

1 AMENDMENT TO HOUSE BILL 2317

2 AMENDMENT NO. _____. Amend House Bill 2317, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment
4 No. 1, on page 5, below line 21, by inserting the following:

5 "Section 10. The Illinois Municipal Code is amended by
6 changing Section 9-2-9 as follows:

7 (65 ILCS 5/9-2-9) (from Ch. 24, par. 9-2-9)

8 Sec. 9-2-9. Preliminary procedure for local improvements
9 by special assessment. All ordinances for local improvements
10 to be paid for wholly or in part by special assessment or
11 special taxation shall originate with the board of local
12 improvements. Petitions for any local improvement shall be
13 addressed to that board. The board may originate a scheme for
14 any local improvement to be paid for by special assessment or
15 special tax, either with or without a petition, and in either
16 case shall adopt a resolution describing the proposed
17 improvement. This resolution may provide that specifications
18 for the proposed improvement be made part of the resolution
19 by reference to specifications previously adopted by
20 resolution by the municipality, or to specifications adopted
21 or published by the State of Illinois or a political
22 subdivision thereof, provided that a copy of the

1 specifications so adopted by reference is on file in the
2 office of the clerk of the municipality. This resolution
3 shall be at once transcribed into the records of the board.

4 The proposed local improvement may consist of the
5 acquisition of the necessary interests in real property and
6 the construction of any public improvement or any combination
7 of public improvements, including, but not limited to,
8 streets street, storm drain sewers sewer, water mains main,
9 or sanitary sewer improvements, sidewalks, walkways, bicycle
10 paths, landscaping, lighting improvements, signage
11 improvements, vehicular parking improvements, any additional
12 improvements necessary to provide access to the public
13 improvements, and all necessary and appurtenances, -or-any
14 combination-thereof, in a local contiguous area pursuant to a
15 single special assessment project, provided that in assessing
16 each lot, block, tract, and parcel of property, the
17 commissioner so assessing shall take into consideration
18 whether each lot, block, tract, or parcel is benefited by all
19 or only some of the improvements combined into the single
20 special assessment project. For purposes hereof, a local
21 contiguous area shall be defined as an area in which all of
22 the lots, blocks, tracts, or parcels located within the
23 boundaries thereof will be benefited by one or more of the
24 proposed improvements. The fact that more than one
25 improvement is being constructed as part of a single special
26 assessment project shall not be grounds for an objection by
27 an assessee to the special assessment proceeding in court.

28 Whenever the proposed improvement requires that private
29 or public property be taken or damaged, the resolution shall
30 describe the property proposed to be taken or damaged for
31 that purpose. The board, by the same resolution, shall fix a
32 day and hour for a public hearing thereon. The hearing shall
33 not be less than 10 days after the adoption of the
34 resolution. The board shall also have an estimate of the cost

1 of the improvement (omitting land to be acquired) made in
2 writing by the engineer of the board, (if there is an
3 engineer, if not, then by the president) over his signature.
4 This estimate shall be itemized to the satisfaction of the
5 board and shall be made a part of the record of the
6 resolution. However, such an estimate is not required in
7 municipalities having a population of 100,000 or more when
8 the proposed improvement consists only of taking or damaging
9 private or public property. And in cities and villages which
10 have adopted prior to the effective date of this Code or
11 which after the effective date of this Code adopt the
12 commission form of municipal government, the estimate of the
13 cost of the improvement, (omitting land to be acquired),
14 shall be made in writing by the public engineer if there is
15 one, of the city or village, if not, then by the mayor or
16 president of the city or village.

17 Notice of the time and place of the public hearing shall
18 be sent by mail directed to the person who paid the general
19 taxes for the last preceding year on each lot, block, tract,
20 or parcel of land fronting on the proposed improvement not
21 less than 5 days prior to the time set for the public
22 hearing. These notices shall contain (1) the substance of the
23 resolution adopted by the board, (2) when an estimate is
24 required by this Division 2 the estimate of the cost of the
25 proposed improvement, and (3) a notification that the extent,
26 nature, kind, character, and (when an estimate is required by
27 this article) the estimated cost of the proposed improvement
28 may be changed by the board at the public hearing thereon. If
29 upon the hearing the board deems the proposed improvement
30 desirable, it shall adopt a resolution and prepare and submit
31 an ordinance therefor. But in proceedings only for the
32 laying, building, constructing, or renewing of any sidewalk,
33 water service pipe, or house drain, no resolution, public
34 hearing, or preliminary proceedings leading up to the same

1 are necessary. In such proceedings the board may submit to
2 the corporate authorities an ordinance, together with its
3 recommendation and (when an estimate is required) the
4 estimated cost of the improvement, as made by the engineer.
5 Such proceedings shall have the same effect as though a
6 public hearing had been held thereon.

7 In the event that a local improvement is to be
8 constructed with the assistance of any agency of the Federal
9 government, or other governmental agency, the resolution of
10 the board of local improvements shall set forth that fact and
11 the estimate of cost shall set forth and indicate, in dollars
12 and cents, the estimated amount of assistance to be so
13 provided.

14 (Source: 90-480, eff. 8-17-97.); and

15 on page 5, line 23, by replacing "law" with "law, except that
16 Section 10 takes effect on January 1, 2004".