

1 AN ACT concerning forest preserves.

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

4 Section 5. The Downstate Forest Preserve District Act is
5 amended by changing Section 6 as follows:

6 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

7 Sec. 6. Acquisition of property. Any such District shall
8 have power to acquire lands and grounds for the aforesaid
9 purposes by lease, or in fee simple by gift, grant, legacy,
10 purchase or condemnation, or to acquire easements in land,
11 and to construct, lay out, improve and maintain wells, power
12 plants, comfort stations, shelter houses, paths, driveways,
13 public roads, roadways and other improvements and facilities
14 in and through such forest preserves as they shall deem
15 necessary or desirable for the use of such forest preserves
16 by the public and may acquire, develop, improve and maintain
17 waterways in conjunction with the district. No district with
18 a population less than 600,000 shall have the power to
19 purchase, condemn, lease or acquire an easement in property
20 within a municipality without the concurrence of the
21 governing body of the municipality, except where such
22 district is acquiring land for a linear park or trail not to
23 exceed 100 yards in width or is acquiring land contiguous to
24 an existing park or forest preserve, and no municipality
25 shall annex any land for the purpose of defeating a District
26 acquisition once the District has given notice of intent to
27 acquire a specified parcel of land. No district with a
28 population of less than 500,000 shall (i) have the power to
29 condemn property for a linear park or trail within a
30 municipality without the concurrence of the governing body of
31 the municipality or (ii) have the power to condemn property

1 for a linear park or trail in an unincorporated area without
2 the concurrence of the governing body of the township within
3 which the property is located or (iii) once having commenced
4 a proceeding to acquire land by condemnation, dismiss or
5 abandon that proceeding without the consent of the property
6 owners. No district shall establish a trail surface within 50
7 feet of an occupied dwelling which was in existence prior to
8 the approval of the acquisition by the district without
9 obtaining permission of the owners of the premises or the
10 concurrence of the governing body of the municipality or
11 township within which the property is located. All
12 acquisitions of land by a district with a population less
13 than 600,000 within 1 1/2 miles of a municipality shall be
14 preceded by a conference with the mayor or president of the
15 municipality or his designated agent. If a forest preserve
16 district is in negotiations for acquisition of land with
17 owners of land adjacent to a municipality, the annexation of
18 that land shall be deferred for 6 months. The district shall
19 have no power to acquire an interest in real estate situated
20 outside the district by the exercise of the right of eminent
21 domain, by purchase or by lease, but shall have the power to
22 acquire any such property, or an easement in any such
23 property, which is contiguous to the district by gift,
24 legacy, grant, or lease by the State of Illinois, subject to
25 approval of the county board of the county, and of any forest
26 preserve district or conservation district, within which the
27 property is located. The district shall have the same
28 control of and power over land, an interest in which it has
29 so acquired, as over forest preserves within the district. If
30 any of the powers to acquire lands and hold or improve the
31 same given to Forest Preserve Districts, by Sections 5 and 6
32 of this Act should be held invalid, such invalidity shall not
33 invalidate the remainder of this Act or any of the other
34 powers herein given and conferred upon the Forest Preserve

1 Districts. Such Forest Preserve Districts shall also have
2 power to lease not to exceed 40 acres of the lands and
3 grounds acquired by it, for a term of not more than 99 years
4 to veterans' organizations as grounds for convalescing sick
5 and disabled veterans, and as a place upon which to construct
6 rehabilitation quarters, or to a county as grounds for a
7 county nursing home or convalescent home. Any such Forest
8 Preserve District shall also have power to grant licenses,
9 easements and rights-of-way for the construction, operation
10 and maintenance upon, under or across any property of such
11 District of facilities for water, sewage, telephone,
12 telegraph, electric, gas or other public service, subject to
13 such terms and conditions as may be determined by such
14 District.

15 Any such District may purchase, but not condemn, a parcel
16 of land and sell a portion thereof for not less than fair
17 market value pursuant to resolution of the Board. Such
18 resolution shall be passed by the affirmative vote of at
19 least 2/3 of all members of the board within 30 days after
20 acquisition by the district of such parcel.

21 Whenever the board of any forest preserve district
22 determines that the public interest will be subserved by
23 vacating any street, roadway, or driveway, or part thereof,
24 located within a forest preserve, it may vacate that street,
25 roadway, or driveway, or part thereof, by an ordinance passed
26 by the affirmative vote of at least 3/4 of all the members of
27 the board, except that the affirmative vote of at least 6/7
28 of all the members of the board is required if the board
29 members are elected under Section 3c of this Act. This vote
30 shall be taken by ayes and nays and entered in the records of
31 the board.

32 The determination of the board that the nature and extent
33 of the public use or public interest to be subserved is such
34 as to warrant the vacation of any street, roadway, or

1 driveway, or part thereof, is conclusive, and the passage of
2 such an ordinance is sufficient evidence of that
3 determination, whether so recited in the ordinance or not.
4 The relief to the public from further burden and
5 responsibility of maintaining any street, roadway or
6 driveway, or part thereof, constitutes a public use or public
7 interest authorizing the vacation.

8 Nothing contained in this Section shall be construed to
9 authorize the board of any forest preserve district to vacate
10 any street, roadway, or driveway, or part thereof, that is
11 part of any State or county highway.

12 When property is damaged by the vacation or closing of
13 any street, roadway, or driveway, or part thereof, damage
14 shall be ascertained and paid as provided by law.

15 Except in cases where the deed, or other instrument
16 dedicating a street, roadway, or driveway, or part thereof,
17 has expressly provided for a specific devolution of the title
18 thereto upon the abandonment or vacation thereof, and except
19 where such street, roadway or driveway, or part thereof, is
20 held by the district by lease, or where the district holds an
21 easement in the land included within the street, roadway or
22 driveway, whenever any street, roadway, or driveway, or part
23 thereof is vacated under or by virtue of any ordinance of any
24 forest preserve district, the title to the land in fee simple
25 included within the street, roadway, or driveway, or part
26 thereof, so vacated vests in the forest preserve district.

27 The board of any forest preserve district is authorized
28 to sell at fair market price, gravel, sand, earth and any
29 other material obtained from the lands and waters owned by
30 the district.

31 For the purposes of this Section, "acquiring land"
32 includes acquiring a fee simple, lease or easement in land.

33 (Source: P.A. 91-384, eff. 7-30-99.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.