



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5690

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

Laws 1909, p. 425, Act title
Laws 1909, p. 425, Section 0.1 new
Laws 1909, p. 425, Sections 1 through 16 rep.
105 ILCS 5/5-22 from Ch. 122, par. 5-22
105 ILCS 5/5-28 from Ch. 122, par. 5-28

Amends "An Act to provide for the sale of the Kaskaskia Commons, upon the island of Kaskaskia, in the county of Randolph, and to create a permanent fund for the inhabitants of said island out of the proceeds of said sale, and to punish any person failing to comply with the provisions thereof", filed June 16, 1909 ("the 1909 Act"). Adds language transferring all powers and duties previously granted the Land Commissioners of the Commons of Kaskaskia, or of the Kaskaskia Commons Permanent Fund, to the Kaskaskia Island Drainage and Levee District. Provides that assets held by the Kaskaskia Commons Permanent Fund are transferred to the District, that the assets shall be used by the District for proper purposes as authorized and required by the Illinois Drainage Code or for specified educational purposes, and that following the transfer of all assets to the District, the Kaskaskia Commons Permanent Fund shall be closed. Repeals the existing substantive provisions of the 1909 Act. Amends the School Code by making conforming changes.

LRB100 16710 WGH 31848 b

1 AN ACT concerning government.

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

4 Section 5. "An Act to provide for the sale of the Kaskaskia
5 Commons, upon the island of Kaskaskia, in the county of
6 Randolph, and to create a permanent fund for the inhabitants of
7 said island out of the proceeds of said sale, and to punish any
8 person failing to comply with the provisions thereof", filed
9 June 16, 1909 (Laws 1909, p. 425), is amended by changing the
10 title of the Act and adding Section 0.1 as follows:

11 (Laws 1909, p. 425, Act title)

12 An Act concerning ~~to provide for the sale of the Kaskaskia~~
13 ~~Commons, upon the island of Kaskaskia, in the county of~~
14 ~~Randolph, and to create a permanent fund for the inhabitants of~~
15 ~~said island out of the proceeds of said sale, and to punish any~~
16 ~~person failing to comply with the provisions thereof.~~

17 (Laws 1909, p. 425, Section 0.1 new)

18 Sec. 0.1. On the effective date of this amendatory Act of
19 the 100th General Assembly, all powers and duties previously
20 granted the Land Commissioners of the Commons of Kaskaskia, or
21 of the Kaskaskia Commons Permanent Fund, shall be transferred
22 to the Kaskaskia Island Drainage and Levee District, in the

1 County of Randolph, State of Illinois ("the District"). Any
2 assets previously held by the Kaskaskia Commons Permanent Fund,
3 real, tangible or intangible, shall be transferred, with real
4 estate transferred by deed of conveyance, to the District. The
5 assets shall be used by the District for proper purposes as
6 authorized and required by the Illinois Drainage Code or, in
7 order to fulfill the original intent of the grant creating the
8 Kaskaskia Commons, for educational purposes including, but not
9 limited to, paying tuition and fees for Kaskaskia Island
10 residents, establishing higher education scholarships,
11 providing physical facilities for meetings and direct payments
12 to educational institutions on behalf of residents. Following
13 the transfer of all assets to the District, the Kaskaskia
14 Commons Permanent Fund shall be closed.

15 (Laws 1909, p. 425, Sections 1 through 16 rep.)

16 Section 10. "An Act to provide for the sale of the
17 Kaskaskia Commons, upon the island of Kaskaskia, in the county
18 of Randolph, and to create a permanent fund for the inhabitants
19 of said island out of the proceeds of said sale, and to punish
20 any person failing to comply with the provisions thereof",
21 filed June 16, 1909 (Laws 1909, p. 425), is amended by
22 repealing Sections 1 through 16.

