

1 AN ACT concerning land.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1005 as follows:

6 (55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

7 Sec. 5-1005. Powers. Each county shall have power:

8 1. To purchase and hold the real and personal estate
9 necessary for the uses of the county, and to purchase and
10 hold, for the benefit of the county, real estate sold by
11 virtue of judicial proceedings in which the county is
12 plaintiff.

13 2. To sell and convey or lease any real or personal
14 estate owned by the county.

15 3. To make all contracts and do all other acts in
16 relation to the property and concerns of the county necessary
17 to the exercise of its corporate powers.

18 4. To take all necessary measures and institute
19 proceedings to enforce all laws for the prevention of cruelty
20 to animals.

21 5. To purchase and hold or lease real estate upon which
22 may be erected and maintained buildings to be utilized for
23 purposes of agricultural experiments and to purchase, hold
24 and use personal property for the care and maintenance of
25 such real estate in connection with such experimental
26 purposes.

27 6. To cause to be erected, or otherwise provided,
28 suitable buildings for, and maintain a county hospital and
29 necessary branch hospitals and/or a county sheltered care
30 home or county nursing home for the care of such sick,
31 chronically ill or infirm persons as may by law be proper

1 charges upon the county, or upon other governmental units,
2 and to provide for the management of the same. The county
3 board may establish rates to be paid by persons seeking care
4 and treatment in such hospital or home in accordance with
5 their financial ability to meet such charges, either
6 personally or through a hospital plan or hospital insurance,
7 and the rates to be paid by governmental units, including the
8 State, for the care of sick, chronically ill or infirm
9 persons admitted therein upon the request of such
10 governmental units. Any hospital maintained by a county under
11 this Section is authorized to provide any service and enter
12 into any contract or other arrangement not prohibited for a
13 hospital that is licensed under the Hospital Licensing Act,
14 incorporated under the General Not-For-Profit Corporation
15 Act, and exempt from taxation under paragraph (3) of
16 subsection (c) of Section 501 of the Internal Revenue Code.

17 7. To contribute such sums of money toward erecting,
18 building, maintaining, and supporting any non-sectarian
19 public hospital located within its limits as the county board
20 of the county shall deem proper.

21 8. To purchase and hold real estate for the preservation
22 of forests, prairies and other natural areas and to maintain
23 and regulate the use thereof.

24 9. To purchase and hold real estate for the purpose of
25 preserving historical spots in the county, to restore,
26 maintain and regulate the use thereof and to donate any
27 historical spot to the State.

28 10. To appropriate funds from the county treasury to be
29 used in any manner to be determined by the board for the
30 suppression, eradication and control of tuberculosis among
31 domestic cattle in such county.

32 11. To take all necessary measures to prevent forest
33 fires and encourage the maintenance and planting of trees and
34 the preservation of forests.

1 12. To authorize the closing on Saturday mornings of all
2 offices of all county officers at the county seat of each
3 county, and to otherwise regulate and fix the days and the
4 hours of opening and closing of such offices, except when the
5 days and the hours of opening and closing of the office of
6 any county officer are otherwise fixed by law; but the power
7 herein conferred shall not apply to the office of State's
8 Attorney and the offices of judges and clerks of courts and,
9 in counties of 500,000 or more population, the offices of
10 county clerk.

11 13. To provide for the conservation, preservation and
12 propagation of insectivorous birds through the expenditure of
13 funds provided for such purpose.

14 14. To appropriate funds from the county treasury and
15 expend the same for care and treatment of tuberculosis
16 residents.

17 15. In counties having less than 1,000,000 inhabitants,
18 to take all necessary or proper steps for the extermination
19 of mosquitoes, flies or other insects within the county.

20 16. To install an adequate system of accounts and
21 financial records in the offices and divisions of the county,
22 suitable to the needs of the office and in accordance with
23 generally accepted principles of accounting for governmental
24 bodies, which system may include such reports as the county
25 board may determine.

26 17. To purchase and hold real estate for the
27 construction and maintenance of motor vehicle parking
28 facilities for persons using county buildings, but the
29 purchase and use of such real estate shall not be for revenue
30 producing purposes.

