



Sen. Suzi Schmidt

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1 AMENDMENT TO HOUSE BILL 3892

2 AMENDMENT NO. _____. Amend House Bill 3892 by replacing
3 everything after the enacting clause with the following:

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

1 conjunction with the district. No district with a population
2 less than 600,000 shall have the power to purchase, condemn,
3 lease or acquire an easement in property within a municipality
4 without the concurrence of the governing body of the
5 municipality, except where such district is acquiring land for
6 a linear park or trail not to exceed 100 yards in width or is
7 acquiring land contiguous to an existing park or forest
8 preserve, and no municipality shall annex any land for the
9 purpose of defeating a District acquisition once the District
10 has given notice of intent to acquire a specified parcel of
11 land. No district with a population of less than 500,000 shall
12 (i) have the power to condemn property for a linear park or
13 trail within a municipality without the concurrence of the
14 governing body of the municipality or (ii) have the power to
15 condemn property for a linear park or trail in an
16 unincorporated area without the concurrence of the governing
17 body of the township within which the property is located or
18 (iii) once having commenced a proceeding to acquire land by
19 condemnation, dismiss or abandon that proceeding without the
20 consent of the property owners. No district shall establish a
21 trail surface within 50 feet of an occupied dwelling which was
22 in existence prior to the approval of the acquisition by the
23 district without obtaining permission of the owners of the
24 premises or the concurrence of the governing body of the
25 municipality or township within which the property is located.
26 All acquisitions of land by a district with a population less

1 than 600,000 within 1 1/2 miles of a municipality shall be
2 preceded by a conference with the mayor or president of the
3 municipality or his designated agent. If a forest preserve
4 district is in negotiations for acquisition of land with owners
5 of land adjacent to a municipality, the annexation of that land
6 shall be deferred for 6 months. The district shall have no
7 power to acquire an interest in real estate situated outside
8 the district by the exercise of the right of eminent domain, by
9 purchase or by lease, but shall have the power to acquire any
10 such property, or an easement in any such property, which is
11 contiguous to the district by gift, legacy, grant, or lease by
12 the State of Illinois, subject to approval of the county board
13 of the county, and of any forest preserve district or
14 conservation district, within which the property is located.
15 The district shall have the same control of and power over
16 land, an interest in which it has so acquired, as over forest
17 preserves within the district. If any of the powers to acquire
18 lands and hold or improve the same given to Forest Preserve
19 Districts, by Sections 5 and 6 of this Act should be held
20 invalid, such invalidity shall not invalidate the remainder of
21 this Act or any of the other powers herein given and conferred
22 upon the Forest Preserve Districts. Such Forest Preserve
23 Districts shall also have power to lease not to exceed 40 acres
24 of the lands and grounds acquired by it, for a term of not more
25 than 99 years to veterans' organizations as grounds for
26 convalescing sick and disabled veterans, and as a place upon

1 which to construct rehabilitation quarters, or to a county as
2 grounds for a county nursing home or convalescent home. Any
3 such Forest Preserve District shall also have power to grant
4 licenses, easements and rights-of-way for the construction,
5 operation and maintenance upon, under or across any property of
6 such District of facilities for water, sewage, telephone,
7 telegraph, electric, gas or other public service, subject to
8 such terms and conditions as may be determined by such
9 District.

10 Any such District may purchase, but not condemn, a parcel
11 of land and sell a portion thereof for not less than fair
12 market value pursuant to resolution of the Board. Such
13 resolution shall be passed by the affirmative vote of at least
14 2/3 of all members of the board within 30 days after
15 acquisition by the district of such parcel.

16 The corporate authorities of a forest preserve district
17 that (i) is located in a county that has more than 700,000
18 inhabitants, (ii) borders a county that has 1,000,000 or more
19 inhabitants, and (iii) also borders another state, by ordinance
20 or resolution, may authorize the sale or public auction of a
21 structure located on land owned by the district if (i) the
22 structure existed on the land prior to the district's
23 acquisition of the land, (ii) two-thirds of the members of the
24 board of commissioners then holding office find that the
25 structure is not necessary or is not useful to or for the best
26 interest of the forest preserve district, (iii) a condition of

1 sale or auction requires the transferee of the structure to
2 remove the structure from district land, and (iv) prior to the
3 sale or auction, the fair market value of the structure is
4 determined by a written MAI-certified appraisal or by a written
5 certified appraisal of a State certified or licensed real
6 estate appraiser and the appraisal is available for public
7 inspection. The ordinance or resolution shall (i) direct the
8 sale to be conducted by the staff of the district, a listing
9 with local licensed real estate agencies (in which case the
10 terms of the agent's compensation shall be included in the
11 ordinance or resolution), or by public auction, (ii) be
12 published within 7 days after its passage in a newspaper
13 published in the district, and (iii) contain pertinent
14 information concerning the nature of the structure and any
15 terms or conditions of sale or auction. No earlier than 14 days
16 after the publication, the corporate authorities may accept any
17 offer for the structure determined by them to be in the best
18 interest of the district by a vote of two-thirds of the
19 corporate authorities then holding office.

