

1 AN ACT concerning property.

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

4 Section 5. The Real Property Conservation Rights Act is  
5 amended by changing Sections 1 and 2 as follows:

6 (765 ILCS 120/1) (from Ch. 30, par. 401)

7 Sec. 1. (a) A conservation right is a right, whether  
8 stated in the form of a restriction, easement, covenant or  
9 condition, or, without limitation, in any other form in any  
10 deed, will, plat, or without limitation any other instrument  
11 executed by or on behalf of the owner of land or in any  
12 condemnation order of taking, appropriate to preserving:  
13 (i) the significant physical character and visual  
14 characteristics of structures having architectural,  
15 historical, or cultural significance, together with any  
16 associated real property, whether or not improved; or (ii)  
17 land or water areas predominantly in their natural, scenic,  
18 open, agricultural, or wooded condition, or as suitable  
19 habitat for fish, plants, or wildlife; or (iii) the  
20 integrity of archaeological sites and the artifacts or  
21 information which they may contain pending properly  
22 supervised excavation and investigation. Without limiting  
23 the generality of the foregoing, the instrument conveying or  
24 reserving a conservation right may, with respect to either  
25 the grantor or grantee, require, prohibit, condition, limit  
26 or control any or all of the following:

- 27 (1) access or public visitation;
- 28 (2) affirmative acts of alteration, restoration,  
29 rehabilitation, repair, maintenance, investigation,  
30 documentation, payment of taxes, or compliance with  
31 public law and regulations;

1           (3) conditions of operation, use, restoration,  
2 alteration, repair or maintenance;

3           (4) acts detrimental to the preservation of a  
4 place;

5           (5) the construction, placement, maintenance in a  
6 particular condition, alteration, or removal of roads,  
7 signs, billboards or other advertising, utilities or  
8 other structures on or above the ground;

9           (6) the dumping or placing of soil or other  
10 substance or material as landfill, or dumping or placing  
11 of trash, waste or other materials;

12           (7) the excavation, dredging or removal of loam,  
13 peat, gravel, soil, rock or other material substance in  
14 such manner as to affect the surface or to otherwise  
15 alter the topography of the area;

16           (8) the removal or destruction of trees, shrubs or  
17 other vegetation;

18           (9) surface use inconsistent with preservation of  
19 water or land areas, or the improvement or appurtenance  
20 thereto;

21           (10) activities affecting drainage, flood control,  
22 water conservation, erosion control or soil conservation,  
23 or fish and wildlife habitat preservation; or

24           (11) any other acts or uses having relation to the  
25 preservation of structures, sites and water or land areas  
26 or the improvements or appurtenances thereto.

27           (b) A conservation right shall be taken to include a  
28 preservation restriction as that term is defined in Section  
29 11-48.2-1A of the "Illinois Municipal Code", as now or  
30 hereafter amended, and shall not be unenforceable on account  
31 of lack of privity of estate or contract or lack of benefit  
32 to particular land or on account of the benefit being  
33 assigned or assignable. Conservation rights shall be  
34 construed and enforced in accordance with their terms, and

1 shall be transferable and transferred, recorded and indexed,  
2 in the same manner as fee simple interests in real property,  
3 subject only to the limitations provided herein.

4 Conservation rights may be released by the holder of such  
5 rights to the holder of the fee even though the holder of the  
6 fee may not be an agency of the State, a unit of local  
7 government or a not-for-profit corporation or trust.

8 The holder of a grant pursuant to this Act shall not be  
9 required to record any instrument subsequent to the recording  
10 of the grant in order to maintain or continue the validity of  
11 the grant.

12 The holder of such rights shall also be permitted to  
13 transfer or assign such rights but only to another agency of  
14 the State, a unit of local government or to a not-for-profit  
15 corporation or trust.

16 (Source: P.A. 91-497, eff. 1-1-00.)

17 (765 ILCS 120/2) (from Ch. 30, par. 402)

18 Sec. 2. Any owner of real property in this State may  
19 convey a conservation right in such real property to the  
20 United States or any agency of the federal government an  
21 agency of the State, to a unit of local government, or to a  
22 not-for-profit corporation or trust whose primary purposes  
23 include the conservation of land, natural areas, open space  
24 or water areas, or the preservation of native plants or  
25 animals, or biotic communities, or geographic formations of  
26 scientific, aesthetic, or educational interest, or the  
27 preservation of buildings, structures or sites of historical,  
28 architectural, archeological or cultural significance, or the  
29 protection of agricultural land from conversion to other  
30 uses.

31 No conveyance of such conservation rights shall take  
32 effect until such conveyance is accepted by the grantee.  
33 Acceptance of such conservation rights may be conditioned

1 upon any requirements which are deemed proper by the grantee.  
2 Such requirements may include the payment of funds by the  
3 grantor to provide for the management of such conservation  
4 rights.

5 (Source: P.A. 91-497, eff. 1-1-00.)