31 18. To acquire and hold title to real property located
32 within the county, or partly within and partly outside the
33 county by dedication, purchase, gift, legacy or lease, for
34 park and recreational purposes and to charge reasonable fees

1 for the use of or admission to any such park or recreational
2 area and to provide police protection for such park or
3 recreational area. Personnel employed to provide such police
4 protection shall be conservators of the peace within such
5 park or recreational area and shall have power to make
6 arrests on view of the offense or upon warrants for violation
7 of any of the ordinances governing such park or recreational
8 area or for any breach of the peace in the same manner as the
9 police in municipalities organized and existing under the
10 general laws of the State. All such real property outside the
11 county shall be contiguous to the county and within the
12 boundaries of the State of Illinois.

13 19. To appropriate funds from the county treasury to be
14 used to provide supportive social services designed to
15 prevent the unnecessary institutionalization of elderly
16 residents, or, for operation of, and equipment for, senior
17 citizen centers providing social services to elderly
18 residents.

19 20. To appropriate funds from the county treasury and
20 loan such funds to a county water commission created under
21 the "Water Commission Act", approved June 30, 1984, as now or
22 hereafter amended, in such amounts and upon such terms as the
23 county may determine or the county and the commission may
24 agree. The county shall not under any circumstances be
25 obligated to make such loans. The county shall not be
26 required to charge interest on any such loans.

27 21. To acquire and hold title to real property
28 development rights.

29 All contracts for the purchase of coal under this Section
30 shall be subject to the provisions of the Illinois Mined Coal
31 Act "~~An Act concerning the use of Illinois mined coal in~~
32 ~~certain plants and institutions~~", ~~filed July 13, 1937, as~~
33 amended.

34 (Source: P.A. 86-962; 86-1028.)

1 Section 10. The Township Code is amended by changing
2 Section 85-10 as follows:

3 (60 ILCS 1/85-10)

4 Sec. 85-10. Township corporate powers.

5 (a) Every township has the corporate capacity to
6 exercise the powers granted to it, or necessarily implied,
7 and no others. Every township has the powers specified in
8 this Section.

9 (b) A township may sue and be sued.

10 (c) A township may acquire (by purchase, gift, or
11 legacy) and hold property, including development rights, both
12 real and personal, for the use of its inhabitants and may
13 sell and convey that property. A township may purchase any
14 real estate or personal property for public purposes under
15 contracts providing for payment in installments over a period
16 of time of not more than 20 years in the case of real estate
17 and not more than 10 years in the case of personal property.
18 A township may finance the purchase of any real estate or
19 personal property for public purpose under finance contracts
20 providing for payment in installments over a period of time
21 of not more than 20 years in the case of real estate and not
22 more than 10 years in the case of personal property. A
23 township may construct a township hall under contracts
24 providing for payment over a period of time of not more than
25 5 years. The interest on the unpaid balance shall not exceed
26 that permitted in the Bond Authorization Act.

27 (d) A township may make all contracts necessary in the
28 exercise of the township's powers.

29 (e) A township may expend or contract for the
30 expenditure of any federal funds made available to the
31 township by law for any purpose for which taxes imposed upon
32 township property or property within the township may be
33 expended.

1 (f) A township may acquire (singly or jointly with a
2 municipality or municipalities) land or any interest in land
3 located within its township limits. The township may acquire
4 the land or interest by gift, purchase, or otherwise, but not
5 by condemnation. A township may (singly or jointly) improve
6 or arrange for the improvement of the land for industrial or
7 commercial purposes and may donate and convey the land or
8 interest in land so acquired and so improved to the Illinois
9 Development Finance Authority.

10 (g) (Blank)

11 (h) It is the policy of this State that all powers
12 granted either expressly or by necessary implication by this
13 Code, any other Illinois statute, or the Illinois
14 Constitution to townships may be exercised by those townships
15 notwithstanding effects on competition. It is the intention
16 of the General Assembly that the "State action exemption" to
17 the application of federal antitrust statutes be fully
18 available to townships to the extent their activities are
19 authorized by law as stated in this Code.

20 (i) A township may receive funds under the federal
21 Housing and Community Development Act of 1974 and may expend
22 or contract for the expenditure of those funds and other
23 township funds for the activities specified in Section 105 of
24 that Act. The powers granted under this subsection (i) are
25 in addition to powers otherwise possessed by a township and
26 shall not be construed as a limitation of those other powers.

27 (j) A township may establish reasonable fees for
28 recreation and instructional programs sponsored by the
29 township.

30 (Source: P.A. 88-62; incorporates 88-356 and 88-360; 88-670,
31 eff. 12-2-94; 89-331, eff. 8-17-95.)

