



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1886

Introduced 2/23/2007, by Rep. Sandra M. Pihos

#### SYNOPSIS AS INTRODUCED:

735 ILCS 30/10-5-5

was 735 ILCS 5/7-101

Amends the Eminent Domain Act. Provides that gradual elimination of nonconforming off-premises outdoor advertising signs over time, as permitted under Section 11-13-1 of the Illinois Municipal Code, shall be deemed just compensation for the signs under the Eminent Domain Act. Provides that the right to compensation for an eminent domain taking applies to the owner or owners of any lawfully erected off-premises outdoor advertising sign that is compelled to be removed (instead of altered or removed). Effective immediately.

LRB095 08145 AJO 28310 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 Eminent Domain Act is amended by changing  
5 Section 10-5-5 as follows:

6 (735 ILCS 30/10-5-5) (was 735 ILCS 5/7-101)

7 Sec. 10-5-5. Compensation; jury.

8 (a) Private property shall not be taken or damaged for  
9 public use without just compensation and, in all cases in which  
10 compensation is not made by the condemning authority,  
11 compensation shall be ascertained by a jury, as provided in  
12 this Act. When compensation is so made by the condemning  
13 authority, any party, upon application, may have a trial by  
14 jury to ascertain the just compensation to be paid. A demand on  
15 the part of the condemning authority for a trial by jury shall  
16 be filed with the complaint for condemnation of the condemning  
17 authority. When the condemning authority is plaintiff, a  
18 defendant desirous of a trial by jury must file a demand for a  
19 trial by jury on or before the return date of the summons  
20 served on him or her or on or before the date fixed in the  
21 publication in case of defendants served by publication. If no  
22 party in the condemnation action demands a trial by jury, as  
23 provided for by this Section, then the trial shall be before

1 the court without a jury.

2 (b) The right to just compensation, as provided in this  
3 Act, applies to the owner or owners of any lawfully erected  
4 off-premises outdoor advertising sign that is compelled to be  
5 ~~altered or~~ removed under this Act or any other statute, or  
6 under any ordinance or regulation of any municipality or other  
7 unit of local government, and also applies to the owner or  
8 owners of the property on which that sign is erected. Gradual  
9 elimination of nonconforming off-premises outdoor advertising  
10 signs over time, as permitted in Section 11-13-1 of the  
11 Illinois Municipal Code, shall be deemed just compensation for  
12 such signs under this Article. The right to just compensation,  
13 as provided in this Act, applies to property subject to a  
14 conservation right under the Real Property Conservation Rights  
15 Act. The amount of compensation for the taking of the property  
16 shall not be diminished or reduced by virtue of the existence  
17 of the conservation right. The holder of the conservation right  
18 shall be entitled to just compensation for the value of the  
19 conservation right.

20 (Source: P.A. 94-1055, eff. 1-1-07.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.