

SB0728



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB0728

Introduced 2/3/2015, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-76-2

from Ch. 24, par. 11-76-2

Amends the Illinois Municipal Code. Provides that a municipality that has acquired real estate following demolition shall, prior to disposing of the property, publish notice or may post such notice on its website not less than 30 days before the day provided in the notice for the opening of bids for the real estate. Sets forth the information that must be posted to the municipality's website concerning such notice requirements. Effective immediately.

LRB099 07832 AWJ 27967 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-76-2 as follows:

6 (65 ILCS 5/11-76-2) (from Ch. 24, par. 11-76-2)

7 Sec. 11-76-2. An ordinance directing a sale, or a lease of
8 real estate for any term in excess of 20 years, shall specify
9 the location of the real estate, the use thereof, and such
10 conditions with respect to further use of the real estate as
11 the corporate authorities may deem necessary and desirable to
12 the public interest. Before the corporate authorities of a city
13 or village make a sale, by virtue of such an ordinance, notice
14 of the proposal to sell shall be published once each week for 3
15 successive weeks in a daily or weekly paper published in the
16 city or village, or if there is none, then in some paper
17 published in the county in which the city or village is
18 located. The first publication shall be not less than 30 days
19 before the day provided in the notice for the opening of bids
20 for the real estate. The notice shall contain an accurate
21 description of the property, state the purpose for which it is
22 used and at what meeting the bids will be considered and
23 opened, and shall advertise for bids therefor. All such bids

1 shall be opened only at a regular meeting of the corporate
2 authorities. The corporate authorities may accept the high bid
3 or any other bid determined to be in the best interest of the
4 city or village by a vote of 3/4 of the corporate authorities
5 then holding office, but by a majority vote of those holding
6 office, they may reject any and all bids. The consideration for
7 such a sale may include but need not be limited to the
8 provision of off-street parking facilities by the purchaser,
9 which parking facilities may be made part of the municipal
10 parking system. Such consideration also may include the
11 provision of other public facilities by the purchaser.

12 Before the corporate authorities of the city or village
13 make a lease of real estate for a term in excess of 20 years,
14 they shall give notice of intent to adopt such an ordinance.
15 The notice must be published at least once in a daily or weekly
16 newspaper published in the city or village, and if there is
17 none, then in some paper published in the county in which the
18 city or village is located. The publication must be not less
19 than 15 nor more than 30 days before the date on which it is
20 proposed to adopt such an ordinance. The notice must contain an
21 accurate description of the property, state the purpose for
22 which it is used and the restrictions upon the proposed use of
23 the property to be leased. The corporate authorities may
24 negotiate the consideration and terms of such lease. Such
25 consideration may include the provision of off-street parking
26 facilities by the lessee, which parking facilities may be made

1 part of the municipal parking system. Such consideration also
2 may include the provision of other public facilities by the
3 lessee on the real estate acquired. The corporate authorities
4 may contract with the lessee for the use of a portion of a
5 structure or improvement to be constructed on the real estate
6 leased.

7 If such real estate is utilized in part for private use and
8 in part for public use, those portions of the improvements
9 devoted to private use are fully taxable. The land shall be
10 exempt from taxation to the extent that the uses thereon are
11 public and taxable to the extent that the uses are private. The
12 taxable portion of the land is that percentage of the land's
13 total assessed valuation that the private development thereon
14 bears to the total development thereon. Nothing in this Section
15 prevents the corporate authorities from determining to sell or
16 lease such property to the highest responsible bidder. The
17 corporate authorities may provide by ordinance for the
18 procedure to be followed in securing bids for the sale or lease
19 of the subject property. The disposition of real estate
20 acquired pursuant to (a) Section 6 of the "Urban Community
21 Conservation Act", approved July 13, 1953, as now or hereafter
22 amended, (b) Sections 12, 22 and 31 of the "Urban Renewal
23 Consolidation Act of 1961", approved August 15, 1961, as now or
24 hereafter amended, or (c) Division 11 of this Article by a
25 municipality as the Local Public Agency under an urban renewal
26 program as defined therein, is exempt from the requirements of

1 this Section. Additionally, leases to persons or corporations
2 of municipally-owned or operated airport lands, buildings,
3 structures or other facilities for the shelter, servicing,
4 manufacturing and repair of aircraft, aircraft parts or
5 accessories, or for receiving and discharging passengers and,
6 or cargo, are exempt from the requirements of this Section.

7 A municipality that has acquired real estate following
8 demolition under Section 11-31-1 of this Code shall, prior to
9 disposing of the property, publish notice as required by this
10 Section, or may post such notice on its official website, not
11 less than 30 days before the day provided in the notice for the
12 opening of bids for the real estate. The notice on the
13 municipality's website shall contain an accurate description
14 of the property, state the purpose for which it is used or to
15 be used, state at what meeting the bids will be considered and
16 opened, and shall advertise for bids therefor.

17 (Source: Laws 1968, p. 519.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.