32 Section 15. The Illinois Municipal Code is amended by
33 changing Section 11-76.1-1 as follows:

1 (65 ILCS 5/11-76.1-1) (from Ch. 24, par. 11-76.1-1)

2 Sec. 11-76.1-1. Powers. The corporate authorities of
3 each municipality having a population of less than 500,000
4 inhabitants have the power by ordinance adopted by an
5 affirmative vote of two-thirds of the elected corporate
6 authorities then holding office:

7 (i) to purchase or lease real or personal property for
8 public purposes pursuant to contracts or leases which provide
9 for the consideration for such purchase or lease to be paid
10 in annual installments during a period not exceeding 20
11 years;

12 (ii) to lease as lessee and to purchase real property or
13 personal property for public purposes pursuant to a lease or
14 purchase agreement which lease or purchase agreement may
15 provide that the municipality may, at its option, purchase
16 the property which is subject to the agreement or lease upon
17 terms wherein payments previously made, or a portion of them,
18 are deducted from the purchase price of the property as
19 provided for in such lease or agreement; and

20 (iii) to purchase or lease real property development
21 rights.

22 A municipality, having adopted and filed with the
23 municipal clerk such installment or lease agreement, executed
24 by officers of the municipality, may issue debt certificates
25 to any person either in lieu of or in evidence of the amounts
26 payable under such lease or installment agreement. Such
27 certificates may contain such terms as are provided for the
28 issuance of bonds generally under Section 10 of the Local
29 Government Debt Reform Act, as now or hereafter amended,
30 except to the extent such terms expressly conflict with
31 limitations set forth in this Division. Cash proceeds
32 received upon issuance of such certificates shall be duly
33 applied to the acquisition and construction and payment for
34 the real or personal property which is the subject of such

1 installment or lease agreement.

2 (Source: P.A. 85-1419.)

3 Section 20. The Civic Center Code is amended by changing
4 Section 105-20 as follows:

5 (70 ILCS 200/105-20)

6 Sec. 105-20. Rights and powers. The Authority shall have
7 the following rights and powers:

8 (a) To acquire, purchase, own, construct, lease as
9 lessee or in any other way acquire, improve, extend, repair,
10 reconstruct, regulate, operate, equip and maintain land and
11 buildings, including development rights and sites for boat
12 ramps, campgrounds, nature paths and other recreational and
13 parking areas and facilities therefor located within the
14 metropolitan area. Nothing in this Section shall be
15 construed to grant the Authority the power of eminent domain.

16 (b) To enter into contracts treating in any manner with
17 the objects and purposes of this Article.

18 (c) To plan for such facilities and to allow the use of
19 such facilities whether conducted by the Authority or some
20 other person or governmental agency.

21 (d) To fix and collect just, reasonable and
22 nondiscriminatory charges and rents for the use of such
23 parking areas and facilities, grounds and buildings held by
24 the Authority. The charges collected may be made available to
25 defray the reasonable expenses of the Authority and to pay
26 the principal of and the interest on any bonds issued by the
27 Authority.

28 (Source: P.A. 90-328, eff. 1-1-98.)

29 Section 25. The Soil and Water Conservation Districts
30 Act is amended by changing Section 22.04 as follows:

1 (70 ILCS 405/22.04) (from Ch. 5, par. 127.4)

2 Sec. 22.04. Property. To obtain options upon and to
3 acquire, by purchase, exchange, lease, gift, grant, legacy or
4 through condemnation, any property, real or personal, or
5 rights or interests, including real property development
6 rights, therein necessary for the purpose of the district; to
7 maintain, administer and improve any properties acquired, to
8 receive income from such properties and to expend such income
9 in carrying out the purposes and provisions of this Act; and
10 to sell, lease or otherwise dispose of any of its property or
11 interests therein in furtherance of the purposes and
12 provisions of this Act.

13 (Source: P.A. 83-388.)

14 Section 30. The Conservation District Act is amended by
15 changing Section 12 as follows:

16 (70 ILCS 410/12) (from Ch. 96 1/2, par. 7112)

17 Sec. 12. Powers. To the extent necessary to carry out
18 the purpose of this Act and in addition to any other powers,
19 duties and functions vested in a district by law, but subject
20 to such limitations and restrictions as are imposed elsewhere
21 by this Act or another law, a district is authorized and
22 empowered:

23 (a) To adopt by-laws, adopt and use a common seal, enter
24 into contracts, acquire and hold real and personal estate and
25 take such other actions as may be necessary for the proper
26 conduct of its affairs.

27 (b) To make and publish all ordinances, rules and
28 regulations necessary for the management and protection of
29 its property and the conduct of its affairs.

