

1 AMENDMENT TO SENATE BILL 2294

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2294 by replacing  
3 everything after the enacting clause with the following:

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

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 (B) The street address of the property.

31 (C) The name of each State Senator and State  
32 Representative who represents the territory under  
33 the unit of local government's jurisdiction.

34 (D) The date or dates on which the unit of

1 local government contacted each such State Senator  
2 and State Representative concerning the unit of  
3 local government's intention to request approval of  
4 legislation by the General Assembly authorizing the  
5 unit of local government to acquire the property in  
6 a proceeding to which this Section applies.

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

9 (F) A summary of all negotiations between the  
10 unit of local government and the owner or owners of  
11 the property concerning the sale of the property to  
12 the unit of local government.

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

15 (H) A statement of the public purpose for  
16 which the unit of local government seeks to acquire  
17 the property.

18 The affidavit must also contain the chief elected  
19 official's certification that (i) the property is located  
20 within the territory under the unit of local government's  
21 jurisdiction and (ii) the unit of local government seeks  
22 to acquire the property for a public purpose.

23 (6) Together with the affidavit submitted under  
24 paragraph (5), the chief elected official of the unit of  
25 local government must submit the following items to the  
26 Chairmen and Minority Spokespersons of the appropriate  
27 Senate and House Committees:

28 (A) A map of the area in which the property to  
29 be acquired is located, showing the location of the  
30 property.

31 (B) Photographs of the property.

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

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

3           (E) Documentation of the public purpose for  
4           which the unit of local government seeks to acquire  
5           the property.

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

9           (7) Every affidavit submitted by a unit of local  
10          government under this subsection (a-5), together with all  
11          documents and other items submitted with the affidavit,  
12          must be made available to any person upon request for  
13          inspection and copying.

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

17          (b) In a proceeding subject to this Section, the  
18          plaintiff, at any time after the complaint has been filed and  
19          before judgment is entered in the proceeding, may file a  
20          written motion requesting that, immediately or at some  
21          specified later date, the plaintiff either be vested with the  
22          fee simple title (or such lesser estate, interest or  
23          easement, as may be required) to the real property, or  
24          specified portion thereof, which is the subject of the  
25          proceeding, and be authorized to take possession of and use  
26          such property; or only be authorized to take possession of  
27          and to use such property, if such possession and use, without  
28          the vesting of title, are sufficient to permit the plaintiff  
29          to proceed with the project until the final ascertainment of  
30          compensation; however, no land or interests therein now or  
31          hereafter owned, leased, controlled or operated and used by,  
32          or necessary for the actual operation of, any common carrier  
33          engaged in interstate commerce, or any other public utility  
34          subject to the jurisdiction of the Illinois Commerce

1 Commission, shall be taken or appropriated hereunder by the  
2 State of Illinois, the Illinois Toll Highway Authority, the  
3 sanitary district, the St. Louis Metropolitan Area Airport  
4 Authority or the Board of Trustees of the University of  
5 Illinois without first securing the approval of such  
6 Commission.

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

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

31 (735 ILCS 5/7-103.97 new)

32 Sec. 7-103.97. Quick-take; Village of Baylis. Quick-take  
33 proceedings under Section 7-103 may be used for a period of

1 12 months after the effective date of this amendatory Act of  
2 the 92nd General Assembly by the Village of Baylis for the  
3 acquisition of the following described property for the  
4 purpose of constructing a sewer project:

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

9 COMMENCING: At a point of beginning 540.35 feet South 00  
10 degrees 33 minutes 30 seconds West of center of Section  
11 Seven (7), Township Four (4) South, Range Four (4) West  
12 of the New Salem Township, Pike County, Illinois, Thence  
13 1,481.74 feet North 64 degrees 56 minutes 58 seconds East  
14 Thence 800.0 feet North 90 degrees 00 minutes 00 seconds  
15 West Thence 172.61 feet North 00 degrees 33 minutes 30  
16 seconds East to the point of beginning, said area to  
17 contain 15.00 acres.

18 PROPOSED ACCESS RIGHT OF WAY: Fifty (50) feet wide by  
19 Three hundred eighty six and 77 hundredths feet, said area  
20 containing 0.44 Acres more or less.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."