

AN ACT concerning property.

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

Section 5. The Illinois Highway Code is amended by changing Section 4-508 as follows:

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

Sec. 4-508. (a) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor and, if required by federal law or regulation, the Federal Highway Administration, the Department may dispose of, by public sale, at auction or by sealed bids, any land, dedications, easements, access rights, or any interest in the real estate that it holds, ~~rights~~ or other properties, real or personal, acquired for but no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501. Such ~~, provided that no such~~ sale may be made at ~~for less than~~ the fair market appraised value of such land, rights, or property, as determined by the Department. The fair market value of the land, rights, or property may be based on one or more appraisals completed by a qualified appraiser approved by the Department or a valuation waiver prepared by the Department. A sale below the fair market value, as established by this Section, shall be justified, in writing,

by Department staff, which shall include consideration of all relevant information, including, but not limited to, findings regarding the best interests of the Department, other public benefits such as divestment of liabilities, or changed circumstances. The Department shall develop a policy to assign a monetary value of all such considerations in valuation determinations. An appraisal may be paid for by any interested party. The form of the conveyance or release shall be in a form approved by the Department.

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

(c) If at the time any property previously determined by the Department to be needed for highway purposes is declared excess and no longer needed for the Department's ~~such~~ purposes, and before making the property available for public sale as provided in subsection (a), the Department shall offer that real property as follows:

(1) To the person from whom such real property was acquired that still owns and has continuously owned land adjacent to or abutting such real property since the

acquisition by the Department, the Department ~~before making any disposition of that property~~ shall first offer the property, in writing, for the fair market ~~that property to the person from whom such property was acquired at the current appraised value of the property.~~ If the Department's offer to such a person is accepted, in writing, within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to dispose of such property to that person ~~the person from whom such property was acquired upon payment of the appraised value.~~ If the offer is not accepted, in writing, within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(2) If the option in paragraph (1) does not exist or an offer is made and not accepted, or a sale otherwise is not consummated, the Department shall offer, in writing, at the value determined by the Department, the real property declared excess to the local municipality in which the property is situated and located, or, if the property is situated and located in an unincorporated area, to the county and township, if applicable, in which the property is situated and located. If a letter of intent to accept the offer is received by the Department, in writing, within 15 days of the date of the offer, the local governmental entity shall have 45 days from the date on

the offer to accept the offer formally by resolution of its governing body. If the offer is formally accepted within 45 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to convey the property to the governing body upon payment of the value stated in the offer and may include a reversion for failure to continue public ownership and use if conveyed for less than fair market value. If a timely letter of intent to accept and a formal acceptance is received from a county and a township, the county shall be given priority. If a letter of intent is not received within 15 days of the offer, all rights under this paragraph shall terminate. If the letter of intent is received within the 15 days, but the formal acceptance is not received within 45 days of the date of the written offer, all rights under this paragraph shall terminate. If the unit of local government does not tender the funds in the full amount of the accepted offer within 90 days of the date of the offer, all rights under this paragraph shall terminate. If a county fails to tender the funds in the full amount of the written accepted offer and a township tenders the full amount of a timely accepted offer within 15 days of the county's failure to timely tender, the Department shall sell the land, rights, or property to the township. The Department shall have the right to revoke, in writing, any offer made under this

paragraph at any time before the funds in the full amount of the offer are tendered to the Department.

(3) If the option in paragraph (1) or (2) does not exist or a sale is not otherwise consummated, the Department shall offer, in writing, at fair market value, the real property declared excess to an adjacent or abutting property owner if the property owner is the only reasonable party as determined by the Department. If the Department's offer is accepted by the property owner, in writing, within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to convey the property to the property owner upon payment of the fair market value. If the offer is not accepted, in writing, within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(d) If the Department enters into or currently has a written contract with another highway authority for the transfer of jurisdiction of any highway or portion thereof, the Department is authorized to convey, subject to the written approval of the Governor, without compensation, any land, dedications, easements, access rights, or any interest in the real estate that it holds to that specific highway or portion thereof to the highway authority that is accepting or has accepted jurisdiction. However, no part of the transferred property can be vacated or disposed of without the approval of

the Department, which may require compensation for non-public use.

(e) Except as provided in paragraph (c) of this Section, if the Department obtains or obtained fee simple title to, or any lesser interest, in any land, right, or other property and must comply with subdivision (f)(3) of Section 6 of Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8(f)(3)), the Historic Bridge Program established under Title 23, United States Code, Section 144, subsection (o) (23 U.S.C. 144(o)), the National Historic Preservation Act (16 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989, or the Illinois State Agency Historic Resources Preservation Act, the Department, subject to the written approval of the Governor and concurrence of the grantee, is authorized to convey the title or interest in the land, right, or other property to another governmental agency, or a not-for-profit organization that will use the property for purposes consistent with the appropriate law.

The Department may retain rights to protect the public interest.

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