

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, or the Illinois and Michigan Canal  
10 National Heritage Corridor. Upon annexation, neither those  
11 rivers nor the Illinois and Michigan Canal National Heritage  
12 Corridor shall be considered annexed to the municipality.

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

27 The new boundary shall extend to the far side of any  
28 adjacent highway and shall include all of every highway  
29 within the area annexed. These highways shall be considered  
30 to be annexed even though not included in the legal  
31 description set forth in the petition for annexation. When  
32 any land proposed to be annexed includes any highway under  
33 the jurisdiction of any township, the Township Commissioner  
34 of Highways and the Board of Town Trustees shall be notified

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

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

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

28 No annexation, disconnection and annexation, or  
29 disconnection under this Article of territory having electors  
30 residing therein made (1) before any primary election to be  
31 held within the municipality affected thereby and after the  
32 time for filing petitions as a candidate for nomination to  
33 any office to be chosen at the primary election or (2) within  
34 60 days before any general election to be held within the

1 municipality shall be effective until the day after the date  
2 of 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  
12 certified or registered mail, return receipt requested, at  
13 least 20 days before a court hearing or other court action.  
14 If the person who pays real estate taxes on the property is  
15 not the owner of record, then the payor shall notify the  
16 owner of record of the proposed annexation.

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."