

HB0874



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0874

Introduced 2/7/2007, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

735 ILCS 30/10-5-5

was 735 ILCS 5/7-101

Amends the Eminent Domain Act. Provides that if a governmental entity requires the removal of a building or structure as a condition of the governmental entity granting a permit, license, or other approval, the removal requirement constitutes a compelled removal requiring compensation under the Act, unless the permit, license, or approval is requested for the construction of a building or structure that cannot be built without physically removing the building or structure. Effective immediately.

LRB095 00159 AJO 20159 b

A BILL FOR

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 Eminent Domain Act is amended by changing
5 Section 10-5-5 as follows:

6 (735 ILCS 30/10-5-5) (was 735 ILCS 5/7-101)

7 Sec. 10-5-5. Compensation; jury.

8 (a) Private property shall not be taken or damaged for
9 public use without just compensation and, in all cases in which
10 compensation is not made by the condemning authority,
11 compensation shall be ascertained by a jury, as provided in
12 this Act. When compensation is so made by the condemning
13 authority, any party, upon application, may have a trial by
14 jury to ascertain the just compensation to be paid. A demand on
15 the part of the condemning authority for a trial by jury shall
16 be filed with the complaint for condemnation of the condemning
17 authority. When the condemning authority is plaintiff, a
18 defendant desirous of a trial by jury must file a demand for a
19 trial by jury on or before the return date of the summons
20 served on him or her or on or before the date fixed in the
21 publication in case of defendants served by publication. If no
22 party in the condemnation action demands a trial by jury, as
23 provided for by this Section, then the trial shall be before

1 the court without a jury.

2 (b) The right to just compensation, as provided in this
3 Act, applies to the owner or owners of any lawfully erected
4 off-premises outdoor advertising sign that is compelled to be
5 altered or removed under this Act or any other statute, or
6 under any ordinance or regulation of any municipality or other
7 unit of local government, and also applies to the owner or
8 owners of the property on which that sign is erected. The right
9 to just compensation, as provided in this Act, applies to
10 property subject to a conservation right under the Real
11 Property Conservation Rights Act. The amount of compensation
12 for the taking of the property shall not be diminished or
13 reduced by virtue of the existence of the conservation right.
14 The holder of the conservation right shall be entitled to just
15 compensation for the value of the conservation right.

16 (c) Notwithstanding any other provision of law, the
17 requirement by a governmental entity that a lawfully erected
18 building or structure be removed as a condition or prerequisite
19 for the issuance or continued effectiveness of a permit,
20 license, or other approval for any use, structure, or
21 development constitutes a compelled removal requiring
22 compensation under this Act, unless the permit, license, or
23 approval is requested for the construction of a building or
24 structure that cannot be built without physically removing the
25 building or structure.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.