

1 SENATE RESOLUTION

2 WHEREAS, The Constitution of the State of Illinois,
3 Article 1, Section 15 states that "Private property shall not
4 be taken or damaged for public use without just compensation
5 as provided by law. Such compensation shall be determined by
6 a jury as provided by law"; and

7 WHEREAS, Quick-take powers were originally intended for
8 the acquisition of property to be used for public purposes,
9 not private purposes; therefore be it

10 RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL
11 ASSEMBLY OF THE STATE OF ILLINOIS, that before a unit of
12 local government may request Senate approval of legislation
13 authorizing the unit of local government to acquire property
14 by eminent domain using "quick-take" powers under Section
15 7-103 of the Code of Civil Procedure, the unit of local
16 government must comply with all of the following procedures:

17 (1) The unit of local government must notify each
18 owner of an interest in the property, by certified mail,
19 of the unit of local government's intention to request
20 approval of legislation by the General Assembly
21 authorizing the unit of local government to acquire the
22 property by eminent domain using "quick-take" powers
23 under Section 7-103 of the Code of Civil Procedure.

24 (2) The unit of local government must cause notice
25 of its intention to request authorization to acquire the
26 property by eminent domain using "quick-take" powers to
27 be published in a newspaper of general circulation in the
28 territory sought to be acquired by the unit of local
29 government.

30 (3) Following the notices required under paragraphs
31 (1) and (2), the unit of local government must hold at
32 least one public hearing, at the place where the unit of
33 local government normally holds its business meetings, on

1 the question of the unit of local government's
2 acquisition of the property by eminent domain using
3 "quick-take" powers.

4 (4) Following the public hearing or hearings held
5 under paragraph (3), the unit of local government must
6 adopt, by recorded vote, a resolution to request approval
7 of legislation by the General Assembly authorizing the
8 unit of local government to acquire the property by
9 eminent domain using "quick-take" powers under Section
10 7-103 of the Code of Civil Procedure. The resolution
11 must include a statement of the time period within which
12 the unit of local government requests authority to
13 exercise "quick-take" powers, which may not exceed one
14 year.

15 (5) Following the public hearing or hearings held
16 under paragraph (3), and not less than 30 days following
17 the notice to the property owner or owners required under
18 paragraph (1), the chief elected official of the unit of
19 local government must submit to the Chairman of the
20 Senate Executive Committee a sworn, notarized affidavit
21 that states all of the following:

22 (A) The legal description of the property.

23 (B) The street address of the property.

24 (C) The name of each State Senator and State
25 Representative who represents the territory under
26 the unit of local government's jurisdiction.

27 (D) The date or dates on which the unit of
28 local government contacted each such State Senator
29 and State Representative concerning the unit of
30 local government's intention to request approval of
31 legislation by the General Assembly authorizing the
32 unit of local government to acquire the property by
33 eminent domain using "quick-take" powers.

34 (E) The current name, address, and telephone

1 number of each owner of an interest in the property.

2 (F) A summary of all negotiations between the
3 unit of local government and the owner or owners of
4 the property concerning the sale of the property to
5 the unit of local government.

6 (G) A statement of the date and location of
7 each public hearing held under paragraph (3).

8 (H) A statement of the public purpose for which
9 the unit of local government seeks to acquire the
10 property.

11 The affidavit must also contain the chief elected
12 official's certification that (i) the property is located
13 within the territory under the unit of local government's
14 jurisdiction and (ii) the unit of local government seeks
15 to acquire the property for a public purpose.

16 (6) Together with the affidavit submitted under
17 paragraph (5), the chief elected official of the unit of
18 local government must submit the following items to the
19 Chairman of the Senate Executive Committee:

20 (A) A map of the area in which the property to
21 be acquired is located, showing the location of the
22 property.

23 (B) Photographs of the property.

24 (C) An appraisal of the property by a real
25 estate appraiser who is certified or licensed under
26 the Real Estate Appraiser Licensing Act.

27 (D) A copy of the resolution adopted by the
28 unit of local government under paragraph (4).

29 (E) Documentation of the public purpose for
30 which the unit of local government seeks to acquire
31 the property.

32 (F) A copy of each notice sent to an owner of
33 an interest in the property under paragraph (1); and
34 be it further

1 RESOLVED, That every affidavit submitted by a unit of
2 local government pursuant to this Resolution, together with
3 all documents and other items submitted with the affidavit,
4 must be made available to any person upon request for
5 inspection and copying.