

1 facilitate and accomplish that relocation.

2 Section 5-10. Creation; duration. There is created a
3 body politic and corporate and a unit of local government
4 named the Dixon Railroad Relocation Authority, embracing Lee
5 County. The Authority shall continue in existence until the
6 accomplishment of its objective, the relocation of the
7 railroad spur line running through the City of Dixon or until
8 the Authority officially resolves that it is impossible or
9 economically unfeasible to fulfill that objective.

10 Section 5-15. Acquisition of property. The Authority
11 shall have the power to acquire by gift, purchase, or legacy
12 the fee simple title to real property located within the
13 boundaries of the Authority, including temporary and
14 permanent easements, as well as reversionary interests in the
15 streets, alleys and other public places and personal
16 property, required for its purposes, and title thereto shall
17 be taken in the corporate name of the Authority. Any such
18 property that is already devoted to a public use may
19 nevertheless be acquired, provided that no property belonging
20 to the United States of America or the State of Illinois may
21 be acquired without the consent of such governmental unit.
22 No property devoted to a public use belonging to a
23 corporation subject to the jurisdiction of the Illinois
24 Commerce Commission may be acquired without a prior finding
25 by the Illinois Commerce Commission that the taking would not
26 result in the imposition of an undue burden on intrastate
27 commerce. All land and appurtenances thereto, acquired or
28 owned by the Authority, are to be deemed acquired or owned
29 for a public use or public purpose.

30 Section 5-20. Sale or exchange of property. The
31 Authority shall have the power to sell, transfer, exchange,

1 vacate or assign property acquired for the purposes of this
2 Act as it shall deem appropriate.

3 Section 5-25. Acceptance of grants, loans, and
4 appropriations. The Authority shall have the power to apply
5 for and accept grants, loans, advances, and appropriations
6 from the Federal Government and from the State of Illinois or
7 any agency or instrumentality thereof to be used for the
8 purposes of the Authority, and to enter into any agreement in
9 relation to such grants, loans, advances, and appropriations.
10 The Authority may also accept from the State, any State
11 agency, department or commission, any county or other
12 political subdivision, any municipal corporation, any
13 railroad, or any school authorities, or jointly therefrom,
14 grants of funds or services for any of the purposes of this
15 Article. The Authority shall be treated as a rail carrier
16 subject to the Illinois Commerce Commission's jurisdiction
17 and eligible to receive money from the Grade Crossing
18 Protection Fund or any fund of the State or other source
19 available for purposes of promoting safety and separation of
20 at-grade railroad crossings or highway improvements.

21 Section 5-30. Borrowing money and issuance of bonds.
22 The Authority may incur debt and borrow money from time to
23 time and, in evidence thereof, may issue and sell bonds in
24 such amounts as the Authority may determine, to provide funds
25 for carrying out the purposes of this Article and to pay all
26 costs and expenses incident thereto, and to refund and
27 refinance, from time to time, bonds so issued and sold, as
28 often as may be deemed to be advantageous by the Authority.

29 Section 5-35. Taxing powers. The Authority shall not
30 have the power to levy real property taxes for any purpose
31 whatsoever.

1 Section 5-40. Board; composition; qualification;
2 compensation and expenses. The Authority shall be governed
3 by a board consisting of 5 members. The members of the
4 Authority shall serve without compensation, but may be
5 reimbursed for actual expenses incurred by them in the
6 performance of duties prescribed by the Authority. However,
7 any member of the Authority who serves as secretary or
8 treasurer may receive compensation for services as that
9 officer.

10 Section 5-45. Appointments; tenure; oaths; vacancies.
11 The members of the Authority shall be appointed by the
12 Governor, who shall give notice of the member's selection to
13 each other member within 10 days after selection and before
14 the member's entering upon the duties of office. Three of
15 the members shall be appointed by the Governor from a list of
16 4 candidates provided by the mayor of the City of Dixon, and
17 2 of the members shall be appointed by the Governor from a
18 list of 3 candidates provided by the chairman of the county
19 board of Lee County. Each member of the Authority shall take
20 and subscribe to the constitutional oath of office and file
21 it with the Secretary of State. If a vacancy occurs by
22 death, resignation, or otherwise, the vacancy shall be filled
23 by the Governor. All appointments of members shall be for a
24 3-year term. Each member shall continue to serve an
25 additional 3-year term unless that member is replaced by
26 appointment within 60 days of the end of his or her term.

27 Section 5-50. Removal of members. The Governor may
28 remove from office any Authority member immediately in case
29 of incompetency, neglect of duty, or malfeasance of office,
30 or otherwise upon 15 days written notice to the other
31 members. Absence from any 3 consecutive regular meetings of
32 the Authority shall be deemed neglect of duty.

