

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD, 62706GEORGE H. RYAN
GOVERNOR

February 8, 2002

To the Honorable Members of the
Illinois House of Representatives
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex Rel. Klinger v. Howlett, 50 Ill. 2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill. 2d 387 (1979), People ex Rel. City of Canton v. Crouch, 79 Ill. 2d 356 (1980), and County of Kane v. Carlson, 116 Ill. 2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 3247 entitled "AN ACT in relation to certain land," with my specific recommendations for change.

House Bill 3247 proposes to release easements, restore access rights and convey interest in certain described in Illinois for the Illinois Department of Transportation. It also proposes property transfers for the Illinois Attorney General, the Department of Central Management Services, the Department of Corrections and the Department of Natural Resources. It also would allow the Cook County Forest Preserve to transfer certain excess property and allow the Metropolitan Water Reclamation District to annex additional property.

With respect to one parcel under the control of the Department of Transportation House Bill 3247 contains an inaccurate legal description in Section 985. The legal description included in the bill for the 'Ariston Cafe' is for property already owned by the cafe', not the excess property that they are seeking to annex. The sponsors of this conveyance agree it should be removed from the bill.

Concerns have been raised recently regarding the conveyance of parcels of recreational open space and wetlands adjacent to the Illinois Youth Center from the Department of Corrections to the cities of St. Charles and Geneva. Some have questioned why the State would convey these large parcels of land at not cost while in the midst of declining state revenues. They argue that the State instead should consider selling this open space to help solve the budget shortfall.

The fact is these hundreds of acres of open space would have a value of \$16 million to \$20 million only if it were sold to developers, thereby depriving area residents of vital recreational land they have enjoyed for 30 years. It also should be noted that over 100 years ago community residents donated this land to the State; therefore, it is reasonable for these communities to expect that they should not be required to buy back surplus parcels the State does not need.

My Administration has helped preserve more than 68,000 acres of land for public use, a record amount that eclipses the 38,000 acres preserved during the previous eight years. My \$200 million Open Land Trust program is unparalleled in the history of Illinois in preserving some 42,000 acres of open space, parkland, natural areas and recreational trails for the public trust. The ongoing Conservation 2000 program, which is designed to preserve and enhance wildlife habitats and to increase recreational facilities, has protected more than 21,000 acres since I took office. Our efforts also include the Conservation Reserve Enhancement Program, a \$500 million, multi-year federal-state program to reduce erosion and restore wetlands and habitats in areas like the Illinois River. Since 1999, the CREP program has restored more than 115,000 acres and permanently protected more than 15,000 acres of floodplain.

Given the great strides we have made in preserving open space in Illinois over the past three years, I will not agree

with the short-sighted notion that we try to help solve today's temporary budget shortfall by resorting to the permanent loss of this vast acreage of open space.

Finally, while the local recipients of these conveyances have agreed to hold the land in the public trust, I believe the State should require this in the law as a condition of conveyances. Therefore, I recommend that language be added to the bill causing the land to revert to State ownership if the local owners fail in the future to abide by their commitment.

For these reasons, I hereby return House Bill 3247 with the following specific recommendations for change:

On page 74, after line 30, insert:

"Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property,"; and

On page 77, after line 32, insert:

Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property."; and

On page 79, line 2, delete "100" and replace it with "10"; and

On page 79, line 3, delete "east", and replace it with "west"; and

On page 79, after line 4, insert:

"Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property."; and

On page 80, after line 4, insert:

"Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property."; and

On page 83, after line 23, insert:

"Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property."; and

On page 84, after line 26, insert:

"Language establishing a reverter without further action to the State of Illinois should the land be used for purposes other than public purposes shall be placed in the quitclaim deed conveying said property."; and

On page 104, delete lines 28 through 32; and

On page 105, delete lines 1 through 21.

With these changes, House Bill 3247 will have my approval. I respectfully request your concurrence.

Sincerely,
s/GEORGE H. RYAN
Governor