

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 10/9 as follows:

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

7 Sec. 9. The Authority does ~~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
12 of 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,
16 or as may be necessary or convenient for its authorized
17 purposes by purchase, gift, grant or otherwise, and to
18 take title thereto; to acquire in the manner that may now
19 or hereafter be provided for by the law of eminent domain
20 of this State, any real or personal property (including
21 road building materials and public lands, parks,
22 playgrounds, reservations, highways or parkways, or parts
23 thereof, or rights therein, of any person, railroad,
24 public service, public utility, or municipality or
25 political subdivision) necessary or convenient for its
26 authorized purpose. Such acquisition of real property,
27 whether by purchase, gift, condemnation or otherwise,
28 wherever necessary or convenient in the discretion of the
29 Authority, may include the extension of existing rights
30 and easements of access, use and crossing held by any
31 person or persons, interests in land abutting on existing

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

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

14 (c-1) To establish presently the approximate
15 locations and widths of rights of way for future
16 additions to the toll highway system to inform the public
17 and prevent costly and conflicting development of the
18 land involved.

19 The Authority shall hold a public hearing whenever
20 approximate locations and widths of rights of way for
21 future toll highway additions are to be established. The
22 hearing shall be held in or near the county or counties
23 in which the land to be used is located and notice of the
24 hearing shall be published in a newspaper or newspapers
25 of general circulation in the county or counties
26 involved. Any interested person or his or her
27 representative may be heard. The Authority shall
28 evaluate the testimony given at the hearing.

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

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

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

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

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

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

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

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

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

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

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