

1 AN ACT in relation to property.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 7-103 and adding Section 7-103.97 as
6 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
23 property in such a proceeding to be published in a
24 newspaper of general circulation in the territory sought
25 to be acquired by the unit of local government.

26 (3) Following the notices required under paragraphs
27 (1) and (2), the unit of local government must hold at
28 least one public hearing, at the place where the unit of
29 local government normally holds its business meetings, on
30 the question of the unit of local government's
31 acquisition of the property in a proceeding to which this

1 Section applies.

2 (4) Following the public hearing or hearings held
3 under paragraph (3), the unit of local government must
4 adopt, by recorded vote, a resolution to request approval
5 of legislation by the General Assembly authorizing the
6 unit of local government to acquire the property in a
7 proceeding to which this Section applies. The resolution
8 must include a statement of the time period within which
9 the unit of local government requests authority to
10 exercise "quick-take" powers under this Section, which
11 may not exceed one year.

12 (5) Following the public hearing or hearings held
13 under paragraph (3), and not less than 30 days following
14 the notice to the property owner or owners required under
15 paragraph (1), the chief elected official of the unit of
16 local government must submit to the Chairmen and Minority
17 Spokespersons of the appropriate Senate and House
18 Committees a sworn, notarized affidavit that states all
19 of the following:

20 (A) The legal description of the property.

21 (B) The street address of the property.

22 (C) The name of each State Senator and State
23 Representative who represents the territory under
24 the unit of local government's jurisdiction.

25 (D) The date or dates on which the unit of
26 local government contacted each such State Senator
27 and State Representative concerning the unit of
28 local government's intention to request approval of
29 legislation by the General Assembly authorizing the
30 unit of local government to acquire the property in
31 a proceeding to which this Section applies.

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

34 (F) A summary of all negotiations between the

1 unit of local government and the owner or owners of
2 the property concerning the sale of the property to
3 the unit of local government.

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

6 (H) A statement of the public purpose for
7 which the unit of local government seeks to acquire
8 the property.

9 The affidavit must also contain the chief elected
10 official's certification that (i) the property is located
11 within the territory under the unit of local government's
12 jurisdiction and (ii) the unit of local government seeks
13 to acquire the property for a public purpose.

14 (6) Together with the affidavit submitted under
15 paragraph (5), the chief elected official of the unit of
16 local government must submit the following items to the
17 Chairmen and Minority Spokespersons of the appropriate
18 Senate and House Committees:

19 (A) A map of the area in which the property to
20 be acquired is located, showing the location of the
21 property.

22 (B) Photographs of the property.

23 (C) An appraisal of the property by a real
24 estate appraiser who is certified or licensed under
25 the Real Estate Appraiser Licensing Act.

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

28 (E) Documentation of the public purpose for
29 which the unit of local government seeks to acquire
30 the property.

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

34 (7) Every affidavit submitted by a unit of local

1 government under this subsection (a-5), together with all
2 documents and other items submitted with the affidavit,
3 must be made available to any person upon request for
4 inspection and copying.

5 Nothing in this subsection (a-5) applies to quick-take
6 authority granted before the effective date of this
7 amendatory Act of the 92nd General Assembly.

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

32 Except as hereinafter stated, the motion for taking shall
33 state: (1) an accurate description of the property to which
34 the motion relates and the estate or interest sought to be

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

20 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
 21 92-16, eff. 6-28-01.)

22 (735 ILCS 5/7-103.97 new)

23 Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take
 24 proceedings under Section 7-103 may be used for a period of
 25 12 months after the effective date of this amendatory Act of
 26 the 92nd General Assembly by the Village of Baylis for the
 27 acquisition of the following described property for the
 28 purpose of constructing a sewer project:

29 A part of the North One-Half of the Northwest Quarter of
 30 the Southeast Quarter of Section Seven (7), Township Four
 31 (4) South, Range Four (4) West of the New Salem Township,
 32 Pike County, Illinois specifically described as follows:

33 COMMENCING: At a point of beginning 540.35 feet South 00

1 degrees 33 minutes 30 seconds West of center of Section
2 Seven (7), Township Four (4) South, Range Four (4) West
3 of the New Salem Township, Pike County, Illinois, Thence
4 1,481.74 feet North 64 degrees 56 minutes 58 seconds East
5 Thence 800.0 feet North 90 degrees 00 minutes 00 seconds
6 West Thence 172.61 feet North 00 degrees 33 minutes 30
7 seconds East to the point of beginning, said area to
8 contain 15.00 acres.
9 PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by
10 Three hundred eighty six and 77 hundreds feet, said area
11 containing 0.44 Acres more or less.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.