



Rep. Anthony DeLuca

Filed: 3/29/2018

10000HB1188ham001

LRB100 03843 AWJ 37785 a

1 AMENDMENT TO HOUSE BILL 1188

2 AMENDMENT NO. _____. Amend House Bill 1188 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-12-9 as follows:

6 (65 ILCS 5/11-12-9) (from Ch. 24, par. 11-12-9)

7 Sec. 11-12-9. If unincorporated territory is within one and
8 one-half miles of the boundaries of two or more corporate
9 authorities that have adopted official plans, the corporate
10 authorities involved may agree upon a line which shall mark the
11 boundaries of the jurisdiction of each of the corporate
12 authorities who have adopted such agreement. On and after
13 September 24, 1987, such agreement may provide that one or more
14 of the municipalities shall not annex territory which lies
15 within the jurisdiction of any other municipality, as
16 established by such line. In the absence of such a boundary

1 line agreement, nothing in this paragraph shall be construed as
2 a limitation on the power of any municipality to annex
3 territory. In arriving at an agreement for a jurisdictional
4 boundary line, the corporate authorities concerned shall give
5 consideration to the natural flow of storm water drainage, and,
6 when practical, shall include all of any single tract having
7 common ownership within the jurisdiction of one corporate
8 authority. Such agreement shall not become effective until
9 copies thereof, certified as to adoption by the municipal
10 clerks of the respective municipalities, have been filed in the
11 Recorder's Office and made available in the office of the
12 municipal clerk of each agreeing municipality.

13 Any agreement for a jurisdictional boundary line shall be
14 valid for such term of years as may be stated therein, but not
15 to exceed 20 years, and if no term is stated, shall be valid
16 for a term of 20 years. The term of such agreement may be
17 extended, renewed or revised at the end of the initial or
18 extended term thereof by further agreement of the
19 municipalities.

20 For territory located within 5 miles of the Midewin
21 National Tallgrass Prairie, if one or more municipalities have
22 agreed upon a jurisdictional boundary line and an application
23 for annexation, zoning change, or a similar development request
24 has been made by a third party to one of the municipalities
25 that is a party to such an agreement or agreements, the
26 agreement or agreements between each of the municipalities are

1 automatically extended for a period of 20 years from the date
2 the application or development request is filed if: (1) there
3 is less than 10 years remaining on a boundary agreement or
4 agreements between municipalities as of the date the
5 application or development request is filed; (2) the proposed
6 development is in excess of 500 acres; and (3) the proposed
7 development is located within 2 miles of any jurisdictional
8 boundary line set forth in a boundary agreement or agreements
9 or the proposed development would require annexing land that is
10 designated to another municipality under an existing boundary
11 agreement.

12 In the absence of such agreement, the jurisdiction of any
13 one of the corporate authorities shall extend to a median line
14 equidistant from its boundary and the boundary of the other
15 corporate authority nearest to the boundary of the first
16 corporate authority at any given point on the line.

17 On and after January 1, 2006, no corporate authority may
18 enter into an agreement pursuant to this Section unless, not
19 less than 30 days and not more than 120 days prior to formal
20 approval thereof by the corporate authority, it shall have
21 first provided public notice of the proposed boundary agreement
22 by both of the following:

23 (1) the posting of a public notice for not less than 15
24 consecutive days in the same location at which notices of
25 village board or city council meetings are posted; and

26 (2) publication on at least one occasion in a newspaper

1 of general circulation within the territory that is subject
2 to the proposed agreement.

3 The validity of a boundary agreement may not be legally
4 challenged on the grounds that the notice as required by this
5 Section was not properly given unless the challenge is
6 initiated within 12 months after the formal approval of the
7 boundary agreement.

8 An agreement that addresses jurisdictional boundary lines
9 shall be entirely unenforceable for any party thereto that
10 subsequently enters into another agreement that addresses
11 jurisdictional boundary lines that is in conflict with any of
12 the terms of the first agreement without the consent of all
13 parties to the first agreement. For purposes of this Section,
14 it shall not be considered a "conflict" when a municipality
15 that is a party to a jurisdictional boundary line agreement
16 cedes property within its own jurisdiction to another
17 municipality not a party to the same jurisdictional boundary
18 line agreement.

19 This amendatory Act of 1990 is declarative of the existing
20 law and shall not be construed to modify or amend existing
21 boundary line agreements, nor shall it be construed to create
22 powers of a municipality not already in existence.

23 Except for those provisions to take effect prospectively,
24 this amendatory Act of the 94th General Assembly is declarative
25 of existing law and shall not be construed to modify or amend
26 existing boundary line agreements entered into on or before the

1 effective date of this amendatory Act, nor shall it be
2 construed to create powers of a municipality not already in
3 existence on the effective date of this amendatory Act.

4 The changes made by this amendatory Act of the 100th
5 General Assembly modify existing boundary line agreements and
6 apply retroactively to applications for annexation, zoning
7 change, or a similar development request made on or after
8 January 1, 2017.

9 (Source: P.A. 99-292, eff. 8-6-15.)".