

## 1 HOUSE RESOLUTION 454

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

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

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

32 (3) Following the notices required under paragraphs  
33 (1) and (2), the State or the unit of local government

1 must hold at least one public hearing, at the place where  
2 the unit of local government normally holds its business  
3 meetings (or, in the case of property sought to be  
4 acquired by the State: (i) at a location in the county in  
5 which the property sought to be acquired by the State is  
6 located, or (ii) if the property is located in Cook  
7 County, at a location in the township in which the  
8 property is located, or (iii) if the property is located  
9 in 2 adjacent counties other than Cook County or in 2  
10 adjacent townships in Cook County, at a location in the  
11 county or in the township in Cook County in which the  
12 majority of the property is located, or (iv) if the  
13 property is located in Cook County and an adjacent  
14 county, at a location in the other county or in the  
15 township in Cook County in which the majority of the  
16 property is located), on the question of the acquisition  
17 of the property by the State or the unit of local  
18 government by eminent domain using "quick-take" powers.

19 (4) In the case of property sought to be acquired  
20 by a unit of local government, following the public  
21 hearing or hearings held under paragraph (3), the unit of  
22 local government must adopt, by recorded vote, a  
23 resolution to request approval of legislation by the  
24 General Assembly authorizing the unit of local government  
25 to acquire the property by eminent domain using  
26 "quick-take" powers under Section 7-103 of the Code of  
27 Civil Procedure. The resolution must include a statement  
28 of the time period within which the unit of local  
29 government requests authority to exercise "quick-take"  
30 powers, which may not exceed one year.

31 (5) Following the public hearing or hearings held  
32 under paragraph (3), and not less than 30 days following  
33 the notice to the property owner or owners required under  
34 paragraph (1), the head of the appropriate State office,

1 department, or agency or the chief elected official of  
2 the unit of local government must submit to the Chairman  
3 and Minority Spokesperson of the House Executive  
4 Committee a sworn, notarized affidavit that states all of  
5 the following:

6 (A) The legal description of the property.

7 (B) The street address of the property.

8 (C) The name of each State Senator and State  
9 Representative who represents the territory that is  
10 the subject of the proposed taking.

11 (D) The date or dates on which the State or  
12 the unit of local government contacted each such  
13 State Senator and State Representative concerning  
14 the intention of the State or the unit of local  
15 government to request approval of legislation by the  
16 General Assembly authorizing the State or the unit  
17 of local government to acquire the property by  
18 eminent domain using "quick-take" powers.

19 (E) The current name, address, and telephone  
20 number of each owner of an interest in the property.

21 (F) A summary of all negotiations between the  
22 State or the unit of local government and the owner  
23 or owners of the property concerning the sale of the  
24 property to the State or the unit of local  
25 government.

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

28 (H) A statement of the public purpose for  
29 which the State or the unit of local government  
30 seeks to acquire the property.

31 The affidavit must also contain the certification of  
32 the head of the appropriate State office, department, or  
33 agency or the chief elected official of the unit of local  
34 government that (i) the property is located within the

1           territory under the jurisdiction of the State or the unit  
2           of local government and (ii) the State or the unit of  
3           local government seeks to acquire the property for a  
4           public purpose.

5           (6) Together with the affidavit submitted under  
6           paragraph (5), the head of the appropriate State office,  
7           department, or agency or the chief elected official of  
8           the unit of local government must submit the following  
9           items to the Chairman and Minority Spokesperson of the  
10          House Executive Committee:

11           (A) A map of the area in which the property to  
12          be acquired is located, showing the location of the  
13          property.

14           (B) Photographs of the property.

15           (C) An appraisal of the property by a real  
16          estate appraiser who is certified or licensed under  
17          the Real Estate Appraiser Licensing Act of 2002.

18           (D) In the case of property sought to be  
19          acquired by a unit of local government, a copy of  
20          the resolution adopted by the unit of local  
21          government under paragraph (4).

22           (E) Documentation of the public purpose for  
23          which the State or the unit of local government  
24          seeks to acquire the property.

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

28          RESOLVED, That every affidavit submitted by the State or  
29          a unit of local government pursuant to this Resolution,  
30          together with all documents and other items submitted with  
31          the affidavit, must be made available to any person upon  
32          request for inspection and copying.