



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4075

Introduced 2/27/2009, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

Provides that the Director of the Department of Natural Resources shall, subject to the conditions stated in the Act, convey by quit claim deed specified parcels of real property to Arcola, Arthur, Hindsboro, Lovington, Lovington Township, East Oakland Township, Bourbon Township, Douglas County, and Lowe Road District for \$1 for each parcel subject to: the specified parcel of real property being included in a judgment in, or a settlement or resolution of litigation that is favorable to the State of Illinois or the Department of Natural Resources, as a party to the litigation, in one of 2 specified court cases in Moultrie County or Douglas County; each designated entity must first be given a written right of first refusal by the Department and then, in turn, give written notice to the Director that it will accept the conveyance and pay the \$1 consideration. Provides that a parcel of real property shall not be conveyed so long as there is pending litigation concerning the ownership of that parcel. Provides that for parcels not subject to any litigation, the written right of first refusal shall be given within 30 days after the effective date and the conveyance made if the entity gives written notice to the Director of the Department of Natural Resources that it will accept the property and pay the \$1 consideration. Provides that conveyances are made subject to existing utilities, roads, reservations, easements, covenants, and restrictions of record. Effective immediately.

LRB096 04448 AJO 22486 b

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. Arcola conveyance. The Director of the  
5 Department of Natural Resources, on behalf of the State of  
6 Illinois, shall, pursuant to the conditions stated in Section  
7 50, execute and deliver to the City of Arcola, an Illinois Unit  
8 of Local Government, of the County of Douglas, State of  
9 Illinois, for and in consideration of One Dollar (\$1.00) paid  
10 to said Department, a quit claim deed to the following  
11 described real property, to wit:

12 All that part of the following described property lying  
13 between Locust Street and Collins Street in the City of  
14 Arcola, and all that part of the following described  
15 property running from Jacques Street, in the City of  
16 Arcola, in an easterly direction approximately two (2)  
17 miles, to wit:

18 All those certain pieces or parcels of land and  
19 premises, easements, rights-of-way and any other rights of  
20 any kind whatsoever appurtenant thereto or used in  
21 conjunction therewith on and along that portion of the  
22 former Peoria Secondary Track of the Penn Central

1 Corporation, as granted to The People of the State of  
2 Illinois, Department of Conservation, by Quit Claim Deed  
3 dated September 20, 1991, recorded in the Moultrie County  
4 Recorder's Office as document #228680, recorded in the  
5 Douglas County Recorder's Office in Deed Book 221 at Page  
6 238, and recorded in the Coles County Recorder's Office in  
7 Volume 771 at Page 209;

8 EXCEPT that part thereof required by the Illinois  
9 Department of Transportation for the future widening of  
10 Interstate 57.

11 Section 10. Arthur conveyance. The Director of the  
12 Department of Natural Resources, on behalf of the State of  
13 Illinois, shall, pursuant to the conditions stated in Section  
14 50, execute and deliver to the Village of Arthur, an Illinois  
15 Unit of Local Government, of the Counties of Douglas and  
16 Moultrie, for and in consideration of One Dollar (\$1.00) paid  
17 to said Department, a quit claim deed to the following  
18 described real property, to wit:

19 All that part of the following described property lying  
20 westerly of the East line of the Northwest Quarter (NW 1/4)  
21 of Section 30, Township 15 North, Range 7 East of the Third  
22 Principal Meridian, Douglas County, Illinois, as extended  
23 across the former right-of-way of the abandoned Penn

1 Central Railroad, and easterly of the West right of way  
2 line of Glasgow Street in the Village of Arthur, Moultrie  
3 County, Illinois, as extended across said railroad  
4 right-of-way, to wit:

5 Part of Section 25 Township 15 North, Range 6 East of  
6 the Third Principal Meridian, Moultrie County, Illinois  
7 and part of Section 30, Township 15 North, Range 7 East of  
8 the Third Principal Meridian, Douglas County, Illinois,  
9 being all those certain pieces or parcels of land and  
10 premises, easements, rights-of-way and any other rights of  
11 any kind whatsoever appurtenant thereto or used in  
12 conjunction therewith on and along that portion of the  
13 former Peoria Secondary Track of the Penn Central  
14 Corporation, lying within said Sections 25 and 30, as  
15 granted to The People of the State of Illinois, Department  
16 of Conservation, by Quit Claim Deed dated September 20,  
17 1991, recorded in the Moultrie County Recorder's Office as  
18 document #228680, recorded in the Douglas County  
19 Recorder's Office in Deed Book 221 at Page 238, and  
20 recorded in the Coles County Recorder's Office in Volume  
21 771 at Page 209.

