



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2442**

Introduced 2/3/2004, by James F. Clayborne Jr.

**SYNOPSIS AS INTRODUCED:**

65 ILCS 5/11-91-1

from Ch. 24, par. 11-91-1

Amends the Illinois Municipal Code. Provides that an ordinance to vacate a street or alley shall (now, may) reserve to a municipality or to a public utility owning any public facilities on the parcel to be vacated, any property, rights of way, and easements that the corporate authorities of the municipality judge to be necessary or desirable for continuing public service and for the maintenance, renewal, and reconstruction of those public facilities. Effective immediately.

LRB093 18124 MKM 43816 b

1 AN ACT concerning 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 any  
9 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 ordinance.  
13 The ordinance shall provide the legal description or permanent  
14 index number of the particular parcel or parcels of property  
15 acquiring title to the vacated property. But this ordinance  
16 shall be passed by the affirmative vote of at least  
17 three-fourths of the aldermen, trustees or commissioners then  
18 holding office. This vote shall be taken by ayes and noes and  
19 entered on the records of the corporate authorities.

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

29 The ordinance may provide that it shall not become  
30 effective until the owners of all property or the owner or  
31 owners of a particular parcel or parcels of property abutting  
32 upon the street or alley, or part thereof so vacated, shall pay

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

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

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

29 (Source: P.A. 93-383, eff. 7-25-03.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.