

HB2841



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2841

Introduced 2/24/2009, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

765 ILCS 120/1

from Ch. 30, par. 401

Amends the Real Property Conservation Rights Act. Makes a technical change in a Section defining a term under the Act.

LRB096 06064 AJ0 16146 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Real Property Conservation Rights Act is
5 amended by changing Section 1 as follows:

6 (765 ILCS 120/1) (from Ch. 30, par. 401)

7 Sec. 1. (a) A conservation right is a right, whether stated
8 in the ~~the~~ form of a restriction, easement, covenant or
9 condition, or, without limitation, in any other form in any
10 deed, will, plat, or without limitation any other instrument
11 executed by or on behalf of the owner of land or in any
12 condemnation order of taking, appropriate to preserving: (i)
13 the significant physical character and visual characteristics
14 of structures having architectural, historical, or cultural
15 significance, together with any associated real property,
16 whether or not improved; or (ii) land or water areas
17 predominantly in their natural, scenic, open or wooded
18 condition, or as suitable habitat for fish, plants, or
19 wildlife; or (iii) the integrity of archaeological sites and
20 the artifacts or information which they may contain pending
21 properly supervised excavation and investigation. Without
22 limiting the generality of the foregoing, the instrument
23 conveying or reserving a conservation right may, with respect

1 to either the grantor or grantee, require, prohibit, condition,
2 limit or control any or all of the following:

3 (1) access or public visitation;

4 (2) affirmative acts of alteration, restoration,
5 rehabilitation, repair, maintenance, investigation,
6 documentation, payment of taxes, or compliance with public
7 law and regulations;

8 (3) conditions of operation, use, restoration,
9 alteration, repair or maintenance;

10 (4) acts detrimental to the preservation of a place;

11 (5) the construction, placement, maintenance in a
12 particular condition, alteration, or removal of roads,
13 signs, billboards or other advertising, utilities or other
14 structures on or above the ground;

15 (6) the dumping or placing of soil or other substance
16 or material as landfill, or dumping or placing of trash,
17 waste or other materials;

18 (7) the excavation, dredging or removal of loam, peat,
19 gravel, soil, rock or other material substance in such
20 manner as to affect the surface or to otherwise alter the
21 topography of the area;

22 (8) the removal or destruction of trees, shrubs or
23 other vegetation;

24 (9) surface use inconsistent with preservation of
25 water or land areas, or the improvement or appurtenance
26 thereto;

1 (10) activities affecting drainage, flood control,
2 water conservation, erosion control or soil conservation,
3 or fish and wildlife habitat preservation; or

4 (11) any other acts or uses having relation to the
5 preservation of structures, sites and water or land areas
6 or the improvements or appurtenances thereto.

7 (b) A conservation right shall be taken to include a
8 preservation restriction as that term is defined in Section
9 11-48.2-1A of the "Illinois Municipal Code", as now or
10 hereafter amended, and shall not be unenforceable on account of
11 lack of privity of estate or contract or lack of benefit to
12 particular land or on account of the benefit being assigned or
13 assignable. Conservation rights shall be construed and
14 enforced in accordance with their terms, and shall be
15 transferable and transferred, recorded and indexed, in the same
16 manner as fee simple interests in real property, subject only
17 to the limitations provided herein.

18 Conservation rights may be released by the holder of such
19 rights to the holder of the fee even though the holder of the
20 fee may not be an agency of the State, a unit of local
21 government or a not-for-profit corporation or trust.

22 The holder of a grant pursuant to this Act shall not be
23 required to record any instrument subsequent to the recording
24 of the grant in order to maintain or continue the validity of
25 the grant.

26 The holder of such rights shall also be permitted to

1 transfer or assign such rights but only to another agency of
2 the State, a unit of local government or to a not-for-profit
3 corporation or trust.

4 (Source: P.A. 91-497, eff. 1-1-00.)