

1 AN ACT in relation to forest preserve districts.

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

4 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

5 Sec. 6. Acquisition of property. Any such District shall  
6 have power to acquire lands and grounds for the aforesaid  
7 purposes by lease, or in fee simple by gift, grant, legacy,  
8 purchase or condemnation, or to acquire easements in land,  
9 and to construct, lay out, improve and maintain wells, power  
10 plants, comfort stations, shelter houses, paths, driveways,  
11 public roads, roadways and other improvements and facilities  
12 in and through such forest preserves as they shall deem  
13 necessary or desirable for the use of such forest preserves  
14 by the public and may acquire, develop, improve and maintain  
15 waterways in conjunction with the district. No district with  
16 a population less than 400,000 ~~600,000~~ shall have the power  
17 to purchase, condemn, lease or acquire an easement in  
18 property within a municipality without the concurrence of the  
19 governing body of the municipality, except where such  
20 district is acquiring land for a linear park or trail not to  
21 exceed 100 yards in width or is acquiring land contiguous to  
22 an existing park or forest preserve, and no municipality  
23 shall annex any land for the purpose of defeating a District  
24 acquisition once the District has given notice of intent to  
25 acquire a specified parcel of land. No district with a  
26 population of less than 400,000 ~~500,000~~ shall (i) have the  
27 power to condemn property for a linear park or trail within a  
28 municipality without the concurrence of the governing body of  
29 the municipality or (ii) have the power to condemn property  
30 for a linear park or trail in an unincorporated area without  
31 the concurrence of the governing body of the township within  
32 which the property is located or (iii) once having commenced

1 a proceeding to acquire land by condemnation, dismiss or  
2 abandon that proceeding without the consent of the property  
3 owners. No district shall establish a trail surface within 50  
4 feet of an occupied dwelling which was in existence prior to  
5 the approval of the acquisition by the district without  
6 obtaining permission of the owners of the premises or the  
7 concurrence of the governing body of the municipality or  
8 township within which the property is located. All  
9 acquisitions of land by a district with a population less  
10 than 400,000 ~~600,000~~ within 1 1/2 miles of a municipality  
11 shall be preceded by a conference with the mayor or president  
12 of the municipality or his designated agent. If a forest  
13 preserve district is in negotiations for acquisition of land  
14 with owners of land adjacent to a municipality, the  
15 annexation of that land shall be deferred for 6 months. The  
16 district shall have no power to acquire an interest in real  
17 estate situated outside the district by the exercise of the  
18 right of eminent domain, by purchase or by lease, but shall  
19 have the power to acquire any such property, or an easement  
20 in any such property, which is contiguous to the district by  
21 gift, legacy, grant, or lease by the State of Illinois,  
22 subject to approval of the county board of the county, and of  
23 any forest preserve district or conservation district, within  
24 which the property is located. The district shall have the  
25 same control of and power over land, an interest in which it  
26 has so acquired, as over forest preserves within the  
27 district. If any of the powers to acquire lands and hold or  
28 improve the same given to Forest Preserve Districts, by  
29 Sections 5 and 6 of this Act should be held invalid, such  
30 invalidity shall not invalidate the remainder of this Act or  
31 any of the other powers herein given and conferred upon the  
32 Forest Preserve Districts. Such Forest Preserve Districts  
33 shall also have power to lease not to exceed 40 acres of the  
34 lands and grounds acquired by it, for a term of not more than

1 99 years to veterans' organizations as grounds for  
2 convalescing sick and disabled veterans, and as a place upon  
3 which to construct rehabilitation quarters, or to a county as  
4 grounds for a county nursing home or convalescent home. Any  
5 such Forest Preserve District shall also have power to grant  
6 licenses, easements and rights-of-way for the construction,  
7 operation and maintenance upon, under or across any property  
8 of such District of facilities for water, sewage, telephone,  
9 telegraph, electric, gas or other public service, subject to  
10 such terms and conditions as may be determined by such  
11 District.

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

18 Whenever the board of any forest preserve district  
19 determines that the public interest will be subserved by  
20 vacating any street, roadway, or driveway, or part thereof,  
21 located within a forest preserve, it may vacate that street,  
22 roadway, or driveway, or part thereof, by an ordinance passed  
23 by the affirmative vote of at least 3/4 of all the members of  
24 the board. This vote shall be taken by ayes and nays and  
25 entered in the records of the board.

26 The determination of the board that the nature and extent  
27 of the public use or public interest to be subserved is such  
28 as to warrant the vacation of any street, roadway, or  
29 driveway, or part thereof, is conclusive, and the passage of  
30 such an ordinance is sufficient evidence of that  
31 determination, whether so recited in the ordinance or not.  
32 The relief to the public from further burden and  
33 responsibility of maintaining any street, roadway or  
34 driveway, or part thereof, constitutes a public use or public

1 interest authorizing the vacation.

2 Nothing contained in this Section shall be construed to  
3 authorize the board of any forest preserve district to vacate  
4 any street, roadway, or driveway, or part thereof, that is  
5 part of any State or county highway.

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

9 Except in cases where the deed, or other instrument  
10 dedicating a street, roadway, or driveway, or part thereof,  
11 has expressly provided for a specific devolution of the title  
12 thereto upon the abandonment or vacation thereof, and except  
13 where such street, roadway or driveway, or part thereof, is  
14 held by the district by lease, or where the district holds an  
15 easement in the land included within the street, roadway or  
16 driveway, whenever any street, roadway, or driveway, or part  
17 thereof is vacated under or by virtue of any ordinance of any  
18 forest preserve district, the title to the land in fee simple  
19 included within the street, roadway, or driveway, or part  
20 thereof, so vacated vests in the forest preserve district.

21 The board of any forest preserve district is authorized  
22 to sell at fair market price, gravel, sand, earth and any  
23 other material obtained from the lands and waters owned by  
24 the district.

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

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

28 (70 ILCS 805/6d) (from Ch. 96 1/2, par. 6311.2)

29 Sec. 6d. Trading parcels of land. The board of a forest  
30 preserve district within a county which has a population of  
31 no more than 500,000 ~~360,000~~ may trade any one or more  
32 parcels of land owned by the district for one or more parcels  
33 of land owned by one or more individuals or any public or

1 private entity whenever the board determines the trade to be  
2 advantageous to the district. The board shall approve such  
3 trade by unanimous vote of the members of the board. No trade  
4 shall be approved by the board unless all parcels of land  
5 involved in the trade have been appraised by an MAI appraiser  
6 or a State certified real estate appraiser within one year  
7 before the date the trade is to take effect.

8 (Source: P.A. 87-709; 88-503.)

9 (70 ILCS 805/6e)

10 Sec. 6e. Counties under 500,000 ~~400,000~~; sales of land.  
11 The board of a forest preserve district located in a county  
12 that has a population of no more than 500,000 ~~400,000~~ may  
13 sell any one or more parcels of land owned by the district  
14 that are less than one acre in size whenever the board  
15 determines the sale to be advantageous to the district. The  
16 board shall approve the sale by a two-thirds vote of the  
17 members of the board then holding office. A sale may not be  
18 approved by the board unless all parcels of land involved in  
19 the sale have been appraised by an MAI appraiser or a  
20 State-certified real estate appraiser within one year before  
21 the date the sale is to take effect. The net proceeds of the  
22 sale of any parcel of land under this Section shall be set  
23 aside for the district's future land acquisitions and may not  
24 be utilized for any other purpose.

25 (Source: P.A. 89-89, eff. 6-30-95; 89-654, eff. 8-14-96.)