

1 AN ACT concerning conservation.

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 Section 1 as follows:

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

7 Sec. 1. Definition. (a) A conservation right is a  
8 right, whether stated in the form of a restriction, easement,  
9 covenant or condition, or, without limitation, in any other  
10 form in any deed, will, plat, or without limitation any other  
11 instrument executed by or on behalf of the owner of land or  
12 in any condemnation order of taking, appropriate to  
13 preserving: (i) the significant physical character and  
14 visual 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 or wooded condition, or as suitable habitat for fish,  
19 plants, or wildlife; or (iii) the integrity of  
20 archaeological sites and the artifacts or information which  
21 they may contain pending properly supervised excavation and  
22 investigation. Without limiting the generality of the  
23 foregoing, the instrument conveying or reserving a  
24 conservation right may, with respect to either the grantor or  
25 grantee, require, prohibit, condition, limit or control any  
26 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.)