22 Section 15. Hindsboro conveyance. The Director of the  
23 Department of Natural Resources, on behalf of the State of  
24 Illinois, shall, pursuant to the conditions stated in Section

1 50, execute and deliver to the Village of Hindsboro, an  
2 Illinois Unit of Local Government, of the County of Douglas,  
3 State of Illinois, for and in consideration of One Dollar  
4 (\$1.00) paid to said Department, a quit claim deed to the  
5 following described real property, to wit:

6 All that part of the following described property lying  
7 within the limits of the Village of Hindsboro, to wit:

8 All those certain pieces or parcels of land and  
9 premises, easements, rights-of-way and any other rights of  
10 any kind whatsoever appurtenant thereto or used in  
11 conjunction therewith on and along that portion of the  
12 former Peoria Secondary Track of the Penn Central  
13 Corporation, as granted to The People of the State of  
14 Illinois, Department of Conservation, by Quit Claim Deed  
15 dated September 20, 1991, recorded in the Moultrie County  
16 Recorder's Office as document #228680, recorded in the  
17 Douglas County Recorder's Office in Deed Book 221 at Page  
18 238, and recorded in the Coles County Recorder's Office in  
19 Volume 771 at Page 209.

20 Section 20. Lovington conveyance. The Director of the  
21 Department of Natural Resources, on behalf of the State of  
22 Illinois, shall, pursuant to the conditions stated in Section  
23 50, execute and deliver to the Village of Lovington, an

1 Illinois Unit of Local Government, of the County of Moultrie,  
2 State of Illinois, for and in consideration of One Dollar  
3 (\$1.00) paid to said Department, a quit claim deed to the  
4 following described real property, to wit:

5 All that part of the following described property  
6 running from the Illinois Route 32 river bridge, eastward  
7 through Lovington and to the East line of Lovington  
8 Township, to wit:

9 All those certain pieces or parcels of land and  
10 premises, easements, rights-of-way and any other rights of  
11 any kind whatsoever appurtenant thereto or used in  
12 conjunction therewith on and along that portion of the  
13 former Peoria Secondary Track of the Penn Central  
14 Corporation, as granted to The People of the State of  
15 Illinois, Department of Conservation, by Quit Claim Deed  
16 dated September 20, 1991, recorded in the Moultrie County  
17 Recorder's Office as document #228680, recorded in the  
18 Douglas County Recorder's Office in Deed Book 221 at Page  
19 238, and recorded in the Coles County Recorder's Office in  
20 Volume 771 at Page 209.

21 Section 25. Lovington Township conveyance. The Director of  
22 the Department of Natural Resources, on behalf of the State of  
23 Illinois, shall, pursuant to the conditions stated in Section  
24 50, execute and deliver to Lovington Township, an Illinois Unit

1 of Local Government, of the County of Moultrie, State of  
2 Illinois, for and in consideration of One Dollar (\$1.00) paid  
3 to said Department, a quit claim deed to the following  
4 described real property, to wit:

5 All that part of the following described property  
6 running from Washington Street to Broadway Street in the  
7 Village of Lovington, and all that part of the following  
8 described property running from County Road 700 East,  
9 eastwardly approximately 600 feet, to wit:

10 All those certain pieces or parcels of land and  
11 premises, easements, rights-of-way and any other rights of  
12 any kind whatsoever appurtenant thereto or used in  
13 conjunction therewith on and along that portion of the  
14 former Peoria Secondary Track of the Penn Central  
15 Corporation, as granted to The People of the State of  
16 Illinois, Department of Conservation, by Quit Claim Deed  
17 dated September 20, 1991, recorded in the Moultrie County  
18 Recorder's Office as document #228680, recorded in the  
19 Douglas County Recorder's Office in Deed Book 221 at Page  
20 238, and recorded in the Coles County Recorder's Office in  
21 Volume 771 at Page 209.