1 Section 5-55. Organization; chairperson and temporary
2 Secretary. As soon as possible after the appointment of the
3 initial members, the Authority shall organize for the
4 transaction of business, select a chairperson and a temporary
5 secretary from its own number, and adopt bylaws to govern its
6 proceedings. The initial chairperson and successors shall be
7 elected by the Authority from time to time from among the
8 members. The Authority may act through its members by
9 entering into an agreement that a member act on the
10 Authority's behalf, in which instance the act or performance
11 directed shall be deemed to be exclusively of, for, and by
12 the Authority and not the individual act of the member or its
13 represented person.

14 Section 5-60. Meetings; quorum; resolutions. Regular
15 meetings of the Authority shall be held at least quarterly,
16 the time and place of those meetings to be fixed by the
17 Authority. Special meetings may be called by the chairperson
18 or by any 3 members of the Authority by giving notice thereof
19 in writing, stating the time, place, and purpose of the
20 meeting. The notice shall be served by special delivery
21 letter deposited in the mail at least 48 hours before the
22 meeting. A majority of the members of the Authority shall
23 constitute a quorum for the transaction of business. All
24 action of the Authority shall be by resolution and, except as
25 otherwise provided in this Article, the affirmative vote of
26 at least a majority shall be necessary for the adoption of
27 any resolution. The chairperson shall be entitled to vote on
28 any and all matters coming before the Authority.

29 Section 5-65. Secretary and treasurer; oaths; bond of
30 treasurer. The Authority may appoint a secretary and a
31 treasurer, who need not be members of the Authority, to hold
32 office during the pleasure of the Authority, and fix their

1 duties and compensation. Before entering upon the duties of
2 their respective offices, they shall take and subscribe to
3 the constitutional oath of office, and the treasurer shall
4 execute a bond with corporate sureties to be approved by the
5 Authority. The bond shall be payable to the Authority in
6 whatever penal sum may be directed by the Authority
7 conditioned upon the faithful performance of the duties of
8 the office and the payment of all money received by the
9 treasurer according to law and the orders of the Authority.
10 The Authority may, at any time, require a new bond for the
11 treasurer in such penal sum as may then be determined by the
12 Authority.

13 Section 5-70. Deposit and withdrawal of funds;
14 signatures. All funds deposited by the treasurer in any bank
15 or savings and loan association shall be placed in the name
16 of the Authority and shall be withdrawn or paid out only by
17 check or draft upon the bank or savings and loan association,
18 signed by the treasurer and countersigned by the chairperson
19 of the Authority. Subject to prior approval of the
20 designations by a majority of the Authority, the chairperson
21 may designate any other member or any officer of the
22 Authority to affix the signature of the treasurer to any
23 Authority check or draft for payment of salaries or wages and
24 for payment of any other obligation of not more than \$2,500.

25 No bank or savings and loan association shall receive
26 public funds as permitted by this Section unless it has
27 complied with the requirements established under Section 6 of
28 the Public Funds Investment Act.

29 Section 5-75. Delivery of check after executing officer
30 ceases to hold office. If any officer whose signature appears
31 upon any check or draft issued pursuant to this Article
32 ceases to hold office before the delivery of the check or

1 draft to the payee, the officer's signature nevertheless
2 shall be valid and sufficient for all purposes with the same
3 effect as if the officer had remained in office until
4 delivery of the check or draft.

5 Section 5-80. Rules. The Authority may make all rules
6 proper or necessary to carry into effect the powers granted
7 to it. The rules shall be consistent with the guidelines,
8 objectives, and project scope as set out by the Illinois
9 Commerce Commission.

10 Section 5-85. Fiscal year. The Authority shall
11 designate its fiscal year.

12 Section 5-90. Reports and financial statements. Within
13 60 days after the end of its fiscal year, the Authority shall
14 cause to be prepared by a certified public accountant a
15 complete and detailed report and financial statement of the
16 operations and assets and liabilities as related to the Dixon
17 railroad relocation project. A reasonably sufficient number
18 of copies of the report shall be prepared for distribution to
19 persons interested, upon request, and a copy of the report
20 shall be filed with the Illinois Commerce Commission and with
21 the county clerk of Lee County.

22 Section 5-95. Construction. Nothing in this Article
23 shall be construed to confer upon the Authority the right,
24 power, or duty to order or enforce the abandonment of any
25 present property of the railroads or the use in substitution
26 therefor of any property acquired for the railroads in the
27 absence of a contract duly executed by the railroads and the
28 Authority setting forth the terms and conditions upon which
29 relocation of the right of way and physical facilities of the
30 railroads is to be accomplished. No such contract shall be

1 or become enforceable until the provisions of the contract
2 have been approved or authorized by the Illinois Commerce
3 Commission.

