



Rep. Randy Ramey, Jr.

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09700HB2821ham002

LRB097 07879 KMW 52851 a

1 AMENDMENT TO HOUSE BILL 2821

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2821 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Township Code is amended by changing  
5 Section 30-50 as follows:

6 (60 ILCS 1/30-50)

7 Sec. 30-50. Purchase and use of property.

8 (a) The electors may make all orders for the purchase,  
9 sale, conveyance, regulation, or use of the township's  
10 corporate property (including the direct sale or lease of  
11 single township road district property) that may be deemed  
12 conducive to the interests of its inhabitants, including the  
13 lease, for up to 10 years, or for up to 25 years if the lease is  
14 for a wireless telecommunications tower, at fair market value,  
15 of corporate property for which no use or need during the lease  
16 period is anticipated at the time of leasing. The property may

1 be leased to another governmental body, however, or to a  
2 not-for-profit corporation that has contracted to construct or  
3 fund the construction of a structure or improvement upon the  
4 real estate owned by the township and that has contracted with  
5 the township to allow the township to use at least a portion of  
6 the structure or improvement to be constructed upon the real  
7 estate leased and not otherwise used by the township, for any  
8 term not exceeding 50 years and for any consideration. In the  
9 case of a not-for-profit corporation, the township shall hold a  
10 public hearing on the proposed lease. The township clerk shall  
11 give notice of the hearing by publication in a newspaper  
12 published in the township, or in a newspaper published in the  
13 county and having general circulation in the township if no  
14 newspaper is published in the township, and by posting notices  
15 in at least 5 public places at least 10 days before the public  
16 hearing.

17 (b) If a new tax is to be levied or an existing tax rate is  
18 to be increased above the statutory limits for the purchase of  
19 the property, however, no action otherwise authorized in  
20 subsection (a) shall be taken unless a petition signed by at  
21 least 10% of the registered voters residing in the township is  
22 presented to the township clerk. If a petition is presented to  
23 the township clerk, the clerk shall order a referendum on the  
24 proposition. The referendum shall be held at the next annual or  
25 special township meeting or at an election in accordance with  
26 the general election law. If the referendum is ordered to be

1 held at the township meeting, the township clerk shall give  
2 notice that at the next annual or special township meeting the  
3 proposition shall be voted upon. The notice shall set forth the  
4 proposition and shall be given by publication in a newspaper  
5 published in the township. If there is no newspaper published  
6 in the township, the notice shall be published in a newspaper  
7 published in the county and having general circulation in the  
8 township. Notice also shall be given by posting notices in at  
9 least 5 public places at least 10 days before the township  
10 meeting. If the referendum is ordered to be held at an  
11 election, the township clerk shall certify that proposition to  
12 the proper election officials, who shall submit the proposition  
13 at an election. The proposition shall be submitted in  
14 accordance with the general election law.

15 (c) If the leased property is utilized in part for private  
16 use and in part for public use, those portions of the  
17 improvements devoted to private use are fully taxable. The land  
18 is exempt from taxation to the extent that the uses on the land  
19 are public and taxable to the extent that the uses are private.

20 (d) Before the township makes a lease for a term of up to  
21 20 years or sale of township or road district real or personal  
22 property, unless the personal property has a sale value of  
23 \$2,500 or less, the electors shall adopt a resolution stating  
24 the intent to lease for a term of up to 20 years or sell the  
25 real or personal property, describing the property in full, and  
26 stating the terms and conditions the electors deem necessary

1 and desirable for the lease for a term of up to 20 years or  
2 sale. A resolution stating the intent to sell real property  
3 shall also contain pertinent information concerning the size,  
4 use, and zoning of the property. The value of real property  
5 shall be determined by a State licensed real estate appraiser.  
6 The appraisal shall be available for public inspection. The  
7 resolution may direct the sale to be conducted by the staff of  
8 the township or by listing with local licensed real estate  
9 agencies (in which case the terms of the agent's compensation  
10 shall be included in the resolution).

11 When a township sells township or road district personal  
12 property valued for sale at \$2,500 or less, the electors are  
13 not required to adopt a resolution. Prior to the sale, the  
14 clerk shall prepare a notice stating the intent of the township  
15 or road district to sell personal property with a sale value of  
16 \$2,500 or less and describing the property in full.

17 The clerk shall thereafter publish the resolution or  
18 personal property sale notice once in a newspaper published in  
19 the township or, if no newspaper is published in the township,  
20 in a newspaper generally circulated in the township. If no  
21 newspaper is generally circulated in the township, the clerk  
22 shall post the resolution or personal property sale notice in 5  
23 of the most public places in the township. In addition to the  
24 foregoing publication requirements, the clerk shall post the  
25 resolution or personal property sale notice at the office of  
26 the township (if township property is involved) or at the

1 office of the road district (if road district property is  
2 involved). The following information shall be published or  
3 posted with the resolution or personal property sale notice:

4 (i) the date by which all bids must be received by the township  
5 or road district, which shall not be less than 30 days after  
6 the date of publication or posting, and (ii) the place, time,  
7 and date at which bids shall be opened, which shall be at a  
8 regular meeting of the township board.

9 All bids shall be opened by the clerk (or someone duly  
10 appointed to act for the clerk) at the regular meeting of the  
11 township board described in the notice. With respect to  
12 township personal property, except personal property valued  
13 for sale at \$2,500 or less, the township board may accept the  
14 high bid or any other bid determined to be in the best  
15 interests of the township by a majority vote of the board. With  
16 respect to township real property, the township board may  
17 accept the high bid or any other bid determined to be in the  
18 best interests of the township by a vote of three-fourths of  
19 the township board then holding office, but in no event at a  
20 price less than 80% of the appraised value. With respect to  
21 road district property, except personal property valued for  
22 sale at \$2,500 or less, the highway commissioner may accept the  
23 high bid or any other bid determined to be in the best  
24 interests of the road district. In each case, the township  
25 board or commissioner may reject any and all bids. With respect  
26 to township or road district personal property valued for sale

1 at \$2,500 or less, the clerk shall accept at least 2 bids and  
2 the township board or highway commissioner shall accept the  
3 highest bid. This notice and competitive bidding procedure  
4 shall not be followed when property is leased to another  
5 governmental body. The notice and competitive bidding  
6 procedure shall not be followed when property is declared  
7 surplus by the electors and sold to another governmental body.

8 (e) A trade-in of machinery or equipment on new or  
9 different machinery or equipment does not constitute the sale  
10 of township or road district property.

11 (f) Before the township makes a lease of township or road  
12 district real property for a term in excess of 20 years, they  
13 shall give notice of intent to adopt such an ordinance. The  
14 notice must be published on the township website, and if there  
15 is none, at least once in a daily or weekly newspaper published  
16 in the township, and if there is none, then in some paper  
17 published in the county where the township is located. The  
18 publication must be not less than 15 nor more than 30 days  
19 before the date on which it is proposed to adopt such an  
20 ordinance. The notice must contain an accurate description of  
21 the property, state the purpose for which it is used and the  
22 restrictions upon the proposed use of the property to be  
23 leased. The township board may negotiate the consideration and  
24 terms of the lease. The consideration may include the provision  
25 of off-street parking facilities by the lessee, which parking  
26 facilities may be made part of the township parking system. The

1 consideration also may include the provision of other public  
2 facilities by the lessee on the real estate acquired. The  
3 consideration also may include provisions in the case of a  
4 sublease by the lessee to another party. The township board may  
5 contract with the lessee for the use of a portion of a  
6 structure or improvement to be constructed on the real estate  
7 leased.

8 (Source: P.A. 95-909, eff. 8-26-08.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".