

1 AMENDMENT TO HOUSE BILL 4090

2 AMENDMENT NO. _____. Amend House Bill 4090 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 changing Section 7-103 and adding Sections 7-103.97 and
6 7-103.149 as follows:

7 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

8 Sec. 7-103. "Quick-take".

9 (a) This Section applies only to proceedings under this
10 Article that are authorized in the Sections following this
11 Section and preceding Section 7-104.

12 (a-5) A unit of local government that proposes to
13 acquire property in a proceeding to which this Section
14 applies must comply with all of the following procedures:

15 (1) The unit of local government must notify each
16 owner of an interest in the property, by certified mail,
17 of the unit of local government's intention to request
18 approval of legislation by the General Assembly
19 authorizing the unit of local government to acquire the
20 property in a proceeding to which this Section applies.

21 (2) The unit of local government must cause notice
22 of its intention to request authorization to acquire the

1 property in such a proceeding to be published in a
2 newspaper of general circulation in the territory sought
3 to be acquired by the unit of local government.

4 (3) Following the notices required under paragraphs
5 (1) and (2), the unit of local government must hold at
6 least one public hearing, at the place where the unit of
7 local government normally holds its business meetings, on
8 the question of the unit of local government's
9 acquisition of the property in a proceeding to which this
10 Section applies.

11 (4) Following the public hearing or hearings held
12 under paragraph (3), the unit of local government must
13 adopt, by recorded vote, a resolution to request approval
14 of legislation by the General Assembly authorizing the
15 unit of local government to acquire the property in a
16 proceeding to which this Section applies. The resolution
17 must include a statement of the time period within which
18 the unit of local government requests authority to
19 exercise "quick-take" powers under this Section, which
20 may not exceed one year.

21 (5) Following the public hearing or hearings held
22 under paragraph (3), and not less than 30 days following
23 the notice to the property owner or owners required under
24 paragraph (1), the chief elected official of the unit of
25 local government must submit to the Chairmen and Minority
26 Spokespersons of the appropriate Senate and House
27 Committees a sworn, notarized affidavit that states all
28 of the following:

29 (A) The legal description of the property.

30 If the parcel is being acquired for the purposes of
31 a transportation project, the unit of local
32 government exercising "quick-take" powers under this
33 Section may submit, in lieu of a legal description,
34 the tax identification number of the lot or lots

1 containing the parcel, the calculated area of the
2 parcel in acres, and a description of the location
3 of the parcel.

4 (B) The street address of the property.

5 (C) The name of each State Senator and State
6 Representative who represents the territory under
7 the unit of local government's jurisdiction.

8 (D) The date or dates on which the unit of
9 local government contacted each such State Senator
10 and State Representative concerning the unit of
11 local government's intention to request approval of
12 legislation by the General Assembly authorizing the
13 unit of local government to acquire the property in
14 a proceeding to which this Section applies.

15 (E) The current name, address, and telephone
16 number of each owner of an interest in the property.

17 (F) A summary of all negotiations between the
18 unit of local government and the owner or owners of
19 the property concerning the sale of the property to
20 the unit of local government.

21 (G) A statement of the date and location of
22 each public hearing held under paragraph (3).

23 (H) A statement of the public purpose for
24 which the unit of local government seeks to acquire
25 the property.

26 The affidavit must also contain the chief elected
27 official's certification that (i) the property is located
28 within the territory under the unit of local government's
29 jurisdiction and (ii) the unit of local government seeks
30 to acquire the property for a public purpose.

31 (6) Together with the affidavit submitted under
32 paragraph (5), the chief elected official of the unit of
33 local government must submit the following items to the
34 Chairmen and Minority Spokespersons of the appropriate

1 Senate and House Committees:

2 (A) A map of the area in which the property to
3 be acquired is located, showing the location of the
4 property.

5 (B) Photographs of the property.

6 (C) An appraisal of the property by a real
7 estate appraiser who is certified or licensed under
8 the Real Estate Appraiser Licensing Act or the Real
9 Estate Appraiser Licensing Act of 2002. If,
10 however, the parcel is being acquired by a unit of
11 local government for a transportation project and
12 the value of the parcel is less than \$10,000 as
13 appraised by a qualified person who has reasonable
14 experience appraising real property, then the
15 appraisal by that qualified person may be submitted
16 rather than an appraisal by a real estate appraiser
17 who is certified or licensed under the Real Estate
18 Appraiser Licensing Act or the Real Estate Appraiser
19 Licensing Act of 2002.

