



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5195

by Rep. Michael Tryon

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-12-9

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

Provides that 2 or more municipalities may enter into a boundary line agreement with respect to unincorporated territory that is between the boundaries of (instead of within one and one half miles of) the municipalities.

LRB095 14866 HLH 40807 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 between  
8 ~~within one and one-half miles of~~ the boundaries of two or more  
9 corporate authorities that have adopted official plans, the  
10 corporate authorities involved may agree upon a line which  
11 shall mark the boundaries of the jurisdiction of each of the  
12 corporate authorities who have adopted such agreement. On and  
13 after September 24, 1987, such agreement may provide that one  
14 or more of the municipalities shall not annex territory which  
15 lies 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 In the absence of such agreement, the jurisdiction of any  
14 one of the corporate authorities shall extend to a median line  
15 equidistant from its boundary and the boundary of the other  
16 corporate authority nearest to the boundary of the first  
17 corporate authority at any given point on the line.

18 On and after January 1, 2006, no corporate authority may  
19 enter into an agreement pursuant to this Section unless, not  
20 less than 30 days and not more than 120 days prior to formal  
21 approval thereof by the corporate authority, it shall have  
22 first provided public notice of the proposed boundary agreement  
23 by both of the following:

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

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

4           The validity of a boundary agreement may not be legally  
5           challenged on the grounds that the notice as required by this  
6           Section was not properly given unless the challenge is  
7           initiated within 12 months after the formal approval of the  
8           boundary agreement.

9           An agreement that addresses jurisdictional boundary lines  
10          shall be entirely unenforceable for any party thereto that  
11          subsequently enters into another agreement that addresses  
12          jurisdictional boundary lines that is in conflict with any of  
13          the terms of the first agreement without the consent of all  
14          parties to the first agreement.

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

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

26          (Source: P.A. 94-374, eff. 7-29-05.)