



Sen. Kirk W. Dillard

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09400SB1235sam001

LRB094 09728 DRH 41991 a

1 AMENDMENT TO SENATE BILL 1235

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1235 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by  
5 changing Section 9-127 as follows:

6 (605 ILCS 5/9-127) (from Ch. 121, par. 9-127)

7 Sec. 9-127. (a) Except as provided in subsections (b), ~~and~~  
8 (c), and (d), and in cases where the deed, or other instrument,  
9 dedicating a highway or part thereof, has expressly provided  
10 for a specific devolution of the title thereto upon the  
11 abandonment or vacation thereof, whenever any highway or any  
12 part thereof is vacated under or by virtue of any Act of this  
13 State or by the highway authority authorized to vacate the  
14 highway, the title to the land included within the highway or  
15 part thereof so vacated, vests in the then owners of the land  
16 abutting thereon, in the same proportions and to the same  
17 extent, as though the highway had been dedicated by a common  
18 law plat (as distinguished from a statutory plat) and as though  
19 the fee of the highway had been acquired by the owners as a  
20 part of the land abutting on the highway except, however, such  
21 vacation shall reserve to any public utility with facilities  
22 located in, under, over or upon the land an easement for the  
23 continued use, if any, by such public utility.

24 (b) When any highway authority determines to vacate a

1 highway under its jurisdiction, or part thereof, established  
2 within a subdivision by a statutory plat, that authority may  
3 vacate such highway and convey the highway authority's interest  
4 in such highway to any bona fide organization of property  
5 owners of the subdivision which (1) is so organized as to be  
6 able to receive, hold and convey real property, (2) has  
7 petitioned the highway authority for the vacation of the  
8 highway, and (3) undertakes to develop the property for the use  
9 and benefit of the public. If the association abandons the  
10 property, it passes as provided in subsection (a).

11 (c) When any highway authority determines to vacate a  
12 highway or part of a highway under its jurisdiction established  
13 within a subdivision by a statutory plat, that authority may  
14 vacate the highway and convey the highway authority's interest  
15 in the highway to any township road district which (1) has  
16 petitioned the highway authority for the vacation of the  
17 highway and (2) undertakes to develop the property as a bike  
18 path or alley for the use and benefit of the public. If the  
19 property is subsequently incorporated within a municipality,  
20 the township road district may transfer its interest to the  
21 municipality. If the township road district or municipality  
22 abandons the property, it passes as provided in subsection (a).

23 (d) When any highway authority determines to vacate a  
24 highway or a part of a highway under its jurisdiction, the  
25 authority may sell the vacated highway property to any third  
26 party at fair market value if (1) the authority has either a  
27 fee simple interest in the vacated highway property or a  
28 dedication of that property by statutory plat and (2) the right  
29 of first refusal with regard to the vacated highway property  
30 has been granted to adjoining landowners for fair market value.

31 (Source: P.A. 93-321, eff. 7-23-03.)

32 Section 99. Effective date. This Act takes effect upon  
33 becoming law."