4 Section 5-100. Existing contracts, obligations, and
5 liabilities. No contract, obligation, or liability whatever
6 of the railroads to pay any money into the State treasury,
7 nor any lien of the State upon or right to tax property of
8 the railroads, shall be released, suspended, modified,
9 altered, remitted, or in any manner diminished or impaired by
10 the contract with the Authority, and any such charter
11 provisions applicable to the property on which the railroads
12 are now located shall be deemed in full force and effect with
13 respect to any property on which the railroads are relocated
14 in substitution therefor pursuant to the provisions of this
15 Act or any such contract with the Authority pursuant thereto.
16 Notwithstanding, upon order of the Illinois Commerce
17 Commission, the Authority shall succeed to and assume the
18 performance and actions of the represented persons under the
19 terms of the order and amending orders previously entered
20 relative to the Dixon railroad relocation project and
21 consistent with the objectives of the Authority.

22 Section 5-105. Severability. The provisions of this Act
23 are severable under Section 1.31 of the Statute on Statutes.

24 ARTICLE 10.

25 Section 10-5. The 25th Avenue Railroad Relocation and
26 Development Authority Act is amended by changing the title of
27 the Act and Sections 1, 5, 10, 40, 45, 60, and 90 as follows:

28 (70 ILCS 1920/Act title)

29 An Act creating the West Cook 25th--Avenue Railroad

1 Relocation and Redevelopment Authority.

2 (70 ILCS 1920/1)

3 Sec. 1. Short title. This Act may be cited as the West
4 Cook 25th--Avenue Railroad Relocation and Development
5 Authority Act.

6 (Source: P.A. 91-562, eff. 8-14-99.)

7 (70 ILCS 1920/5)

8 Sec. 5. Legislative declaration. The General Assembly
9 declares that the welfare, health, prosperity, and moral and
10 general well being of the people of the State are, in large
11 measure, dependent upon the sound and orderly development of
12 municipal areas. The Village of Bellwood , the Village of
13 Maywood, and the Village of Melrose Park, by reason of the
14 location therein of 25th Avenue and the First Avenue vicinity
15 between Lake Street on the North, Oak Street on the South,
16 the Des Plaines River on the East, and Fifth Avenue on the
17 West and their its use for vehicular travel in access to the
18 entire west metropolitan Chicago area, including
19 municipalities in 2 counties, as well as commercial and
20 industrial growth patterns and accessibility to O'Hare
21 International Airport, Midway Airport, manufacturing, and
22 freight related facilities, have become and will increasingly
23 be the hub of transportation from all parts of the region and
24 throughout the west metropolitan area. Motor vehicle
25 traffic, pedestrian travel, and the safety of both motorists
26 and pedestrians are substantially aggravated by the location
27 of a major railroad right of way that divides the Village of
28 Bellwood and the Village of Melrose Park. Additionally,
29 certain development opportunities may exist in the project
30 area that would stabilize and enhance the tax base of
31 existing communities, maintain and revitalize existing
32 commerce and industry, create opportunities for intersurface

1 modal transportation efficiencies, and promote comprehensive
2 planning within and between communities. The presence of the
3 railroad right of way at the 25th Avenue grade crossing is
4 detrimental to the orderly expansion of industry and commerce
5 and to progress of the region. To alleviate this situation
6 it is necessary to relocate the railroad tracks and right of
7 way on 25th Avenue and First Avenue, to separate the grades
8 at crossings ~~eressing~~, to acquire property for relocation or
9 submergence of the railroad or highways, to create an agency
10 to facilitate and accomplish that relocation, and to direct
11 infrastructure and development improvements in the 25th
12 Avenue vicinity between St. Charles Road and Lake Street and
13 the First Avenue vicinity between Lake Street on the North,
14 Oak Street on the South, the Des Plaines River on the East,
15 and Fifth Avenue on the West.

16 Additionally, certain development opportunities may exist
17 in the West Cook County region from Harlem Avenue on the East
18 to I-294 on the West and from Grand Avenue on the North to
19 31st Street on the South that would stabilize and enhance the
20 tax base of existing communities, maintain and revitalize
21 existing commerce and industry, create opportunities for
22 modal transportation efficiencies, and promote comprehensive
23 planning within and between communities.

24 (Source: P.A. 91-562, eff. 8-14-99.)

