



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5805

Introduced 11/16/2022, by Rep. Tom Demmer

#### SYNOPSIS AS INTRODUCED:

Public Act 87-1243, Section 3

Amends Section 3 of an Act in relation to conservation, approved December 24, 1992, Public Act 87-1243, as amended by Public Act 88-468. Changes a reference to the Department of Conservation to the Department of Natural Resources. Provides that notwithstanding any other provisions in the Act, the Dixon Park District is authorized to install and operate solar panels, to create all necessary ingress and egress, to construct any necessary connections to the electric grid, and to conduct any other necessary activities for the development and operation of a solar electric generation facility. Describes the property authorized for the location of the solar facility. Authorizes the Dixon Park District to develop and operate the solar facility subject to specified requirements. Effective immediately.

LRB102 28924 NLB 40819 b

1 AN ACT concerning conservation.

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

4 Section 5. "An Act in relation to conservation", approved  
5 December 24, 1992, Public Act 87-1243, as amended by Public  
6 Act 88-468, is amended by changing Section 3 as follows:

7 (Public Act 87-1243, Section 3)

8 Sec. 3. In consideration of the conveyance of the real  
9 property described in Section 2 of this Act, the Dixon Park  
10 District shall covenant and agree with the State of Illinois  
11 as follows:

12 (a) The Dixon Park District agrees that it shall restore  
13 indigenous vegetation in all areas previously cleared for  
14 development or agriculture purposes which fall within a 300  
15 foot wide scenic buffer paralleling the Southwesterly bank of  
16 the Rock River for the entire length of the real property  
17 conveyed, and said Park District further agrees that all  
18 future development within said 300 foot scenic buffer shall be  
19 limited to hiking trails and bank fishing.

20 (b) The Dixon Park District agrees that it shall eliminate  
21 and prohibit all equestrian activities on the real property  
22 conveyed.

23 (c) The Dixon Park District agrees to exclude all

1 development on the wooded area, containing 80 acres more or  
2 less, located at or near the Northwesterly portion of the real  
3 property conveyed.

4 (d) The Dixon Park District agrees that if it shall cease  
5 to use the real property conveyed, for public recreation, park  
6 or conservation proposes, then the title to such real property  
7 shall revert to the State of Illinois, Department of Natural  
8 Resources. For purposes of this Section, "Department" means  
9 the Department of Natural Resources Conservation.

10 (e) The above covenants shall run with the land and shall  
11 be binding upon the Grantee, its successors and assigns in  
12 perpetuity.

13 On and after August 31, 1993 (the effective date of Public  
14 Act 88-468) ~~this amendatory Act of 1993~~, the Grantor expressly  
15 waives its right to enforce the covenant described in item (b)  
16 and expressly releases the Grantee in perpetuity from any  
17 obligations imposed upon it by the covenant described in item  
18 (b).

19 (f) Notwithstanding any other provision in this Section,  
20 the Dixon Park District is authorized to install and operate  
21 solar panels, to create all necessary ingress and egress, to  
22 construct any necessary connections to the electric grid, and  
23 to conduct any other necessary activities for the development  
24 and operation of a solar electric generation facility, which  
25 for the purposes of this Section is referred to as "Solar  
26 Facility", on the property described and under the conditions

1 set forth in this subsection (f). The property authorized for  
2 the location of the Solar Facility, which for the purposes of  
3 this Section shall be referred to as "Solar Site", is the  
4 following described real estate and any additional real estate  
5 within the property described in Section 2 of this Act  
6 approved in writing by the Department:

7 Part of the Southwest Quarter (SW1/4) of Section  
8 Twenty-eight (28), Township Twenty-two (22) North, Range  
9 Nine (9) East of the Fourth (4th) Principal Meridian, Lee  
10 County, Illinois, described as follows:

11 Commencing at the northwest corner of said Southwest  
12 Quarter (SW1/4) of said Section Twenty-eight (28); thence  
13 North 89 degrees 03 minutes 47 seconds East, along the  
14 north line of said Southwest Quarter (SW1/4), a distance  
15 of 294.00 to the Point of Beginning; thence North 89  
16 degrees 03 minutes 47 seconds East, continuing along said  
17 north line, a distance of 735.04 feet to the former  
18 westerly right-of-way line of the railroad; thence South 0  
19 degrees 32 minutes 28 seconds East, along said westerly  
20 right-of-way line, a distance of 673.54 feet; thence  
21 continuing along said westerly right-of-way line and along  
22 the arc of a curve to the right having a radius of 3,769.83  
23 feet, a chord bearing of South 9 degrees 45 minutes 04  
24 seconds West, an arc length of 1,354.37 feet; thence South  
25 89 degrees 26 minutes 02 seconds West, a distance of  
26 449.11 feet to the east line of an existing 16.71 acre

1 tract; thence North 0 degrees 41 minutes 22 seconds East,  
2 along the said east line, a distance of 630.00 feet to the  
3 northeast corner of said 16.71 acre tract; thence North 89  
4 degrees 18 minutes 38 seconds West, along the north line  
5 of said 16.71 acre tract, a distance of 378.39 feet to the  
6 west line of aforementioned Southwest Quarter (SW1/4);  
7 thence North 0 degrees 32 minutes 24 seconds East, along  
8 said west line, a distance of 1,082.30 feet; thence North  
9 89 degrees 03 minutes 47 seconds East, a distance of  
10 294.00 feet; thence North 0 degrees 32 minutes 24 seconds  
11 East, a distance of 272.00 feet to the Point of Beginning,  
12 containing 38.259 acres, more or less.

13 The Dixon Park District is authorized to develop and  
14 operate the Solar Facility under the following conditions:

15 (1) the Dixon Park District shall develop and operate  
16 the Solar Facility in a manner to minimize environmental  
17 impacts on the Solar Site and all of the real property  
18 described in Section 2 of this Act;

19 (2) the Dixon Park District shall provide the  
20 Department with all plans for the development of the Solar  
21 Facility, engage in consultation with the Department, and  
22 implement the recommendations of the Department before  
23 beginning any construction or development activity;

24 (3) the Dixon Park District shall operate the Solar  
25 Facility consistent with all applicable laws and  
26 regulations, with public safety, with environmental

1 protection, and to the Department's satisfaction, as  
2 determined solely by the Department;

3 (4) the Dixon Park District shall operate the Solar  
4 Facility as a pollinator-friendly solar site in compliance  
5 with the Pollinator-Friendly Solar Site Act;

6 (5) if the Dixon Park District ceases to use the Solar  
7 Site as a Solar Facility, the Dixon Park District shall  
8 immediately remove all Solar Facility equipment and  
9 improvements and restore the Solar Site to its previous  
10 condition to the Department's sole satisfaction and,  
11 thereafter, use the property only for public recreation,  
12 park, or conservation purposes; and

13 (6) if the Dixon Park District violates any of the  
14 conditions set forth in this subsection (f), title to the  
15 Solar Site and all of the real property described in  
16 Section 2 of this Act shall revert to the State of  
17 Illinois, Department of Natural Resources.

18 (g) To implement the requirement to covenant and agree  
19 with the State on the requirements set forth in Section 2, the  
20 Dixon Park District shall execute an amendment to the  
21 quitclaim deed dated December 8, 1993 and recorded January 11,  
22 1994 in Book 9401 of Deeds at Page 0711 in the Recorder's  
23 Office of Lee County, Illinois, which shall be prepared by the  
24 Department to implement said requirements. The authorization  
25 for the Dixon Park District to develop and operate the Solar  
26 Facility provided in subsection (f) shall not become effective

1 until the amended quitclaim deed is fully executed by the  
2 Dixon Park District and properly recorded in the Lee County  
3 Recorder's Office.

4 (Source: P.A. 88-468, eff. 8-31-93.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.