30 (c) To study and ascertain the district's wildland and
31 other open space resources and outdoor recreation facilities,
32 the need for preserving such resources and providing such

1 facilities and the extent to which such needs are being
2 currently met and to prepare and adopt a co-ordinated plan of
3 areas and facilities to meet such needs.

4 (d) To acquire by gift, legacy, purchase, condemnation
5 in the manner provided for the exercise of the right of
6 eminent domain under Article VII of the Code of Civil
7 Procedure, approved August 19, 1981, as amended, lease,
8 agreement or otherwise the fee or any lesser right or
9 interest, including a development right, in real property and
10 to hold the same with or without public access for open
11 space, wildland, scenic roadway, pathway, outdoor recreation,
12 or other conservation benefits. A district that is entirely
13 within a county of under 200,000 inhabitants and contiguous
14 to a county of more than 2,000,00 inhabitants and that is
15 authorized by referendum as provided in subsection (d) of
16 Section 15 to incur indebtedness over 0.575% but not to
17 exceed 1.725% may acquire an interest in real estate by
18 condemnation only if approved by an affirmative vote of
19 two-thirds of the total number of trustees authorized for
20 that district; such a district may exchange, sell, or
21 otherwise dispose of any portion of any interest in real
22 estate acquired by it by any means within 2 years of
23 acquiring that interest, provided that a public hearing on
24 the exchange, sale or other disposition of such real estate
25 or interest therein is held prior to such action.

26 The Department of Natural Resources, the county board, or
27 the governing body of any municipality, district or public
28 corporation may, upon request of the conservation district,
29 set apart and transfer any real or personal property owned or
30 controlled by it and not devoted or dedicated to any other
31 inconsistent public use, to the conservation district. In
32 acquiring or accepting land or rights thereto, due
33 consideration shall be given to its open space, outdoor
34 recreation or other conservation values and no real property

1 shall be acquired or accepted which in the opinion of the
2 district or the Department of Natural Resources is of low
3 value from the standpoint of its proposed use.

4 (e) To classify, designate, plan, develop, preserve,
5 administer and maintain all areas, places and facilities in
6 which it has an interest, and construct, reconstruct, alter
7 and renew buildings and other structures, and equip and
8 maintain the same.

9 (f) To accept gifts, grants, legacies, contributions and
10 appropriations of money and other personal property for
11 conservation purposes.

12 (g) To employ and fix the compensation of an executive
13 officer who shall be responsible to the board for the
14 carrying out of its policies. The executive officer shall
15 have the power, subject to the approval of the board, to
16 employ and fix the compensation of such assistants and
17 employees as the board may consider necessary for carrying
18 out the purposes and provisions of this Act.

19 (h) To charge and collect reasonable fees for the use of
20 such facilities, privileges and conveniences as may be
21 provided.

22 (i) To police its property and to exercise police powers
23 in respect thereto or in respect to the enforcement of any
24 rule or regulation provided by the ordinances of the district
25 and to employ and commission police officers and other
26 qualified persons to enforce the same.

27 (j) To undertake studies pertaining to the natural
28 history, archaeology, history or conservation of natural
29 resources of the county.

30 (k) To lease land for a period not longer than 50 years
31 from the date of the lease to a responsible person, firm, or
32 corporation for construction, reconstruction, alteration,
33 renewal, equipment, furnishing, extension, development,
34 operation and maintenance of lodges, housekeeping and

1 sleeping cabins, swimming pools, golf courses, campgrounds,
2 sand beaches, marinas, convention and entertainment centers,
3 roads and parking areas, and other related buildings and
4 facilities. In any lease of land leased pursuant to this
5 subsection (k), upon expiration of the lease title to all
6 structures on the leased land shall be vested in the
7 district.

8 (1) To lease any building or facility constructed,
9 reconstructed, altered, renewed, equipped, furnished,
10 extended, developed, and maintained by the district to a
11 responsible person, firm, or corporation for operation or
12 development, or both, and maintenance for a period not longer
13 than 20 years from the date of the lease.

14 (Source: P.A. 89-445, eff. 2-7-96.)

