

SB2268



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2268

Introduced 2/15/2013, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

60 ILCS 1/30-50

Amends the Township Code. Provides the a township or township road district may lease or sell (now dispose of) personal property by a vote of the township board or request of the township highway commissioner. Deletes references to personal property valued for sale at \$2,500 or less. Provides that the township board or the highway commissioner may authorize the sale of personal property by public auction conducted by a licensed auctioneer or through an approved Internet auction service. Effective immediately.

LRB098 08990 OMW 39125 b

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 Township Code is amended by changing Section
5 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
17 be leased to another governmental body, however, or to a
18 not-for-profit corporation that has contracted to construct or
19 fund the construction of a structure or improvement upon the
20 real estate owned by the township and that has contracted with
21 the township to allow the township to use at least a portion of
22 the structure or improvement to be constructed upon the real
23 estate leased and not otherwise used by the township, for any

1 term not exceeding 50 years and for any consideration. In the
2 case of a not-for-profit corporation, the township shall hold a
3 public hearing on the proposed lease. The township clerk shall
4 give notice of the hearing by publication in a newspaper
5 published in the township, or in a newspaper published in the
6 county and having general circulation in the township if no
7 newspaper is published in the township, and by posting notices
8 in at least 5 public places at least 10 days before the public
9 hearing.

10 (b) If a new tax is to be levied or an existing tax rate is
11 to be increased above the statutory limits for the purchase of
12 the property, however, no action otherwise authorized in
13 subsection (a) shall be taken unless a petition signed by at
14 least 10% of the registered voters residing in the township is
15 presented to the township clerk. If a petition is presented to
16 the township clerk, the clerk shall order a referendum on the
17 proposition. The referendum shall be held at the next annual or
18 special township meeting or at an election in accordance with
19 the general election law. If the referendum is ordered to be
20 held at the township meeting, the township clerk shall give
21 notice that at the next annual or special township meeting the
22 proposition shall be voted upon. The notice shall set forth the
23 proposition and shall be given by publication in a newspaper
24 published in the township. If there is no newspaper published
25 in the township, the notice shall be published in a newspaper
26 published in the county and having general circulation in the

1 township. Notice also shall be given by posting notices in at
2 least 5 public places at least 10 days before the township
3 meeting. If the referendum is ordered to be held at an
4 election, the township clerk shall certify that proposition to
5 the proper election officials, who shall submit the proposition
6 at an election. The proposition shall be submitted in
7 accordance with the general election law.

8 (c) If the leased property is utilized in part for private
9 use and in part for public use, those portions of the
10 improvements devoted to private use are fully taxable. The land
11 is exempt from taxation to the extent that the uses on the land
12 are public and taxable to the extent that the uses are private.

13 (d) Before the township makes a lease or sale of township
14 or road district real property, the electors shall adopt a
15 resolution stating the intent to lease or sell the real
16 property, describing the property in full, and stating the
17 terms and conditions the electors deem necessary and desirable
18 for the lease or sale. A resolution stating the intent to sell
19 real property shall also contain pertinent information
20 concerning the size, use, and zoning of the property. The value
21 of real property shall be determined by a State licensed real
22 estate appraiser. The appraisal shall be available for public
23 inspection. The resolution may direct the sale to be conducted
24 by the staff of the township or by listing with local licensed
25 real estate agencies (in which case the terms of the agent's
26 compensation shall be included in the resolution).

1 Anytime during the year, the township or township road
2 district may lease or sell ~~dispose of~~ personal property by a
3 vote of the township board or request of the township highway
4 commissioner.

5 The clerk shall thereafter publish the resolution or
6 personal property sale notice once in a newspaper published in
7 the township or, if no newspaper is published in the township,
8 in a newspaper generally circulated in the township. If no
9 newspaper is generally circulated in the township, the clerk
10 shall post the resolution or personal property sale notice in 5
11 of the most public places in the township. In addition to the
12 foregoing publication requirements, the clerk shall post the
13 resolution or personal property sale notice at the office of
14 the township (if township property is involved) or at the
15 office of the road district (if road district property is
16 involved). The following information shall be published or
17 posted with the resolution or personal property sale notice:
18 (i) the date by which all bids must be received by the township
19 or road district, which shall not be less than 30 days after
20 the date of publication or posting, and (ii) the place, time,
21 and date at which bids shall be opened, which shall be at a
22 regular meeting of the township board.

23 All bids shall be opened by the clerk (or someone duly
24 appointed to act for the clerk) at the regular meeting of the
25 township board described in the notice. With respect to
26 township personal property, ~~except personal property valued~~

1 ~~for sale at \$2,500 or less,~~ the township board may accept the
2 high bid or any other bid determined to be in the best
3 interests of the township by a majority vote of the board. With
4 respect to township real property, the township board may
5 accept the high bid or any other bid determined to be in the
6 best interests of the township by a vote of three-fourths of
7 the township board then holding office, but in no event at a
8 price less than 80% of the appraised value. With respect to
9 road district property, ~~except personal property valued for~~
10 ~~sale at \$2,500 or less,~~ the highway commissioner may accept the
11 high bid or any other bid determined to be in the best
12 interests of the road district. In each case, the township
13 board or commissioner may reject any and all bids. ~~With respect~~
14 ~~to township or road district personal property valued for sale~~
15 ~~at \$2,500 or less, the clerk shall accept at least 2 bids and~~
16 ~~the township board or highway commissioner shall accept the~~
17 ~~highest bid.~~ This notice and competitive bidding procedure
18 shall not be followed when property is leased to another
19 governmental body. The notice and competitive bidding
20 procedure shall not be followed when property is declared
21 surplus by the electors and sold to another governmental body.

22 The township board or the highway commissioner may
23 authorize the sale of personal property by public auction
24 conducted by an auctioneer licensed under the Auction License
25 Act or through an approved Internet auction service.

26 (e) A trade-in of machinery or equipment on new or

1 different machinery or equipment does not constitute the sale
2 of township or road district property.

3 (Source: P.A. 97-337, eff. 8-12-11.)

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