

# SB2807



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2807

Introduced 2/15/2008, by Sen. Don Harmon

### SYNOPSIS AS INTRODUCED:

735 ILCS 30/20-5-5

was 735 ILCS 5/7-103

Amends the Eminent Domain Act. Makes a technical change in provisions concerning quick-take powers.

LRB095 19070 WGH 45261 b

A BILL FOR

1 AN ACT concerning civil procedure.

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

4 Section 5. The Eminent Domain Act is amended by changing  
5 Section 20-5-5 as follows:

6 (735 ILCS 30/20-5-5) (was 735 ILCS 5/7-103)

7 Sec. 20-5-5. Quick-take.

8 (a) This Section applies only to proceedings under this  
9 ~~this~~ Article that are authorized in this Article and in Article  
10 25 of this Act.

11 (b) In a proceeding subject to this Section, the plaintiff,  
12 at any time after the complaint has been filed and before  
13 judgment is entered in the proceeding, may file a written  
14 motion requesting that, immediately or at some specified later  
15 date, the plaintiff either: (i) be vested with the fee simple  
16 title (or such lesser estate, interest, or easement, as may be  
17 required) to the real property, or a specified portion of that  
18 property, which is the subject of the proceeding, and be  
19 authorized to take possession of and use the property; or (ii)  
20 only be authorized to take possession of and to use the  
21 property, if possession and use, without the vesting of title,  
22 are sufficient to permit the plaintiff to proceed with the  
23 project until the final ascertainment of compensation. No land

1 or interests in land now or hereafter owned, leased,  
2 controlled, or operated and used by, or necessary for the  
3 actual operation of, any common carrier engaged in interstate  
4 commerce, or any other public utility subject to the  
5 jurisdiction of the Illinois Commerce Commission, shall be  
6 taken or appropriated under this Section by the State of  
7 Illinois, the Illinois Toll Highway Authority, the sanitary  
8 district, the St. Louis Metropolitan Area Airport Authority, or  
9 the Board of Trustees of the University of Illinois without  
10 first securing the approval of the Illinois Commerce  
11 Commission.

12 Except as otherwise provided in this Article, the motion  
13 for taking shall state: (1) an accurate description of the  
14 property to which the motion relates and the estate or interest  
15 sought to be acquired in that property; (2) the formally  
16 adopted schedule or plan of operation for the execution of the  
17 plaintiff's project; (3) the situation of the property to which  
18 the motion relates, with respect to the schedule or plan; (4)  
19 the necessity for taking the property in the manner requested  
20 in the motion; and (5) if the property (except property  
21 described in Section 3 of the Sports Stadium Act or property  
22 described as Site B in Section 2 of the Metropolitan Pier and  
23 Exposition Authority Act) to be taken is owned, leased,  
24 controlled, or operated and used by, or necessary for the  
25 actual operation of, any interstate common carrier or other  
26 public utility subject to the jurisdiction of the Illinois

1 Commerce Commission, a statement to the effect that the  
2 approval of the proposed taking has been secured from the  
3 Commission, and attaching to the motion a certified copy of the  
4 order of the Illinois Commerce Commission granting approval. If  
5 the schedule or plan of operation is not set forth fully in the  
6 motion, a copy of the schedule or plan shall be attached to the  
7 motion.

8 (Source: P.A. 94-1055, eff. 1-1-07.)