15 Section 35. The Downstate Forest Preserve District Act
16 is amended by changing Section 6 as follows:

17 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

18 Sec. 6. Acquisition of and disposal of property. Any such
19 District shall have power to acquire lands and grounds for
20 the aforesaid purposes by lease, or in fee simple by gift,
21 grant, legacy, purchase or condemnation, or to acquire
22 easements or development rights in land, and to construct,
23 lay out, improve and maintain wells, power plants, comfort
24 stations, shelter houses, paths, driveways, public roads,
25 roadways and other improvements and facilities in and through
26 such forest preserves as they shall deem necessary or
27 desirable for the use of such forest preserves by the public
28 and may acquire, develop, improve and maintain waterways in
29 conjunction with the district. No district with a population
30 less than 600,000 shall have the power to purchase, condemn,
31 lease or acquire an easement in property within a
32 municipality without the concurrence of the governing body of

1 the municipality, except where such district is acquiring
2 land for a linear park or trail not to exceed 100 yards in
3 width or is acquiring land contiguous to an existing park or
4 forest preserve, and no municipality shall annex any land
5 for the purpose of defeating a District acquisition once the
6 District has given notice of intent to acquire a specified
7 parcel of land. No district with a population of less than
8 500,000 shall (i) have the power to condemn property for a
9 linear park or trail within a municipality without the
10 concurrence of the governing body of the municipality or (ii)
11 have the power to condemn property for a linear park or trail
12 in an unincorporated area without the concurrence of the
13 governing body of the township within which the property is
14 located or (iii) once having commenced a proceeding to
15 acquire land by condemnation, dismiss or abandon that
16 proceeding without the consent of the property owners. No
17 district shall establish a trail surface within 50 feet of an
18 occupied dwelling which was in existence prior to the
19 approval of the acquisition by the district without obtaining
20 permission of the owners of the premises or the concurrence
21 of the governing body of the municipality or township within
22 which the property is located. All acquisitions of land by
23 a district with a population less than 600,000 within 1 1/2
24 miles of a municipality shall be preceded by a conference
25 with the mayor or president of the municipality or his
26 designated agent. If a forest preserve district is in
27 negotiations for acquisition of land with owners of land
28 adjacent to a municipality, the annexation of that land shall
29 be deferred for 6 months. The district shall have no power to
30 acquire an interest in real estate situated outside the
31 district by the exercise of the right of eminent domain, by
32 purchase or by lease, but shall have the power to acquire any
33 such property, or an easement in any such property, which is
34 contiguous to the district by gift, legacy, grant, or lease

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

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

31 Whenever the board of any forest preserve district
32 determines that the public interest will be subserved by
33 vacating any street, roadway, or driveway, or part thereof,
34 located within a forest preserve, it may vacate that street,

1 roadway, or driveway, or part thereof, by an ordinance passed
2 by the affirmative vote of at least 3/4 of all the members of
3 the board. This vote shall be taken by ayes and nays and
4 entered in the records of the board.

5 The determination of the board that the nature and extent
6 of the public use or public interest to be subserved is such
7 as to warrant the vacation of any street, roadway, or
8 driveway, or part thereof, is conclusive, and the passage of
9 such an ordinance is sufficient evidence of that
10 determination, whether so recited in the ordinance or not.
11 The relief to the public from further burden and
12 responsibility of maintaining any street, roadway or
13 driveway, or part thereof, constitutes a public use or public
14 interest authorizing the vacation.

15 Nothing contained in this Section shall be construed to
16 authorize the board of any forest preserve district to vacate
17 any street, roadway, or driveway, or part thereof, that is
18 part of any State or county highway.

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

22 Except in cases where the deed, or other instrument
23 dedicating a street, roadway, or driveway, or part thereof,
24 has expressly provided for a specific devolution of the title
25 thereto upon the abandonment or vacation thereof, and except
26 where such street, roadway or driveway, or part thereof, is
27 held by the district by lease, or where the district holds an
28 easement in the land included within the street, roadway or
29 driveway, whenever any street, roadway, or driveway, or part
30 thereof is vacated under or by virtue of any ordinance of any
31 forest preserve district, the title to the land in fee simple
32 included within the street, roadway, or driveway, or part
33 thereof, so vacated vests in the forest preserve district.

34 The board of any forest preserve district is authorized

1 to sell at fair market price, gravel, sand, earth and any
2 other material obtained from the lands and waters owned by
3 the district.

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

6 (Source: P.A. 91-384, eff. 7-30-99.)

