

COOK COUNTY DEPARTMENT OF
TRANSPORTATION AND HIGHWAYS

Land Acquisition FAQs



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Cook County Dept of Transportation & Highways

Land Acquisition FAQs

The Cook County Department of Transportation and Highways (DoTH) is responsible for planning, administering and overseeing a range of surface transportation projects in Cook County. The department is also tasked with developing infrastructure to improve the quality of life for Cook County residents and increase the productivity and competitiveness of the region's industries.

Cook County DoTH has authority over 562 center-line miles of roadway and maintenance responsibility for 1,620 lane-miles of pavement, 365 traffic signals, 136 bridges, over 93 structures, seven pumping stations and four maintenance facilities. As Cook County DoTH continues to build and maintain various transportation assets, land may need to be acquired. This guide has been developed to help you gain a better understanding of how the land acquisition process works.

What types of acquisition are completed?

Right-of-way is land that is dedicated for highway purposes. It typically includes the area beyond the roadway pavement, including storm sewers, ditches, sidewalks and bicycle facilities. To reconstruct transportation facilities and bring them up to current standards, Cook County may need to acquire additional right-of-way or easements.

- **Fee Simple Right of Way** - Acquisition of all rights and interest
- **Temporary Easements** - Ownership is retained by the property owner and Cook County DoTH is allowed to use the land for a period of time.
- **Permanent Easements** - Grant ongoing access rights to a portion of the property while the property owners retain ownership of their land.



1. Determine Right-of-Way Needs

If it is determined that additional land may be needed for a specific project, DoTH will identify potentially impacted property owners, perform land surveys and prepare legal descriptions. Title research is conducted on impacted properties to verify ownership.



2. Property Appraisal

The appraiser will reach out to each owner and offer them an opportunity to meet with them at the property. At that time, the appraiser will inspect the property, go over the project, and explain the appraisal process. The appraiser will prepare an appraisal report that determines fair market value* for the land required.

An independent review appraisal report will be completed. This provides a second opinion of value and also assures all state and federal regulations have been followed in the completion of the appraisal report.

**Fair market value is the price that a property would sell for in an open market.*



3. Right-of-Way Professionals Reach Out to Landowners

Documents are gathered and a real estate professional contacts affected property owners. These professionals will work with the property owners to keep them informed during the right-of-way acquisition process.



4. Receive Acquisition Offer

Once the fair market value has been established and approved, an offer package is prepared and sent to each impacted property owner by DoTH. In the package, the property owner will receive a written acquisition offer and is likely to find title work, a plat of survey showing the property to be acquired, and an appraisal report.



5. Decision to Accept or Negotiate Offer

Once an offer package is received, the property owners may choose to accept the offer as-is or request to negotiate their offer via the County's negotiator.



6. Condemnation

If negotiations prove unsuccessful, the County does have the ability to acquire the property through the use of eminent domain. This is considered as a last resort and is avoided if possible.

Disclaimer: While it is not common for Cook County to buy land in such a way that it requires property owners to relocate, sometimes moving is required. In these rare cases, relocation services and assistance will follow local, state and federal guidelines. Information about these services will also be included in the acquisition offer package. To learn more about relocation assistance, visit [Illinois Department of Transportation](#) or [Federal Highway Administration](#).

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Why does Cook County acquire property?

Cook County is responsible for maintaining and upgrading roads and other transportation facilities to current standards. Cook County acquires property to fulfill its basic responsibilities to its residents.

What are my rights during this process?

Individuals have rights during the land acquisition process as well. These rights include the following:

- The right to be presented with a purchase offer in writing for your property and how the offer was calculated.
- The right to be provided with the purpose of acquisition, description of the property the County wants to acquire as well as the name, address and phone number of a DoTH representative to answer acquisition questions. DoTH must also identify itself and its wish to acquire property at the start of the process.
- The right to be represented by an attorney of your choosing at all stages of the acquisition process.
- The right to just compensation for the purchase of your property. Both the federal and Illinois constitutions require payment of just compensation for your property. Just compensation is the fair market value of the property acquired. If only part of your property is taken and there are damages (loss in value) to the remainder because of the purchase, Illinois law requires that just compensation also include the amount of damages.
- If condemnation is necessary, all the rights above still apply with the addition of the right to a jury trial, which can decide the amount for final just compensation. DoTH must send you a certified letter stating the amount it will pay for the property and the basis for calculating that amount, which is usually sent at least 60 days prior to filing for condemnation.

