



Sen. Steve Stadelman

**Filed: 3/25/2015**

09900SB0728sam003

LRB099 07832 AWJ 33308 a

1 AMENDMENT TO SENATE BILL 728

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 728 by replacing  
3 everything after the enacting clause with the following:

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

1 published in the county in which the city or village is  
2 located. The first publication shall be not less than 30 days  
3 before the day provided in the notice for the opening of bids  
4 for the real estate. The notice shall contain an accurate  
5 description of the property, state the purpose for which it is  
6 used and at what meeting the bids will be considered and  
7 opened, and shall advertise for bids therefor. All such bids  
8 shall be opened only at a regular meeting of the corporate  
9 authorities. The corporate authorities may accept the high bid  
10 or any other bid determined to be in the best interest of the  
11 city or village by a vote of 3/4 of the corporate authorities  
12 then holding office, but by a majority vote of those holding  
13 office, they may reject any and all bids. The consideration for  
14 such a sale may include but need not be limited to the  
15 provision of off-street parking facilities by the purchaser,  
16 which parking facilities may be made part of the municipal  
17 parking system. Such consideration also may include the  
18 provision of other public facilities by the purchaser.

19 Before the corporate authorities of the city or village  
20 make a lease of real estate for a term in excess of 20 years,  
21 they shall give notice of intent to adopt such an ordinance.  
22 The notice must be published at least once in a daily or weekly  
23 newspaper published in the city or village, and if there is  
24 none, then in some paper published in the county in which the  
25 city or village is located. The publication must be not less  
26 than 15 nor more than 30 days before the date on which it is

1 proposed to adopt such an ordinance. The notice must contain an  
2 accurate description of the property, state the purpose for  
3 which it is used and the restrictions upon the proposed use of  
4 the property to be leased. The corporate authorities may  
5 negotiate the consideration and terms of such lease. Such  
6 consideration may include the provision of off-street parking  
7 facilities by the lessee, which parking facilities may be made  
8 part of the municipal parking system. Such consideration also  
9 may include the provision of other public facilities by the  
10 lessee on the real estate acquired. The corporate authorities  
11 may contract with the lessee for the use of a portion of a  
12 structure or improvement to be constructed on the real estate  
13 leased.

14 If such real estate is utilized in part for private use and  
15 in part for public use, those portions of the improvements  
16 devoted to private use are fully taxable. The land shall be  
17 exempt from taxation to the extent that the uses thereon are  
18 public and taxable to the extent that the uses are private. The  
19 taxable portion of the land is that percentage of the land's  
20 total assessed valuation that the private development thereon  
21 bears to the total development thereon. Nothing in this Section  
22 prevents the corporate authorities from determining to sell or  
23 lease such property to the highest responsible bidder. The  
24 corporate authorities may provide by ordinance for the  
25 procedure to be followed in securing bids for the sale or lease  
26 of the subject property. The disposition of real estate

1 acquired pursuant to (a) Section 6 of the "Urban Community  
2 Conservation Act", approved July 13, 1953, as now or hereafter  
3 amended, (b) Sections 12, 22 and 31 of the "Urban Renewal  
4 Consolidation Act of 1961", approved August 15, 1961, as now or  
5 hereafter amended, or (c) Division 11 of this Article by a  
6 municipality as the Local Public Agency under an urban renewal  
7 program as defined therein, is exempt from the requirements of  
8 this Section. Additionally, leases to persons or corporations  
9 of municipally-owned or operated airport lands, buildings,  
10 structures or other facilities for the shelter, servicing,  
11 manufacturing and repair of aircraft, aircraft parts or  
12 accessories, or for receiving and discharging passengers and,  
13 or cargo, are exempt from the requirements of this Section.

14 A municipality with a population of under 1,000,000 that  
15 has acquired fee simple title to real estate, free of liens  
16 except liens held by the municipality, following demolition  
17 under Section 11-31-1 of this Code may dispose of the property  
18 without further notice under this Article, but in full  
19 compliance with notice requirements of the Open Meetings Act,  
20 if the municipality, by ordinance, determines that the fair  
21 market value of the real estate is less than \$5,000, that an  
22 adjoining landowner is willing to purchase the real estate, and  
23 that the adjoining landowner has not been the subject of  
24 building or public health violations in the preceding 12  
25 months.

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

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