



Sen. Randall M. Hultgren

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09500HB1926sam002

LRB095 09066 NHT 37874 a

1 AMENDMENT TO HOUSE BILL 1926

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1926 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section  
5 16-6.5 as follows:

6 (105 ILCS 5/16-6.5 new)

7 Sec. 16-6.5. Immediate possession of lands for school  
8 purposes. Notwithstanding any other provision of this Article  
9 or the provisions of any other law, a unit school district  
10 shall, upon written motion, be vested with the fee simple title  
11 to the real property that is the subject of an eminent domain  
12 proceeding filed pursuant to Section 10-22.35A and Section 16-6  
13 of this Code and be authorized to take possession of and use  
14 such property immediately for the construction of a high school  
15 building and facilities ancillary thereto if all of the  
16 following conditions are met:

1           (1) The school district has an equalized assessed  
2           valuation for calendar year 2006 of at least \$4,500,000,000  
3           and an enrollment for the 2006-2007 school year of at least  
4           28,000.

5           (2) At least 58% of those voting in a general primary  
6           election held prior to November 2006 approved a proposition  
7           for the construction of the high school building and the  
8           issuance of \$124,660,000 general obligation bonds for the  
9           purpose of paying the costs thereof.

10           (3) The eminent domain proceeding was filed on or  
11           before December 23, 2005 for the acquisition of a vacant  
12           parcel of land containing approximately 55 acres in a  
13           county contiguous to a county with 3,000,000 or more  
14           inhabitants.

15           (4) The circuit court in which such proceeding is  
16           pending entered its order, on or before November 17, 2006,  
17           denying defendants' traverse motion and motion to dismiss.

18           (5) The school district waives its right to dismiss the  
19           complaint or to abandon the proceeding as to all or any  
20           part of the property so taken.

21           (6) The school district deposits the sum of \$600,000  
22           per acre with the county treasurer, who shall invest the  
23           deposit in an interest-bearing account for the benefit of  
24           the parties to the action.

25           (7) The school district shall have filed a stipulation  
26           in the pending eminent domain action binding itself to

1 cooperate with the owners and any developers of the  
2 remainder property to (i) cause a water main and sanitary  
3 sewer line to be brought to the western boundary of the  
4 remainder property, subject to the developers of the  
5 remainder property bearing the additional cost for any  
6 oversizing of the sanitary sewer line required by the  
7 developers' use of the remainder property, (ii) design and  
8 construct its stormwater management facilities to accept  
9 up to 12 acre feet of stormwater from the northern portion  
10 of the remainder property, (iii) design, permit, and  
11 construct a full-access intersection providing shared  
12 access to the school district property and the remainder  
13 property on the north side of the properties, provided that  
14 the owners grant the school district easement rights over  
15 the remainder property for that purpose and subject to  
16 recapture from any developers of the remainder parcel for  
17 50% of the cost of off-site intersection improvements and  
18 100% of the cost of improvements on the remainder property,  
19 and (iv) grant such cross-access easement rights as  
20 required by local development authorities to permit access  
21 to the remainder property.

22 In the order of the circuit court vesting the fee simple  
23 title to the real property with the school district, the owners  
24 shall be given the authority to immediately withdraw the sum of  
25 \$300,000 per acre for the 55 acres of land being acquired. The  
26 amount withdrawn by the owners shall be credited against any

1 future award of just compensation in the eminent domain  
2 proceeding. The balance of the deposit and accrued interest  
3 shall be held by the treasurer until entry of a final judgment  
4 by the circuit court determining the just compensation to be  
5 paid for the property. Upon entry of the final and appealable  
6 judgment order, the circuit court shall hear and determine all  
7 rights in and to such just compensation and shall order the  
8 treasurer to disburse the just compensation, after credit for  
9 the amount previously withdrawn, to the owners and any excess  
10 deposit to the school district and direct the refund of any  
11 excess amount withdrawn from the deposit by any of the  
12 interested parties, as the case may be. Interest accrued on the  
13 balance of the deposit shall be disbursed to the owners and the  
14 school district in the same proportion as the principal balance  
15 is disbursed to the owners and the school district. In the  
16 event the deposit and all accrued interest are insufficient to  
17 satisfy the award of just compensation determined in the final  
18 and appealable order, then the school district shall pay such  
19 deficiency, together with judgment interest accruing from the  
20 date of the final and appealable order within 30 days. In no  
21 event shall the amount of the deposit be admissible as evidence  
22 in the eminent domain proceeding. Appeals may be taken from any  
23 findings or judgment by the court as in other civil cases. The  
24 school district shall not require an appeal bond in the event  
25 of an appeal by the owners.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".