Questions and Answers on Right of Way

When will I know if my property is going to be purchased?
The location and design of a project must first be determined before preliminary land acquisition activities can begin. You will not be approached to discuss the specific sale of your property until a thorough analysis and a sound appraisal have been made to protect your interests.

What happens if only part of my property is acquired?
You will be compensated fairly and equitably if the loss of a portion of your property reduces the value of the remaining property.

Will I have time to find a new home?
As with other real estate transactions, it takes a month or two to complete sale details after you sign the conveyance documents. If your property is needed immediately, you will have time to relocate; if your property is not needed immediately, arrangements to continue living on your property may be made.

What if I need financial help in relocating?
MCDOT’s Relocation Assistance and Payments Program can help you when displaced by highway construction. The division will send you a letter outlining in detail the benefits available.

When will I receive payment?
In most cases, payment will be made within three months or less from the date you signed the deed.

How is the loan on my property affected?
Your lending institution may require part or all of the proceeds of the sale. Your actual situation will depend on the status of your loan and the portion of your property sold to the county.

Will I have to pay income tax on the sale of my property?
MCDOT cannot provide tax advice; you should consult a tax advisor. Relocation payments, however, are not considered as income.

Contacting MCDOT Offices

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Visit us on the web at:
www.McHenryCountyDOT.org
Improving Highways in McHenry County

When new highways are built, or old ones reconstructed to modern standards, the McHenry County Division of Transportation (MCDOT) may have to acquire additional right of way. Although every effort is made to avoid displacing land owners, MCDOT will pay just compensation plus relocation costs if applicable to individuals, families and businesses that have property acquired for highway purposes.

Improved highways provide more comfortable, safe and efficient travel for all citizens. Selection of a highway location is the result of studies of traffic needs, engineering reviews and economic analyses by professional planners assisted by people in your own community.

Each year MCDOT develops a multi-year highway improvement program that is approved by the County Board, which appropriates money for the design and construction of county highways. However, before relocating or building a highway, MCDOT confers with local officials. In addition, public meetings are often held to inform interested citizens and to give them an opportunity to voice their opinions of proposed highway construction.

Selling Your Property to the County of McHenry

Although your county government has the right to acquire property under the eminent domain laws of the U.S. and Illinois constitutions, the final decision to purchase your property comes only after thorough study and determination that the route selected is the best one to handle vehicle traffic flow.

There are some benefits to you when you sell your property to the county:
• Fair cash 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.

NOTE: For more information on property rights, MCDOT will provide the brochure A Land Owner’s Guide to Land Acquisition by the McHenry County Division of Transportation and Eminent Domain.

Steps in Buying Right of Way for Highways

Once a highway project is funded by the County Board, and feasibility studies and preliminary engineering work have been completed, the acquisition of land starts during the second phase of engineering. During the first engineering phase, MCDOT works with governmental agencies and private entities to ensure that the project meets all applicable requirements. For instance, an environmental impact study must be completed and any problems resolved before completing further engineering.

Steps (cont’d)

The following major steps occur during the land acquisition process:

1. Selection of right of way
   After public meetings are held and the route location has been established, right of way plans are completed based on the construction requirements for the particular type of improvement. Detailed plans are then prepared.

2. Establishing a property value
   Real estate professionals assist MCDOT with determining compensation, which is based on an analysis of the current real estate market. All appraisals are reviewed by a review appraiser.

3. Informing property owners
   A professional real estate person contacts each property owner, pointing out the area to be acquired, construction features, other pertinent data and answering any questions.

4. Making an offer to purchase
   The purchase offer will be made in writing and will match the established property value. This offer will not be modified unless items affecting the real estate value were overlooked. A MCDOT representative will be available for any questions.

5. Deciding on the offer to purchase
   Each property owner will have a reasonable amount of time to consider the offer. The sale is concluded in a similar manner to other real estate transactions.

6. Receiving relocation assistance
   If displaced, the occupant of an improved property, e.g., a house or business, may be eligible to receive relocation assistance and payments. (See Q&A section for more information.)