



General Assembly

Amendment

January Session, 2007

LCO No. 8876

SB0016708876HRO

Offered by:

REP. MINER, 66th Dist.

REP. JOHNSTON, 51st Dist.

To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 704

(As Amended by Senate Amendment Schedule "A")

"AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND ECONOMIC DEVELOPMENT."

1 Strike subparagraph (A) of subdivision (3) of subsection (b) of
2 section 1 in its entirety and substitute the following in lieu thereof:

3 "(3) (A) No parcel of real property may be acquired by eminent
4 domain under this section except by approval by vote of at least two-
5 thirds of the members of the legislative body of the municipality. Such
6 approval shall be by (i) separate vote on each parcel of real property to
7 be acquired, or (ii) a vote on one or more groups of such parcels,
8 provided each parcel to be acquired is identified for the purposes of a
9 vote on a group of such parcels under this subparagraph. The
10 legislative body shall not approve the use of eminent domain by the
11 development agency unless the legislative body has (I) considered the
12 benefits to the public and any private entity that will result from the

13 development project and determined that the public benefits outweigh
14 any private benefits, (II) determined that the current use of the real
15 property cannot be feasibly integrated into the overall development
16 plan, and (III) determined that the acquisition of the real property by
17 eminent domain is reasonably necessary to successfully achieve the
18 objectives of the development plan."

19 Strike subparagraph (A) of subdivision (3) of subsection (i) of
20 section 3 in its entirety and substitute the following in lieu thereof:

21 "(3) (A) No parcel of real property may be acquired by
22 condemnation under this section except by approval by vote of at least
23 two-thirds of the members of the legislative body of the municipality.
24 Such approval shall be by (i) separate vote on each parcel of real
25 property to be acquired, or (ii) a vote on one or more groups of such
26 parcels, provided each parcel to be acquired is identified for the
27 purposes of a vote on a group of such parcels under this
28 subparagraph. The legislative body shall not approve the use of
29 condemnation by the implementing agency unless the legislative body
30 has (I) considered the benefits to the public and any private entity that
31 will result from the municipal development project and determined
32 that the public benefits outweigh any private benefits, (II) determined
33 that the current use of the real property cannot be feasibly integrated
34 into the overall development plan, and (III) determined that the
35 acquisition of the real property by condemnation is reasonably
36 necessary to successfully achieve the objectives of the development
37 plan."