



Forest Preserve District of DuPage County

Position Statement on Leasing or Selling District Land For Private Use

Position

As a non-home-rule government conservation agency established within the Downstate Forest Preserve Act, the Forest Preserve District of DuPage County does not have the legal authority to sell or lease District land to a private entity for a private purpose.

The Downstate Forest Preserve Act outlines that the primary purpose of forest preserve districts is to preserve and protect forests, prairies, wetlands, and associated plant communities in their natural state or condition and that the matters of education, pleasure and recreation are subordinate to the protection and preservation of flora, fauna and scenic beauty.

Based upon the law, the Forest Preserve District of DuPage County has an obligation to preserve and protect the land that the public has entrusted to it.

Background

During the last several years, businesses and other government entities have requested that forest preserve land be sold or leased for development. Protecting land from development was the very reason why the District worked so hard to separate from DuPage County in 1996. With the county more interested in development than preservation, there was a clear conflict of interest that was best addressed by requesting a change to state law and separating the Forest Preserve District from the county in 2002.

The Forest Preserve District of DuPage County continues to advocate for maintaining this separation. To request a change to state law to enable the District to sell or lease land would undermine its very purpose while also damaging its overriding

interest to remain a separate government entity whose core mission is to protect and preserve land — not sell or lease it for development.

This was underscored in a court ruling in 1916 and is recognized today. In Perkins v. Board of Commissioners of Cook County, 271 Ill. 449 (1916) it was written:

... still we think that a fair reading of the whole of its sections (Downstate Forest Preserve Act) shows that the primary purpose of such districts is to preserve and protect the natural forests with their natural flora and fauna, in their natural state or condition, and that the matters of education, pleasure and recreation are subordinate to and merely incident to the preservation of such forests and their scenic beauties in their natural states.

Additionally, county residents have mandated the District preserve and protect land. In 2006 DuPage County voters passed a \$68 million bond referendum for the Forest Preserve District to expand open space. The referendum was passed by more than a 65 percent margin. Since 2006 the District has acquired about 60 properties totaling approximately 520 acres with referendum, non-referendum bond and grant funds to provide open space for DuPage County residents.

Summary

The residents of DuPage County have been clear that the District's intended purpose is to conserve, preserve and protect open space. The District has no interest in changing its specified mission which is to protect and preserve land on behalf of all DuPage County residents.

