

CHAPTER 26: SALE OF SURPLUS LANDS

Flagg Creek Water Reclamation District - Sale of Surplus Lands

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' 26-1.01 EXPLANATION OF 1917 ACT.

The 1917 Act, being 70 ILCS 2405/, under which the District was formed, is a Askeleton act@, which does not contain within it all of the minute detail of the operation of a special district.
(Prior Code, ' 26-1.01)

' 26-1.02 STATUTE.

The provisions of the statute relating to the disposition of personal property and real estate are found in former ' 307 of the 1917 Act, being 70 ILCS 2405/8, and are as follows:

The Sanitary District may sell, convey, vacate, and release the real or personal property right-of-way and privileges acquired by it, when no longer required for the purposes of the District and no reference is made therein, to a manner of proceeding for the disposition of such property.

(Prior Code, ' 26-1.02)

' 26-1.03 CITY AND VILLAGE LAW - COMPARISON AND ADOPTION.

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The closest similarity in function to a special district, such as this District, is found in the former Cities and Villages Act, which is a very thorough, detailed statute, with respect to all functions, including the sale of real property, and the District hereby adopts said procedures to the extent that they apply. The former Cities and Villages Act, former 24 Ill. Rev. Stats. 1957, ' 11-76-2, and now being 65 ILCS 5/11-76-2, provides for the disposition of surplus property, and the statute, 65 ILCS 5/11-76-2, specifies the manner in which the property should be disposed of.

(Prior Code, ' 26-1.03)

' 26-1.04 ADDITIONAL PROCEDURES.

If no bid has been received through said procedure, the following procedures shall be followed.

(A) The Trustees shall obtain two appraisals of the real estate.

(B) Said parcel shall be placed on the market for sale for 90 days at a price not less than the highest appraisal price. In the event that a bid is received by the District through a broker in an amount exceeding the highest appraisal price, the District shall accept such offer. In the event that no bid is received at a price in excess of the price of the highest appraisal, but one is received above the average appraisal value within 30 days, the Trustees shall consider the best offer made to purchase the property at a regular meeting of the Board of Trustees, and shall require the appraisers of the property to advise the Board as to whether the purchase price is a fair and proper purchase price considering the circumstances. If the Trustees believe, after having heard testimony of the appraisers, that the price is a fair and proper price, it shall enact a resolution accepting the offer and authorizing the President and Clerk to sign the contract for sale. Upon the satisfaction of all of the contingencies in the contract for financing, the transaction shall be consummated and a deed of conveyance issued over the signatures of the President and Clerk stating therein the consideration therefor with the seal of the District affixed thereto. The District shall pay a sales commission to the broker or combination of brokers who procured the purchaser and brought about the final sale.

(Prior Code, ' 26-1.04)

' 26-1.05 REMOVAL FROM MARKET.

If an offer is not received which is in excess of the average appraisal, the parcel shall be removed from the market until further determination of the Trustees.

(Prior Code, ' 26-1.05)

' 26-1.06 REOFFERING FOR SALE AFTER REMOVAL FROM THE MARKET.

The District, when making any reoffering for sale, shall follow all of the usual bidding procedures specified in 65 ILCS 5/11-76-2 and, only in default of results, the additional procedures set forth above.

(Prior Code, ' 26-1.06)

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