



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3892

Introduced 11/29/2011, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

70 ILCS 805/6

from Ch. 96 1/2, par. 6309

70 ILCS 805/8

from Ch. 96 1/2, par. 6315

Amends the Downstate Forest Preserve District Act. Provides that the corporate authorities of a forest preserve district, by ordinance or resolution, may authorize the sale or public auction of a structure located on land owned by the district. Sets forth requirements that must be met concerning the sale of the land, publication of notice, and acceptance of an offer. Further provides that surplus personal property may also be sold if three-fifths of the members of the board of commissioners of a forest preserve district find the sale to be in the best interests of the district. Provides that that the district is not required to advertise the sale of surplus personal property. Effective immediately.

LRB097 14682 KMW 59628 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 Downstate Forest Preserve District Act is
5 amended by changing Sections 6 and 8 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, and
11 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 in
14 and through such forest preserves as they shall deem necessary
15 or desirable for the use of such forest preserves by the public
16 and may acquire, develop, improve and maintain waterways in
17 conjunction with the district. No district with a population
18 less than 600,000 shall have the power to purchase, condemn,
19 lease or acquire an easement in property within a municipality
20 without the concurrence of the governing body of the
21 municipality, except where such district is acquiring land for
22 a linear park or trail not to exceed 100 yards in width or is
23 acquiring land contiguous to an existing park or forest

1 preserve, and no municipality shall annex any land for the
2 purpose of defeating a District acquisition once the District
3 has given notice of intent to acquire a specified parcel of
4 land. No district with a population of less than 500,000 shall
5 (i) have the power to condemn property for a linear park or
6 trail within a municipality without the concurrence of the
7 governing body of the municipality or (ii) have the power to
8 condemn property for a linear park or trail in an
9 unincorporated area without the concurrence of the governing
10 body of the township within which the property is located or
11 (iii) once having commenced a proceeding to acquire land by
12 condemnation, dismiss or abandon that proceeding without the
13 consent of the property owners. No district shall establish a
14 trail surface within 50 feet of an occupied dwelling which was
15 in existence prior to the approval of the acquisition by the
16 district without obtaining permission of the owners of the
17 premises or the concurrence of the governing body of the
18 municipality or township within which the property is located.
19 All acquisitions of land by a district with a population less
20 than 600,000 within 1 1/2 miles of a municipality shall be
21 preceded by a conference with the mayor or president of the
22 municipality or his designated agent. If a forest preserve
23 district is in negotiations for acquisition of land with owners
24 of land adjacent to a municipality, the annexation of that land
25 shall be deferred for 6 months. The district shall have no
26 power to acquire an interest in real estate situated outside

1 the district by the exercise of the right of eminent domain, by
2 purchase or by lease, but shall have the power to acquire any
3 such property, or an easement in any such property, which is
4 contiguous to the district by gift, legacy, grant, or lease by
5 the State of Illinois, subject to approval of the county board
6 of the county, and of any forest preserve district or
7 conservation district, within which the property is located.
8 The district shall have the same control of and power over
9 land, an interest in which it has so acquired, as over forest
10 preserves within the district. If any of the powers to acquire
11 lands and hold or improve the same given to Forest Preserve
12 Districts, by Sections 5 and 6 of this Act should be held
13 invalid, such invalidity shall not invalidate the remainder of
14 this Act or any of the other powers herein given and conferred
15 upon the Forest Preserve Districts. Such Forest Preserve
16 Districts shall also have power to lease not to exceed 40 acres
17 of the lands and grounds acquired by it, for a term of not more
18 than 99 years to veterans' organizations as grounds for
19 convalescing sick and disabled veterans, and as a place upon
20 which to construct rehabilitation quarters, or to a county as
21 grounds for a county nursing home or convalescent home. Any
22 such Forest Preserve District shall also have power to grant
23 licenses, easements and rights-of-way for the construction,
24 operation and maintenance upon, under or across any property of
25 such District of facilities for water, sewage, telephone,
26 telegraph, electric, gas or other public service, subject to

1 such terms and conditions as may be determined by such
2 District.

3 Any such District may purchase, but not condemn, a parcel
4 of land and sell a portion thereof for not less than fair
5 market value pursuant to resolution of the Board. Such
6 resolution shall be passed by the affirmative vote of at least
7 2/3 of all members of the board within 30 days after
8 acquisition by the district of such parcel.

9 The corporate authorities of a forest preserve district, by
10 ordinance or resolution, may authorize the sale or public
11 auction of a structure located on land owned by the district if
12 (i) the structure existed on the land prior to the district's
13 acquisition of the land, (ii) two-thirds of the members of the
14 board of commissioners then holding office find that the
15 structure is not necessary or is not useful to or for the best
16 interest of the forest preserve district, (iii) a condition of
17 sale or auction requires the transferee of the structure to
18 remove the structure from district land, and (iv) prior to the
19 sale or auction, the fair market value of the structure is
20 determined by a written MAI-certified appraisal or by a written
21 certified appraisal of a State certified or licensed real
22 estate appraiser and the appraisal is available for public
23 inspection. The ordinance or resolution shall (i) direct the
24 sale to be conducted by the staff of the district, a listing
25 with local licensed real estate agencies (in which case the
26 terms of the agent's compensation shall be included in the

1 ordinance or resolution), or by public auction, (ii) be
2 published within 7 days after its passage in a newspaper
3 published in the district, and (iii) contain pertinent
4 information concerning the nature of the structure and any
5 terms or conditions of sale or auction. No earlier than 14 days
6 after the publication, the corporate authorities may accept any
7 offer for the structure determined by them to be in the best
8 interest of the district by a vote of two-thirds of the
9 corporate authorities then holding office.

