



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2239

by Rep. Christian L Mitchell

#### SYNOPSIS AS INTRODUCED:

70 ILCS 810/7	from Ch. 96 1/2, par. 6410
70 ILCS 810/8	from Ch. 96 1/2, par. 6411
70 ILCS 810/8.1	from Ch. 96 1/2, par. 6411.1

Amends the Cook County Forest Preserve District Act. Provides that any forest preserve district shall have the power to acquire land, in fee simple or by easement, for the following purposes: to create a forest preserve, for the consolidation of forest preserve units, to connect forest preserve units, to preserve and manage the water resources of the forest preserve district along water courses, and to provide for the extension of roads and parking for forest preserves. Further provides that any forest preserve district shall have the power to acquire land by easement as it shall deem necessary or desirable for public use of forest preserves. Provides that property owned by a forest preserve district and property in which a forest preserve district is the grantee of a conservation easement or the grantee of a conservation right shall not be subject to eminent domain or condemnation proceedings. Effective immediately.

LRB098 02654 OMW 32659 b

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 Cook County Forest Preserve District Act is  
5 amended by changing Sections 7, 8, and 8.1 as follows:

6 (70 ILCS 810/7) (from Ch. 96 1/2, par. 6410)

7 Sec. 7. Any forest preserve district shall have the power  
8 to create forest preserves, and for that purpose shall have the  
9 power to acquire in fee simple or by easements in land, in the  
10 manner hereinafter provided, and hold lands containing one or  
11 more natural forests or parts thereof or land or lands  
12 connecting such forests or parts thereof, or lands capable of  
13 being forested, for the purpose of protecting and preserving  
14 the flora, fauna, and scenic beauties within such district, and  
15 to restore, restock, protect and preserve the natural forests  
16 and such lands together with their flora and fauna, as nearly  
17 as may be, in their natural state and condition, for the  
18 purpose of the education, pleasure, and recreation of the  
19 public. Lands may be acquired in fee simple or by easements in  
20 land for the consolidation of such preserves into unit areas of  
21 size and form convenient and desirable for public use and  
22 economical maintenance and improvement and when in the judgment  
23 of the Board the public access, use, and enjoyment of such

1 preserves and other purposes of this Act will be served by  
2 connecting any such preserves with forested ways or links,  
3 lands for connecting links of such width, length, and location  
4 as the Board deem necessary or desirable may be acquired in fee  
5 simple or by easements in land and held for such purposes and  
6 improved by forestation, roads, and pathways. Any such district  
7 may also acquire lands in fee simple or by easements in land  
8 along or enclosing water courses, drainage ways, lakes, ponds,  
9 planned impoundments or elsewhere which, in the judgment of its  
10 Board are required to store flood waters, or control other  
11 drainage and water conditions, or to recycle secondary treated  
12 sewage effluents or wastewater through the production and sale  
13 of agricultural, silvicultural or aquacultural products,  
14 necessary for the preservation and management of the water  
15 resources of the district, provided no debris, tree, tree  
16 limbs, logs, shrubbery, or related growths and trimmings  
17 therefrom shall be deposited in, along, or upon the bank of any  
18 waters and water courses within the State of Illinois or any  
19 tributary thereto where the same shall be liable to be washed  
20 into or deposited along waters and water courses, either by  
21 normal or flood flows, as a result of storms or otherwise,  
22 which may in any manner impede or obstruct the natural flow of  
23 such waters and water courses. Unforested lands adjacent to  
24 forest preserves may also be acquired in fee simple or by  
25 easements in land, to provide for extension of roads and  
26 forested ways around and by such preserves and for parking

1 space for automobiles and other facilities not requiring  
2 forested areas but incidental to the use and protection  
3 thereof. All work done in or along any water course shall be  
4 done in accordance with the provisions of "An Act in relation  
5 to the regulation of the rivers, lakes, and streams of the  
6 State of Illinois," approved June 10, 1911, as heretofore and  
7 hereafter amended, insofar as such Act may be applicable.

8 (Source: P.A. 80-320.)

9 (70 ILCS 810/8) (from Ch. 96 1/2, par. 6411)

10 Sec. 8. Any forest preserve district shall have power to  
11 acquire easements in land, lands in fee simple and grounds  
12 within such district for the aforesaid purposes by gift, grant,  
13 legacy, purchase or condemnation and to construct, lay out,  
14 improve and maintain wells, power plants, comfort stations,  
15 shelter houses, paths, driveways, roadways and other  
16 improvements and facilities in and through such forest  
17 preserves as it shall deem necessary or desirable for the use  
18 of such forest preserves by the public. Such forest preserve  
19 districts shall also have power to lease not to exceed 40 acres  
20 of the lands and grounds acquired by it, for a term of not more  
21 than 99 years to veterans' organizations as grounds for  
22 convalescing sick and disabled veterans, and as a place upon  
23 which to construct rehabilitation quarters, or to a county as  
24 grounds for a county nursing home or convalescent home. Any  
25 such forest preserve district shall also have power to grant

1 licenses, easements and rights-of-way for the construction,  
2 operation and maintenance upon, under or across any property of  
3 such district of facilities for water, sewage, telephone,  
4 telegraph, electric, gas or other public service, subject to  
5 such terms and conditions as may be determined by such  
6 district.

7 Whenever the board determines that the public interest will  
8 be subserved by vacating any street, roadway, or driveway, or  
9 part thereof, located within a forest preserve, it may vacate  
10 that street, roadway, or driveway, or part thereof, by an  
11 ordinance passed by the affirmative vote of at least 3/4 of all  
12 the members of the board.

13 The determination of the board that the nature and extent  
14 of the public use or public interest to be subserved is such as  
15 to warrant the vacation of any street, roadway, or driveway, or  
16 part thereof, is conclusive, and the passage of such an  
17 ordinance is sufficient evidence of that determination,  
18 whether so recited in the ordinance or not. The relief to the  
19 public from further burden and responsibility of maintaining  
20 any street, roadway or driveway, or part thereof, constitutes a  
21 public use or public interest authorizing the vacation.

22 Nothing contained in this Section shall be construed to  
23 authorize the board to vacate any street, roadway, or driveway,  
24 or part thereof, that is part of any State or county highway.

25 When property is damaged by the vacation or closing of any  
26 street, roadway, or driveway, or part thereof, damage shall be

1       ascertained and paid as provided by law.

2           Except in cases where the deed, or other instrument  
3       dedicating a street, roadway, or driveway, or part thereof, has  
4       expressly provided for a specific devolution of the title  
5       thereto upon the abandonment or vacation thereof, whenever any  
6       street, roadway, or driveway, or part thereof is vacated under  
7       or by virtue of any ordinance of any forest preserve district,  
8       the title to the land in fee simple included within the street,  
9       roadway, or driveway, or part thereof, so vacated vests in the  
10      forest preserve district.

11          The board of any forest preserve district is authorized to  
12      sell at fair market price, gravel, sand, earth and any other  
13      material obtained from the lands and waters owned by the  
14      district.

15      (Source: P.A. 83-388.)

16           (70 ILCS 810/8.1) (from Ch. 96 1/2, par. 6411.1)

17          Sec. 8.1. Property owned by a forest preserve district and  
18      property in which a forest preserve district is the grantee of  
19      a conservation easement or grantee of a conservation right as  
20      defined in Section (1)(a) of the Real Property Conservation  
21      Rights Act shall not be subject to eminent domain or  
22      condemnation proceedings.

23      (Source: P.A. 80-1443.)

24          Section 99. Effective date. This Act takes effect upon  
25      becoming law.