7 Section 40. The Cook County Forest Preserve District Act
8 is amended by changing Section 10 as follows:

9 (70 ILCS 810/10) (from Ch. 96 1/2, par. 6413)

10 Sec. 10. Acquisition of property. The board of each
11 forest preserve district has the power by ordinance to
12 purchase or lease as lessee real or personal property and
13 real property development rights (including, without
14 limitation, purchases from and leases with other units of
15 local government, school districts, or the federal government
16 or any of its agencies or instrumentalities) for public
17 purposes pursuant to contracts or leases which provide that
18 the consideration for the purchase or lease may be paid in
19 annual installments during the period not to exceed 40 years;
20 to lease as lessee or to purchase real property or personal
21 property for public purposes pursuant to a lease or purchase
22 agreement which may provide that the district may, at its
23 option, purchase the property which is subject to the
24 agreement or lease upon terms wherein payments previously
25 made, or a portion of them, are deducted from the purchase
26 price of the property as provided for in the lease or
27 agreement.

28 The maximum amounts that will become due under the terms
29 of the purchase or lease agreements, together with all other
30 indebtedness of the district, however, must be within the
31 constitutional limitations on the incurring of indebtedness
32 for the district and for pertinent public purposes.

1 (Source: P.A. 87-1191; 88-503.)

2 Section 45. The Park District Code is amended by
3 changing Section 8-1 as follows:

4 (70 ILCS 1205/8-1) (from Ch. 105, par. 8-1)

5 Sec. 8-1. Powers. Every park district shall, from the
6 time of its organization, be a body corporate and politic by
7 such name as set forth in the petition for its organization
8 or such name as it may adopt under Section 8-8 hereof and
9 shall have and exercise the following powers:

10 (a) To adopt a corporate seal and alter the same at
11 pleasure; to sue and be sued; and to contract in furtherance
12 of any of its corporate purposes.

13 (b) (1) To acquire by gift, legacy, grant or purchase,
14 or by condemnation in the manner provided for the exercise of
15 the power of eminent domain under Article VII of the Code of
16 Civil Procedure, approved August 19, 1981, as amended, any
17 and all real estate, or rights, including development rights,
18 therein necessary for building, laying out, extending,
19 adorning and maintaining any such parks, boulevards and
20 driveways, or for effecting any of the powers or purposes
21 granted under this Code as its board may deem proper, whether
22 such lands be located within or without such district; but no
23 park district, except as provided in paragraph (2) of this
24 subsection, shall have any power of condemnation in the
25 manner provided for the exercise of the power of eminent
26 domain under Article VII of the Code of Civil Procedure,
27 approved August 19, 1981, as amended, or otherwise as to any
28 real estate, lands, riparian rights or estate, or other
29 property situated outside of such district, but shall only
30 have power to acquire the same by gift, legacy, grant or
31 purchase, and such district shall have the same control of
32 and power over lands so acquired without the district as over

1 parks, boulevards and driveways within such district.

2 (2) In addition to the powers granted in paragraph (1)
3 of subsection (b), a park district located in more than one
4 county, the majority of its territory located in a county
5 over 450,000 in population and none of its territory located
6 in a county over 1,000,000 in population, shall have
7 condemnation power in the manner provided for the exercise of
8 the power of eminent domain under Article VII of the Code of
9 Civil Procedure, approved August 19, 1981, as amended, or as
10 otherwise granted by law as to any and all real estate
11 situated up to one mile outside of such district which is not
12 within the boundaries of another park district.

13 (c) To acquire by gift, legacy or purchase any personal
14 property necessary for its corporate purposes provided that
15 all contracts for supplies, materials or work involving an
16 expenditure in excess of \$10,000 shall be let to the lowest
17 responsible bidder, considering conformity with
18 specifications, terms of delivery, quality, and
19 serviceability, after due advertisement, excepting contracts
20 which by their nature are not adapted to award by competitive
21 bidding, such as contracts for the services of individuals
22 possessing a high degree of professional skill where the
23 ability or fitness of the individual plays an important part,
24 contracts for the printing of finance committee reports and
25 departmental reports, contracts for the printing or engraving
26 of bonds, tax warrants and other evidences of indebtedness,
27 contracts for utility services such as water, light, heat,
28 telephone or telegraph, contracts for the use, purchase,
29 delivery, movement, or installation of data processing
30 equipment, software, or services and telecommunications and
31 interconnect equipment, software, or services, contracts for
32 duplicating machines and supplies, contracts for goods or
33 services procured from another governmental agency, purchases
34 of equipment previously owned by some entity other than the

1 district itself, and contracts for the purchase of magazines,
2 books, periodicals, pamphlets and reports and excepting where
3 funds are expended in an emergency and such emergency
4 expenditure is approved by 3/4 of the members of the board.

