

Law Offices  
Martin, Craig, Chester & Sonnenschein  
LaSalle Bank Building  
135 South LaSalle Street  
Chicago, Illinois  
60603

M. L. C.  
FEB 5 1976

JACOB H. MARTIN  
SYDNEY G. CRAIG  
CHARLES G. CHESTER  
HUGO SONNENSCHNEIN  
W. B. MARTIN GROSS  
RICHARD J. KISSEL  
DONALD E. TOLVA

February 2, 1976

TELEPHONE 236-2400  
AREA CODE 312

ROBERT M. PRINCE  
OF COUNSEL

HOWARD D. JOHNSON  
CHARLES L. MICHOD, JR.  
THOMAS B. CASSIDY  
EUGENE W. BEELER, JR.  
THOMAS H. DONOHOE  
RODNEY W. OSBORNE

Martin L. Cassell, Chairman  
Plan Commission of Barrington Hills  
Route 2, Box 331  
Sutton Road  
Barrington, Illinois 60010

Dear Martin:

At about the time of the adoption of our new Subdivision Ordinance in 1973 the legislature passed an amendment to the Illinois Plats Act, which will affect the documentation on subdivisions. §§ 1 and 2 of Chapter 109 of the Illinois Revised Statutes contain these requirements and a copy thereof is enclosed.

The new requirement is for a topographical and profile study of a new subdivision, together with a surface water drainage study and certificate thereto by a registered professional engineer and by the owner or his attorney. The new requirement may affect one or more of the subdivisions now under consideration by the Plan Commission. I do not believe that this statutory change needs to be specifically incorporated into our ordinance by amendment, since the statutory requirement is effective in any event. It should, nevertheless, be kept in mind, since compliance is a condition precedent to approval of a plat by the Village Board.

Very truly yours,

SGC:ja.  
Encl.

cc: Mrs. Barbara Hansen  
Mrs. L. Ann Blanchard

*Sydney Craig*



## CHAPTER 109

# PLATS

### GENERAL PROVISIONS

Act of March 21, 1874

- § 1. Subdivision of land into parts less of than five acres—Topographic studies—Survey—Plat—Monuments.
- § 1.01 Area disconnected from park district—subdivision into plats.
- § 1.02 Area annexed to, or disconnected from, municipality—filing and preparation of plats.
- § 2. Certificate of surveyor—Certification of engineer and owner—Recording—Retention of original plat—Photographic reproduction.
- § 3. Dedication—effect of.
- § 4. Neglect to plant corner stone, etc.
- § 5. Selling without plat recorded—penalty.
- § 5a. Duty of recorder of deeds or registrar of title.

### VACATION OF PLATS

- § 6. Whole plat.
- § 7. Of part of plat.
- § 8. Canceling plat of record.

### PLATS TO BE RECORDED, ETC.

- § 9. Plats of highways, etc., to be made and recorded.
- § 9.1 Extensions or widenings of highways.
- § 10. Prosecuting offenders.
- § 10.1 Destruction or removal of stake, pin, etc.—Punishment.

Act of March 18, 1874

- § 11. Plats in proceedings in court.
- § 12. Effect of such maps.
- § 13. Costs.

### GENERAL PROVISIONS

AN ACT to revise the law in relation to plats. Approved March 21, 1874. R.S.1874, p. 771.

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

1. Subdivision of land into parts of less than five acres—Topographic studies—Survey—Plat—Monuments.] § 1. (a) Except as otherwise provided in subparagraph (b) of this Section, whenever the owner of land subdivides it into 2 or more parts, any of which is less than 5 acres, he must have it surveyed and a plat thereof made by a Registered Land Surveyor, which plat must particularly describe and set forth all public streets, alleys, ways for public service facilities, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots or blocks, and numbering all such lots, blocks or parcels by progressive numbers, giving their precise dimensions. There shall be submitted simultaneously with the subdivision plat, a study or studies which shall show topographically and by profile the elevation of the land prior to the commencement of any change in elevations as a part of any phase of subdividing, and additionally, if it is contemplated

that such elevations, or the flow of surface water from such land, will be changed as a result of any portion of such subdivision development, then such study or studies shall also show such proposed changes in the elevations and the flow of surface water from such land. The topographical and profile studies required hereunder may be prepared as a subsidiary study or studies separate from, but of the same scale and size as the subdivision plat, and shall be prepared in such a manner as will permit the topographical study or studies to be used as overlays to the subdivision plat. The plat must show all angular and linear data along the exterior boundaries of the tract of land divided or subdivided, the names, of all public streets and the width, course and extent of all public streets, alleys and ways for public service facilities. References must also be made upon the plat to known and permanent monuments from which future survey may be made and the surveyor must, at the time of making his survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided or subdivided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right of way line of the street. All internal boundaries, corners and points must be monumented in the field by like monuments as defined above. These monuments 2 of which must be of stone or reinforced concrete and must be set at the opposite extremities of the property platted, placed at all block corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line. All lots must be monumented in the field with 2 or more monuments.

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

(b) The provisions of this Act do not apply and no plat is required in any of the following instances:

1. The division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as a right of way for railroads



or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

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

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

7. Conveyances made to correct descriptions in prior conveyances.

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

9. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on the effective date of this amendatory Act of 1973.