25 (70 ILCS 1920/10)

26 Sec. 10. Creation; duration. There is created a body
27 politic and corporate, a unit of local government, named the
28 West Cook 25th-Avenue Railroad Relocation and Development
29 Authority, embracing that portion of Proviso Township
30 embracing that portion of the Village of Bellwood and the
31 Village of Melrose Park from St. Charles Road on the South to
32 Lake Street on the North, and from the Indiana Harbor Belt
33 Railroad on the West to 22nd Avenue on the East, Cook County,

1 Illinois and the Village of Maywood, Cook County, Illinois.
 2 The Authority shall continue in existence until the
 3 accomplishment of its objective, the relocation of the
 4 railroad tracks and 25th Avenue, the grade separation of
 5 railroads from the right of way and at-grade crossing
 6 closures within the Village of Bellwood and the Village of
 7 Melrose Park, the grade separation of railroads from the
 8 right-of-way and at grade crossing in the First Avenue
 9 vicinity between Lake Street, Oak Street, the Des Plaines
 10 River, and Fifth Avenue, and the establishment of a
 11 transit-oriented intersurface modal development facility in
 12 the project area, or until the Authority officially resolves
 13 that it is impossible or economically unfeasible to fulfill
 14 that objective.

15 (Source: P.A. 91-562, eff. 8-14-99.)

16 (70 ILCS 1920/40)

17 Sec. 40. Board; composition; qualification; compensation
 18 and expenses. The Authority shall be governed by a board
 19 consisting of 7 5 members. The members of the Authority
 20 shall serve without compensation, but may be reimbursed for
 21 actual expenses incurred by them in the performance of duties
 22 prescribed by the Authority. However, any member of the
 23 Authority who serves as secretary or treasurer may receive
 24 compensation for services as that officer.

25 (Source: P.A. 91-562, eff. 8-14-99.)

26 (70 ILCS 1920/45)

27 Sec. 45. Appointments; tenure; oaths; vacancies. The
 28 members of the Authority shall be appointed by the Governor,
 29 who shall give notice of the member's selection to each other
 30 member within 10 days after selection and before the member's
 31 entering upon the duties of office. Two of the members shall
 32 be recommended to the Governor from a list of 3 candidates

1 provided by the village president of the Village of Bellwood,
2 2 of the members shall be recommended to the Governor from a
3 list of 3 candidates provided by the village president of the
4 Village of Maywood, and 2 of the members shall be recommended
5 to the Governor from a list of 3 candidates provided by the
6 village president of the Village of Melrose Park. The office
7 of chairman shall rotate annually and shall represent the
8 Village of Bellwood, the Village of Melrose Park, the Village
9 of Maywood, and the Governor's appointments, respectively,
10 for each of the 3 years of the term of office. Each
11 representative member of the Authority shall take and
12 subscribe to the constitutional oath of office and file it
13 with the Secretary of State. If a vacancy occurs by death,
14 resignation, or otherwise, the vacancy shall be filled by the
15 appropriate selecting party. All appointments of members
16 shall be for a 3-year term. Each member shall continue to
17 serve an additional 3-year term unless that member is
18 replaced by appointment within 60 days of the end of his or
19 her term.

20 (Source: P.A. 91-562, eff. 8-14-99.)

21 (70 ILCS 1920/60)

22 Sec. 60. Meetings; quorum; resolutions. Regular
23 meetings of the Authority shall be held at least quarterly,
24 the time and place of those meetings to be fixed by the
25 Authority. Special meetings may be called by the Chair or by
26 any 4 3 members of the Authority by giving notice thereof in
27 writing, stating the time, place, and purpose of the meeting.
28 The notice shall be served by special delivery letter
29 deposited in the mails at least 48 hours before the meeting.
30 A majority of the members of the Authority shall constitute a
31 quorum for the transaction of business. All action of the
32 Authority shall be by resolution and, except as otherwise
33 provided in this Act, the affirmative vote of at least a

1 majority shall be necessary for the adoption of any
2 resolution. The Chair shall be entitled to vote on any and
3 all matters coming before the Authority.

4 (Source: P.A. 91-562, eff. 8-14-99.)

5 (70 ILCS 1920/90)

6 Sec. 90. Reports and financial statements. Within 60
7 days after the end of its fiscal year, the Authority shall
8 cause to be prepared by a certified public accountant a
9 complete and detailed report and financial statement of the
10 operations and assets and liabilities as relate to the 25th
11 Avenue railroad grade separation project and the First Avenue
12 railroad grade separation project. A reasonably sufficient
13 number of copies of the report shall be prepared for
14 distribution to persons interested, upon request, and a copy
15 of the report shall be filed with the Illinois Commerce
16 Commission and with the county clerk of Cook County.

17 (Source: P.A. 91-562, eff. 8-14-99.)

18 ARTICLE 99.

19 Section 99-1. Effective date. This Act takes effect
20 upon becoming law."