22 Section 30. East Oakland Township conveyance. The Director  
23 of the Department of Natural Resources, on behalf of the State  
24 of Illinois, shall, pursuant to the conditions stated in  
25 Section 50, execute and deliver to East Oakland Township , an

1 Illinois Unit of Local Government, of the County of Coles,  
2 State of Illinois, for and in consideration of One Dollar  
3 (\$1.00) paid to said Department, a quit claim deed to the  
4 following described real property, to wit:

5 All that part of the following described property  
6 running from Main Street in Oakland, westerly to County  
7 Road 2300 East, to wit:

8 All those certain pieces or parcels of land and  
9 premises, easements, rights-of-way and any other rights of  
10 any kind whatsoever appurtenant thereto or used in  
11 conjunction therewith on and along that portion of the  
12 former Peoria Secondary Track of the Penn Central  
13 Corporation, as granted to The People of the State of  
14 Illinois, Department of Conservation, by Quit Claim Deed  
15 dated September 20, 1991, recorded in the Moultrie County  
16 Recorder's Office as document #228680, recorded in the  
17 Douglas County Recorder's Office in Deed Book 221 at Page  
18 238, and recorded in the Coles County Recorder's Office in  
19 Volume 771 at Page 209.

20 Section 35. Bourbon Township conveyance. The Director of  
21 the Department of Natural Resources, on behalf of the State of  
22 Illinois, shall, pursuant to the conditions stated in Section  
23 50, execute and deliver to Bourbon Township, an Illinois Unit

1 of Local Government, of the County of Douglas, State of  
2 Illinois, for and in consideration of One Dollar (\$1.00) paid  
3 to said Department, a quit claim deed to the following  
4 described real property, to wit:

5 All that part of the following described property  
6 located within the limits of Bourbon Township, to wit:

7 All those certain pieces or parcels of land and  
8 premises, easements, rights-of-way and any other rights of  
9 any kind whatsoever appurtenant thereto or used in  
10 conjunction therewith on and along that portion of the  
11 former Peoria Secondary Track of the Penn Central  
12 Corporation, as granted to The People of the State of  
13 Illinois, Department of Conservation, by Quit Claim Deed  
14 dated September 20, 1991, recorded in the Moultrie County  
15 Recorder's Office as document #228680, recorded in the  
16 Douglas County Recorder's Office in Deed Book 221 at Page  
17 238, and recorded in the Coles County Recorder's Office in  
18 Volume 771 at Page 209.

19 Section 40. Douglas County conveyance. The Director of the  
20 Department of Natural Resources, on behalf of the State of  
21 Illinois, shall, pursuant to the conditions stated in Section  
22 50, execute and deliver to Douglas County, an Illinois Unit of  
23 Local Government, for and in consideration of One Dollar  
24 (\$1.00) paid to said Department, a quit claim deed to the  
25 following described real property, to wit:

1           Various parcels for wetland mitigation, being parts of  
2           the following described property, to wit:

3           All those certain pieces or parcels of land and  
4           premises, easements, rights-of-way and any other rights of  
5           any kind whatsoever appurtenant thereto or used in  
6           conjunction therewith on and along that portion of the  
7           former Peoria Secondary Track of the Penn Central  
8           Corporation, as granted to The People of the State of  
9           Illinois, Department of Conservation, by Quit Claim Deed  
10          dated September 20, 1991, recorded in the Moultrie County  
11          Recorder's Office as document #228680, recorded in the  
12          Douglas County Recorder's Office in Deed Book 221 at Page  
13          238, and recorded in the Coles County Recorder's Office in  
14          Volume 771 at Page 209.

