

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.)