

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), at .... ..M.,) (by taking  
 9 sealed bids which shall be accepted until .... ..M., 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 at .... ..M. 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.)