

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. The Real Property Conservation Rights Act is
5 amended by changing Sections 1, 2, and 5 as follows:

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

7 Sec. 1. (a) A conservation right is a right, whether
8 stated in 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:
13 (i) the significant physical character and visual
14 characteristics of structures having architectural,
15 historical, or cultural significance, together with any
16 associated real property, whether or not improved; or (ii)
17 land or water areas predominantly in their natural, scenic,
18 open, agricultural, or wooded condition, or as suitable
19 habitat for fish, plants, or wildlife; or (iii) the
20 integrity of archaeological sites and the artifacts or
21 information which they may contain pending properly
22 supervised excavation and investigation. Without limiting
23 the generality of the foregoing, the instrument conveying or
24 reserving a conservation right may, with respect to either
25 the grantor or grantee, require, prohibit, condition, limit
26 or control any or all of the following:

- 27 (1) access or public visitation;
- 28 (2) affirmative acts of alteration, restoration,
29 rehabilitation, repair, maintenance, investigation,
30 documentation, payment of taxes, or compliance with
31 public law and regulations;

1 (3) conditions of operation, use, restoration,
2 alteration, repair or maintenance;

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

5 (5) the construction, placement, maintenance in a
6 particular condition, alteration, or removal of roads,
7 signs, billboards or other advertising, utilities or
8 other structures on or above the ground;

9 (6) the dumping or placing of soil or other
10 substance or material as landfill, or dumping or placing
11 of trash, waste or other materials;

12 (7) the excavation, dredging or removal of loam,
13 peat, gravel, soil, rock or other material substance in
14 such manner as to affect the surface or to otherwise
15 alter the topography of the area;

16 (8) the removal or destruction of trees, shrubs or
17 other vegetation;

18 (9) surface use inconsistent with preservation of
19 water or land areas, or the improvement or appurtenance
20 thereto;

21 (10) activities affecting drainage, flood control,
22 water conservation, erosion control or soil conservation,
23 or fish and wildlife habitat preservation; or

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

27 (b) A conservation right shall be taken to include a
28 preservation restriction as that term is defined in Section
29 11-48.2-1A of the "Illinois Municipal Code", as now or
30 hereafter amended, and shall not be unenforceable on account
31 of lack of privity of estate or contract or lack of benefit
32 to particular land or on account of the benefit being
33 assigned or assignable. Conservation rights shall be
34 construed and enforced in accordance with their terms, and

1 shall be transferable and transferred, recorded and indexed,
2 in the same manner as fee simple interests in real property,
3 subject only to the limitations provided herein.

4 Conservation rights may be released by the holder of such
5 rights to the holder of the fee even though the holder of the
6 fee may not be an agency of the State, a unit of local
7 government or a not-for-profit corporation or trust.

8 The holder of a grant pursuant to this Act shall not be
9 required to record any instrument subsequent to the recording
10 of the grant in order to maintain or continue the validity of
11 the grant.

12 The holder of such rights shall also be permitted to
13 transfer or assign such rights but only to another agency of
14 the State, a unit of local government or to a not-for-profit
15 corporation or trust.

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

17 (765 ILCS 120/2) (from Ch. 30, par. 402)

18 Sec. 2. Any owner of real property in this State may
19 convey a conservation right in such real property to the
20 United States or any agency of the federal government an
21 agency of the State, to a unit of local government, or to a
22 not-for-profit corporation or trust whose primary purposes
23 include the conservation of land, natural areas, open space
24 or water areas, or the preservation of native plants or
25 animals, or biotic communities, or geographic formations of
26 scientific, aesthetic, or educational interest, or the
27 preservation of buildings, structures or sites of historical,
28 architectural, archeological or cultural significance, or the
29 protection of agricultural land from conversion to other
30 uses.

31 No conveyance of such conservation rights shall take
32 effect until such conveyance is accepted by the grantee.
33 Acceptance of such conservation rights may be conditioned

1 upon any requirements which are deemed proper by the grantee.
2 Such requirements may include the payment of funds by the
3 grantor to provide for the management of such conservation
4 rights.

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

6 (765 ILCS 120/5)

7 Sec. 5. All instruments creating conservation rights and
8 all instruments releasing conservation rights shall be duly
9 recorded in the county where the land lies so as to affect
10 title in the manner of other conveyances of interests in land
11 and shall describe the land subject to or released from such
12 conservation right by adequate legal description or by
13 reference to a recorded plat showing its boundaries. The
14 recorder or the Registrar of Titles shall, upon recording,
15 cause a copy of the conservation right or release of
16 conservation right to be mailed to the Department of Natural
17 Resources. In accordance with Section 2 of this Act, in
18 those cases when a conservation right has been conveyed for
19 the purpose of protecting agricultural land from conversion
20 to other uses, the recorder or the Registrar of Titles shall,
21 upon recording, cause a copy of the conservation right or
22 release of conservation right to be mailed by certified mail
23 to the Illinois Department of Agriculture. A release of the
24 conservation right shall not be effective until it has been
25 duly recorded.

26 (Source: P.A. 88-657, eff. 1-1-95; 89-445, eff. 2-7-96.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law.