

1 AN ACT in relation to municipalities.

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 11-91-1 as follows:

6 (65 ILCS 5/11-91-1) (from Ch. 24, par. 11-91-1)

7 Sec. 11-91-1. Whenever the corporate authorities of any
8 municipality, whether incorporated by special act or under
9 any general law, determine that the public interest will be
10 subserved by vacating any street or alley, or part thereof,
11 within their jurisdiction in any incorporated area, they may
12 vacate that street or alley, or part thereof, by an
13 ordinance. The ordinance shall provide the legal description
14 or permanent index number of the particular parcel or parcels
15 of property acquiring title to the vacated property. But
16 this ordinance shall be passed by the affirmative vote of at
17 least three-fourths of the aldermen, trustees or
18 commissioners then holding office. This vote shall be taken
19 by ayes and noes and entered on the records of the corporate
20 authorities.

21 No ordinance shall be passed vacating any street or alley
22 under a municipality's jurisdiction and within an
23 unincorporated area without notice thereof and a hearing
24 thereon. At least 15 days prior to such a hearing, notice of
25 its time, place and subject matter shall be published in a
26 newspaper of general circulation within the unincorporated
27 area which the street or alley proposed for vacation serves.
28 At the hearing all interested persons shall be heard
29 concerning the proposal for vacation.

30 The ordinance may provide that it shall not become
31 effective until the owners of all property or the owner or

1 owners of a particular parcel or parcels of property abutting
2 upon the street or alley, or part thereof so vacated, shall
3 pay compensation in an amount which, in the judgment of the
4 corporate authorities, shall be the fair market value of the
5 property acquired or of the benefits which will accrue to
6 them by reason of that vacation, and if there are any public
7 service facilities in such street or alley, or part thereof,
8 the ordinance may also reserve to the municipality or to the
9 public utility, as the case may be, owning such facilities,
10 such property, rights of way and easements as, in the
11 judgment of the corporate authorities, are necessary or
12 desirable for continuing public service by means of those
13 facilities and for the maintenance, renewal and
14 reconstruction thereof. If the ordinance provides that only
15 the owner or owners of one particular parcel of abutting
16 property shall make payment, then the owner or owners of the
17 particular parcel shall acquire title to the entire vacated
18 street or alley, or the part thereof vacated.

19 The determination of the corporate authorities that the
20 nature and extent of the public use or public interest to be
21 subserved in such as to warrant the vacation of any street or
22 alley, or part thereof, is conclusive, and the passage of
23 such an ordinance is sufficient evidence of that
24 determination, whether so recited in the ordinance or not.
25 The relief to the public from further burden and
26 responsibility of maintaining any street or alley, or part
27 thereof, constitutes a public use or public interest
28 authorizing the vacation.

29 When property is damaged by the vacation or closing of
30 any street or alley, the damage shall be ascertained and paid
31 as provided by law.

32 (Source: P.A. 90-179, eff. 7-23-97.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.