



Sen. Steve Stadelman

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LRB099 07832 AWJ 33039 a

1 AMENDMENT TO SENATE BILL 728

2 AMENDMENT NO. _____. Amend Senate Bill 728, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Municipal Code is amended by
6 changing Section 11-76-2 as follows:

7 (65 ILCS 5/11-76-2) (from Ch. 24, par. 11-76-2)

8 Sec. 11-76-2. An ordinance directing a sale, or a lease of
9 real estate for any term in excess of 20 years, shall specify
10 the location of the real estate, the use thereof, and such
11 conditions with respect to further use of the real estate as
12 the corporate authorities may deem necessary and desirable to
13 the public interest. Before the corporate authorities of a city
14 or village make a sale, by virtue of such an ordinance, notice
15 of the proposal to sell shall be published once each week for 3
16 successive weeks in a daily or weekly paper published in the

1 city or village, or if there is none, then in some paper
2 published in the county in which the city or village is
3 located. The first publication shall be not less than 30 days
4 before the day provided in the notice for the opening of bids
5 for the real estate. The notice shall contain an accurate
6 description of the property, state the purpose for which it is
7 used and at what meeting the bids will be considered and
8 opened, and shall advertise for bids therefor. All such bids
9 shall be opened only at a regular meeting of the corporate
10 authorities. The corporate authorities may accept the high bid
11 or any other bid determined to be in the best interest of the
12 city or village by a vote of 3/4 of the corporate authorities
13 then holding office, but by a majority vote of those holding
14 office, they may reject any and all bids. The consideration for
15 such a sale may include but need not be limited to the
16 provision of off-street parking facilities by the purchaser,
17 which parking facilities may be made part of the municipal
18 parking system. Such consideration also may include the
19 provision of other public facilities by the purchaser.

20 Before the corporate authorities of the city or village
21 make a lease of real estate for a term in excess of 20 years,
22 they shall give notice of intent to adopt such an ordinance.
23 The notice must be published at least once in a daily or weekly
24 newspaper published in the city or village, and if there is
25 none, then in some paper published in the county in which the
26 city or village is located. The publication must be not less

1 than 15 nor more than 30 days before the date on which it is
2 proposed to adopt such an ordinance. The notice must contain an
3 accurate description of the property, state the purpose for
4 which it is used and the restrictions upon the proposed use of
5 the property to be leased. The corporate authorities may
6 negotiate the consideration and terms of such lease. Such
7 consideration may include the provision of off-street parking
8 facilities by the lessee, which parking facilities may be made
9 part of the municipal parking system. Such consideration also
10 may include the provision of other public facilities by the
11 lessee on the real estate acquired. The corporate authorities
12 may contract with the lessee for the use of a portion of a
13 structure or improvement to be constructed on the real estate
14 leased.

15 If such real estate is utilized in part for private use and
16 in part for public use, those portions of the improvements
17 devoted to private use are fully taxable. The land shall be
18 exempt from taxation to the extent that the uses thereon are
19 public and taxable to the extent that the uses are private. The
20 taxable portion of the land is that percentage of the land's
21 total assessed valuation that the private development thereon
22 bears to the total development thereon. Nothing in this Section
23 prevents the corporate authorities from determining to sell or
24 lease such property to the highest responsible bidder. The
25 corporate authorities may provide by ordinance for the
26 procedure to be followed in securing bids for the sale or lease

1 of the subject property. The disposition of real estate
2 acquired pursuant to (a) Section 6 of the "Urban Community
3 Conservation Act", approved July 13, 1953, as now or hereafter
4 amended, (b) Sections 12, 22 and 31 of the "Urban Renewal
5 Consolidation Act of 1961", approved August 15, 1961, as now or
6 hereafter amended, or (c) Division 11 of this Article by a
7 municipality as the Local Public Agency under an urban renewal
8 program as defined therein, is exempt from the requirements of
9 this Section. Additionally, leases to persons or corporations
10 of municipally-owned or operated airport lands, buildings,
11 structures or other facilities for the shelter, servicing,
12 manufacturing and repair of aircraft, aircraft parts or
13 accessories, or for receiving and discharging passengers and,
14 or cargo, are exempt from the requirements of this Section.

15 A municipality with a population of under 1,000,000 that
16 has acquired real estate following demolition under Section
17 11-31-1 of this Code shall, prior to disposing of the property,
18 publish notice as required by this Section not less than 30
19 days before the day provided in the notice for the opening of
20 bids for the real estate. If the property is being sold to an
21 adjacent property owner, the first notice shall be published in
22 a newspaper and all subsequent notices may be published in a
23 newspaper or on the municipality's official website. The notice
24 on the municipality's website shall contain an accurate
25 description of the property, state the purpose for which it is
26 used or to be used, state at what meeting the bids will be

1 considered and opened, and shall advertise for bids therefor.

2 (Source: Laws 1968, p. 519.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".