

**12.04.115 – Encroachments - Route 38**

A. Definitions

1. Roadway Right of Way - Those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;
2. Project Right of Way - Those areas within the project right of way lines established by the State which will be free of encroachments except as herein defined;
3. Encroachment - Any building, fence, sign, or any other structure or object of any kind with the exception of utilities and public road signs, which is placed, located, or maintained in, on, under, or over any portion of the project right of way of the roadway right of way where no project right of way line has been established;
4. Permissible Encroachment - Any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right of way line and not confined by adjacent buildings;
5. Construction Easement Area - That area lying between the project right of way limits and the platted street limits which will permit the State to enter to perform all necessary construction operations.

B. It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, any ENCROACHMENT (hereinabove defined) within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

C. Project right of way lines have been established along Illinois Route 38 from Easterly corporate limit (generally referred to as 14th Street/Bricher Road) to Randall Road.

(1995-M-20 : § 1)