

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 within one and
8 one-half miles of the boundaries of two or more corporate
9 authorities that have adopted official plans, the corporate
10 authorities involved may agree upon a line which shall mark the
11 boundaries of the jurisdiction of each of the corporate
12 authorities who have adopted such agreement. On and after
13 September 24, 1987, such agreement may provide that one or more
14 of the municipalities shall not annex territory which lies
15 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
24 authority. Such agreement shall not become effective until
25 copies thereof, certified as to adoption by the municipal
26 clerks of the respective municipalities, have been filed in the
27 Recorder's Office and made available in the office of the
28 municipal clerk of each agreeing municipality.

29 Any agreement for a jurisdictional boundary line shall be
30 valid for such term of years as may be stated therein, but not
31 to exceed 20 years, and if no term is stated, shall be valid
32 for a term of 20 years. The term of such agreement may be

1 extended, renewed or revised at the end of the initial or
2 extended term thereof by further agreement of the
3 municipalities.

4 In the absence of such agreement, the jurisdiction of any
5 one of the corporate authorities shall extend to a median line
6 equidistant from its boundary and the boundary of the other
7 corporate authority nearest to the boundary of the first
8 corporate authority at any given point on the line.

9 On and after January 1, 2006, no corporate authority may
10 enter into an agreement pursuant to this Section unless, not
11 less than 30 days and not more than 120 days prior to formal
12 approval thereof by the corporate authority, it shall have
13 first provided public notice of the proposed boundary agreement
14 by both of the following:

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

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

21 The validity of a boundary agreement may not be legally
22 challenged on the grounds that the notice as required by this
23 Section was not properly given unless the challenge is
24 initiated within 12 months after the formal approval of the
25 boundary agreement.

26 An agreement that addresses jurisdictional boundary lines
27 shall be entirely unenforceable for any party thereto that
28 subsequently enters into another agreement that addresses
29 jurisdictional boundary lines that is in conflict with any of
30 the terms of the first agreement without the consent of all
31 parties to the first agreement.

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

36 Except for those provisions to take effect prospectively,

1 this amendatory Act of the 94th General Assembly is declarative
2 of existing law and shall not be construed to modify or amend
3 existing boundary line agreements entered into on or before the
4 effective date of this amendatory Act, nor shall it be
5 construed to create powers of a municipality not already in
6 existence on the effective date of this amendatory Act.

7 (Source: P.A. 85-1209; 86-1169.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.