

92_SB2149sam001

SRS92SB2149PMcpam01

1 AMENDMENT TO SENATE BILL 2149

2 AMENDMENT NO. _____. Amend Senate Bill 2149 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Downstate Forest Preserve District Act
5 is amended by changing Sections 6, 6d and 6e as follows:

6 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

7 Sec. 6. Acquisition of property. Any such District shall
8 have power to acquire lands and grounds for the aforesaid
9 purposes by lease, or in fee simple by gift, grant, legacy,
10 purchase or condemnation, or to acquire easements in land,
11 and to construct, lay out, improve and maintain wells, power
12 plants, comfort stations, shelter houses, paths, driveways,
13 public roads, roadways and other improvements and facilities
14 in and through such forest preserves as they shall deem
15 necessary or desirable for the use of such forest preserves
16 by the public and may acquire, develop, improve and maintain
17 waterways in conjunction with the district. No district with
18 a population less than 400,000 ~~600,000~~ shall have the power
19 to purchase, condemn, lease or acquire an easement in
20 property within a municipality without the concurrence of the
21 governing body of the municipality, except where such
22 district is acquiring land for a linear park or trail not to

1 exceed 100 yards in width or is acquiring land contiguous to
2 an existing park or forest preserve, and no municipality
3 shall annex any land for the purpose of defeating a District
4 acquisition once the District has given notice of intent to
5 acquire a specified parcel of land. No district with a
6 population of less than 400,000 ~~500,000~~ shall (i) have the
7 power to condemn property for a linear park or trail within a
8 municipality without the concurrence of the governing body of
9 the municipality or (ii) have the power to condemn property
10 for a linear park or trail in an unincorporated area without
11 the concurrence of the governing body of the township within
12 which the property is located or (iii) once having commenced
13 a proceeding to acquire land by condemnation, dismiss or
14 abandon that proceeding without the consent of the property
15 owners. No district shall establish a trail surface within 50
16 feet of an occupied dwelling which was in existence prior to
17 the approval of the acquisition by the district without
18 obtaining permission of the owners of the premises or the
19 concurrence of the governing body of the municipality or
20 township within which the property is located. All
21 acquisitions of land by a district with a population less
22 than 400,000 ~~600,000~~ within 1 1/2 miles of a municipality
23 shall be preceded by a conference with the mayor or president
24 of the municipality or his designated agent. If a forest
25 preserve district is in negotiations for acquisition of land
26 with owners of land adjacent to a municipality, the
27 annexation of that land shall be deferred for 6 months. The
28 district shall have no power to acquire an interest in real
29 estate situated outside the district by the exercise of the
30 right of eminent domain, by purchase or by lease, but shall
31 have the power to acquire any such property, or an easement
32 in any such property, which is contiguous to the district by
33 gift, legacy, grant, or lease by the State of Illinois,
34 subject to approval of the county board of the county, and of

1 any forest preserve district or conservation district, within
2 which the property is located. The district shall have the
3 same control of and power over land, an interest in which it
4 has so acquired, as over forest preserves within the
5 district. If any of the powers to acquire lands and hold or
6 improve the same given to Forest Preserve Districts, by
7 Sections 5 and 6 of this Act should be held invalid, such
8 invalidity shall not invalidate the remainder of this Act or
9 any of the other powers herein given and conferred upon the
10 Forest Preserve Districts. Such Forest Preserve Districts
11 shall also have power to lease not to exceed 40 acres of the
12 lands and grounds acquired by it, for a term of not more than
13 99 years to veterans' organizations as grounds for
14 convalescing sick and disabled veterans, and as a place upon
15 which to construct rehabilitation quarters, or to a county as
16 grounds for a county nursing home or convalescent home. Any
17 such Forest Preserve District shall also have power to grant
18 licenses, easements and rights-of-way for the construction,
19 operation and maintenance upon, under or across any property
20 of such District of facilities for water, sewage, telephone,
21 telegraph, electric, gas or other public service, subject to
22 such terms and conditions as may be determined by such
23 District.

