- 1 AN ACT in relation to highways.
- 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:

of Illinois.

- 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 9 plans, specifications and estimates, from time to time, 10 for the construction, relocation, repair, maintenance and 11 operation of toll highways within and through the State
- 13 (b) To acquire, hold and use real and personal property, including rights, rights-of-way, franchises, 14 easements and other interests in land as it may desire, 15 or as may be necessary or convenient for its authorized 16 purposes by purchase, gift, grant or otherwise, and to 17 18 take title thereto; to acquire in the manner that may now or hereafter be provided for by the law of eminent domain 19 20 of this State, any real or personal property (including building materials and public lands, parks, 21 playgrounds, reservations, highways or parkways, or parts 22 thereof, or rights therein, of any person, railroad, 23 public service, public utility, or municipality or 24 political subdivision) necessary or convenient for its 25 authorized purpose. Such Acquisition of real property, 26 27 whether by purchase, gift, condemnation or otherwise, wherever necessary or convenient in the discretion of the 28 Authority, may include the extension of existing rights 29 30 and easements of access, use and crossing held by any person or persons, interests in land abutting on existing 31

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highways, and remnants or remainder property; and such acquisitions of real property may be free and clear of, and without any rights or easements of access, use and crossing in favor of any person or persons including interest in any land adjacent or contiguous to the land so acquired, provided however, that nothing herein contained shall be construed to authorize the taking or damaging of any private property for such purposes by the Authority, without just compensation.

- (c) To accept conveyance of fee simple title to, or any lesser interest in, land, rights or property conveyed by the Department of Transportation under Section 4-508.1 of the Illinois Highway Code.
- (c-1) To establish presently the approximate locations and widths of rights of way for future additions to the toll highway system to inform the public and prevent costly and conflicting development of the land involved.

The Authority shall hold a public hearing whenever approximate locations and widths of rights of way future toll highway additions are to be established. The hearing shall be held in or near the county or counties in which the land to be used is located and notice of the hearing shall be published in a newspaper or newspapers general circulation in the county or counties  $\circ f$ Any interested person or his involved. or her representative may be heard. The Authority shall evaluate the testimony given at the hearing.

The Authority shall make a survey and prepare a map showing the location and approximate widths of the rights of way needed for future additions to the toll highway system. The map shall show existing highways in the area involved and the property lines and owners of record of all land that will be needed for the future additions and

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all other pertinent information. Approval of the map with any changes resulting from the hearing shall be indicated in the record of the hearing and a notice of the approval and a copy of the map shall be filed in the office of the recorder for all counties in which the land needed for future additions is located.

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

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

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

Any right of way needed for additions to the toll highway system may be acquired at any time by the Authority. The time of determination of the value of the property to be taken under this Section for additions to the toll highway system shall be the date of the actual taking, if the property is acquired by purchase, or the date of the filing of a complaint for condemnation, if the property is acquired through the exercise of the right of eminent domain, rather than the date when the map of the proposed right of way was filed of record.

- (c-2) Not more than 10 years after a protected corridor is established under subsection (c-1), and not later than the expiration of each 10-year period thereafter, the Authority shall hold a public hearing to discuss the viability and feasibility of the protected corridor. Following the hearing and giving due consideration to the information obtained at the hearing, the Board of Directors of the Authority shall vote to either continue or abolish the protected corridor.
- (d) It is hereby declared, as a matter of legislative determination, that the fundamental goal of the people of Illinois is the educational development of all persons to the limits of their capacities, and this educational development requires the provision of environmentally and physically safe facilities.

If the building line of a building used primarily for the purpose of educating elementary or secondary students lies within 100 feet of any ingress or egress ramp that is used or that has been used by traffic exiting or entering any toll highway operated by the Toll Highway Authority, the Toll Highway Authority shall acquire the building, together with any property owned, leased, or utilized adjacent to it and pertaining to its educational operations, from the school district that

owns or operates it, for just compensation. "Just 1 compensation" for purposes of this subsection (d) means 2 3 the replacement cost of the building and adjacent 4 property so that the students educated in the building have the opportunity to be educated according to 5 standards prevailing in the State of Illinois. 6

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