23 Section 15. The School Code is amended by changing Sections
24 5-22 and 5-28 as follows:

1 (105 ILCS 5/5-22) (from Ch. 122, par. 5-22)

2 Sec. 5-22. Sales of school sites, buildings or other real
3 estate. When, in the opinion of the school board, a school
4 site, or portion thereof, building, or site with building
5 thereon or any other real estate of the district has become
6 unnecessary, unsuitable, or inconvenient for a school or
7 unnecessary for the uses of the district, the school board, by
8 a resolution adopted by at least two-thirds of the board
9 members, may sell or direct that the property be sold in the
10 manner provided in the Local Government Property Transfer Act
11 or in the manner herein provided or, in the case of residential
12 property constructed or renovated by students as part of a
13 curricular program, may engage the services of a licensed real
14 estate broker to sell the property for a commission not to
15 exceed 7%, contingent on the public listing of the property on
16 a multiple listing service for a minimum of 14 calendar days
17 and the sale of the property within 120 days.

18 Unless legal title to the land is held by the school board,
19 the school board shall forthwith notify the trustees of schools
20 or other school officials having legal title to such land of
21 the terms upon which they desire the property to be sold. If
22 the property is to be sold to another unit of local government
23 or school district, the school board, trustees of schools, or
24 other school officials having legal title to the land shall
25 proceed in the manner provided in the Local Government Property

1 Transfer Act. In all other cases, except if the property is to
2 be sold to a tenant that has leased the property for 10 or more
3 years and that tenant is a non-profit agency, the school board,
4 trustees of schools, or other school officials having legal
5 title to the land shall, within 60 days after adoption of the
6 resolution (if the school board holds legal title to the land),
7 or within 60 days after the trustees of school or other school
8 officials having legal title receive the notice (if the school
9 board does not hold legal title to the land), sell the property
10 at public sale, by auction or sealed bids, after first giving
11 notice of the time, place, and terms thereof by notice
12 published once each week for 3 successive weeks prior to the
13 date of the sale if sale is by auction, or prior to the final
14 date of acceptance of bids if sale is by sealed bids, in a
15 newspaper published in the district or, if no such newspaper is
16 published in the district, then in a newspaper published in the
17 county and having a general circulation in the district;
18 however, if territory containing a school site, building, or
19 site with building thereon, is detached from the school
20 district of which it is a part after proceedings have been
21 commenced under this Section for the sale of that school site,
22 building, or site with building thereon, but before the sale is
23 held, then the school board, trustees of schools, or other
24 school officials having legal title shall not advertise or sell
25 that school site, building, or site with building thereon,
26 pursuant to those proceedings. The notices may be in the

1 following form:

2 NOTICE OF SALE

3 Notice is hereby given that on (insert date), the (here
4 insert title of the school board, trustees of school, or other
5 school officials holding legal title) of (county) (Township No.
6, Range No. P.M.) will sell at public sale (use
7 applicable alternative) (at (state location of sale
8 which shall be within the district), atM.,) (by taking
9 sealed bids which shall be accepted untilM., on (insert
10 date), at (here insert location where bids will be accepted
11 which shall be within the district) which bids will be opened
12 atM. on (insert date) at (here insert location where
13 bids will be opened which shall be within the district)) the
14 following described property: (here describe the property),
15 which sale will be made on the following terms to-wit: (here
16 insert terms of sale)

17

18

19

20 (Here insert title of school
21 officials holding legal title)

22 For purposes of determining "terms of sale" under this
23 Section, the General Assembly declares by this clarifying and
24 amendatory Act of 1983 that "terms of sale" are not limited to
25 sales for cash only but include contracts for deed, mortgages,

1 and such other seller financed terms as may be specified by the
2 school board.

3 If a school board specifies a reasonable minimum selling
4 price and that price is not met or if no bids are received, the
5 school board may adopt a resolution determining or directing
6 that the services of a licensed real estate broker be engaged
7 to sell the property for a commission not to exceed 7%,
8 contingent on the sale of the property within 120 days. If
9 legal title to the property is not held by the school board,
10 the trustees of schools or other school officials having legal
11 title shall, upon receipt of the resolution, engage the
12 services of a licensed real estate broker as directed in the
13 resolution. The board may accept a written offer equal to or
14 greater than the established minimum selling price for the
15 described property. The services of a licensed real estate
16 broker may be utilized to seek a buyer. If the board lowers the
17 minimum selling price on the described property, the public
18 sale procedures set forth in this Section must be followed. The
19 board may raise the minimum selling price without repeating the
20 public sale procedures.

