

# HB4378



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

**HB4378**

by Rep. Frank J. Mautino

### SYNOPSIS AS INTRODUCED:

60 ILCS 1/30-50

Amends the Township Code. Provides that a township may lease a wireless telecommunications tower for up to 25 years (instead of 10 years) at fair market value. Effective immediately.

LRB095 16636 HLH 42667 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Township Code is amended by changing Section  
5 30-50 as follows:

6 (60 ILCS 1/30-50)

7 Sec. 30-50. Purchase and use of property.

8 (a) The electors may make all orders for the purchase,  
9 sale, conveyance, regulation, or use of the township's  
10 corporate property (including the direct sale or lease of  
11 single township road district property) that may be deemed  
12 conducive to the interests of its inhabitants, including the  
13 lease, for up to 10 years, or for up to 25 years if the lease is  
14 for a wireless telecommunications tower, at fair market value,  
15 of corporate property for which no use or need during the lease  
16 period is anticipated at the time of leasing. The property may  
17 be leased to another governmental body, however, or to a  
18 not-for-profit corporation that has contracted to construct or  
19 fund the construction of a structure or improvement upon the  
20 real estate owned by the township and that has contracted with  
21 the township to allow the township to use at least a portion of  
22 the structure or improvement to be constructed upon the real  
23 estate leased and not otherwise used by the township, for any

1 term not exceeding 50 years and for any consideration. In the  
2 case of a not-for-profit corporation, the township shall hold a  
3 public hearing on the proposed lease. The township clerk shall  
4 give notice of the hearing by publication in a newspaper  
5 published in the township, or in a newspaper published in the  
6 county and having general circulation in the township if no  
7 newspaper is published in the township, and by posting notices  
8 in at least 5 public places at least 10 days before the public  
9 hearing.

10 (b) If a new tax is to be levied or an existing tax rate is  
11 to be increased above the statutory limits for the purchase of  
12 the property, however, no action otherwise authorized in  
13 subsection (a) shall be taken unless a petition signed by at  
14 least 10% of the registered voters residing in the township is  
15 presented to the township clerk. If a petition is presented to  
16 the township clerk, the clerk shall order a referendum on the  
17 proposition. The referendum shall be held at the next annual or  
18 special township meeting or at an election in accordance with  
19 the general election law. If the referendum is ordered to be  
20 held at the township meeting, the township clerk shall give  
21 notice that at the next annual or special township meeting the  
22 proposition shall be voted upon. The notice shall set forth the  
23 proposition and shall be given by publication in a newspaper  
24 published in the township. If there is no newspaper published  
25 in the township, the notice shall be published in a newspaper  
26 published in the county and having general circulation in the

1 township. Notice also shall be given by posting notices in at  
2 least 5 public places at least 10 days before the township  
3 meeting. If the referendum is ordered to be held at an  
4 election, the township clerk shall certify that proposition to  
5 the proper election officials, who shall submit the proposition  
6 at an election. The proposition shall be submitted in  
7 accordance with the general election law.

8 (c) If the leased property is utilized in part for private  
9 use and in part for public use, those portions of the  
10 improvements devoted to private use are fully taxable. The land  
11 is exempt from taxation to the extent that the uses on the land  
12 are public and taxable to the extent that the uses are private.

13 (d) Before the township makes a lease or sale of township  
14 or road district real or personal property, unless the personal  
15 property has a sale value of \$2,500 or less, the electors shall  
16 adopt a resolution stating the intent to lease or sell the real  
17 or personal property, describing the property in full, and  
18 stating the terms and conditions the electors deem necessary  
19 and desirable for the lease or sale. A resolution stating the  
20 intent to sell real property shall also contain pertinent  
21 information concerning the size, use, and zoning of the  
22 property. The value of real property shall be determined by a  
23 State licensed real estate appraiser. The appraisal shall be  
24 available for public inspection. The resolution may direct the  
25 sale to be conducted by the staff of the township or by listing  
26 with local licensed real estate agencies (in which case the

1 terms of the agent's compensation shall be included in the  
2 resolution).

3 When a township sells township or road district personal  
4 property valued for sale at \$2,500 or less, the electors are  
5 not required to adopt a resolution. Prior to the sale, the  
6 clerk shall prepare a notice stating the intent of the township  
7 or road district to sell personal property with a sale value of  
8 \$2,500 or less and describing the property in full.

9 The clerk shall thereafter publish the resolution or  
10 personal property sale notice once in a newspaper published in  
11 the township or, if no newspaper is published in the township,  
12 in a newspaper generally circulated in the township. If no  
13 newspaper is generally circulated in the township, the clerk  
14 shall post the resolution or personal property sale notice in 5  
15 of the most public places in the township. In addition to the  
16 foregoing publication requirements, the clerk shall post the  
17 resolution or personal property sale notice at the office of  
18 the township (if township property is involved) or at the  
19 office of the road district (if road district property is  
20 involved). The following information shall be published or  
21 posted with the resolution or personal property sale notice:  
22 (i) the date by which all bids must be received by the township  
23 or road district, which shall not be less than 30 days after  
24 the date of publication or posting, and (ii) the place, time,  
25 and date at which bids shall be opened, which shall be at a  
26 regular meeting of the township board.

1 All bids shall be opened by the clerk (or someone duly  
2 appointed to act for the clerk) at the regular meeting of the  
3 township board described in the notice. With respect to  
4 township personal property, except personal property valued  
5 for sale at \$2,500 or less, the township board may accept the  
6 high bid or any other bid determined to be in the best  
7 interests of the township by a majority vote of the board. With  
8 respect to township real property, the township board may  
9 accept the high bid or any other bid determined to be in the  
10 best interests of the township by a vote of three-fourths of  
11 the township board then holding office, but in no event at a  
12 price less than 80% of the appraised value. With respect to  
13 road district property, except personal property valued for  
14 sale at \$2,500 or less, the highway commissioner may accept the  
15 high bid or any other bid determined to be in the best  
16 interests of the road district. In each case, the township  
17 board or commissioner may reject any and all bids. With respect  
18 to township or road district personal property valued for sale  
19 at \$2,500 or less, the clerk shall accept at least 2 bids and  
20 the township board or highway commissioner shall accept the  
21 highest bid. This notice and competitive bidding procedure  
22 shall not be followed when property is leased to another  
23 governmental body. The notice and competitive bidding  
24 procedure shall not be followed when property is declared  
25 surplus by the electors and sold to another governmental body.

26 (e) A trade-in of machinery or equipment on new or

1 different machinery or equipment does not constitute the sale  
2 of township or road district property.

3 (Source: P.A. 93-424, eff. 8-5-03.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.