10 Whenever the board of any forest preserve district
11 determines that the public interest will be subserved by
12 vacating any street, roadway, or driveway, or part thereof,
13 located within a forest preserve, it may vacate that street,
14 roadway, or driveway, or part thereof, by an ordinance passed
15 by the affirmative vote of at least 3/4 of all the members of
16 the board, except that the affirmative vote of at least 6/7 of
17 all the members of the board is required if the board members
18 are elected under Section 3c of this Act. This vote shall be
19 taken by ayes and nays and entered in the records of the board.

20 The determination of the board that the nature and extent
21 of the public use or public interest to be subserved is such as
22 to warrant the vacation of any street, roadway, or driveway, or
23 part thereof, is conclusive, and the passage of such an
24 ordinance is sufficient evidence of that determination,
25 whether so recited in the ordinance or not. The relief to the
26 public from further burden and responsibility of maintaining

1 any street, roadway or driveway, or part thereof, constitutes a
2 public use or public interest authorizing the vacation.

3 Nothing contained in this Section shall be construed to
4 authorize the board of any forest preserve district to vacate
5 any street, roadway, or driveway, or part thereof, that is part
6 of any State or county highway.

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

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

22 The board of any forest preserve district is authorized to
23 sell at fair market price, gravel, sand, earth and any other
24 material obtained from the lands and waters owned by the
25 district.

26 For the purposes of this Section, "acquiring land" includes

1 acquiring a fee simple, lease or easement in land.

2 (Source: P.A. 93-247, eff. 7-22-03.)

3 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

4 Sec. 8. Powers and duties of corporate authority and
5 officers; contracts; salaries.

6 (a) The board shall be the corporate authority of such
7 forest preserve district and shall have power to pass and
8 enforce all necessary ordinances, rules and regulations for the
9 management of the property and conduct of the business of such
10 district. The president of such board shall have power to
11 appoint such employees as may be necessary. In counties with
12 population of less than 3,000,000, within 60 days after their
13 selection the commissioners appointed under the provisions of
14 Section 3a of this Act shall organize by selecting from their
15 members a president, secretary, treasurer and such other
16 officers as are deemed necessary who shall hold office for the
17 fiscal year in which elected and until their successors are
18 selected and qualify. In the one district in existence on July
19 1, 1977, that is managed by an appointed board of
20 commissioners, the incumbent president and the other officers
21 appointed in the manner as originally prescribed in this Act
22 shall hold such offices until the completion of their
23 respective terms or in the case of the officers other than
24 president until their successors are appointed by said
25 president, but in all cases not to extend beyond January 1,

1 1980 and until their successors are selected and qualify.
2 Thereafter, the officers shall be selected in the manner as
3 prescribed in this Section except that their first term of
4 office shall not expire until June 30, 1981 and until their
5 successors are selected and qualify.

6 (b) In any county, city, village, incorporated town or
7 sanitary district where the corporate authorities act as the
8 governing body of a forest preserve district, the person
9 exercising the powers of the president of the board shall have
10 power to appoint a secretary and an assistant secretary and
11 treasurer and an assistant treasurer and such other officers
12 and such employees as may be necessary. The assistant secretary
13 and assistant treasurer shall perform the duties of the
14 secretary and treasurer, respectively in case of death of such
15 officers or when such officers are unable to perform the duties
16 of their respective offices. All contracts for supplies,
17 material or work involving an expenditure in excess of \$20,000
18 shall be let to the lowest responsible bidder, after
19 advertising at least once in one or more newspapers of general
20 circulation within the district, excepting work requiring
21 personal confidence or necessary supplies under the control of
22 monopolies, where competitive bidding is impossible. Contracts
23 for supplies, material or work involving an expenditure of
24 \$20,000 or less may be let without advertising for bids, but
25 whenever practicable, at least 3 competitive bids shall be
26 obtained before letting such contract. All contracts for

1 supplies, material or work shall be signed by the president of
2 the board of commissioners or by any such other officer as the
3 board in its discretion may designate.

4 (c) The president of any board of commissioners appointed
5 under the provisions of Section 3a of this Act shall receive a
6 salary not to exceed the sum of \$2500 per annum and the salary
7 of other members of the board so appointed shall not exceed
8 \$1500 per annum. Salaries of the commissioners, officers and
9 employees shall be fixed by ordinance.

10 (d) Whenever a forest preserve district owns any personal
11 property that, in the opinion of three-fifths of the members of
12 the board of commissioners is no longer necessary, useful to,
13 or for the best interests of the forest preserve district, then
14 three-fifths of the members of the board, at any regular
15 meeting or any special meeting called for that purpose by an
16 ordinance or resolution that includes a general description of
17 the personal property, may authorize the conveyance or sale of
18 that personal property in any manner that they may designate,
19 with or without advertising the sale.

20 (Source: P.A. 93-897, eff. 1-1-05.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.