

PUBLIC HEARING

**141 S. Main Street, Room 514
Decatur, IL 62523**

February 22, 2017 5:15 P.M.

IN ATTENDANCE:

Tim Dudley
Jay Dunn
Kevin Greenfield
Jerry Potts
Kevin Bird
Phil Hogan

Court Reporter, Lisa Hahn
Mike Baggett, State's Attorney's Office
Bruce Bird, County Engineer
Joe Moretti
Stuart Jacobs
Jeannie Durham, County Board Office
Craig Wynne

The public hearing was called to order by Macon County Engineer, Bruce Bird at 5:15 p.m. at the Macon County Office Building.

ANNOUNCEMENT OF PURPOSE OF PUBLIC HEARING:

Intent to request approval of legislation by the Illinois General Assembly that will authorize the County of Macon to acquire the real property known as Parcel 001 by eminent domain using "quick take" authority under the Illinois Code of Civil Procedure (see the Illinois Compiled Statutes: 735 ILCS 30/1-1-1 et. Seq., and 735 ILCS 30/20-5-5 and 735 ILCS 30/25-5-5) for the Brush College Road IL 48 Connector Project

Basic Standard Remarks-

Mr. Bird read the content of the attached document and pointed out the location of copies of various maps, comment forms and documents as they were mentioned in the remarks.

He explained that there is a court reporter present in the event anyone would like to make a transcribed statement.

Public Comments –

Craig Wynne explained that he and his wife own the ground being discussed. He explained that their concern is that even though he was not sure how long the process has been going on, but in January, 2016, they had received a letter asking permission to go on their property. He said he was not sure what else had been received between January and November, but at the end of November, they had met with Webster to look at a property. They then met with Bruce Bird in the middle of January, 2017.

He explained that they were not real enthused with the comment that was made. He said they are now in the process of working with their attorney and getting their own appraisal. He said they then received a letter about quick take. He said that he was sure that those present probably understand what quick take is, but when he received it, he thought that the County had had a year plus on it and now he is receiving it within two to three weeks. He explained that they are just asking for a little bit of time to do their due diligence. He said he did not think that was asking for too much. He said they have been told to make a counter-offer, but he said he would not just throw an offer out there and end up offending people. He

said they are trying to go through the right procedures and they are just asking for the proper amount of time.

Mr. Hogan asked how much time he was talking about. Mr. Wynne said hopefully, in the next week to two weeks, their appraisal should be done.

Mr. Bruce Bird explained that the quick take deals with the legislator's schedule. There is a procedure the County has to meet. Mr. Wynne stated that he understood, but felt they should have been approached a little sooner. Mr. Bird said that they fully intend and would appreciate continuing to discuss and talk about this. Mr. Wynne agreed that that is definitely their plan. They are just asking for a little bit of time. Mr. Bird explained that they should have that time. Everybody realizes that the speed that the legislator in Springfield works is not the quickest. Mr. Wynne asked, with the quick take, when that quick take would actually be in effect. He asked if anyone had any idea and if any of them had talked to the legislators. Mr. Bird said it is passed through just like any bill. It is HB3837 and can be looked up on the website. It has to go through the House with 3 readings, then it goes through the same process of 3 readings in the Senate. Once the Governor receives it, he has 60 days to sign it. He said they have been told the typical process, if the Governor were to choose to take the full 60 days to decide, it would be sometime in August or September. It is not something that is going to happen in a couple of weeks. Mr. Wynne commented that they could wait until August, but that is not the objective and they are not going to do that. He said they want to get a settlement and move on.

Mr. Baggett commented that what is before the County Board at this time, after this hearing is over, the Transportation Committee will convene its regular meeting and consider a resolution and recommendation to the County Board for the adoption at its March 9 meeting. That will be the formal request of the County Board of the Illinois General Assembly for quick take authority. Until that request is made of the General Assembly, the General Assembly has a House Bill, but it won't go forward on it. So, at the very least, we have until March 9 before anything happens because no formal action on the County's behalf has taken place yet. If the General Assembly were able to move extremely quickly on this, which nobody is anticipating them expediting this in an extreme fashion, it could be 1, 2 or 3 months. At the fastest, we might have quick take authority granted by the end of April or the middle of May. He said he felt that that would be the earliest we could expect it. That would be full House approval, Senate approval and the signature by the Governor. That would be the absolutely earliest quick take authority could be expected. Between now and whenever quick take is allowed by the General Assembly, we will continue negotiations with Mr. Wynne with the hope that it will prevent eminent domain proceedings from being necessary at all. As Bruce said earlier, this is a belt / suspenders approach and we have to plan for every circumstance and this is our attempt to do that. It does not mean that we are trying to go this way to the exclusion of any other possible negotiated outcome.

Mr. Wynne said that he doesn't really understand quick take, but his first thought was that they felt that they were being railroaded. He addressed Mr. Hogan about the how quick question and assured him that it would be in less than a month. He said they are ready to get this over with and move on.

Mr. Bruce Bird commented that he has spoken with Mr. Wynne's appraiser and he has the information he is looking for to try to speed up the process. He said they are looking forward to hearing what he has to say. Mr. Wynne agreed that he is too.

Adjourn:

The public hearing was closed @ 5:28 p.m. by County Engineer, Bruce Bird.

Minutes submitted by: Jeannie Durham, Macon County Board Office