

## EXERCISE OF GUBERNATORIAL EMERGENCY TAKING POWER

WHEREAS, The circumstances surrounding COVID-19 constitute a public health emergency and a disaster under Section 4 of the Illinois Emergency Management Agency Act; and

WHEREAS, It is the policy of the State of Illinois that the State will be prepared to address any public health emergency or disaster and, therefore, it is necessary and appropriate to obtain resources available to ensure that the effects of COVID-19 are mitigated and minimized and that residents and visitors in the State remain safe and secure; and

WHEREAS, There is a need for additional hospital capacity to counter the surge on the hospital bed capacity to Sangamon County and surrounding area, in response to the COVID-19 pandemic disaster; and

WHEREAS, On March 9, 2020, the Governor of the State of Illinois proclaimed a disaster in all counties of the State of Illinois under Section 7 of the Illinois Emergency Management Agency Act; and

WHEREAS, Section 7 of the Illinois Emergency Management Agency Act authorizes the Governor to exercise certain emergency powers; and

WHEREAS, Section 7(4)(a) authorizes the Governor, or the person or persons as the Governor may authorize so to do, to take possession of, and for a limited period occupy and use, property for and on behalf of the State; provided, however, that the Governor or such authorized person(s) shall simultaneously with the taking, deliver to the owner or his or her agent, if the identity of the owner or agency is known or readily ascertainable, a signed statement in writing, that shall include the name and address of the owner, the date and place of the taking, a description of the property sufficient to identify it, a statement of interest in the property that is being so taken, and, if possible, a statement in writing, signed by the owner, setting forth the sum that he or she is willing to accept as just compensation for the property or use.

NOW, THEREFORE, In the interest of aiding the people of Illinois and the local governments responsible for ensuring public health and safety during the declared COVID-19 disaster and to operate as a hospital to counter surge capacity to surrounding hospitals in response to the COVID-19 pandemic, I, JB Pritzker, Governor of the State of Illinois, hereby take the following on this date April 3, 2020, subject to the terms and provisions of 20 ILCS 3305/7(4), set forth at the end of this document:

Property Address (and place of taking):	Former Vibra Hospital 701 N. Walnut Street Springfield, Sangamon County, Illinois 62702
Description of Property:	Former Vibra Hospital, approximately 51,813 SF building with approximately 50 beds, and all associated personal property (a more specific description and/or inventory will be addressed separately)
Interest in Property that is Being Taken:	Sole and Exclusive Occupation and Use as needed to address COVID 19 disaster



Vibra Holdings of Springfield, LLC

By: \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

NOTE: The signatures of the Owner and the Tenant are not required for this taking to become effective.

cc (via e-mail):

Text of 20 ILCS 3305/7(4):

Sec. 7. Emergency Powers of the Governor. In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regards any act or acts occurring or committed within the 30-day period, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which he, she, it, or they may have under the provisions of this Act:

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(4) On behalf of this State to take possession of, and to acquire full title or a lesser specified interest in, any personal property as may be necessary to accomplish the objectives set forth in Section 2 of this Act, including: airplanes, automobiles, trucks, trailers, buses, and other vehicles; coal, oils, gasoline, and other fuels and means of propulsion; explosives, materials, equipment, and supplies; animals and livestock; feed and seed; food and provisions for humans and animals; clothing and bedding; and medicines and medical and surgical supplies; and to take possession of and for a limited period occupy and use any real estate necessary to accomplish those objectives; but only upon the undertaking by the State to pay just compensation therefor as in this Act provided, and then only under the following provisions:

a. The Governor, or the person or persons as the Governor may authorize so to do, may forthwith take possession of property for and on behalf of the State; provided, however, that the Governor or persons shall simultaneously with the taking, deliver to the owner or his or her agent, if the identity of the owner or agency is known or readily ascertainable, a signed statement in writing, that shall include the name and address of the owner, the date and place of the taking, description of the property sufficient to identify it, a statement of interest in the property that is being so taken, and, if possible, a statement in writing, signed by the owner, setting forth the sum that he or she is willing to accept as just compensation for the property or use. Whether or not the owner or agent is known or readily ascertainable, a true copy of the statement shall promptly be filed by the Governor or the person with the Director, who shall keep the docket of the statements. In cases where the sum that the owner is willing to accept as just compensation is less than \$1,000, copies of the statements shall also be filed by the Director with, and shall be passed upon by an Emergency Management Claims Commission, consisting of 3 disinterested citizens who shall be appointed by the Governor, by and with the advice and consent of the Senate, within 20 days after the Governor's declaration of a disaster, and if the sum fixed by them as just compensation be less than \$1,000 and is accepted in writing by the owner, then the State Treasurer out of funds appropriated for these purposes, shall, upon certification thereof by the Emergency Management Claims Commission, cause the sum so certified forthwith to be paid to the owner. The Emergency Management Claims Commission is hereby given the power to issue appropriate subpoenas and to administer oaths to witnesses and shall keep appropriate minutes and other records of its actions upon and the disposition made of all claims.

b. When the compensation to be paid for the taking or use of property or interest therein is not or cannot be determined and paid under item a of this paragraph (4), a petition in the name of The People of the State of Illinois shall be promptly filed by the Director,

which filing may be enforced by mandamus, in the circuit court of the county where the property or any part thereof was located when initially taken or used under the provisions of this Act praying that the amount of compensation to be paid to the person or persons interested therein be fixed and determined. The petition shall include a description of the property that has been taken, shall state the physical condition of the property when taken, shall name as defendants all interested parties, shall set forth the sum of money estimated to be just compensation for the property or interest therein taken or used, and shall be signed by the Director. The litigation shall be handled by the Attorney General for and on behalf of the State.

c. Just compensation for the taking or use of property or interest therein shall be promptly ascertained in proceedings and established by judgment against the State, that shall include, as part of the just compensation so awarded, interest at the rate of 6% per annum on the fair market value of the property or interest therein from the date of the taking or use to the date of the judgment; and the court may order the payment of delinquent taxes and special assessments out of the amount so awarded as just compensation and may make any other orders with respect to encumbrances, rents, insurance, and other charges, if any, as shall be just and equitable.