



Sen. Don Harmon

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09600HB3718sam001

LRB096 08458 AJT 27322 a

1 AMENDMENT TO HOUSE BILL 3718

2 AMENDMENT NO. _____. Amend House Bill 3718 on page 15, by
3 inserting below line 2 the following:

4 "Section 10. The O'Hare Modernization Act is amended by
5 changing Sections 15 and 21 and by adding Section 17 as
6 follows:

7 (620 ILCS 65/15)

8 Sec. 15. Acquisition of property. In addition to any other
9 powers the City may have, and notwithstanding any other law to
10 the contrary, the City may acquire by gift, grant, lease,
11 purchase, condemnation (including condemnation by quick take
12 under Article 20 of the Eminent Domain Act), or otherwise any
13 right, title, or interest in any private property, property
14 held in the name of or belonging to any public body or unit of
15 government, or any property devoted to a public use, or any
16 other rights or easements, including any property, rights, or

1 easements owned by the State, units of local government, or
2 school districts, including forest preserve districts, for
3 purposes related to the O'Hare Modernization Program. The City
4 shall immediately acquire all parcels of property, including
5 public rights of way, within the area bounded on the north and
6 east by the DuPage-Cook county line, on the south by the Metra
7 Milwaukee District right-of-way, and on the west by the eastern
8 boundary of York Road. All such parcels are declared to be
9 necessary for the timely, safe, and efficient completion and
10 use of runway 10C/28C and related taxiways and airport
11 facilities, and all such parcels are also declared to be
12 necessary for the timely, safe, and efficient completion and
13 use of runway 10R/28L. The powers given to the City under this
14 Section include the power to acquire, by condemnation or
15 otherwise, any property used for cemetery purposes within or
16 outside of the City, and to require that the cemetery be
17 removed to a different location. The powers given to the City
18 under this Section include the power to condemn or otherwise
19 acquire (other than by condemnation by quick take under Article
20 20 of the Eminent Domain Act), and to convey, substitute
21 property when the City reasonably determines that monetary
22 compensation will not be sufficient or practical just
23 compensation for property acquired by the City in connection
24 with the O'Hare Modernization Program. The acquisition of
25 substitute property is declared to be for public use. Property
26 acquired under this Section includes property that the City

1 reasonably determines will be necessary for future use,
2 regardless of whether final regulatory or funding decisions
3 have been made; provided, however, that quick-take of such
4 property is subject to Section 25-7-103.149 of the Eminent
5 Domain Act.

6 (Source: P.A. 93-450, eff. 8-6-03; 94-1055, eff. 1-1-07.)

7 (620 ILCS 65/17 new)

8 Sec. 17. Activities implementing an approved airport
9 layout plan.

10 (a) As used in this Section:

11 (1) "Approved airport layout plan" means the airport
12 layout plan for Chicago-O'Hare International Airport
13 approved by the Federal Aviation Administration, as
14 amended from time to time.

15 (2) "Activities implementing an approved airport
16 layout plan" means all normal activities associated with
17 site preparation, construction, and implementation of an
18 approved airport layout plan, including without
19 limitation: acquisition, clearing, and preparation of
20 land; removal and demolition of structures; removal and
21 demolition of personal property located within or upon or
22 under such land; excavation; construction, testing, and
23 use of the facilities shown on the airport layout plan; and
24 handling and transport of materials and debris.

25 (b) All activities implementing the approved airport

1 layout plan are declared to be in the public interest and do
2 not constitute a public or private nuisance. No person may
3 bring or continue a civil suit based on a claim of actual or
4 potential nuisance with respect to any such activities seeking
5 to enjoin, delay, or otherwise stay any such activities. No
6 court in this State may enjoin or otherwise order delay of any
7 activities implementing an approved airport layout plan.

8 (c) The sole remedy for any injuries to persons or property
9 claimed to arise out of activities implementing the approved
10 airport layout plan shall be damages.

11 (d) Nothing in this section limits or otherwise affects the
12 powers of the Illinois Environmental Protection Agency under
13 the Illinois Environmental Protection Act or the powers of the
14 Illinois Department of Transportation under the Illinois
15 Aeronautics Act or the O'Hare Modernization Act with respect to
16 activities implementing an approved airport layout plan.

17 (620 ILCS 65/21)

18 Sec. 21. Reimbursement for tax base losses.

19 (a) Whenever the City acquires parcels of property within
20 any school district or community college district for the
21 O'Hare Modernization Program, the City shall, for the following
22 taxable year and for each of the 5 taxable years thereafter,
23 pay to that district the amount of the total property tax
24 liability of the acquired parcels to the district for the 2002
25 taxable year, increased or decreased each year by the

1 percentage change of the district's total tax extension for the
2 current taxable year from the total tax extension for the prior
3 taxable year; provided that no annual increase shall exceed the
4 lesser of 5% or the annual increase in the Consumer Price
5 Index. Funds payable by the City under this Section shall be
6 paid exclusively from non-tax revenues generated at airports
7 owned by the City, and shall not exceed the amount of those
8 funds that can be paid for that purpose under 49 U.S.C.
9 47107(1) (2). Funds payable by the City under this Section shall
10 be used for school purposes within the school district or
11 community college district receiving the payment.

12 (b) Notwithstanding any other provision of this Section:
13 (i) no funds shall be payable by the City under this Section
14 with respect to any taxable year succeeding the 2009 taxable
15 year; (ii) in no event shall such funds be payable on or after
16 January 1, 2011 ~~2010~~; (iii) in no event shall the total funds
17 paid by the City pursuant to this Section to all districts for
18 all taxable years exceed \$20,000,000; and (iv) any amounts
19 payable to a district by the City with respect to any parcel of
20 property for any taxable year shall be reduced by the amount of
21 taxes actually paid to the district for that taxable year with
22 respect to that parcel or any leasehold interest therein.

23 (c) Whenever the City acquires property that is subject to
24 this Section, the City shall notify the assessor of the county
25 in which the property is located. The assessor or the clerk of
26 that county shall, on an annual basis, notify the affected

1 school district or community college district of all property
2 that has been identified as being subject to this Section, and
3 shall provide the district and the City with such information
4 as may be required in determining the amounts payable by the
5 City under this Section. The City shall make payments as
6 required by this Section no later than 90 days after that
7 information is received and verified by the City.

8 (d) As used in this Section, "Consumer Price Index" means
9 the Consumer Price Index for All Urban Consumers for all items
10 published by the United States Department of Labor.

11 (Source: P.A. 93-450, eff. 8-6-03.)".