20 (D) A copy of the resolution adopted by the
21 unit of local government under paragraph (4).

22 (E) Documentation of the public purpose for
23 which the unit of local government seeks to acquire
24 the property.

25 (F) A copy of each notice sent to an owner of
26 an interest in the property under paragraph (1) of
27 this subsection (a-5).

28 (7) Every affidavit submitted by a unit of local
29 government under this subsection (a-5), together with all
30 documents and other items submitted with the affidavit,
31 must be made available to any person upon request for
32 inspection and copying.

33 Nothing in this subsection (a-5) applies to quick-take
34 authority granted before the effective date of this

1 amendatory Act of the 92nd General Assembly or to any
2 quick-take authority granted in this amendatory Act of the
3 92nd General Assembly.

4 (b) In a proceeding subject to this Section, the
5 plaintiff, at any time after the complaint has been filed and
6 before judgment is entered in the proceeding, may file a
7 written motion requesting that, immediately or at some
8 specified later date, the plaintiff either be vested with the
9 fee simple title (or such lesser estate, interest or
10 easement, as may be required) to the real property, or
11 specified portion thereof, which is the subject of the
12 proceeding, and be authorized to take possession of and use
13 such property; or only be authorized to take possession of
14 and to use such property, if such possession and use, without
15 the vesting of title, are sufficient to permit the plaintiff
16 to proceed with the project until the final ascertainment of
17 compensation; however, no land or interests therein now or
18 hereafter owned, leased, controlled or operated and used by,
19 or necessary for the actual operation of, any common carrier
20 engaged in interstate commerce, or any other public utility
21 subject to the jurisdiction of the Illinois Commerce
22 Commission, shall be taken or appropriated hereunder by the
23 State of Illinois, the Illinois Toll Highway Authority, the
24 sanitary district, the St. Louis Metropolitan Area Airport
25 Authority or the Board of Trustees of the University of
26 Illinois without first securing the approval of such
27 Commission.

28 Except as hereinafter stated, the motion for taking shall
29 state: (1) an accurate description of the property to which
30 the motion relates and the estate or interest sought to be
31 acquired therein; (2) the formally adopted schedule or plan
32 of operation for the execution of the plaintiff's project;
33 (3) the situation of the property to which the motion
34 relates, with respect to the schedule or plan; (4) the

1 necessity for taking such property in the manner requested in
 2 the motion; and (5) if the property (except property
 3 described in Section 3 of the Sports Stadium Act, or property
 4 described as Site B in Section 2 of the Metropolitan Pier and
 5 Exposition Authority Act) to be taken is owned, leased,
 6 controlled or operated and used by, or necessary for the
 7 actual operation of, any interstate common carrier or other
 8 public utility subject to the jurisdiction of the Illinois
 9 Commerce Commission, a statement to the effect that the
 10 approval of such proposed taking has been secured from such
 11 Commission, and attaching to such motion a certified copy of
 12 the order of such Commission granting such approval. If the
 13 schedule or plan of operation is not set forth fully in the
 14 motion, a copy of such schedule or plan shall be attached to
 15 the motion.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
 17 92-16, eff. 6-28-01.)

18 (735 ILCS 5/7-103.97 new)

19 Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take
 20 proceedings under Section 7-103 may be used for a period of
 21 12 months after the effective date of this amendatory Act of
 22 the 92nd General Assembly by the Village of Baylis for the
 23 acquisition of the following described property for the
 24 purpose of constructing a sewer project:

25 A part of the North One-Half of the Northwest Quarter of
 26 the Southeast Quarter of Section Seven (7), Township Four
 27 (4) South, Range Four (4) West of the New Salem Township,
 28 Pike County, Illinois specifically described as follows:
 29 COMMENCING: At a point of beginning 540.35 feet South 00
 30 degrees 33 minutes 30 seconds West of center of Section
 31 Seven (7), Township Four (4) South, Range Four (4) West
 32 of the New Salem Township, Pike County, Illinois, Thence
 33 1,481.74 feet North 64 degrees 56 minutes 58 seconds East

1 Thence 800.0 feet North 90 degrees 00 minutes 00 seconds
2 West Thence 172.61 feet North 00 degrees 33 minutes 30
3 seconds East to the point of beginning, said area to
4 contain 15.00 acres.

5 PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by
6 Three hundred eighty six and 77 hundreds feet, said area
7 containing 0.44 Acres more or less."