

HB1130



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1130

by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-1041

from Ch. 34, par. 5-1041

Amends the Counties Code. Makes a technical change in a Section concerning maps, plats, and subdivisions.

LRB095 08805 HLH 28990 b

A BILL FOR

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 Counties Code is amended by changing Section
5 5-1041 as follows:

6 (55 ILCS 5/5-1041) (from Ch. 34, par. 5-1041)

7 Sec. 5-1041. Maps, plats and subdivisions. A county board
8 may prescribe, by resolution or ordinance, reasonable rules and
9 ~~and~~ regulations governing the location, width and course of
10 streets and highways and of floodplain, stormwater and
11 floodwater runoff channels and basins, and the provision of
12 necessary public grounds for schools, public libraries, parks
13 or playgrounds, in any map, plat or subdivision of any block,
14 lot or sub-lot or any part thereof or any piece or parcel of
15 land, not being within any city, village or incorporated town.
16 The rules and regulations may include such reasonable
17 requirements with respect to water supply and sewage collection
18 and treatment as may be established by the Environmental
19 Protection Agency, and such reasonable requirements with
20 respect to floodplain and stormwater management as may be
21 established by the County Stormwater Management Committee
22 established under Section 5-1062 of this Code, and such
23 reasonable requirements with respect to street drainage and

1 surfacing as may be established by the county engineer or
2 superintendent of highways and which by resolution shall be
3 deemed to be the minimum requirements in the interest of the
4 health, safety, education and convenience of the public of the
5 county; and may provide by resolution that the map, plat or
6 subdivision shall be submitted to the county board or to some
7 officer to be designated by the county board for their or his
8 approval. The county board shall have a qualified engineer make
9 an estimate of the probable expenditures necessary to enable
10 any person to conform with the standards of construction
11 established by the board pursuant to the provisions of this
12 Section. Except as provided in Section 3 of the Public
13 Construction Bond Act, each person who seeks the county board's
14 approval of a map, plat or subdivision shall post a good and
15 sufficient cash bond, irrevocable letter of credit, surety
16 bond, or other adequate security with the county clerk, in a
17 penal sum sufficient to cover the estimate of expenditures made
18 by the estimating engineer. The cash bond, irrevocable letter
19 of credit, surety bond, or other adequate security shall be
20 conditioned upon faithful adherence to the rules and
21 regulations of the county board promulgated pursuant to the
22 authorization granted to it by this Section or by Section
23 5-1062 of this Code, and in such cases no such map, plat or
24 subdivision shall be entitled to record in the proper county or
25 have any validity until it has been so approved. If the county
26 board requires a cash bond, letter of credit, surety, or any

1 other method to cover the costs and expenses and to insure
2 completion of the requirements, the requirements shall be
3 subject to the provisions of Section 5-1123 of this Code. This
4 Section is subject to the provisions of Section 5-1123.

5 The county board may, by resolution, provide a schedule of
6 fees sufficient to reimburse the county for the costs incurred
7 in reviewing such maps, plats and subdivisions submitted for
8 approval to the county board. The fees authorized by this
9 Section are to be paid into the general corporate fund of the
10 county by the party desiring to have the plat approved.

11 For purposes of implementing ordinances regarding
12 developer donations or impact fees and only for the purpose of
13 expenditures thereof, "public grounds for schools" is defined
14 as including land or site improvements, which include school
15 buildings or other infrastructure necessitated and
16 specifically and uniquely attributable to the development or
17 subdivision in question. This amendatory Act of the 93rd
18 General Assembly applies to all impact fees or developer
19 donations paid into a school district or held in a separate
20 account or escrow fund by any school district or county for a
21 school district.

22 No officer designated by a county board for the approval of
23 plats shall engage in the business of surveying, and no map,
24 plat or subdivision shall be received for record or have any
25 validity which has been prepared by or under the direction of
26 such plat officer.

1 It is the intention of this amendatory Act of 1990 to
2 repeal the language added to Section 25.09 of "An Act to revise
3 the law in relation to counties", approved March 31, 1874, by
4 P.A. 86-614, Section 25.09 of that Act being the predecessor of
5 this Section.

6 (Source: P.A. 92-479, eff. 1-1-02; 93-330, eff. 7-24-03.)