Your Rights in the Right-of-Way Process



How could this impact you?

How will I know if my property is impacted?

During the land acquisition process, affected property owners will be contacted by a real estate professional, who will be assigned to the affected property owners during the process to guide them as well as answer any questions they may have. Affected property owners will also receive a certified letter with an offer package likely including title work, plat of survey showing the land to be acquired, appraisal report and any other documents necessary to convey any additional right-of-way to Cook County.

How is my property value determined?

A licensed appraiser will visit a property to assess it. The owner will be invited to this visit by the appraiser. The appraiser will create an appraisal report which is submitted for a review by an independent appraiser. In the appraisal report, the fair market value is established for the right-of-way needed to move forward with a project.

What happens if my property value is reduced due to the acquisition?

If Cook County wishes to purchase only part of a property or requires a temporary easement, the amount it offers will include reimbursement for any damages, which includes the loss in value of your remaining property, that will be caused as a result of the purchase.

What are some benefits when I sell my property to the County?

- Fair market value, just as if you sold your property under normal conditions.
- No settlement expenses because the County pays for title evidence and accessory documents.
- Payment in cash.
- Relocation assistance and payments if displaced.

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How will an adjacent transportation project impact my property value?

There are many factors that influence property value. Here are the most common examples, proximity to a roadway, zoning, land use planning, and economic conditions. Given that all these factors influence property values differently, it is difficult to determine the impact that any one of these specific factors may have on the value of an individual property.

Will this impact my property taxes or will I have to pay taxes on the sale of my property?

Cook County cannot provide tax advice and recommends that you speak with a tax consultant about potential effects on taxes. The necessary 1099 tax forms to report the sale or exchange of real estate are mailed out by the Cook County Comptroller at the end of each year.

What happens after I receive an offer for my property?

Can I negotiate my offer?

Once a written acquisition offer is received, the property owners may counter-offer and Cook County can make a revised offer.

How will I be compensated?

Once the fair market value has been established, an offer package is prepared and presented to each impacted property owner. In the package, the property owner will receive a written acquisition offer with a check and is likely to find title work, plat of survey showing the land to be acquired, appraisal report and any other documents necessary to convey any additional right-of-way to Cook County.

When will I be compensated?

Timelines for compensation vary depending on each property's situation but are usually made three months after the deed is signed. For information about your property's timeline, please contact the right-of-way professional assigned to you.

What if I do not accept the written offer letter and discussions fail?

Any property that is acquired will not be taken without compensation. If during the negotiation process, an agreement is not made, there is a path through the court system where a property owner is able to voice their concerns. At this time, if still needed, the judicial system gives both sides an opportunity to be heard and a settlement decision is ultimately made. Though Cook County tries to avoid using it, settling an acquisition through the court system, invoking eminent domain, may also be used.

What is eminent domain and condemnation?

Eminent domain is Cook County's authority to acquire private property for public purposes upon payment of just compensation to the owner. It is based on the principle that no private interest is more important than the County's duty to provide for the public good. The State of Illinois has given this power to counties, cities and villages, and, in certain cases, to railroads and utilities. The court proceeding used to acquire property under the power of eminent domain is called "condemnation."

What happens if my property is taken through eminent domain?

If Cook County has filed a condemnation case, it cannot by law make the initial and final just compensation payments directly to the property owner but must deposit them with the Cook County Treasurer. This is so that there will be an opportunity to pay off any claims (judgments, delinquent taxes, etc.) that are recorded against the property.

To receive compensation payments after the deposit, the property owner will be required to present a petition (a written request) to the judge asking to have them released. It is the property owner's responsibility to present this petition, either themselves or through their attorney. The judge will direct the County Treasurer to make payment to you unless a judgment creditor, tax collector or other claimant appears and shows that he or she is entitled to all or part of the payments.

Compensation Process



Appraisal



Written Offer



Offer Discussion



Compensation

