

1 AMENDMENT TO HOUSE BILL 1079

2 AMENDMENT NO. _____. Amend House Bill 1079 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Park District Code is amended by
5 changing Section 10-7 as follows:

6 (70 ILCS 1205/10-7) (from Ch. 105, par. 10-7)

7 Sec. 10-7. Sale, lease, or exchange of realty.

8 (a) Any park district owning and holding any real estate
9 is authorized (1) to give, sell, or lease that such property
10 to the State of Illinois, with the State's consent, or
11 another unit of Illinois State or local government for public
12 use, or (2) to lease that property upon the terms and at the
13 price that the board determines for a period not to exceed 99
14 years to any corporation organized under the laws of this
15 State, ~~in either case for public use, and provided that~~ The
16 grantee or lessee must covenant ~~evenants~~ to hold and
17 maintain the such property for public park or recreational
18 purposes unless the ~~or such~~ park district obtains other real
19 property of substantially the same size or larger and of
20 substantially the same or greater suitability for park
21 purposes without additional cost to the such district. In the
22 case of property given or sold under this subsection after

1 the effective date of this amendatory Act of the 92nd General
2 Assembly for which this covenant is required, the conveyance
3 must provide that ownership of the property automatically
4 reverts to the grantor if the grantee knowingly violates the
5 required covenant by allowing all or any part of the property
6 to be used for purposes other than park or recreational
7 purposes. Real estate given, sold, or leased to the State of
8 Illinois under this subsection (1) must be 50 acres or more
9 in size, (2) may not be located within the territorial limits
10 of a municipality, and (3) may not be the site of an
11 environmental liability or hazard.

12 (b) Any park district owning or holding any real estate
13 is authorized to convey such property to a nongovernmental
14 entity in exchange for other real property of substantially
15 equal or greater value as determined by 2 appraisals of the
16 property and of substantially the same or greater suitability
17 for park purposes without additional cost to such district.

18 Prior to such exchange with a nongovernmental entity the
19 park board shall hold a public meeting in order to consider
20 the proposed conveyance. Notice of such meeting shall be
21 published not less than three times (the first and last
22 publication being not less than 10 days apart) in a newspaper
23 of general circulation within the park district. If there is
24 no such newspaper, then such notice shall be posted in not
25 less than 3 public places in said park district and such
26 notice shall not become effective until 10 days after said
27 publication or posting.

28 (c) Notwithstanding any other provision of this Act,
29 this subsection (c) shall apply only to park districts that
30 serve territory within a municipality having more than 40,000
31 inhabitants and within a county having more than 260,000
32 inhabitants and bordering the Mississippi River. Any park
33 district owning or holding real estate is authorized to sell
34 that property to any not-for-profit corporation organized

1 under the laws of this State upon the condition that the
2 corporation uses the property for public park or recreational
3 programs for youth. The park district shall have the right
4 of re-entry for breach of condition subsequent. If the
5 corporation stops using the property for these purposes, the
6 property shall revert back to ownership of the park district.
7 Any temporary suspension of use caused by the construction of
8 improvements on the property for public park or recreational
9 programs for youth is not a breach of condition subsequent.

10 Prior to the sale of the property to a not-for-profit
11 corporation, the park board shall hold a public meeting to
12 consider the proposed sale. Notice of the meeting shall be
13 published not less than 3 times (the first and last
14 publication being not less than 10 days apart) in a newspaper
15 of general circulation within the park district. If there is
16 no such newspaper, then the notice shall be posted in not
17 less than 3 public places in the park district. The notice
18 shall be published or posted at least 10 days before the
19 meeting. A resolution to approve the sale of the property to
20 a not-for-profit corporation requires adoption by a majority
21 of the park board.

22 (d) Real estate, not subject to such covenant or which
23 has not been conveyed and replaced as provided in this
24 Section, may be conveyed in the manner provided by Sections
25 10-7a to 10-7d hereof, inclusive.

26 (e) In addition to any other power provided in this
27 Section, any park district owning or holding real estate that
28 the board deems is not required for park or recreational
29 purposes may lease such real estate to any individual or
30 entity and may collect rents therefrom. Such lease shall not
31 exceed 2 and one-half times the term of years provided for in
32 Section 8-15 governing installment purchase contracts.

33 (f) Notwithstanding any other provision of law, if (i)
34 the real estate that a park district with a population of

1 3,000 or less transfers by lease, license, development
2 agreement, or other means to any private entity is greater
3 than 70% of the district's total property and (ii) the
4 current use of the real estate will be substantially altered
5 by that private entity, the real estate may be conveyed only
6 in the manner provided for in Sections 10-7a, 10-7b, and
7 10-7c.

8 (Source: P.A. 90-14, eff. 7-1-97; 91-423, eff. 8-6-99;
9 91-918, eff. 7-7-00.)".