



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0158

Introduced 1/14/2009, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

765 ILCS 205/6
765 ILCS 205/7

from Ch. 109, par. 6
from Ch. 109, par. 7

Amends the Plat Act. Provides that an owner's vacation of a plat shall be approved by the city council or village or county board or its designated officer or officers (instead of city council or village or county board) in the same manner as plats of subdivisions, if there are public service facilities in the public ways and in easements shown on the plat. Provides that part of a plat may be similarly vacated subject to the same conditions: provided, that the vacation requires the approval of the city council or village or county board or its designated officer or officers and that this vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat or of the owner of the part of the plat to be vacated (instead of rights or privileges of other proprietors in the plat). Effective immediately.

LRB096 03055 AJO 13070 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Plat Act is amended by changing Sections 6
5 and 7 as follows:

6 (765 ILCS 205/6) (from Ch. 109, par. 6)

7 Sec. 6. Any plat may be vacated by the owner of the
8 premises at any time before the sale of any lot therein, by a
9 written instrument to which a copy of the plat is attached,
10 declaring it to be vacated. If there are public service
11 facilities in the highways, streets, alleys and other public
12 ways and in easements shown on the plat, the instrument shall
13 reserve to the public body or public utility owning such
14 facilities, the property, rights of way and easements necessary
15 for continuing public service by means of those facilities and
16 for the maintenance, renewal and reconstruction of the same.
17 The instrument shall be approved by the city council or village
18 or county board or its designated officer or officers in the
19 same manner as plats of subdivisions. The instrument shall also
20 be submitted for approval to the Highway Commissioner and to
21 the county engineer or superintendent of highways and to the
22 District Engineer of the Department of Transportation of this
23 State and to the public utility or utilities involved. The

1 council, board, Highway Commissioner, county engineer or
2 superintendent of highways or District Engineer of the
3 Department of Transportation of this State, as the case may be,
4 may reject any instrument that abridges or destroys any public
5 rights in any of its streets and alleys. The instrument shall
6 be executed, acknowledged or proved and recorded or filed in
7 the same manner as plats or subdivisions. Once recorded or
8 filed the instrument operates to destroy the effect of the
9 recording of the plat vacated and to divest all public rights
10 in the streets, alleys and public grounds and all dedications
11 laid out or described in the plat and to render effective any
12 reservation set forth in the instrument as provided in this
13 Section. When lots have been sold the plat may be vacated in
14 the manner provided in this Section by all the owners of lots
15 in the plat joining in the execution of the writing.

16 (Source: P.A. 87-217.)

17 (765 ILCS 205/7) (from Ch. 109, par. 7)

18 Sec. 7. Any part of a plat may be vacated in the manner
19 provided in the preceding section, and subject to the
20 conditions therein prescribed: Provided, such vacation shall
21 require only the approval of the city council or village or
22 county board or its designated officer or officers; and
23 provided, such vacation shall not abridge or destroy any of the
24 rights or privileges of other proprietors in such plat or of
25 the owner of such part of plat to be vacated: And, provided,

1 further, that nothing contained in this section shall authorize
2 the closing or obstructing of any public highway laid out
3 according to law.

4 (Source: R.S. 1874, p. 771.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.