

**SB1273**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB1273**

Introduced 2/6/2019, by Sen. John F. Curran

**SYNOPSIS AS INTRODUCED:**

70 ILCS 1205/10-7

from Ch. 105, par. 10-7

Amends the Park District Code. Provides that real estate, not subject to a covenant to hold and maintain the property for public park or recreational purposes or not otherwise conveyed and replaced as provided in specified provisions, may be conveyed to another unit of local government or school district if the park district board approves the sale to the unit of local government or school district by a four-fifths vote and: (i) the park district is situated wholly within the corporate limits of that unit of local government or school district; or (ii) the real estate is conveyed for a price not less than the appraised value of the real estate as determined by the average of 3 written MAI certified appraisals or by the average of 3 written certified appraisals of State certified or licensed real estate appraisers. Effective immediately.

LRB101 04923 AWJ 51874 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 (d-5) Notwithstanding any provision of law to the contrary  
8 and in addition to the means provided by Sections 10-7a, 10-7b,  
9 10-7c, and 10-7d, real estate, not subject to a covenant  
10 required under subsection (a) or not conveyed and replaced as  
11 provided under subsection (a), may be conveyed to another unit  
12 of local government or school district if the park district  
13 board approves the sale to the unit of local government or  
14 school district by a four-fifths vote and: (i) the park  
15 district is situated wholly within the corporate limits of that  
16 unit of local government or school district; or (ii) the real  
17 estate is conveyed for a price not less than the appraised  
18 value of the real estate as determined by the average of 3  
19 written MAI certified appraisals or by the average of 3 written  
20 certified appraisals of State certified or licensed real estate  
21 appraisers.

22 (e) In addition to any other power provided in this  
23 Section, any park district owning or holding real estate that  
24 the board deems is not required for park or recreational  
25 purposes may lease such real estate to any individual or entity  
26 and may collect rents therefrom. Such lease shall not exceed 2

1 and one-half times the term of years provided for in Section  
2 8-15 governing installment purchase contracts.

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

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.