

RESOLUTION NO. 2023 - _____

A RESOLUTION REQUESTING AUTHORITY FROM THE GENERAL ASSEMBLY TO EXERCISE CERTAIN POWERS REGARDING EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY LOCATED AT 521 AND 523 WEST MONROE STREET IN THE CITY OF SPRINGFIELD, COUNTY OF SANGAMON, STATE OF ILLINOIS

WHEREAS, Springfield Public School District No. 186 (the “District”) is an Illinois public school district having its principal place of business located at 1900 West Monroe Street in Springfield, Illinois;

WHEREAS, the District Board of Education (“Board”) constitutes the duly elected, qualified, and acting officials of the District;

WHEREAS, the Board, by and through its agents and attorneys, has attempted to acquire title to the real property legally described in Exhibit A, attached hereto and incorporated herein by this reference (the “Subject Properties”), by negotiation;

WHEREAS, negotiations having failed, condemnation now appearing to be the remaining recourse, the Board held a public hearing pertaining to the Subject Properties on September 18, 2023, regarding exercising the right of eminent domain by condemnation proceedings and specifically by quick take, in conformity with the provisions of the Constitution and statutes of the State of Illinois, and including specifically pursuant to 735 ILCS 30/1-1-1, *et seq.*, and including the use of quick take powers pursuant to Section 30/20-5-5(b), *et seq.*, of the Eminent Domain Act;

WHEREAS, following such hearing, the Board by this resolution hereby requests approval of legislation by the Illinois General Assembly authorizing the District to acquire the Subject Properties by eminent domain by the use of quick take powers pursuant to Section 30/20-5-5(b), *et seq.*, of the Eminent Domain Act;

WHEREAS, the Board request such authority to exercise quick take powers pursuant to Section 30/20-5-5(b), *et seq.*, of the Eminent Domain Act for a period of one (1) year following the adoption of this Resolution;

WHEREAS, the Board has determined that the Board President, District Superintendent, the District attorneys, and/or their respective designee(s) are hereby authorized to take all necessary actions relating to or collateral to the purpose of this Resolution, including but not limited to taking all such actions necessary or convenient for compliance with the Rules of the Senate of the State of Illinois, One Hundred and Third General Assembly (“Senate Rules”) and the Rules of the House of Representatives of the One Hundred Third General Assembly (“House Rules”), each as amended from time to time;

WHEREAS, the Board has determined that it is in the best interest of the District and the students it serves to acquire the Subject Properties as aforesaid; and

WHEREAS, the acquisition of the Subject Properties will serve the public purpose of enabling the District to expand Springfield High School and its associated facilities as demonstrated in concept form in Exhibit B, attached hereto and incorporated herein by this reference; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Springfield Public School District No. 186, as follows:

ARTICLE I. IN GENERAL

Section 1. Incorporation Clause. All of the recitals hereinbefore stated as contained in the preambles to this Resolution are full, true, and correct, and the Board does hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

Section 2. Purpose. The purpose of this Resolution is to request approval of legislation by the Illinois General Assembly authorizing the District to acquire the Subject Properties by eminent domain by the use of quick take powers pursuant to Section 30/20-5-5(b), *et seq.*, of the Eminent Domain Act and to authorize and direct the Board President, District Superintendent, the District attorneys, and/or their respective designee(s) to draft and execute all necessary documents and perform all necessary tasks to effectuate the intent of this Resolution.

Section 3. Invocation of Authority. This Resolution is adopted pursuant to the authority granted to the District by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 4. State Law Adopted. All applicable provisions of the Illinois Compiled Statutes, including but not limited to the Illinois School Code and the Eminent Domain Act, as may be amended from time to time, relating to the purposes of this Resolution, are hereby incorporated herein by reference.

ARTICLE II. REQUEST FOR APPROVAL OF LEGISLATION

Section 1. Request and Authority. That the Board hereby requests approval of legislation by the Illinois General Assembly authorizing the District to acquire the Subject Properties by eminent domain and specifically by the use of quick take powers under Section 30/20-5-5, *et seq.*, of the Eminent Domain Act. That the Board hereby authorizes and directs the Board President, District Superintendent, the District attorneys, and/or their respective designee(s) to draft and execute all necessary documents and perform all necessary tasks to effectuate the intent of this Resolution. That this Resolution shall be published as set forth by statute and/or applicable Senate and House Rules and a copy be forwarded to the appropriate designated offices and Members of the Illinois General Assembly. That the Board President, District Superintendent, the District attorneys, and/or their respective designee(s), are hereby authorized and directed to draft, execute, and complete any and all documents deemed necessary, to effectuate the intent of this Resolution, whether or not such other documents are attached hereto. That the Board Secretary is hereby authorized and directed to attest to, countersign, and affix the seal of the District to all such documents as are necessary or convenient.

Section 2. Other Actions Authorized. The Board President, District Superintendent, the District attorneys, and officers and employees of the District, and/or their respective designee(s), shall take all actions reasonably required or necessary to carry out and give effect to the intent of this Resolution and otherwise to consummate the purchase or other acquisition of the Subject Properties, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the actions contemplated herein.

Section 3. Acts of District Officials. That all past, present, and future acts and doings of the officials, agents, and attorneys of the District that are in conformity with the purpose and intent of this Resolution are hereby, in all respects, ratified, approved, authorized, and confirmed.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE**

Section 1. Headings. The headings for the articles, sections, paragraphs, and sub-paragraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provisions of this Resolution.

Section 2. Severability. The provisions of this Resolution are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid, and in full force and effect. It is hereby declared to be the legislative intent of the Board that this Resolution would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof been included.