21 In the case of a sale of property to a tenant that has
22 leased the property for 10 or more years and that is a
23 non-profit agency, an appraisal is required prior to the sale.
24 If the non-profit agency purchases the property for less than
25 the appraised value and subsequently sells the property, the
26 agency may retain only a percentage of the profits that is

1 proportional to the percentage of the appraisal, plus any
2 improvements made by the agency while the agency was the owner,
3 that the agency paid in the initial sale. The remaining portion
4 of the profits made by the non-profit agency shall revert to
5 the school district.

6 The deed of conveyance shall be executed by the president
7 and clerk or secretary of the school board, trustees of
8 schools, or other school officials having legal title to the
9 land, and the proceeds paid to the school treasurer for the
10 benefit of the district, ~~provided, that the proceeds of any~~
11 ~~such sale on the island of Kaskaskia shall be paid to the State~~
12 ~~Treasurer for the use of the district and shall be disbursed by~~
13 ~~him in the same manner as income from the Kaskaskia Commons~~
14 ~~permanent school fund.~~ The school board shall use the proceeds
15 from the sale first to pay the principal and interest on any
16 outstanding bonds on the property being sold, and after all
17 such bonds have been retired, the remaining proceeds from the
18 sale next shall be used by the school board to meet any urgent
19 district needs as determined under Sections 2-3.12 and 17-2.11
20 and then for any other authorized purpose and for deposit into
21 any district fund. But whenever the school board of any school
22 district determines that any schoolhouse site with or without a
23 building thereon is of no further use to the district, and
24 agrees with the school board of any other school district
25 within the boundaries of which the site is situated, upon the
26 sale thereof to that district, and agrees upon the price to be

1 paid therefor, and the site is selected by the purchasing
2 district in the manner required by law, then after the payment
3 of the compensation the school board, township trustees, or
4 other school officials having legal title to the land of the
5 schools shall, by proper instrument in writing, convey the
6 legal title of the site to the school board of the purchasing
7 district, or to the trustees of schools for the use of the
8 purchasing district, in accordance with law. The provisions of
9 this Section shall not apply to any sale made pursuant to
10 Section 5-23 or Section 5-24 or Section 32-4.

11 (Source: P.A. 99-794, eff. 1-1-17.)

12 (105 ILCS 5/5-28) (from Ch. 122, par. 5-28)

13 Sec. 5-28. Lease or sale of lands. The trustees of schools
14 or township land commissioners may lease or sell any lands that
15 come into their possession in the manner described in Sections
16 5-26 or 5-27. When in their opinion it is to the best interest
17 of the schools of the township or district interested in any
18 such lands that they be sold, the trustees shall adopt a
19 resolution to such effect and in such resolution shall specify
20 the time, place and terms of sale. The sale shall be at public
21 auction and the trustees shall give notice thereof by
22 publishing notice once each week for three successive weeks
23 prior to the date of the sale in a newspaper published in the
24 township to which the real estate belongs, and if the lands to
25 be sold lie outside of the township to which they belong then

1 such notice is to be published as herein provided in a
2 newspaper published in the township in which the land lies or,
3 if no such newspaper is published either in the township where
4 the real estate belongs or in the township where the land lies,
5 then in a newspaper published in the county and having a
6 general circulation in the township affected. The notices shall
7 describe the property and state the time, place and terms of
8 the sale. The trustees have the right to reject any and all
9 bids. Upon the sale being made, deed of conveyance shall be
10 executed by the president and clerk of the trustees and the
11 proceeds shall be paid to the township treasurer for the
12 benefit of the township or the district interested in the
13 ~~lands; provided, that the proceeds of any such sale on the~~
14 ~~island of Kaskaskia shall be paid to the State Treasurer for~~
15 ~~the use of such district and shall be disbursed by him in the~~
16 ~~same manner as income from the Kaskaskia Commons permanent~~
17 ~~school funds.~~

18 (Source: Laws 1961, p. 31.)