5 All competitive bids for contracts involving an
6 expenditure in excess of \$10,000 must be sealed by the bidder
7 and must be opened by a member or employee of the park board
8 at a public bid opening at which the contents of the bids
9 must be announced. Each bidder must receive at least 3 days
10 notice of the time and place of the bid opening.

11 For purposes of this subsection, "due advertisement"
12 includes, but is not limited to, at least one public notice
13 at least 10 days before the bid date in a newspaper published
14 in the district or, if no newspaper is published in the
15 district, in a newspaper of general circulation in the area
16 of the district.

17 (d) To pass all necessary ordinances, rules and
18 regulations for the proper management and conduct of the
19 business of the board and district and to establish by
20 ordinance all needful rules and regulations for the
21 government and protection of parks, boulevards and driveways
22 and other property under its jurisdiction, and to effect the
23 objects for which such districts are formed.

24 (e) To prescribe such fines and penalties for the
25 violation of ordinances as it shall deem proper not exceeding
26 \$500 for any one offense, which fines and penalties may be
27 recovered by an action in the name of such district in the
28 circuit court for the county in which such violation
29 occurred. The park district may also seek in the action, in
30 addition to or instead of fines and penalties, an order that
31 the offender be required to make restitution for damage
32 resulting from violations, and the court shall grant such
33 relief where appropriate. The procedure in such actions
34 shall be the same as that provided by law for like actions

1 for the violation of ordinances in cities organized under the
2 general laws of this State, and offenders may be imprisoned
3 for non-payment of fines and costs in the same manner as in
4 such cities. All fines when collected shall be paid into the
5 treasury of such district.

6 (f) To manage and control all officers and property of
7 such districts and to provide for joint ownership with one or
8 more cities, villages or incorporated towns of real and
9 personal property used for park purposes by one or more park
10 districts. In case of joint ownership, the terms of the
11 agreement shall be fair, just and equitable to all parties
12 and shall be set forth in a written agreement entered into by
13 the corporate authorities of each participating district,
14 city, village or incorporated town.

15 (g) To secure grants and loans, or either, from the
16 United States Government, or any agency or agencies thereof,
17 for financing the acquisition or purchase of any and all real
18 estate, or rights therein, or for effecting any of the powers
19 or purposes granted under this Code as its Board may deem
20 proper.

21 (h) To establish fees for the use of facilities and
22 recreational programs of the districts and to derive revenue
23 from non-resident fees from their operations. Fees charged
24 non-residents of such district need not be the same as fees
25 charged to residents of the district. Charging fees or
26 deriving revenue from the facilities and recreational
27 programs shall not affect the right to assert or utilize any
28 defense or immunity, common law or statutory, available to
29 the districts or their employees.

30 (i) To make contracts for a term exceeding one year, but
31 not to exceed 3 years, notwithstanding any provision of this
32 Code to the contrary, relating to: (1) the employment of a
33 park director, superintendent, administrator, engineer,
34 health officer, land planner, finance director, attorney,

1 police chief, or other officer who requires technical
 2 training or knowledge; (2) the employment of outside
 3 professional consultants such as engineers, doctors, land
 4 planners, auditors, attorneys, or other professional
 5 consultants who require technical training or knowledge; and
 6 (3) the provision of data processing equipment and services.
 7 With respect to any contract made under this subsection (i),
 8 the corporate authorities shall include in the annual
 9 appropriation ordinance for each fiscal year an appropriation
 10 of a sum of money sufficient to pay the amount which, by the
 11 terms of the contract, is to become due and payable during
 12 that fiscal year.

13 (j) To enter into licensing or management agreements
 14 with not-for-profit corporations organized under the laws of
 15 this State to operate park district facilities if the
 16 corporation covenants to use the facilities to provide public
 17 park or recreational programs for youth.

18 (Source: P.A. 88-91; 88-426; 88-670, eff. 12-2-94; 89-458,
 19 eff. 5-24-96; 89-509, eff. 7-5-96.)

20 Section 50. The River Conservancy Districts Act is
 21 amended by changing Section 10a as follows:

22 (70 ILCS 2105/10a) (from Ch. 42, par. 393)

23 Sec. 10a. Acquisition of property. Such conservancy
 24 district may acquire by purchase, condemnation or otherwise
 25 any and all real and personal property, right of way, and
 26 privileges, and real property development rights whether
 27 within or without its corporate limits that may be required
 28 for its corporate purposes; and in case any district formed
 29 hereunder shall be unable to agree with any person or party
 30 upon the terms and amounts for which it may desire to acquire
 31 or purchase any such property, it may proceed to acquire the
 32 same in accordance with the terms and provisions of this Act.