Amended by P.A. 78-553, § 1, eff. Oct. 1, 1973; P.A. 78-567, § 1, eff. Oct. 1, 1973.

P.A. 78-553 inserted subdivision 9 of subsection (b). P.A. 78-567 inserted the second sentence of subsection (a).

Final legislative action, 1972 General Assembly:

P.A. 78-553—June 18, 1973.

P.A. 78-567—June 25, 1973.

As to the effect of more than one amendment of a section at the same session of the General Assembly, see Ill.Rev.Stat. ch. 131, § 4.2, and People ex rel. Hines v. Baltimore & O. S. W. R. Co., 1937, 366 Ill. 318, 8 N.E.2d 655; People ex rel. Martin v. Village of Oak Park, 1940, 372 Ill. 488, 24 N.E.2d 571; S. Buchsbaum & Co. v. Gordon, 1945, 389 Ill. 493, 59 N.E.2d 832; People ex rel. Schlaeger v. Mattes, 1947, 396 Ill. 348, 71 N.E.2d 590; People v. Benton, 1970, 126 Ill.App.2d 386, 261 N.E.2d 733; and as to the effect of two or more acts relating to the same subject matter enacted by the same General Assembly, see Ill.Rev.Stat. ch. 131, § 4.2.

1.01 Area disconnected from park district—Subdivision into plats.] § 1.01. No area of land or any part thereof which has been disconnected from any park district pursuant to Section 3-6b of "The Park District Code",<sup>1</sup> shall be subdivided into lots and blocks within one year from the date of such disconnection. No plan of any such proposed subdivision shall be presented by any person for recording or registration within such one year period unless the land comprising such proposed subdivision has thereafter been incorporated into a city, village or incorporated town. Added by act approved Aug. 6, 1965. L.1965, p. 2712.

<sup>1</sup> Chapter 105, § 3-6b.

1.02 Area annexed to, or disconnected from, municipality—Filing and preparation of plats.] § 1.02.

When any city, village, municipal corporation or political subdivision in the State annexes or disconnects territory, a plat of the land included in the disconnection or annexation must be filed with the Recorder of Deeds in the county or counties where the territory is located. Such a plat must be prepared by a Registered Land Surveyor or in the case of cities, villages and incorporated towns by a Registered Land Surveyor or a duly employed municipal engineer registered under the laws of the State of Illinois, provided such engineer has had training in the field of civil engineering.

Amended by P.A. 76-1463, § 1, eff. Sept. 22, 1969.

Added by L.1967, p. 2121.

2. Certificate of surveyor—Certification of engineer and owner—Recording—Retention of original plat—Photographic reproduction.] § 2. The plat must be completed and certified by a Registered Land Surveyor and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The plat must be submitted to the city council of the city or board of trustees of the village or town or to the officer designated by them, for their or his approval, if the land subdivided is located within the corporate limits of any such city, village or town or within contiguous territory which is affected by an official plan, or part thereof, of any city, village or town. If the land subdivided is located outside the corporate limits of any city, village or town and is not affected by such official plan, or part thereof, the plat must be submitted to the county board of the county in which the land is located for its approval.

Neither the city council of the city, the board of trustees of the village or town or the officer designated by them, or the county board of the county shall approve such plat, unless, in addition to any other requirements of such council, board of trustees or county board or the officer or officers designated by them, the topographical and profile studies to be submitted with the subdivision plat have on their face the certification of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, adequate provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will not be deposited on the property of adjoining land owners in such concentrations as may cause damage to the adjoining property because of the construction of the subdivision. The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by city, village or county to which submitted for approval of the subdivision plat, as permanent public documents.

The certificate of the Registered Land Surveyor and of acknowledgment, together with the plat, must be recorded in the recorder's office of the county in which the land is situated, or if the title to the land is registered under the Land Titles Act,<sup>1</sup> must be filed in the office of the registrar of titles for the county, and such acknowledgment and recording or such acknowledgment and filing as aforesaid, shall have like effect and certified copies thereof and of such plat, or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds. In counties of 1,000,000 or more population the recorder of deeds or the registrar of titles must not record or register the plat unless the persons submitting the plat for recording or registration simultaneously therewith deliver to the recorder of deeds or registrar of titles 6 true and exact copies thereof.

An original plat, having been properly certified, acknowledged, approved and recorded or filed as above provided in this Section, may be retained as the permanent record by the recorder of deeds or registrar of titles, as the case may be or such officer may use a photographic reproduction of such original plat as the permanent record if such re-

produ  
book.  
produ  
ards  
graphi  
ards a  
film n  
conten  
Amenc  
Cha

3. D  
edgme  
knowl  
said, s  
veyanc  
premis  
plat as  
person,  
tic, and  
his hei  
grantee  
therein  
or purj  
street.  
in any  
shall b  
trust to  
or inter  
30, 1921

4. N  
Whoeve  
addition  
vide ar  
plant ar  
or shall  
in any c  
in this c  
fined in  
\$100.  
Amende

5. Se  
4.5. W  
for any  
in or ou  
the requ  
with, sh  
\$25 for  
posed of.  
Amende

5a. I  
title.]  
of Title  
leases w  
to the pr  
Recorder  
County  
led or  
conveyan  
empt suc  
Act. Ad  
1955, p. 1

9. W  
ed by the  
the sale o  
to which  
to be vac  
on the hi  
was and  
instrumen  
to be uti  
parts of