

AN ACT in relation to municipalities.

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

Section 5. The Illinois Municipal Code is amended by  
changing Section 11-91-1 as follows:

(65 ILCS 5/11-91-1) (from Ch. 24, par. 11-91-1)

Sec. 11-91-1. Whenever the corporate authorities of any  
municipality, whether incorporated by special act or under  
any general law, determine that the public interest will be  
subserved by vacating any street or alley, or part thereof,  
within their jurisdiction in any incorporated area, they may  
vacate that street or alley, or part thereof, by an  
ordinance. The ordinance shall provide the legal description  
or permanent index number of the particular parcel or parcels  
of property acquiring title to the vacated property. But  
this ordinance shall be passed by the affirmative vote of at  
least three-fourths of the aldermen, trustees or  
commissioners then holding office. This vote shall be taken  
by ayes and noes and entered on the records of the corporate  
authorities.

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

The ordinance may provide that it shall not become  
effective until the owners of all property or the owner or

owners of a particular parcel or parcels of property abutting upon the street or alley, or part thereof so vacated, shall pay compensation in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to them by reason of that vacation, and if there are any public service facilities in such street or alley, or part thereof, the ordinance may also reserve to the municipality or to the public utility, as the case may be, owning such facilities, such property, rights of way and easements as, in the judgment of the corporate authorities, are necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof. If the ordinance provides that only the owner or owners of one particular parcel of abutting property shall make payment, then the owner or owners of the particular parcel shall acquire title to the entire vacated street or alley, or the part thereof vacated.

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

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

(Source: P.A. 90-179, eff. 7-23-97.)

Section 99. Effective date. This Act takes effect upon

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becoming law.