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**Customer Service and Planning Committee**  
**Excess ROW and Annexation Policy**  
November 12, 2015

# Excess Right-Of-Way Authorization

## ■ Toll Highway Act 605 ILCS 10/8(a)

- Tollway empowered to dispose of excess property or partial interests

## ■ Trust Indenture § 708 (Amended and Restated May 31, 1999)

- “The Tollway may from time to time sell, exchange or otherwise dispose of any real property or release, relinquish or extinguish any interest in it as the Tollway by resolution shall declare is not needed in connection with the maintenance and operation of the Tollway system, and, in the judgment of the Tollway, will not in the future be needed for any foreseeable improvement to the Tollway system.”



# Overview of Existing Policy and Practice

- **Guided by Toll Highway Act and Trust Indenture**
- **Reactive approach based on requests**
  - Three-step internal review process
    - Informal review of location and Tollway need
    - Engineering review – potential to declare excess or not
    - Formal review by multiple departments
- **Formal disposal of excess right-of-way**
  - Public agency via intergovernmental agreement
  - Sealed bid for private entity
  - Value determined by appraisal
- **Board action per Toll Highway Act and Trust Indenture**



# Overview of Proposed Policy Changes

- **Proposed Policy reflects external feedback**
- **Flexible policy intended to support local government**
- **Clear and documented process**
- **Indication of proposed use and public benefit**
  - Enables direct sale to a public entity
    - Public use – roads, parks, multi-use path etc.
    - Economic development
    - Onus on requestor to indicate how sale is in the public interest
- **Assessment of impact on Tollway – traffic, operations, proposed land use**
- **Economic impact analysis**
- **Billboards require Chief Engineer approval**



# Next Steps

- **Policy approval**
- **Distribution of Policy**
- **Advance on-going local agency requests**
  - Approximately 10 requests pending
- **Proactive assessment of potential excess right-of-way**
  - I-294/I-57 Interchange
  - Elgin O'Hare Western Access Project



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**THANK YOU**