

HB2073



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2073

by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/10-7

from Ch. 105, par. 10-7

Amends the Park District Code. Provides that a park district may lease real estate that the board deems is not required for park or recreational purposes to any individual or entity as long as the lease does not exceed 4 and one-half times (rather than 2 and one-half times) the term of years under specified provisions governing installment purchase contracts. Effective immediately.

LRB101 04909 AWJ 49918 b

FISCAL NOTE ACT
MAY APPLY

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 Park District Code is amended by changing
5 Section 10-7 as follows:

6 (70 ILCS 1205/10-7) (from Ch. 105, par. 10-7)

7 Sec. 10-7. Sale, lease, or exchange of realty.

8 (a) Any park district owning and holding any real estate is
9 authorized (1) to sell or lease that property to the State of
10 Illinois, with the State's consent, or another unit of Illinois
11 State or local government for public use, (2) to give the
12 property to the State of Illinois if the property is contiguous
13 to a State park, or (3) to lease that property upon the terms
14 and at the price that the board determines for a period not to
15 exceed 99 years to any corporation organized under the laws of
16 this State, for public use. The grantee or lessee must covenant
17 to hold and maintain the property for public park or
18 recreational purposes unless the park district obtains other
19 real property of substantially the same size or larger and of
20 substantially the same or greater suitability for park purposes
21 without additional cost to the district. In the case of
22 property given or sold under this subsection after the
23 effective date of this amendatory Act of the 92nd General

1 Assembly for which this covenant is required, the conveyance
2 must provide that ownership of the property automatically
3 reverts to the grantor if the grantee knowingly violates the
4 required covenant by allowing all or any part of the property
5 to be used for purposes other than park or recreational
6 purposes. Real estate given, sold, or leased to the State of
7 Illinois under this subsection (1) must be 50 acres or more in
8 size, (2) may not be located within the territorial limits of a
9 municipality, and (3) may not be the site of a known
10 environmental liability or hazard.

11 (b) Any park district owning or holding any real estate is
12 authorized to convey such property to a nongovernmental entity
13 in exchange for other real property of substantially equal or
14 greater value as determined by 2 appraisals of the property and
15 of substantially the same or greater suitability for park
16 purposes without additional cost to such district.

17 Prior to such exchange with a nongovernmental entity the
18 park board shall hold a public meeting in order to consider the
19 proposed conveyance. Notice of such meeting shall be published
20 not less than three times (the first and last publication being
21 not less than 10 days apart) in a newspaper of general
22 circulation within the park district. If there is no such
23 newspaper, then such notice shall be posted in not less than 3
24 public places in said park district and such notice shall not
25 become effective until 10 days after said publication or
26 posting.

1 (c) Notwithstanding any other provision of this Act, this
2 subsection (c) shall apply only to park districts that serve
3 territory within a municipality having more than 40,000
4 inhabitants and within a county having more than 260,000
5 inhabitants and bordering the Mississippi River. Any park
6 district owning or holding real estate is authorized to sell
7 that property to any not-for-profit corporation organized
8 under the laws of this State upon the condition that the
9 corporation uses the property for public park or recreational
10 programs for youth. The park district shall have the right of
11 re-entry for breach of condition subsequent. If the corporation
12 stops using the property for these purposes, the property shall
13 revert back to ownership of the park district. Any temporary
14 suspension of use caused by the construction of improvements on
15 the property for public park or recreational programs for youth
16 is not a breach of condition subsequent.

17 Prior to the sale of the property to a not-for-profit
18 corporation, the park board shall hold a public meeting to
19 consider the proposed sale. Notice of the meeting shall be
20 published not less than 3 times (the first and last publication
21 being not less than 10 days apart) in a newspaper of general
22 circulation within the park district. If there is no such
23 newspaper, then the notice shall be posted in not less than 3
24 public places in the park district. The notice shall be
25 published or posted at least 10 days before the meeting. A
26 resolution to approve the sale of the property to a

1 not-for-profit corporation requires adoption by a majority of
2 the park board.

3 (d) Real estate, not subject to such covenant or which has
4 not been conveyed and replaced as provided in this Section, may
5 be conveyed in the manner provided by Sections 10-7a to 10-7d
6 hereof, inclusive.

7 (e) In addition to any other power provided in this
8 Section, any park district owning or holding real estate that
9 the board deems is not required for park or recreational
10 purposes may lease such real estate to any individual or entity
11 and may collect rents therefrom. Such lease shall not exceed 4
12 ~~2~~ and one-half times the term of years provided for in Section
13 8-15 governing installment purchase contracts.

14 (f) Notwithstanding any other provision of law, if (i) the
15 real estate that a park district with a population of 3,000 or
16 less transfers by lease, license, development agreement, or
17 other means to any private entity is greater than 70% of the
18 district's total property and (ii) the current use of the real
19 estate will be substantially altered by that private entity,
20 the real estate may be conveyed only in the manner provided for
21 in Sections 10-7a, 10-7b, and 10-7c.

22 (Source: P.A. 91-423, eff. 8-6-99; 91-918, eff. 7-7-00; 92-401,
23 eff. 1-1-02.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.