1 Whenever the board of trustees of any conservancy
2 district shall pass an ordinance for the making of any
3 improvement which such district is authorized to make, the
4 making of which will require that private property should be
5 taken or damaged, such district may cause compensation
6 therefor to be ascertained, and may condemn and acquire
7 possession thereof in the same manner as nearly as may be as
8 is provided for the exercise of the right of eminent domain
9 under Article VII of the Code of Civil Procedure, and all
10 amendments thereto: Provided, however, that proceedings to
11 ascertain the compensation to be paid for taking or damaging
12 private property shall in all cases be instituted in the
13 county where the property sought to be taken or damaged is
14 situated; and, provided, that all damages to property whether
15 determined by agreement or by final judgment of court shall
16 be paid, prior to the payment of any other debt or
17 obligation.

18 When in making any improvements which any district is
19 authorized by this Act to make, it shall be necessary to
20 enter upon and take possession of any public property or
21 properties held for public use, the board of trustees of such
22 district shall have the power to and may acquire the
23 necessary right of way over any other property held for
24 public use in the same manner as is herein provided for
25 acquiring private property, and may enter upon and use the
26 same for the purposes aforesaid: Provided, the public use
27 thereof shall not be unnecessarily interrupted or interfered
28 with, and that the same shall be restored to its former
29 usefulness as soon as possible.

30 (Source: P.A. 82-783.)

31 Section 55. The Open Space Lands Acquisition and
32 Development Act is amended by changing Sections 2.04, 2.05,
33 3, and 4 and adding Section 2.07 as follows:

1 (525 ILCS 35/2.04) (from Ch. 85, par. 2102.04)

2 Sec. 2.04. Local government. "Local government"
3 includes counties, townships, municipalities, park districts,
4 conservation districts, forest preserve districts, river
5 conservancy districts and any other unit of local government
6 empowered to expend public funds for the acquisition of land
7 and development rights and for the development of land for
8 public outdoor park, recreation or conservation purposes.

9 (Source: P.A. 84-109.)

10 (525 ILCS 35/2.05) (from Ch. 85, par. 2102.05)

11 Sec. 2.05. Project. "Project" means a proposal for the
12 acquisition of open space lands or development rights or for
13 the capital development of park, recreation or conservation
14 areas by a local government.

15 (Source: P.A. 84-771.)

16 (525 ILCS 35/2.07 new)

17 Sec. 2.07. Development rights. "Development rights"
18 mean the rights granted under applicable law to control
19 whether and to what extent improvements on land are
20 constructed or modified.

21 (525 ILCS 35/3) (from Ch. 85, par. 2103)

22 Sec. 3. Grants. From appropriations made from the
23 Capital Development Fund, Build Illinois Purposes Fund, Build
24 Illinois Bond Fund or other available or designated funds
25 for such purposes, the Department shall make grants to local
26 governments as financial assistance, on a reimbursement
27 basis, for the capital development and improvement of park,
28 recreation or conservation areas, marinas and shorelines,
29 including planning and engineering costs, and for the
30 acquisition of open space lands, including acquisition of
31 easements, development rights, and other property interests

1 less than fee simple ownership if the Department determines
2 that such property interests are sufficient to carry out the
3 purposes of this Act, subject to the conditions and
4 limitations set forth in this Act.

5 No more than 10% of the amount so appropriated for any
6 fiscal year may be committed or expended on any one project
7 described in an application under this Act.

8 Any grant under this Act to a local government shall be
9 conditioned upon the State providing assistance on a 50/50
10 matching basis for the acquisition of open space lands and
11 development rights and for capital development and
12 improvement proposals.

13 (Source: P.A. 84-1308.)

14 (525 ILCS 35/4) (from Ch. 85, par. 2104)

15 Sec. 4. Application. Any local government may apply to
16 the Department for a grant under this Act. An application
17 must be in writing and contain a narrative description of the
18 project, the legal description of the open lands or
19 development rights to be acquired or used for the capital
20 development project, a current appraisal showing the fair
21 market value of those lands or development rights to be
22 acquired, the project cost, identification of a source of
23 continuous funding sufficient to maintain the new facilities
24 to be created by capital development, the amount of the
25 project cost the applicant proposes to provide and such other
26 information as the Department reasonably requires.

27 (Source: P.A. 84-109.)

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