk fails to send the notice to a highway  
19 commissioner as required by this subsection, the municipality  
20 shall reimburse the road district served by that highway  
21 commissioner for any loss or liability caused by that failure.  
22 Any notice required by this Section need not include a metes  
23 and bounds legal description of the territory to be annexed,  
24 provided that the notice includes: (i) the common street  
25 address or addresses and (ii) the property index number ("PIN")  
26 or numbers of all the parcels of real property contained in the

1 territory to be annexed.

2 (c) The petitioners or corporate authorities, as the case  
3 may be, shall pay to the clerk of the circuit court \$10 as a  
4 filing and service fee, and no petition or ordinance, as the  
5 case may be, shall be filed until this fee is paid.

6 (d) No petitioner may withdraw from this petition except by  
7 consent of the majority of the other petitioners, or where it  
8 is shown to the satisfaction of the court that the signature of  
9 the petitioner was obtained by fraud or misrepresentation.

10 (e) If a State charitable institution is situated upon a  
11 tract or tracts of land that lie partly within and partly  
12 without the corporate limits of any municipality, the corporate  
13 authorities of the municipality may by resolution without any  
14 petition or proceedings required by this Article but with the  
15 written consent of the Director of the State Department having  
16 jurisdiction of the institution, annex any part or all of the  
17 tracts lying without the corporate limits.

18 (f) If real estate owned by the State of Illinois or any  
19 board, agency, or commission of the State is situated in  
20 unincorporated territory adjacent to a municipality, the  
21 corporate authorities of the municipality may annex any part or  
22 all of the real estate only with the written consent of the  
23 Governor or the governing authority of the board, agency, or  
24 commission, without any petition or proceedings required by  
25 this Article by resolution of the corporate authorities. This  
26 requirement does not apply, however, to State highways located

1 within territory to be annexed under this Article.

2 (Source: P.A. 97-336, eff. 8-12-11.)".