



Sen. Kyle McCarter

Filed: 3/15/2011

09700SB1856sam001

LRB097 10078 HEP 52905 a

1 AMENDMENT TO SENATE BILL 1856

2 AMENDMENT NO. _____. Amend Senate Bill 1856 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by
5 changing Section 4-510 as follows:

6 (605 ILCS 5/4-510) (from Ch. 121, par. 4-510)

7 Sec. 4-510. The Department may establish presently the
8 approximate locations and widths of rights of way for future
9 additions to the State highway system to inform the public and
10 prevent costly and conflicting development of the land
11 involved.

12 The Department shall hold a public hearing whenever
13 approximate locations and widths of rights of way for future
14 highway additions are to be established. The hearing shall be
15 held in or near the county or counties where the land to be
16 used is located and notice of the hearing shall be published in

1 a newspaper or newspapers of general circulation in the county
2 or counties involved. Any interested person or his
3 representative may be heard. The Department shall evaluate the
4 testimony given at the hearing.

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

16 Public notice of the approval and filing shall be given in
17 newspapers of general circulation in all counties where the
18 land is located and shall be served by registered mail within
19 60 days thereafter on all owners of record of the land needed
20 for future additions.

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

24 After the map is filed and notice thereof given to the
25 owners of record of the land needed for future additions, no
26 one shall incur development costs or place improvements in,

1 upon or under the land involved nor rebuild, alter or add to
2 any existing structure without first giving 60 days notice by
3 registered mail to the Department. This prohibition shall not
4 apply to any normal or emergency repairs to existing
5 structures. The Department shall have 45 days after receipt of
6 that notice to inform the owner of the Department's intention
7 to acquire the land involved; after which, it shall have the
8 additional time of 120 days to acquire such land by purchase or
9 to initiate action to acquire said land through the exercise of
10 the right of eminent domain. When the right of way is acquired
11 by the State no damages shall be allowed for any construction,
12 alteration or addition in violation of this Section unless the
13 Department has failed to acquire the land by purchase or has
14 abandoned an eminent domain proceeding initiated pursuant to
15 the provisions of this paragraph.

16 Any right of way needed for additions to the highway system
17 may be acquired at any time by the State or by the county or
18 municipality in which it is located. The time of determination
19 of the value of the property to be taken under this Section for
20 additions to the highway system shall be the date of the actual
21 taking, if the property is acquired by purchase, or the date of
22 the filing of a complaint for condemnation, if the property is
23 acquired through the exercise of the right of eminent domain,
24 rather than the date when the map of the proposed right-of-way
25 was filed of record. The rate of compensation to be paid for
26 farm land acquired hereunder by the exercise of the right of

1 eminent domain shall be in accordance with Section 4-501 of
2 this Code.

3 Not more than 10 years after a protected corridor is
4 established under this Section regardless of whether the
5 corridor is established before or after the effective date of
6 this amendatory Act of the 97th General Assembly, and not later
7 than the expiration of each succeeding 10 year period, the
8 Department shall hold public hearings to discuss the viability
9 and feasibility of the protected corridor. In the case of a
10 protected corridor established prior to 10 years before the
11 effective date of this amendatory Act of the 97th General
12 Assembly, the hearing shall be conducted within 6 months of the
13 effective date of this amendatory Act of the 97th General
14 Assembly. The Department shall retain the discretion to
15 maintain any protected corridor established under this
16 Section, but shall give due consideration to the information
17 obtained at the hearing and, if the Department in its
18 discretion determines that construction of the roadway is no
19 longer feasible, the Department shall abolish the protected
20 corridor.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."