

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 Downstate Forest Preserve District Act is
5 amended by changing Section 6 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, and
11 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 in
14 and through such forest preserves as they shall deem necessary
15 or desirable for the use of such forest preserves by the public
16 and may acquire, develop, improve and maintain waterways in
17 conjunction with the district. No district with a population
18 less than 600,000 shall have the power to purchase, condemn,
19 lease or acquire an easement in property within a municipality
20 without the concurrence of the governing body of the
21 municipality, except where such district is acquiring land for
22 a linear park or trail not to exceed 100 yards in width or is
23 acquiring land contiguous to an existing park or forest

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

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

1 or other public service, subject to such terms and conditions
2 as may be determined by such District.

3 Any such District may purchase, but not condemn, a parcel
4 of land and sell a portion thereof for not less than fair
5 market value pursuant to resolution of the Board. Such
6 resolution shall be passed by the affirmative vote of at least
7 2/3 of all members of the board within 30 days after
8 acquisition by the district of such parcel.

9 The corporate authorities of a forest preserve district
10 that (i) is located in a county that has more than 700,000
11 inhabitants, (ii) borders a county that has 1,000,000 or more
12 inhabitants, and (iii) also borders another state, by ordinance
13 or resolution, may authorize the sale or public auction of a
14 structure located on land owned by the district if (i) the
15 structure existed on the land prior to the district's
16 acquisition of the land, (ii) two-thirds of the members of the
17 board of commissioners then holding office find that the
18 structure is not necessary or is not useful to or for the best
19 interest of the forest preserve district, (iii) a condition of
20 sale or auction requires the transferee of the structure to
21 remove the structure from district land, and (iv) prior to the
22 sale or auction, the fair market value of the structure is
23 determined by a written MAI-certified appraisal or by a written
24 certified appraisal of a State certified or licensed real
25 estate appraiser and the appraisal is available for public
26 inspection. The ordinance or resolution shall (i) direct the

1 sale to be conducted by the staff of the district, a listing
2 with local licensed real estate agencies (in which case the
3 terms of the agent's compensation shall be included in the
4 ordinance or resolution), or by public auction, (ii) be
5 published within 7 days after its passage in a newspaper
6 published in the district, and (iii) contain pertinent
7 information concerning the nature of the structure and any
8 terms or conditions of sale or auction. No earlier than 14 days
9 after the publication, the corporate authorities may accept any
10 offer for the structure determined by them to be in the best
11 interest of the district by a vote of two-thirds of the
12 corporate authorities then holding office.

13 Whenever the board of any forest preserve district
14 determines that the public interest will be subserved by
15 vacating any street, roadway, or driveway, or part thereof,
16 located within a forest preserve, it may vacate that street,
17 roadway, or driveway, or part thereof, by an ordinance passed
18 by the affirmative vote of at least 3/4 of all the members of
19 the board, except that the affirmative vote of at least 6/7 of
20 all the members of the board is required if the board members
21 are elected under Section 3c of this Act. This vote shall be
22 taken by ayes and nays and entered in the records of the board.

23 The determination of the board that the nature and extent
24 of the public use or public interest to be subserved is such as
25 to warrant the vacation of any street, roadway, or driveway, or
26 part thereof, is conclusive, and the passage of such an

1 ordinance is sufficient evidence of that determination,
2 whether so recited in the ordinance or not. The relief to the
3 public from further burden and responsibility of maintaining
4 any street, roadway or driveway, or part thereof, constitutes a
5 public use or public interest authorizing the vacation.

6 Nothing contained in this Section shall be construed to
7 authorize the board of any forest preserve district to vacate
8 any street, roadway, or driveway, or part thereof, that is part
9 of any State or county highway.

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

13 Except in cases where the deed, or other instrument
14 dedicating a street, roadway, or driveway, or part thereof, has
15 expressly provided for a specific devolution of the title
16 thereto upon the abandonment or vacation thereof, and except
17 where such street, roadway or driveway, or part thereof, is
18 held by the district by lease, or where the district holds an
19 easement in the land included within the street, roadway or
20 driveway, whenever any street, roadway, or driveway, or part
21 thereof is vacated under or by virtue of any ordinance of any
22 forest preserve district, the title to the land in fee simple
23 included within the street, roadway, or driveway, or part
24 thereof, so vacated vests in the forest preserve district.

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

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

3 For the purposes of this Section, "acquiring land" includes
4 acquiring a fee simple, lease or easement in land.

5 (Source: P.A. 99-143, eff. 7-27-15.)