



Sen. Chapin Rose

Filed: 5/22/2014

09800HB2930sam001

LRB098 10035 HEP 60050 a

1 AMENDMENT TO HOUSE BILL 2930

2 AMENDMENT NO. _____. Amend House Bill 2930 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Prairie Wind Trail Property Transfer Act.

6 Section 5. Legislative statement. Between the years of 1991
7 and 2002, the Department of Natural Resources expended \$408,085
8 to acquire 281.502 acres of real property, in the counties of
9 Coles, Douglas and Moultrie, with the intention of constructing
10 a recreational trail for use by the general public. The
11 intended recreational trail was not constructed because the
12 Department of Natural Resources was not able to acquire a
13 contiguous linear parcel of real property sufficient to
14 construct an uninterrupted recreational trail.

15 Between the years of 1995 and 2011, the Department of
16 Natural Resources transferred 47.777 acres of real property to

1 several private and public entities. These transfers were
2 completed in accordance with Public Acts 88-369, 89-29, 89-223,
3 90-760, 91-824, and 96-316.

4 Between 1991 and 2013, the Department of Natural Resources
5 expended \$207,425.89 in legal defense expenses associated with
6 the process of acquiring and holding title to the real property
7 constituting the planned Prairie Wind Trail. (See *Hemingway v.*
8 *American Premium Underwriters, Inc.*, 97-MR-5, Sixth Circuit,
9 *Douglas County, Illinois and Ag Farms, Inc. v. American Premium*
10 *Underwriters, Inc.*, 2002-MR-6, Sixth Circuit, *Moultrie County,*
11 *Illinois.*)

12 The General Assembly finds that transferring the real
13 property known as the Prairie Wind Trail to adjacent owners is
14 a public benefit to avoid further expenditure of legal defense
15 expenses.

16 Section 10. Definitions. As used in this Act:

17 "Adjacent owner" means an owner of real property with a
18 common boundary to parcels comprising the planned Prairie Wind
19 Trail owned by the Department of Natural Resources.

20 "Department" means the Department of Natural Resources of
21 the State of Illinois.

22 "Prairie Wind Trail" means real property in the counties of
23 Coles, Douglas and Moultrie that is owned by the Department of
24 Natural Resources and was acquired between the years of 1991
25 and 2002 with the intention of constructing a recreational

1 trail for use by the general public.

2 Section 15. Authority to convey real estate. The Department
3 may transfer and convey all or part of the real estate acquired
4 for the Prairie Wind Trail as provided in this Act. In order to
5 facilitate the transfers authorized by this Act, the Secretary
6 of State shall establish a repository for the deeds, surveys,
7 and related materials for each parcel within the Secretary of
8 State Index Department.

9 Section 20. Transfer process.

10 (a) Notwithstanding any provision of the State Property
11 Control Act, an adjacent owner may request the transfer of a
12 limited portion of the Prairie Wind Trail in accordance with
13 this Act. If an adjacent owner desires transfer of a portion of
14 the Prairie Wind Trail, the adjacent owner shall provide notice
15 to the Department, accompanied by the following:

16 (1) a title search proving ownership or a certified
17 copy of the recorded deed for the adjacent real property;

18 (2) a copy of the most recent real property tax
19 assessment for the adjacent real property; and

20 (3) a notarized affidavit executed by the owner of the
21 adjacent real property affirming current ownership of the
22 adjacent real property.

23 (b) The real estate transferred to an adjacent owner
24 pursuant to this Act may not extend beyond an area encompassed

1 by:

2 (1) the common property boundary;

3 (2) the center line of the Prairie Wind Trail; and

4 (3) lines extending from the boundary of the common
5 boundary of the real estate to the center line of the
6 Prairie Wind Trail.

7 (c) Upon receipt of notice, the Department shall determine
8 whether the adjacent owner has demonstrated ownership of the
9 real estate with a common boundary to the Prairie Wind Trail
10 and compliance with subsection (a) of this Section.

11 (d) If the adjacent owner demonstrates ownership of the
12 real estate with a common boundary to the Prairie Wind Trail
13 and compliance with subsection (a) of this Section, the
14 Department shall notify the adjacent owner and schedule a real
15 estate closing at a mutually agreeable time and place. The
16 adjacent owner is responsible to pay all filing fees, taxes,
17 and costs associated with closing the real estate transaction.

18 (e) If a person does not demonstrate ownership of the real
19 estate with a common boundary to the Prairie Wind Trail or
20 compliance with subsection (a) of this Section, the Department
21 shall reject the request to transfer any portion of the Prairie
22 Wind Trail to that person.

23 (f) If the Department receives a request to transfer any
24 portion of the Prairie Wind Trail that is the subject of any
25 pending action filed in any federal or State court, that
26 requested portion of the Prairie Wind Trail may not be

1 transferred by the Department until a final judgment is
2 rendered in the pending action.

3 (g) In the case of 2 or more parties claiming ownership of
4 all or the same adjacent property, the Department shall not
5 transfer any property of the requested portion of the Prairie
6 Wind Trail until an agreed-upon settlement between the
7 conflicting parties is made or until a final judgment is made
8 in any action related to the adjacent property in a court of
9 competent jurisdiction.

10 Section 25. Time limitations. The Department shall begin
11 accepting requests to transfer portions of the Prairie Wind
12 Trail on the effective date of this Act. The Department shall
13 not accept any request received more than 2 years after the
14 effective date of this Act. During this time period, the
15 Department shall hold a public hearing in the counties of
16 Moultrie and Douglas regarding the transfer of portions of the
17 Prairie Wind Trail. The hearing shall provide an opportunity
18 for adjacent owners to petition the Department. Notice shall be
19 given by public advertisement in a newspaper in general
20 circulation in the Prairie Wind Trail area. The notice shall
21 provide the date, time, and location of the public hearings and
22 provide information regarding the transfer of real property.

23 Section 30. Review. Any determinations required by this Act
24 and any actions to transfer real estate are within the sole

1 discretion of the Department and are not subject to judicial or
2 administrative review.

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