

SB2940



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2940

Introduced 2/14/2018, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

60 ILCS 1/30-50

Amends the Township Code. Provides that the electors may delegate the power to purchase, sell, or lease property to the township board for a period of up to 12 months and the township board may specify properties being considered. Makes a conforming change.

LRB100 18950 AWJ 34200 b

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 electors may
17 delegate the power to purchase, sell, or lease property to the
18 township board for a period of up to 12 months and the township
19 board may specify properties being considered. The property may
20 be leased to another governmental body, however, or to a
21 not-for-profit corporation that has contracted to construct or
22 fund the construction of a structure or improvement upon the
23 real estate owned by the township and that has contracted with

1 the township to allow the township to use at least a portion of
2 the structure or improvement to be constructed upon the real
3 estate leased and not otherwise used by the township, for any
4 term not exceeding 50 years and for any consideration. In the
5 case of a not-for-profit corporation, the township shall hold a
6 public hearing on the proposed lease. The township clerk shall
7 give notice of the hearing by publication in a newspaper
8 published in the township, or in a newspaper published in the
9 county and having general circulation in the township if no
10 newspaper is published in the township, and by posting notices
11 in at least 5 public places at least 15 days before the public
12 hearing.

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

1 published in the township. If there is no newspaper published
2 in the township, the notice shall be published in a newspaper
3 published in the county and having general circulation in the
4 township. Notice also shall be given by posting notices in at
5 least 5 public places at least 15 days before the township
6 meeting. If the referendum is ordered to be held at an
7 election, the township clerk shall certify that proposition to
8 the proper election officials, who shall submit the proposition
9 at an election. The proposition shall be submitted in
10 accordance with the general election law.

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

16 (d) Before the township makes a lease or sale of township
17 or road district real property, the electors shall either
18 delegate the power to the township board to purchase, sell, or
19 lease properties for a period of up to 12 months as provided in
20 subsection (a) or adopt a resolution stating the intent to
21 lease or sell the real property, describing the property in
22 full, and stating the terms and conditions the electors deem
23 necessary and desirable for the lease or sale. A resolution
24 stating the intent to sell real property shall also contain
25 pertinent information concerning the size, use, and zoning of
26 the property. The value of real property shall be determined by

1 a State licensed real estate appraiser. The appraisal shall be
2 available for public inspection. The resolution may direct the
3 sale to be conducted by the staff of the township or by listing
4 with local licensed real estate agencies (in which case the
5 terms of the agent's compensation shall be included in the
6 resolution).

7 Anytime during the year, the township or township road
8 district may lease or sell personal property by a vote of the
9 township board or request of the township highway commissioner.

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

1 regular meeting of the township board.

2 All bids shall be opened by the clerk (or someone duly
3 appointed to act for the clerk) at the regular meeting of the
4 township board described in the notice. With respect to
5 township personal property, 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, the highway commissioner may accept the
14 high bid or any other bid determined to be in the best
15 interests of the road district. In each case, the township
16 board or commissioner may reject any and all bids. This notice
17 and competitive bidding procedure shall not be followed when
18 property is leased to another governmental body. The notice and
19 competitive bidding procedure shall not be followed when real
20 or personal property is declared surplus by the township board
21 or the highway commissioner and sold to another governmental
22 body.

23 The township board or the highway commissioner may
24 authorize the sale of personal property by public auction
25 conducted by an auctioneer licensed under the Auction License
26 Act or through an approved Internet auction service.

1 (e) A trade-in of machinery or equipment on new or
2 different machinery or equipment does not constitute the sale
3 of township or road district property.

4 (Source: P.A. 98-549, eff. 8-26-13; 98-653, eff. 6-18-14;
5 99-78, eff. 7-20-15.)