



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2090

Introduced 2/22/2011, by Rep. Jason Barickman

SYNOPSIS AS INTRODUCED:

765 ILCS 205/1

from Ch. 109, par. 1

Amends the Plat Act. Provides that the subdivision plat filing exemptions do not invalidate or otherwise excuse compliance with any local requirements applicable to the subdivision of land, except as to exemptions pertaining to conveyances by a railroad or a public utility, for highways or other public purposes, or made to correct a prior conveyance. Deletes language concerning the subdivision plat filing exemption for the sale of a lot under 5 acres which states that this exemption does not invalidate any local requirements applicable to the subdivision of land.

LRB097 05429 AJ0 45487 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 Section 1 as
5 follows:

6 (765 ILCS 205/1) (from Ch. 109, par. 1)

7 Sec. 1. (a) Except as otherwise provided in subparagraph
8 (b) of this Section whenever the owner of land subdivides it
9 into 2 or more parts, any of which is less than 5 acres, he must
10 have it surveyed and a subdivision plat thereof made by an
11 Illinois Registered Land Surveyor, which plat must
12 particularly describe and set forth all public streets, alleys,
13 ways for public service facilities, ways for utility services
14 and community antenna television systems, parks, playgrounds,
15 school grounds or other public grounds, and all the tracts,
16 parcels, lots or blocks, and numbering all such lots, blocks or
17 parcels by progressive numbers, giving their precise
18 dimensions. There shall be submitted simultaneously with the
19 subdivision plat, a study or studies which shall show
20 topographically and by profile the elevation of the land prior
21 to the commencement of any change in elevations as a part of
22 any phase of subdividing, and additionally, if it is
23 contemplated that such elevations, or the flow of surface water

1 from such land, will be changed as a result of any portion of
2 such subdivision development, then such study or studies shall
3 also show such proposed changes in the elevations and the flow
4 of surface water from such land. The topographical and profile
5 studies required hereunder may be prepared as a subsidiary
6 study or studies separate from, but of the same scale and size
7 as the subdivision plat, and shall be prepared in such a manner
8 as will permit the topographical study or studies to be used as
9 overlays to the subdivision plat. The plat must show all
10 angular and linear data along the exterior boundaries of the
11 tract of land divided or subdivided, the names of all public
12 streets and the width, course and extent of all public streets,
13 alleys and ways for public service facilities. References must
14 also be made upon the plat to known and permanent monuments
15 from which future survey may be made and the surveyor must, at
16 the time of making his survey, set in such manner that they
17 will not be moved by frost, good and sufficient monuments
18 marking the external boundaries of the tract to be divided or
19 subdivided and must designate upon the plat the points where
20 they may be found. These monuments must be placed at all
21 corners, at each end of all curves, at the point where a curve
22 changes its radius, at all angle points in any line and at all
23 angle points along a meander line, the points to be not less
24 than 20 feet back from the normal water elevation of a lake or
25 from the bank of a stream, except that when such corners or
26 points fall within a street, or proposed future street, the

1 monuments must be placed in the right of way line of the
2 street. All internal boundaries, corners and points must be
3 monumented in the field by like monuments as defined above.
4 These monuments 2 of which must be of stone or reinforced
5 concrete and must be set at the opposite extremities of the
6 property platted, placed at all block corners, at each end of
7 all curves, at the points where a curve changes its radius, and
8 at all angle points in any line. All lots must be monumented in
9 the field with 2 or more monuments.

10 The monuments must be furnished by the person for whom the
11 survey is made and must be such that they will not be moved by
12 frost. If any city, village or town has adopted an official
13 plan, or part thereof, in the manner prescribed by law, the
14 plat of land situated within the area affected thereby must
15 conform to the official plan, or part thereof.

16 (b) Except as provided in subsection (c) of this Section,
17 the provisions of this Act do not apply and no subdivision plat
18 is required in any of the following instances:

19 1. The division or subdivision of land into parcels or
20 tracts of 5 acres or more in size which does not involve any
21 new streets or easements of access;

22 2. The division of lots or blocks of less than 1 acre in
23 any recorded subdivision which does not involve any new streets
24 or easements of access;

25 3. The sale or exchange of parcels of land between owners
26 of adjoining and contiguous land;

1 4. The conveyance of parcels of land or interests therein
2 for use as a right of way for railroads or other public utility
3 facilities and other pipe lines which does not involve any new
4 streets or easements of access;

5 5. The conveyance of land owned by a railroad or other
6 public utility which does not involve any new streets or
7 easements of access;

8 6. The conveyance of land for highway or other public
9 purposes or grants or conveyances relating to the dedication of
10 land for public use or instruments relating to the vacation of
11 land impressed with a public use;

12 7. Conveyances made to correct descriptions in prior
13 conveyances.

14 8. The sale or exchange of parcels or tracts of land
15 following the division into no more than 2 parts of a
16 particular parcel or tract of land existing on July 17, 1959
17 and not involving any new streets or easements of access.

18 9. The sale of a single lot of less than 5 acres from a
19 larger tract when a survey is made by an Illinois Registered
20 Land Surveyor; provided, that this exemption shall not apply to
21 the sale of any subsequent lots from the same larger tract of
22 land, as determined by the dimensions and configuration of the
23 larger tract on October 1, 1973, ~~and provided also that this~~
24 ~~exemption does not invalidate any local requirements~~
25 ~~applicable to the subdivision of land.~~

26 10. The preparation of a plat for wind energy devices under

1 Section 10-620 of the Property Tax Code.

2 Except for exemptions 5, 6, and 7, these exemptions do not
3 invalidate or otherwise excuse compliance with any local
4 requirements applicable to the subdivision of land.

5 Nothing contained within the provisions of this Act shall
6 prevent or preclude individual counties from establishing
7 standards, ordinances, or specifications which reduce the
8 acreage minimum to less than 5 acres, but not less than 2
9 acres, or supplementing the requirements contained herein when
10 a survey is made by an Illinois Registered Land Surveyor and a
11 plat thereof is recorded, under powers granted to them.

12 (c) However, if a plat is made by an Illinois Registered
13 Surveyor of any parcel or tract of land otherwise exempt from
14 the plat provisions of this Act pursuant to subsection (b) of
15 this Section, such plat shall be recorded. It shall not be the
16 responsibility of a recorder of deeds to determine whether the
17 plat has been made or recorded under this subsection (c) prior
18 to accepting a deed for recording.

19 (Source: P.A. 95-644, eff. 10-12-07.)