



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5611

by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-12-9

from Ch. 24, par. 11-12-9

Amends the Illinois Municipal Code. Provides that for territory located within 5 miles of the Midewin National Tallgrass Prairie, if one or more municipalities have agreed upon a jurisdictional boundary line and an application for annexation, zoning change, or a similar development request has been made by a third party to one of the municipalities that is a party to such an agreement or agreements, then the agreement or agreements between each of the municipalities are automatically extended for a period of 20 years from the date the application or development request is filed if: (1) as of the date the application or development request is filed, a boundary agreement expired within the last calendar year or there is less than 10 years remaining on a boundary agreement or agreements between municipalities; (2) the proposed development is in excess of 500 acres; and (3) the proposed development is located within 2 miles of any jurisdictional boundary line set forth in a boundary agreement or agreements or the proposed development would require annexing land that is designated to another municipality under an existing boundary agreement. Provides that the provisions modify existing boundary line agreements and apply retroactively to applications for annexation, zoning change, or a similar development request made on or after January 1, 2020. Effective immediately.

LRB101 18199 AWJ 67641 b

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 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  
17 line agreement, nothing in this paragraph shall be construed as  
18 a limitation on the power of any municipality to annex  
19 territory. In arriving at an agreement for a jurisdictional  
20 boundary line, the corporate authorities concerned shall give  
21 consideration to the natural flow of storm water drainage, and,  
22 when practical, shall include all of any single tract having  
23 common ownership within the jurisdiction of one corporate

1 authority. Such agreement shall not become effective until  
2 copies thereof, certified as to adoption by the municipal  
3 clerks of the respective municipalities, have been filed in the  
4 Recorder's Office and made available in the office of the  
5 municipal clerk of each agreeing municipality.

6 Any agreement for a jurisdictional boundary line shall be  
7 valid for such term of years as may be stated therein, but not  
8 to exceed 20 years, and if no term is stated, shall be valid  
9 for a term of 20 years. The term of such agreement may be  
10 extended, renewed or revised at the end of the initial or  
11 extended term thereof by further agreement of the  
12 municipalities.

13 For territory located within 5 miles of the Midewin  
14 National Tallgrass Prairie, if one or more municipalities have  
15 agreed upon a jurisdictional boundary line and an application  
16 for annexation, zoning change, or a similar development request  
17 has been made by a third party to one of the municipalities  
18 that is a party to such an agreement or agreements, the  
19 agreement or agreements between each of the municipalities are  
20 automatically extended for a period of 20 years from the date  
21 the application or development request is filed if: (1) as of  
22 the date the application or development request is filed, a  
23 boundary agreement expired within the last calendar year or  
24 there is less than 10 years remaining on a boundary agreement  
25 or agreements between municipalities; (2) the proposed  
26 development is in excess of 500 acres; and (3) the proposed

1 development is located within 2 miles of any jurisdictional  
2 boundary line set forth in a boundary agreement or agreements  
3 or the proposed development would require annexing land that is  
4 designated to another municipality under an existing boundary  
5 agreement.

6 In the absence of such agreement, the jurisdiction of any  
7 one of the corporate authorities shall extend to a median line  
8 equidistant from its boundary and the boundary of the other  
9 corporate authority nearest to the boundary of the first  
10 corporate authority at any given point on the line.

11 On and after January 1, 2006, no corporate authority may  
12 enter into an agreement pursuant to this Section unless, not  
13 less than 30 days and not more than 120 days prior to formal  
14 approval thereof by the corporate authority, it shall have  
15 first provided public notice of the proposed boundary agreement  
16 by both of the following:

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

20 (2) publication on at least one occasion in a newspaper  
21 of general circulation within the territory that is subject  
22 to the proposed agreement.

23 The validity of a boundary agreement may not be legally  
24 challenged on the grounds that the notice as required by this  
25 Section was not properly given unless the challenge is  
26 initiated within 12 months after the formal approval of the

1 boundary agreement.

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

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

17 Except for those provisions to take effect prospectively,  
18 this amendatory Act of the 94th General Assembly is declarative  
19 of existing law and shall not be construed to modify or amend  
20 existing boundary line agreements entered into on or before the  
21 effective date of this amendatory Act, nor shall it be  
22 construed to create powers of a municipality not already in  
23 existence on the effective date of this amendatory Act.

24 The changes made by this amendatory Act of the 101st  
25 General Assembly modify existing boundary line agreements and  
26 apply retroactively to applications for annexation, zoning

1 change, or a similar development request made on or after  
2 January 1, 2020.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.