

1 AMENDMENT TO SENATE BILL 1282

2 AMENDMENT NO. _____. Amend Senate Bill 1282, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

8 Sec. 7-1-1. Annexation of contiguous territory. Any
9 territory that is not within the corporate limits of any
10 municipality but is contiguous to a municipality may be
11 annexed to the municipality as provided in this Article. For
12 the purposes of this Article any territory to be annexed to a
13 municipality shall be considered to be contiguous to the
14 municipality notwithstanding that the territory is separated
15 from the municipality by a railroad or public utility
16 right-of-way, but upon annexation the area included within
17 that right-of-way shall not be considered to be annexed to
18 the municipality.

19 Except in counties with a population of more than 600,000
20 500,000 but less than 3,000,000, territory which is not
21 contiguous to a municipality but is separated therefrom only
22 by a forest preserve district may be annexed to the
23 municipality pursuant to Section ~~Sections~~ 7-1-7 or 7-1-8, but

1 only if the annexing municipality can show that the forest
2 preserve district creates an artificial barrier preventing
3 the annexation and that the location of the forest preserve
4 district property prevents the orderly natural growth of the
5 annexing municipality. It shall be conclusively presumed
6 that the forest preserve district does not create an
7 artificial barrier if the property sought to be annexed is
8 bounded on at least 3 sides by (i) one or more other
9 municipalities (other than the municipality seeking
10 annexation through the existing forest preserve district),
11 (ii) forest preserve district property, or (iii) a
12 combination of other municipalities and forest preserve
13 district property. It shall also be conclusively presumed
14 that the forest preserve district does not create an
15 artificial barrier if the municipality seeking annexation is
16 not the closest municipality to the property to be annexed.
17 The territory included within such forest preserve district
18 shall not be annexed to the municipality nor shall the
19 territory of the forest preserve district be subject to
20 rights-of-way for access or services between the parts of the
21 municipality separated by the forest preserve district
22 without the consent of the governing body of the forest
23 preserve district. The changes made to this Section by this
24 amendatory Act of 91st General Assembly are declaratory of
25 existing law and shall not be construed as a new enactment.

26 In counties that are contiguous to the Mississippi River
27 with populations of more than 200,000 but less than 255,000,
28 a municipality that is partially located in territory that is
29 wholly surrounded by the Mississippi River and a canal,
30 connected at both ends to the Mississippi River and located
31 on property owned by the United States of America, may annex
32 noncontiguous territory in the surrounded territory under
33 Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is
34 separated from the municipality by property owned by the

1 United States of America, but that federal property shall not
2 be annexed without the consent of the federal government.

3 For the purposes of this Article, any territory to be
4 annexed to a municipality that is located in a county with
5 more than 37,000 inhabitants but fewer than 600,000
6 inhabitants shall be considered to be contiguous to the
7 municipality if the territory is separated from the
8 municipality only by the Des Plaines River, the Illinois
9 River, the Kankakee River, the Illinois and Michigan Canal
10 National Heritage Corridor, or property owned by the State of
11 Illinois and administered by the Department of Natural
12 Resources. Upon annexation, neither those rivers, nor the
13 Illinois and Michigan Canal National Heritage Corridor, nor
14 the property owned by the State of Illinois and administered
15 by the Department of Natural Resources shall be considered
16 annexed to the municipality.

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

31 The new boundary shall extend to the far side of any
32 adjacent highway and shall include all of every highway
33 within the area annexed. These highways shall be considered
34 to be annexed even though not included in the legal

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

19 Any annexation, disconnection and annexation, or
20 disconnection under this Article of any territory must be
21 reported by certified or registered mail by the corporate
22 authority initiating the action to the election authorities
23 having jurisdiction in the territory and the post office
24 branches serving the territory within 30 days of the
25 annexation, disconnection and annexation, or disconnection.

26 Failure to give notice to the required election
27 authorities or post office branches will not invalidate the
28 annexation or disconnection. For purposes of this Section
29 "election authorities" means the county clerk where the clerk
30 acts as the clerk of elections or the clerk of the election
31 commission having jurisdiction.

32 No annexation, disconnection and annexation, or
33 disconnection under this Article of territory having electors
34 residing therein made (1) before any primary election to be

1 held within the municipality affected thereby and after the
2 time for filing petitions as a candidate for nomination to
3 any office to be chosen at the primary election or (2) within
4 60 days before any general election to be held within the
5 municipality shall be effective until the day after the date
6 of the primary or general election, as the case may be.

7 For the purpose of this Section, a toll highway or
8 connection between parcels via an overpass bridge over a toll
9 highway shall not be considered a deterrent to the definition
10 of contiguous territory.

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

21 (Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."