

SB0959



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0959

Introduced 2/8/2011, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

605 ILCS 10/9

from Ch. 121, par. 100-9

Amends the Toll Highway Act. Makes a technical change in a Section concerning powers of the Toll Highway Authority.

LRB097 04683 HEP 44722 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Highway Act is amended by changing
5 Section 9 as follows:

6 (605 ILCS 10/9) (from Ch. 121, par. 100-9)

7 Sec. 9. The Authority shall have the power:

8 (a) To prepare, or cause to be prepared detailed plans,
9 specifications and ~~and~~ estimates, from time to time, for
10 the construction, relocation, repair, maintenance and
11 operation of toll highways within and through the State of
12 Illinois.

13 (b) To acquire, hold and use real and personal
14 property, including rights, rights-of-way, franchises,
15 easements and other interests in land as it may desire, or
16 as may be necessary or convenient for its authorized
17 purposes by purchase, gift, grant or otherwise, and to take
18 title thereto; to acquire in the manner that may now or
19 hereafter be provided for by the law of eminent domain of
20 this State, any real or personal property (including road
21 building materials and public lands, parks, playgrounds,
22 reservations, highways or parkways, or parts thereof, or
23 rights therein, of any person, railroad, public service,

1 public utility, or municipality or political subdivision)
2 necessary or convenient for its authorized purpose. Such
3 acquisition of real property, whether by purchase, gift,
4 condemnation or otherwise, wherever necessary or
5 convenient in the discretion of the Authority, may include
6 the extension of existing rights and easements of access,
7 use and crossing held by any person or persons, interests
8 in land abutting on existing highways, and remnants or
9 remainder property; and such acquisitions of real property
10 may be free and clear of, and without any rights or
11 easements of access, use and crossing in favor of any
12 person or persons including interest in any land adjacent
13 or contiguous to the land so acquired, provided however,
14 that nothing herein contained shall be construed to
15 authorize the taking or damaging of any private property
16 for such purposes by the Authority, without just
17 compensation.

18 (c) To accept conveyance of fee simple title to, or any
19 lesser interest in, land, rights or property conveyed by
20 the Department of Transportation under Section 4-508.1 of
21 the Illinois Highway Code.

22 (c-1) To establish presently the approximate locations
23 and widths of rights of way for future additions to the
24 toll highway system to inform the public and prevent costly
25 and conflicting development of the land involved.

26 The Authority shall hold a public hearing whenever

1 approximate locations and widths of rights of way for
2 future toll highway additions are to be established. The
3 hearing shall be held in or near the county or counties in
4 which the land to be used is located and notice of the
5 hearing shall be published in a newspaper or newspapers of
6 general circulation in the county or counties involved. Any
7 interested person or his or her representative may be
8 heard. The Authority shall evaluate the testimony given at
9 the hearing.

10 The Authority shall make a survey and prepare a map
11 showing the location and approximate widths of the rights
12 of way needed for future additions to the toll highway
13 system. The map shall show existing highways in the area
14 involved and the property lines and owners of record of all
15 land that will be needed for the future additions and all
16 other pertinent information. Approval of the map with any
17 changes resulting from the hearing shall be indicated in
18 the record of the hearing and a notice of the approval and
19 a copy of the map shall be filed in the office of the
20 recorder for all counties in which the land needed for
21 future additions is located.

22 Public notice of the approval and filing shall be given
23 in newspapers of general circulation in all counties in
24 which the land is located and shall be served by registered
25 mail within 60 days thereafter on all owners of record of
26 the land needed for future additions.

1 The Authority may approve changes in the map from time
2 to time. The changes shall be filed and notice given in the
3 manner provided for an original map.

4 After the map is filed and notice thereof given to the
5 owners of record of the land needed for future additions,
6 no person shall incur development costs or place
7 improvements in, upon, or under the land involved nor
8 rebuild, alter, or add to any existing structure without
9 first giving 60 days' notice by registered mail to the
10 Authority. This prohibition shall not apply to any normal
11 or emergency repairs to existing structures. The Authority
12 shall have 45 days after receipt of that notice to inform
13 the owner of the Authority's intention to acquire the land
14 involved, after which it shall have an additional 120 days
15 to acquire the land by purchase or to initiate action to
16 acquire the land through the exercise of the right of
17 eminent domain. When the right of way is acquired by the
18 Authority, no damages shall be allowed for any
19 construction, alteration, or addition in violation of this
20 subsection (c-1) unless the Authority has failed to acquire
21 the land by purchase or has abandoned an eminent domain
22 proceeding initiated in accordance with this subsection
23 (c-1).

24 Any right of way needed for additions to the toll
25 highway system may be acquired at any time by the
26 Authority. The time of determination of the value of the

1 property to be taken under this Section for additions to
2 the toll highway system shall be the date of the actual
3 taking, if the property is acquired by purchase, or the
4 date of the filing of a complaint for condemnation, if the
5 property is acquired through the exercise of the right of
6 eminent domain, rather than the date when the map of the
7 proposed right of way was filed of record.

8 (c-2) Not more than 10 years after a protected corridor
9 is established under subsection (c-1), and not later than
10 the expiration of each 10-year period thereafter, the
11 Authority shall hold a public hearing to discuss the
12 viability and feasibility of the protected corridor.
13 Following the hearing and giving due consideration to the
14 information obtained at the hearing, the Board of Directors
15 of the Authority shall vote to either continue or abolish
16 the protected corridor.

17 (d) It is hereby declared, as a matter of legislative
18 determination, that the fundamental goal of the people of
19 Illinois is the educational development of all persons to
20 the limits of their capacities, and this educational
21 development requires the provision of environmentally and
22 physically safe facilities.

23 If the building line of a building used primarily for
24 the purpose of educating elementary or secondary students
25 lies within 100 feet of any ingress or egress ramp that is
26 used or that has been used by traffic exiting or entering

1 any toll highway operated by the Toll Highway Authority,
2 the Toll Highway Authority shall acquire the building,
3 together with any property owned, leased, or utilized
4 adjacent to it and pertaining to its educational
5 operations, from the school district that owns or operates
6 it, for just compensation. "Just compensation" for
7 purposes of this subsection (d) means the replacement cost
8 of the building and adjacent property so that the students
9 educated in the building have the opportunity to be
10 educated according to standards prevailing in the State of
11 Illinois.

12 (Source: P.A. 89-297, eff. 8-11-95; 90-681, eff. 7-31-98.)