Section 3. Superseder. All District ordinances, resolutions, and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and approval, as provided by law.

Dated this 18th day of September, 2023.

Micah Miller, Board President

ATTEST:

Julie Hammers, Board Secretary

EXHIBIT A

Legal Description of Subject Properties

Legal Description of the Subject Properties:

Lots 6 and 7 in Block 5 of Thomas Lewis' Third Addition to the City of Springfield, Illinois.

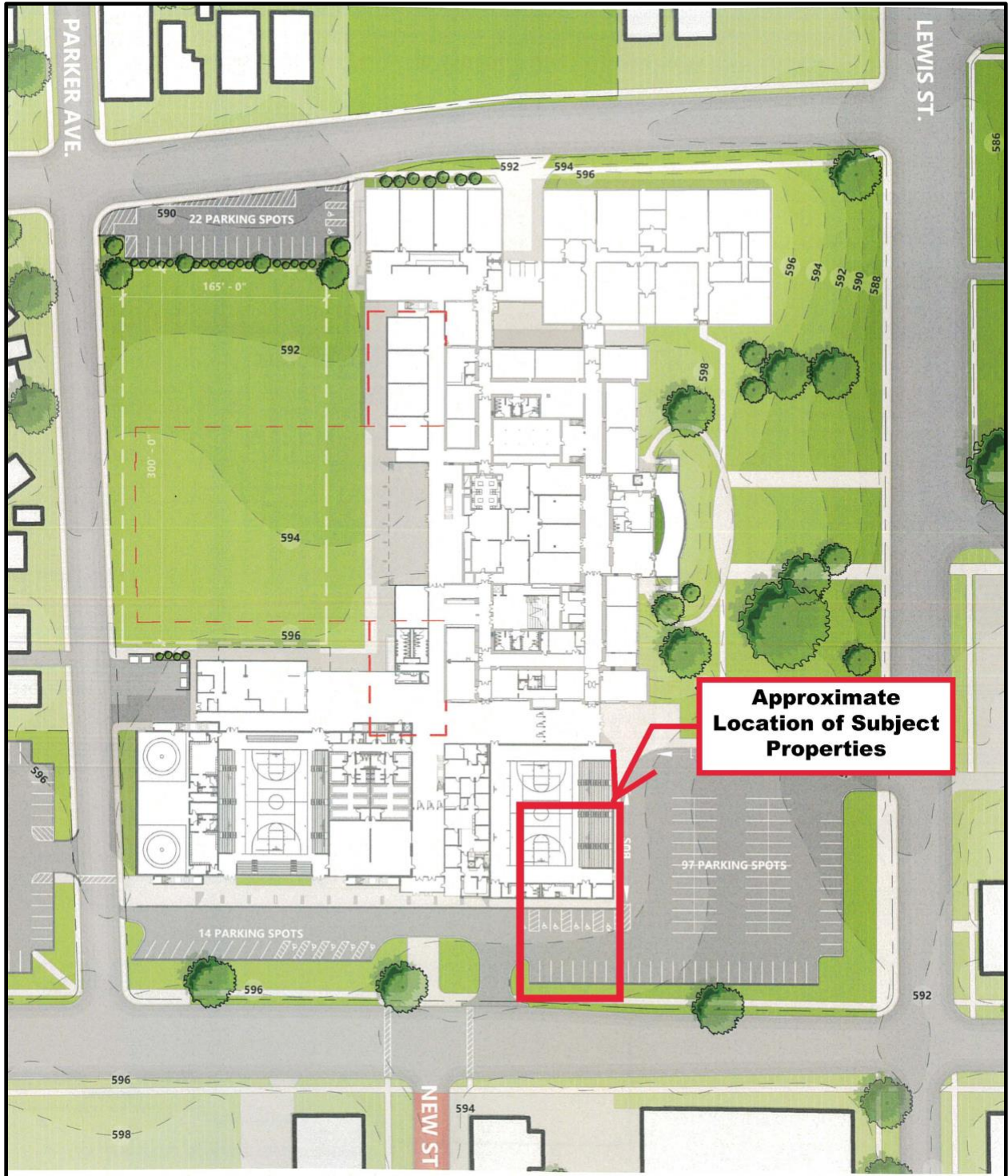
Situated in Sangamon County, Illinois.

Common Address: 521 and 523 West Monroe Street, Springfield, Illinois

PIN: 14-33.0-202-020 and 14-33.0-202-021

EXHIBIT B

**Expansion of Springfield High School and Approximate
Location of Subject Properties Relative Thereto**



CERTIFICATION

I, Julie Hammers, do hereby certify that I am the duly appointed and qualified Secretary of the Board of Education for Springfield Public School District No. 186, and that as such Secretary, I am the keeper of the ordinances, records, corporate seal and proceedings of said Board of Education.

I do hereby further certify that at a regular meeting of the Board of Education for Springfield Public School District No. 186, held on the 18th day of September, 2023, the foregoing Resolution, **A RESOLUTION REQUESTING AUTHORITY FROM THE GENERAL ASSEMBLY TO EXERCISE CERTAIN POWERS REGARDING EMINENT DOMAIN TO ACQUIRE CERTAIN REAL PROPERTY LOCATED AT 521 AND 523 WEST MONROE STREET IN THE CITY OF SPRINGFIELD, COUNTY OF SANGAMON, STATE OF ILLINOIS**, was duly passed and approved by the Board of Education for Springfield Public School District No. 186.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Secretary of said Board for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Secretary of the Board of Education for Springfield Public School District No. 186 and caused the seal of said District to be affixed hereto this 18th day of September, 2023.

Julie Hammers, Board Secretary