



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0110

Introduced 1/6/2005, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/7-103

from Ch. 110, par. 7-103

Amends the Code of Civil Procedure. Makes a technical change in a provision relating to quick-take proceedings.

LRB094 05256 LCB 35298 b

1 AN ACT concerning civil law.

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