



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/06/04, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

735 ILCS 5/7-103

from Ch. 110, par. 7-103

Amends the Code of Civil Procedure. Makes technical changes in a Section concerning "quick-take" eminent domain powers.

LRB093 17115 LCB 42781 b

1 AN ACT in relation to civil procedure.

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 as follows:

6 (735 ILCS 5/7-103) (from Ch. 110, par. 7-103)

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

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

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 be vested with the fee simple title
16 (or such lesser estate, interest or easement, as may be
17 required) to the real property, or specified portion thereof,
18 which is the subject of the proceeding, and be authorized to
19 take possession of and use such property; or only be authorized
20 to take possession of and to use such property, if such
21 possession and use, without the vesting of title, are
22 sufficient to permit the plaintiff to proceed with the project
23 until the final ascertainment of compensation; however, no land
24 or interests therein now or hereafter owned, leased, controlled
25 or operated and used by, or necessary for the actual operation
26 of, any common carrier engaged in interstate commerce, or any
27 other public utility subject to the jurisdiction of the
28 Illinois Commerce Commission, shall be taken or appropriated
29 hereunder by the State of Illinois, the Illinois Toll Highway
30 Authority, the sanitary district, the St. Louis Metropolitan
31 Area Airport Authority or the Board of Trustees of the
32 University of Illinois without first securing the approval of

1 such Commission.

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

23 (Source: P.A. 91-357, eff. 7-29-99; 91-367, eff. 7-30-99;
24 92-16, eff. 6-28-01.)