24 Any such District may purchase, but not condemn, a parcel
25 of land and sell a portion thereof for not less than fair
26 market value pursuant to resolution of the Board. Such
27 resolution shall be passed by the affirmative vote of at
28 least 2/3 of all members of the board within 30 days after
29 acquisition by the district of such parcel.

30 Whenever the board of any forest preserve district
31 determines that the public interest will be subserved by
32 vacating any street, roadway, or driveway, or part thereof,
33 located within a forest preserve, it may vacate that street,
34 roadway, or driveway, or part thereof, by an ordinance passed

1 by the affirmative vote of at least 3/4 of all the members of
2 the board. This vote shall be taken by ayes and nays and
3 entered in the records of the board.

4 The determination of the board that the nature and extent
5 of the public use or public interest to be subserved is such
6 as to warrant the vacation of any street, roadway, or
7 driveway, or part thereof, is conclusive, and the passage of
8 such an ordinance is sufficient evidence of that
9 determination, whether so recited in the ordinance or not.
10 The relief to the public from further burden and
11 responsibility of maintaining any street, roadway or
12 driveway, or part thereof, constitutes a public use or public
13 interest authorizing the vacation.

14 Nothing contained in this Section shall be construed to
15 authorize the board of any forest preserve district to vacate
16 any street, roadway, or driveway, or part thereof, that is
17 part of any State or county highway.

18 When property is damaged by the vacation or closing of
19 any street, roadway, or driveway, or part thereof, damage
20 shall be ascertained and paid as provided by law.

21 Except in cases where the deed, or other instrument
22 dedicating a street, roadway, or driveway, or part thereof,
23 has expressly provided for a specific devolution of the title
24 thereto upon the abandonment or vacation thereof, and except
25 where such street, roadway or driveway, or part thereof, is
26 held by the district by lease, or where the district holds an
27 easement in the land included within the street, roadway or
28 driveway, whenever any street, roadway, or driveway, or part
29 thereof is vacated under or by virtue of any ordinance of any
30 forest preserve district, the title to the land in fee simple
31 included within the street, roadway, or driveway, or part
32 thereof, so vacated vests in the forest preserve district.

33 The board of any forest preserve district is authorized
34 to sell at fair market price, gravel, sand, earth and any

1 other material obtained from the lands and waters owned by
2 the district.

3 For the purposes of this Section, "acquiring land"
4 includes acquiring a fee simple, lease or easement in land.
5 (Source: P.A. 91-384, eff. 7-30-99.)

6 (70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

7 Sec. 6d. Trading parcels of land. The board of a forest
8 preserve district within a county which has a population of
9 no more than 500,000 ~~360,000~~ may trade any one or more
10 parcels of land owned by the district for one or more parcels
11 of land owned by one or more individuals or any public or
12 private entity whenever the board determines the trade to be
13 advantageous to the district. The board shall approve such
14 trade by unanimous vote of the members of the board. No trade
15 shall be approved by the board unless all parcels of land
16 involved in the trade have been appraised by an MAI appraiser
17 or a State certified real estate appraiser within one year
18 before the date the trade is to take effect.

19 (Source: P.A. 87-709; 88-503.)

20 (70 ILCS 805/6e)

21 Sec. 6e. Counties under 500,000 ~~400,000~~; sales of land.
22 The board of a forest preserve district located in a county
23 that has a population of no more than 500,000 ~~400,000~~ may
24 sell any one or more parcels of land owned by the district
25 that are less than one acre in size whenever the board
26 determines the sale to be advantageous to the district. The
27 board shall approve the sale by a two-thirds vote of the
28 members of the board then holding office. A sale may not be
29 approved by the board unless all parcels of land involved in
30 the sale have been appraised by an MAI appraiser or a
31 State-certified real estate appraiser within one year before
32 the date the sale is to take effect. The net proceeds of the

1 sale of any parcel of land under this Section shall be set
2 aside for the district's future land acquisitions and may not
3 be utilized for any other purpose."

4 (Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)