

# **Bond Case Briefs**

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## **EMINENT DOMAIN - ILLINOIS**

### **Forest Preserve District of Cook County v. Chicago Title and Trust Co.**

**Appellate Court of Illinois, First District, First Division - September 30, 2015 - N.E.3d - 2015 IL App (1st) 131925 - 2015 WL 5734706**

Landowners filed petition seeking to vacate an agreed order they entered into with county forest preserve district in eminent domain proceedings, after discovering that the district's ordinance under which it brought the proceedings was not validly enacted. The Circuit Court vacated the agreed order. District appealed.

The Appellate Court held that:

- Circuit court had subject-matter jurisdiction over the underlying eminent domain proceedings;
- Landowners were not precluded from seeking relief from judgment by failing to file a traverse or motion to dismiss prior to the entry of the agreed order or by release language in challenged agreed order;
- Landowners presented meritorious defense as basis for relief from judgment;
- Landowners demonstrated due diligence in seeking relief from judgment; and
- Circuit court did not abuse its discretion by not allowing for additional discovery or an evidentiary hearing on amended petition.