20 Whenever the board of any forest preserve district
21 determines that the public interest will be subserved by
22 vacating any street, roadway, or driveway, or part thereof,
23 located within a forest preserve, it may vacate that street,
24 roadway, or driveway, or part thereof, by an ordinance passed
25 by the affirmative vote of at least 3/4 of all the members of
26 the board, except that the affirmative vote of at least 6/7 of

1 all the members of the board is required if the board members
2 are elected under Section 3c of this Act. This vote shall be
3 taken by ayes and nays and entered in the records of the board.

4 The determination of the board that the nature and extent
5 of the public use or public interest to be subserved is such as
6 to warrant the vacation of any street, roadway, or driveway, or
7 part thereof, is conclusive, and the passage of such an
8 ordinance is sufficient evidence of that determination,
9 whether so recited in the ordinance or not. The relief to the
10 public from further burden and responsibility of maintaining
11 any street, roadway or driveway, or part thereof, constitutes a
12 public use or public interest authorizing the vacation.

13 Nothing contained in this Section shall be construed to
14 authorize the board of any forest preserve district to vacate
15 any street, roadway, or driveway, or part thereof, that is part
16 of any State or county highway.

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

20 Except in cases where the deed, or other instrument
21 dedicating a street, roadway, or driveway, or part thereof, has
22 expressly provided for a specific devolution of the title
23 thereto upon the abandonment or vacation thereof, and except
24 where such street, roadway or driveway, or part thereof, is
25 held by the district by lease, or where the district holds an
26 easement in the land included within the street, roadway or

1 driveway, whenever any street, roadway, or driveway, or part
2 thereof is vacated under or by virtue of any ordinance of any
3 forest preserve district, the title to the land in fee simple
4 included within the street, roadway, or driveway, or part
5 thereof, so vacated vests in the forest preserve district.

6 The board of any forest preserve district is authorized to
7 sell at fair market price, gravel, sand, earth and any other
8 material obtained from the lands and waters owned by the
9 district.

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

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

13 (70 ILCS 805/8) (from Ch. 96 1/2, par. 6315)

14 Sec. 8. Powers and duties of corporate authority and
15 officers; contracts; salaries.

16 (a) The board shall be the corporate authority of such
17 forest preserve district and shall have power to pass and
18 enforce all necessary ordinances, rules and regulations for the
19 management of the property and conduct of the business of such
20 district. The president of such board shall have power to
21 appoint such employees as may be necessary. In counties with
22 population of less than 3,000,000, within 60 days after their
23 selection the commissioners appointed under the provisions of
24 Section 3a of this Act shall organize by selecting from their
25 members a president, secretary, treasurer and such other

1 officers as are deemed necessary who shall hold office for the
2 fiscal year in which elected and until their successors are
3 selected and qualify. In the one district in existence on July
4 1, 1977, that is managed by an appointed board of
5 commissioners, the incumbent president and the other officers
6 appointed in the manner as originally prescribed in this Act
7 shall hold such offices until the completion of their
8 respective terms or in the case of the officers other than
9 president until their successors are appointed by said
10 president, but in all cases not to extend beyond January 1,
11 1980 and until their successors are selected and qualify.
12 Thereafter, the officers shall be selected in the manner as
13 prescribed in this Section except that their first term of
14 office shall not expire until June 30, 1981 and until their
15 successors are selected and qualify.

16 (b) In any county, city, village, incorporated town or
17 sanitary district where the corporate authorities act as the
18 governing body of a forest preserve district, the person
19 exercising the powers of the president of the board shall have
20 power to appoint a secretary and an assistant secretary and
21 treasurer and an assistant treasurer and such other officers
22 and such employees as may be necessary. The assistant secretary
23 and assistant treasurer shall perform the duties of the
24 secretary and treasurer, respectively in case of death of such
25 officers or when such officers are unable to perform the duties
26 of their respective offices. All contracts for supplies,

1 material or work involving an expenditure in excess of \$20,000
2 shall be let to the lowest responsible bidder, after
3 advertising at least once in one or more newspapers of general
4 circulation within the district, excepting work requiring
5 personal confidence or necessary supplies under the control of
6 monopolies, where competitive bidding is impossible. Contracts
7 for supplies, material or work involving an expenditure of
8 \$20,000 or less may be let without advertising for bids, but
9 whenever practicable, at least 3 competitive bids shall be
10 obtained before letting such contract. All contracts for
11 supplies, material or work shall be signed by the president of
12 the board of commissioners or by any such other officer as the
13 board in its discretion may designate.

14 (c) The president of any board of commissioners appointed
15 under the provisions of Section 3a of this Act shall receive a
16 salary not to exceed the sum of \$2500 per annum and the salary
17 of other members of the board so appointed shall not exceed
18 \$1500 per annum. Salaries of the commissioners, officers and
19 employees shall be fixed by ordinance.

20 (d) Whenever a forest preserve district owns any personal
21 property that, in the opinion of three-fifths of the members of
22 the board of commissioners is no longer necessary, useful to,
23 or for the best interests of the forest preserve district, then
24 three-fifths of the members of the board, at any regular
25 meeting or any special meeting called for that purpose by an
26 ordinance or resolution that includes a general description of

1 the personal property, may authorize the conveyance or sale of
2 that personal property in any manner that they may designate,
3 with or without advertising the sale.

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

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