

AN ACT concerning the Prairie Wind Trail.

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

Section 1. Short title. This Act may be cited as the Prairie Wind Trail Property Transfer Act.

Section 5. Legislative statement. Between the years of 1991 and 2002, the Department of Natural Resources expended \$408,085 to acquire 281.502 acres of real property, in the counties of Coles, Douglas and Moultrie, with the intention of constructing a recreational trail for use by the general public. The intended recreational trail was not constructed because the Department of Natural Resources was not able to acquire a contiguous linear parcel of real property sufficient to construct an uninterrupted recreational trail.

Between the years of 1995 and 2011, the Department of Natural Resources transferred 47.777 acres of real property to several private and public entities. These transfers were completed in accordance with Public Acts 88-369, 89-29, 89-223, 90-760, 91-824, and 96-316.

Between 1991 and 2013, the Department of Natural Resources expended \$207,425.89 in legal defense expenses associated with the process of acquiring and holding title to the real property constituting the planned Prairie Wind Trail. (See Hemingway v.

American Premium Underwriters, Inc., 97-MR-5, Sixth Circuit, Douglas County, Illinois and Ag Farms, Inc. v. American Premium Underwriters, Inc., 2002-MR-6, Sixth Circuit, Moultrie County, Illinois.)

The General Assembly finds that transferring the real property known as the Prairie Wind Trail to adjacent owners is a public benefit to avoid further expenditure of legal defense expenses.

Section 10. Definitions. As used in this Act:

"Adjacent owner" means an owner of real property with a common boundary to parcels comprising the planned Prairie Wind Trail owned by the Department of Natural Resources.

"Department" means the Department of Natural Resources of the State of Illinois.

"Prairie Wind Trail" means real property in the counties of Coles, Douglas and Moultrie that is owned by the Department of Natural Resources and was acquired between the years of 1991 and 2002 with the intention of constructing a recreational trail for use by the general public.

Section 15. Authority to convey real estate. The Department may transfer and convey all or part of the real estate acquired for the Prairie Wind Trail as provided in this Act. In order to facilitate the transfers authorized by this Act, the Secretary of State shall establish a repository for the deeds, surveys,

and related materials for each parcel within the Secretary of State Index Department.

Section 20. Transfer process.

(a) Notwithstanding any provision of the State Property Control Act, an adjacent owner may request the transfer of a limited portion of the Prairie Wind Trail in accordance with this Act. If an adjacent owner desires transfer of a portion of the Prairie Wind Trail, the adjacent owner shall provide notice to the Department, accompanied by the following:

(1) a title search proving ownership or a certified copy of the recorded deed for the adjacent real property;

(2) a copy of the most recent real property tax assessment for the adjacent real property; and

(3) a notarized affidavit executed by the owner of the adjacent real property affirming current ownership of the adjacent real property.

(b) The real estate transferred to an adjacent owner pursuant to this Act may not extend beyond an area encompassed by:

(1) the common property boundary;

(2) the center line of the Prairie Wind Trail; and

(3) lines extending from the boundary of the common boundary of the real estate to the center line of the Prairie Wind Trail.

(c) Upon receipt of notice, the Department shall determine

whether the adjacent owner has demonstrated ownership of the real estate with a common boundary to the Prairie Wind Trail and compliance with subsection (a) of this Section.

(d) If the adjacent owner demonstrates ownership of the real estate with a common boundary to the Prairie Wind Trail and compliance with subsection (a) of this Section, the Department shall notify the adjacent owner and schedule a real estate closing at a mutually agreeable time and place. The adjacent owner is responsible to pay all filing fees, taxes, and costs associated with closing the real estate transaction.

(e) If a person does not demonstrate ownership of the real estate with a common boundary to the Prairie Wind Trail or compliance with subsection (a) of this Section, the Department shall reject the request to transfer any portion of the Prairie Wind Trail to that person.

(f) If the Department receives a request to transfer any portion of the Prairie Wind Trail that is the subject of any pending action filed in any federal or State court, that requested portion of the Prairie Wind Trail may not be transferred by the Department until a final judgment is rendered in the pending action.

(g) In the case of 2 or more parties claiming ownership of all or the same adjacent property, the Department shall not transfer any property of the requested portion of the Prairie Wind Trail until an agreed-upon settlement between the conflicting parties is made or until a final judgment is made

in any action related to the adjacent property in a court of competent jurisdiction.

(h) Upon a final judgment in favor of the requesting party or dismissal of all lawsuits concerning real estate for which a transfer has been requested, the Department shall transfer that real estate, provided that it meets the other requirements of this Act.

Section 25. Time limitations. The Department shall begin accepting requests to transfer portions of the Prairie Wind Trail on the effective date of this Act. The Department shall not accept any request received more than 2 years after the effective date of this Act. During this time period, the Department shall hold a public hearing in the counties of Moultrie and Douglas regarding the transfer of portions of the Prairie Wind Trail. The hearing shall provide an opportunity for adjacent owners to petition the Department. Notice shall be given by public advertisement in a newspaper in general circulation in the Prairie Wind Trail area. The notice shall provide the date, time, and location of the public hearings and provide information regarding the transfer of real property.

Section 30. Review. Any determinations required by this Act and any actions to transfer real estate are within the sole discretion of the Department and are not subject to judicial or administrative review.

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