



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3622

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-565 new

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Provides that whenever the Department of Natural Resources determines that the public use or public interest will be served by vacating any plat of subdivision, street, roadway, or driveway, or part thereof, located within Department owned or managed lands, it may vacate that plat of subdivision, street, roadway, or driveway, or part thereof, by approval of the Governor.

LRB099 10501 MGM 30728 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of Illinois
6 is amended by adding Section 805-565 as follows:

7 (20 ILCS 805/805-565 new)

8 Sec. 805-565. Road vacation.

9 (a) Whenever the Department of Natural Resources
10 determines that the public use or public interest will be
11 served by vacating any plat of subdivision, street, roadway, or
12 driveway, or part thereof, located within Department owned or
13 managed lands, it may vacate that plat of subdivision, street,
14 roadway, or driveway, or part thereof, by approval of the
15 Governor.

16 (b) The determination of the Department that the nature and
17 extent of the public use or public interest to be served
18 warrants the vacation of any plat of subdivision, street,
19 roadway, or driveway, or part thereof, is conclusive, and the
20 approval of the a vacation is sufficient evidence of that
21 determination, whether so recited in the vacation or not. The
22 relief to the public from further burden and responsibility of
23 maintaining any plat of subdivision, street, roadway, or

1 driveway, or part thereof, constitutes a public use or public
2 interest authorizing the vacation.

3 (c) Nothing contained in this Section shall be construed to
4 authorize the Department to vacate any plat of subdivision,
5 street, roadway, or driveway, or part thereof, that is part of
6 any currently maintained and used State or county highway
7 without obtaining the approval of the Department of
8 Transportation (in the case of a State highway) or the
9 appropriate county highway department (in the case of a county
10 highway).

11 (d) Title to the land in fee simple included within the
12 plat of subdivision, street, roadway, or driveway, or part
13 thereof, so vacated vests in the Department except:

14 (1) in cases in which the deed, or other instrument
15 dedicating a plat of subdivision, street, roadway, or
16 driveway, or part thereof, has expressly provided for a
17 specific devolution of the title thereto upon the
18 abandonment or vacation thereof; or

19 (2) when the plat of subdivision, street, roadway, or
20 driveway, or part thereof, is held by the Department by
21 lease, or when the Department holds an easement in the land
22 included within the plat of subdivision, street, roadway,
23 or driveway.