

# HB4717



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4717

Introduced 1/27/2022, by Rep. Michael Halpin

### SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-508

from Ch. 121, par. 4-508

Amends the Illinois Highway Code. Allows, under certain circumstances, the Department of Transportation to sell certain real property related to the Interstate 74 Iowa-Illinois Corridor Project and declared excess. Effective immediately.

LRB102 23681 RAM 32864 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 Illinois Highway Code is amended by  
5 changing Section 4-508 as follows:

6 (605 ILCS 5/4-508) (from Ch. 121, par. 4-508)

7 Sec. 4-508. Sale of land, rights, or other property by  
8 Department.

9 (a) Except as provided in paragraphs (c) and (d) of this  
10 Section, and subject to the written approval of the Governor,  
11 the Department may dispose of, by public sale, at auction or by  
12 sealed bids, any land, rights, or other properties, real or  
13 personal, acquired for but no longer needed for highway  
14 purposes or remnants acquired under the provisions of Section  
15 4-501, provided that no such sale may be made for less than the  
16 fair appraised value of such land, rights, or property.

17 (b) Except as provided in paragraphs (c) and (d) of this  
18 Section, and subject to the written approval of the Governor,  
19 the Department may exchange any land, rights, or property no  
20 longer needed for highway purposes or remnants acquired under  
21 the provisions of Section 4-501 of this Code for equivalent  
22 interests in land, rights, or property needed for highway  
23 purposes. Where such interests are not of equivalent value

1 cash may be paid or received for the difference in value.

2 (c) If at the time any property previously determined by  
3 the Department to be needed for highway purposes is declared  
4 no longer needed for such purposes, and the person from whom  
5 such property was acquired still owns and has continuously  
6 owned land abutting such property since the acquisition by the  
7 Department, the Department before making any disposition of  
8 that property shall first offer in writing that property to  
9 the person from whom such property was acquired at the current  
10 appraised value of the property. If the offer is accepted in  
11 writing within 60 days of the date of the written offer, the  
12 Department, subject to the written approval of the Governor,  
13 is authorized to dispose of such property to the person from  
14 whom such property was acquired upon payment of the appraised  
15 value. If the offer is not accepted in writing within 60 days  
16 of the date of the written offer, all rights under this  
17 paragraph shall terminate.

18 (c-1) With respect only to property related to the  
19 Interstate 74 Iowa-Illinois Corridor Project, if the option in  
20 paragraph (c) does not exist or an offer is made and not  
21 accepted within 60 days of the date of a written offer, or a  
22 sale otherwise is not consummated, the Department shall offer,  
23 in writing, at either the current appraised value or at such  
24 other value as may be determined by the Department, the real  
25 property declared excess to the municipality where the  
26 property is located. If a letter of intent to accept the offer

1 is received by the Department, in writing, within 30 days of  
2 the date of the offer, the municipality shall have 45 days from  
3 the date of the offer to accept the offer formally by  
4 resolution of its corporate authorities. If the offer is  
5 formally accepted within 45 days of the date of the written  
6 offer, the Department, subject to the written approval of the  
7 Governor, is authorized to convey the property to the  
8 municipality upon payment of the value stated in the offer and  
9 may include a reversion for failure to continue public  
10 ownership and use if conveyed for less than the fair market  
11 value. If a letter of intent is not received within 15 days of  
12 the offer, the offer shall terminate. If the letter of intent  
13 is received within 30 days, but the formal acceptance is not  
14 received within 45 days of the date of the written offer, the  
15 offer shall terminate. If the municipality does not tender the  
16 funds in the full amount of the accepted offer within 90 days  
17 after the date of adoption of the resolution by the  
18 municipality's corporate authorities accepting the offer, the  
19 offer shall terminate. The Department has the right to revoke  
20 in writing any offer made under this subsection at any time  
21 before the funds in the full amount of the offer are tendered  
22 to the Department.

23 (d) If the Department enters into or currently has a  
24 written contract with another highway authority for the  
25 transfer of jurisdiction of any highway or portion thereof,  
26 the Department is authorized to convey, without compensation,

1 any land, dedications, easements, access rights, or any  
2 interest in the real estate that it holds to that specific  
3 highway or portion thereof to the highway authority that is  
4 accepting or has accepted jurisdiction. However, no part of  
5 the transferred property can be vacated or disposed of without  
6 the approval of the Department, which may require compensation  
7 for non-public use.

8 (e) Except as provided in paragraph (c) of this Section,  
9 if the Department obtains or obtained fee simple title to, or  
10 any lesser interest, in any land, right, or other property and  
11 must comply with subdivision (f)(3) of Section 6 of Title I of  
12 the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460  
13 1-8(f)(3)), the Historic Bridge Program established under  
14 Title 23, United States Code, Section 144, subsection (o) (23  
15 U.S.C. 144(o)), the National Historic Preservation Act (16  
16 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989,  
17 or the Illinois State Agency Historic Resources Preservation  
18 Act, the Department, subject to the written approval of the  
19 Governor and concurrence of the grantee, is authorized to  
20 convey the title or interest in the land, right, or other  
21 property to another governmental agency, or a not-for-profit  
22 organization that will use the property for purposes  
23 consistent with the appropriate law.

24 The Department may retain rights to protect the public  
25 interest.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.