15          Section 45. Lowe Road District conveyance. The Director of  
16          the Department of Natural Resources, on behalf of the State of  
17          Illinois, shall, pursuant to the conditions stated in Section  
18          50, execute and deliver to Lowe Road District, an Illinois Unit  
19          of Local Government, of the County of Moultrie, State of  
20          Illinois, for and in consideration of One Dollar (\$1.00) paid  
21          to said Department, a quit claim deed to the following  
22          described real property, to wit:

1           Three (3) parcels in Lowe Township, one parcel starting  
2           at the East side of Section 28 and running westerly  
3           approximately 726 feet, another parcel running from one end  
4           of Williamsburg to the other, and another parcel in Section  
5           27 behind Effingham Equity Fertilizer Plant, said parcels  
6           being parts of the following described property, to wit:

7           All those certain pieces or parcels of land and  
8           premises, easements, rights-of-way and any other rights of  
9           any kind whatsoever appurtenant thereto or used in  
10          conjunction therewith on and along that portion of the  
11          former Peoria Secondary Track of the Penn Central  
12          Corporation, as granted to The People of the State of  
13          Illinois, Department of Conservation, by Quit Claim Deed  
14          dated September 20, 1991, recorded in the Moultrie County  
15          Recorder's Office as document #228680, recorded in the  
16          Douglas County Recorder's Office in Deed Book 221 at Page  
17          238, and recorded in the Coles County Recorder's Office in  
18          Volume 771 at Page 209.

19          Section 50. Restrictions and conditions.

20          (a) For a parcel of real property described in Section 5,  
21          10, 15, 20, 25, 30, 35, 40, or 45, that is not subject to any  
22          litigation, the entity designated to receive real property  
23          described in that Section shall within 30 days after the  
24          effective date of this Act receive from the Department of

1 Natural Resources a written notice of first refusal to receive  
2 that property and if the entity designated to receive real  
3 property described in that Section then gives written notice to  
4 the Director of the Department of Natural Resources that the  
5 entity will accept the described real property as grantee and  
6 will tender the consideration of \$1.00, the conveyance of the  
7 parcel of real property shall be made pursuant to the  
8 applicable Section and Section 55 and subject to existing  
9 public utilities, existing public roads, and any and all  
10 reservations, easements, covenants and restrictions of record.

11 (b) The conveyance of a parcel of real property authorized  
12 by Section 5, 10, 15, 20, 25, 30, 35, 40, or 45, shall be made  
13 as follows: if the property described in the appropriate  
14 Section is included in whole or in part in a judgment in, or a  
15 settlement or other resolution of litigation that is favorable  
16 to the State of Illinois or the Department of Natural  
17 Resources, as a party, concerning the property described in the  
18 respective Section of this Act in the case of: Ag Farms, Inc.  
19 v. American Premier Underwriters and the Illinois Department of  
20 Natural Resources (2002-MR-6) in Moultrie County; or Hemingway  
21 v. American Premier Underwriters the Illinois Department of  
22 Natural Resources (97-MR-5) in Douglas County, then the entity  
23 designated to receive real property described in that Section  
24 shall receive, within 60 days after the conclusion of that  
25 litigation as to that parcel of property, from the Department  
26 of Natural Resources a written notice of first refusal to

1 receive that property upon the conclusion, as to that parcel of  
2 property, of that litigation if the entity designated to  
3 receive real property described in that Section gives written  
4 notice to the Director of the Department of Natural Resources  
5 that the entity will accept the described real property as  
6 grantee and will tender the consideration of \$1.00; provided  
7 that the conveyance is made subject to existing public  
8 utilities, existing public roads, and any and all reservations,  
9 easements, covenants and restrictions of record.

10 (c) Notwithstanding other provisions of this Act, for each  
11 Section, the parcel of real property described in that Section  
12 shall not be conveyed so long as there is pending any  
13 litigation concerning the ownership of that parcel of property.

14 Section 55. The Director of Natural Resources shall obtain  
15 a certified copy of the portions of this Act containing the  
16 title, the enacting clause, the restrictions and conditions on  
17 the property to be conveyed, the effective date, the  
18 appropriate Section containing the land description of the  
19 property to be conveyed, and this Section, within 60 days after  
20 the entity designated as the grantee of the real property  
21 described in the appropriate Section has delivered a written  
22 notice to the Director of Natural Resources that states that  
23 the entity will accept the described property as grantee and  
24 will pay the consideration of \$1.00 and, upon receipt of the  
25 payment required by the Section, shall record the certified

1 document in the Recorder's Office in the County in which the  
2 land is located.

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