

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Sanitary District Act of 1917 is amended by
5 changing Sections 8, 23.5, and 23.7 as follows:

6 (70 ILCS 2405/8) (from Ch. 42, par. 307)

7 Sec. 8. The sanitary district may acquire by purchase,
8 condemnation, or otherwise all real and personal property,
9 right of way and privilege, either within or without its
10 corporate limits that may be required for its corporate
11 purposes. If real property is acquired by condemnation, the
12 sanitary district may not sell or lease any portion of the
13 property for a period of 10 years after acquisition by
14 condemnation is completed. If, after such 10-year period, the
15 sanitary district decides to sell or lease the property, it
16 must first offer the property for sale or lease to the previous
17 owner of the land from whom the sanitary district acquired the
18 property. If the sanitary district and such previous owner do
19 not execute a contract for purchase or lease of the property
20 within 60 days from the initial offer, the sanitary district
21 then may offer the property for sale or lease to any other
22 person. For the purposes of this Section no prior approval of
23 the Illinois Commerce Commission shall be required for
24 condemnation of sewage collection or treatment works owned by a
25 public utility and located within the boundaries of the
26 sanitary district if the works are to be used by the sanitary
27 district either by operating the works as a separate system or
28 incorporating it into the sewage collection or treatment system
29 of the sanitary district. If any district formed under this Act
30 is unable to agree with any other sanitary district upon the
31 terms whereby it shall be permitted to use the drains, channels
32 or ditches of such other sanitary district, the right to such

1 use may be acquired by condemnation in any circuit court by
2 proceedings as provided in Section 4-17 of the Illinois
3 Drainage Code. The compensation to be paid for such use may be
4 a gross sum, or it may be in the form of an annual rental, to be
5 paid in yearly installments as provided by the judgment of the
6 court wherein such proceedings may be had. However, when such
7 compensation is fixed at a gross sum all moneys for the
8 purchase and condemnation of any property shall be paid before
9 possession is taken or any work done on the premises damaged by
10 the construction of such channel or outlet, and in case of an
11 appeal from the circuit court taken by either party whereby the
12 amount of damages is not finally determined, then possession
13 may be taken, if the amount of judgment in such court is
14 deposited at some bank or savings and loan association to be
15 designated by the court, subject to the payment of such damages
16 on orders signed by the circuit court, whenever the amount of
17 damages is finally determined. The sanitary district may sell,
18 convey, vacate and release the real or personal property, right
19 of way and privileges acquired by it when no longer required
20 for the purposes of the district.

21 (Source: P.A. 90-558, eff. 12-12-97.)

22 (70 ILCS 2405/23.5) (from Ch. 42, par. 317e.5)

23 Sec. 23.5. Any sanitary district may annex any territory
24 which is not within the corporate limits of the sanitary
25 district but which is contiguous to it and is served by the
26 sanitary district or by a municipality with sanitary sewers
27 that are connected and served by the sanitary district by the
28 passage of an ordinance to that effect by the board of
29 trustees, describing the territory to be annexed. A copy of the
30 ordinance with an accurate map of the annexed territory,
31 certified as correct by the clerk of the district shall be
32 filed with the county clerk of the county in which the annexed
33 territory is located. For purposes of this Act, a property is
34 served by a sanitary district if a sewer that is part of the
35 sanitary district's sewer system, part of the sewer system of a

1 municipality that is connected to the sanitary district, or
2 part of any other sewer system that connects to and is served
3 by the sanitary district has been extended to, across, or along
4 the property, whether or not the buildings on the property are
5 physically connected to the sewer.

6 ~~Territory that is not contiguous to a sanitary district but~~
7 ~~is separated from the sanitary district by only a forest~~
8 ~~preserve district may be annexed to the sanitary district under~~
9 ~~this Section. The territory included within the forest preserve~~
10 ~~district shall not be annexed to the sanitary district and~~
11 ~~shall not be subject to rights-of-way for access or services~~
12 ~~between the parts of the sanitary district separated by the~~
13 ~~forest preserve district without the approval of the governing~~
14 ~~body of the forest preserve district.~~

15 (Source: P.A. 90-697, eff. 8-7-98.)

16 (70 ILCS 2405/23.7) (from Ch. 42, par. 317e.7)

17 Sec. 23.7. For purposes of this Act, territory to be
18 organized as a sanitary district shall be considered to be
19 contiguous territory, and territory to be annexed to a sanitary
20 district shall be considered to be contiguous to the sanitary
21 district notwithstanding that the territory to be so organized
22 is divided by one or more railroad rights-of-ways, public
23 easements, or property owned by a public utility or that the
24 territory to be so annexed is separated from the sanitary
25 district by one or more railroad rights-of-ways, public
26 easements, or property owned by a public utility, or property
27 owned by a forest preserve district or any public agency or
28 not-for-profit corporation, provided that the property does
29 not require sanitary sewer service. However, upon such
30 organization or annexation, the area included within any such
31 right-of-way, public easement, ~~or~~ property owned by a public
32 utility, or property owned by a forest preserve district or any
33 public agency or not-for-profit corporation shall not be
34 considered a part of or annexed to the sanitary district and
35 shall not be subject to rights-of-way for access or services

1 without the approval of the legal owner of the property.

2 (Source: P.A. 89-558, eff. 7-26-96.)

3 Section 10. The Code of Civil Procedure is amended by
4 changing Section 7-102 as follows:

5 (735 ILCS 5/7-102) (from Ch. 110, par. 7-102)

6 Sec. 7-102. Parties. Where the right to take private
7 property for public use, without the owner's consent or the
8 right to construct or maintain any public road, railroad,
9 plankroad, turnpike road, canal or other public work or
10 improvement, or which may damage property not actually taken
11 has been heretofore or shall hereafter be conferred by general
12 law or special charter upon any corporate or municipal
13 authority, public body, officer or agent, person, commissioner
14 or corporation and the compensation to be paid for or in
15 respect of the property sought to be appropriated or damaged
16 for the purposes mentioned cannot be agreed upon by the parties
17 interested, or in case the owner of the property is incapable
18 of consenting, or the owner's name or residence is unknown, or
19 the owner is a nonresident of the state, the party authorized
20 to take or damage the property so required, or to construct,
21 operate and maintain any public road, railroad, plankroad,
22 turnpike road, canal or other public work or improvement, may
23 apply to the circuit court of the county where the property or
24 any part thereof is situated, by filing with the clerk a
25 complaint, setting forth, by reference, his, her or their
26 authority in the premises, the purpose for which the property
27 is sought to be taken or damaged, a description of the
28 property, the names of all persons interested therein as owners
29 or otherwise as appearing of record, if known, or if not known
30 stating that fact and praying such court to cause the
31 compensation to be paid to the owner to be assessed. If it
32 appears that any person not in being, upon coming into being,
33 is, or may become or may claim to be, entitled to any interest
34 in the property sought to be appropriated or damaged the court

1 shall appoint some competent and disinterested person as
2 guardian ad litem, to appear for and represent such interest in
3 the proceeding and to defend the proceeding on behalf of the
4 person not in being, and any judgment entered in the proceeding
5 shall be as effectual for all purposes as though the person was
6 in being and was a party to the proceeding. If the proceeding
7 seeks to affect the property of persons under guardianship, the
8 guardians shall be made parties defendant. Persons interested,
9 whose names are unknown, may be made parties defendant by the
10 same descriptions and in the same manner as provided in other
11 civil cases. Where the property to be taken or damaged is a
12 common element of property subject to a declaration of
13 condominium ownership pursuant to the Condominium Property Act
14 or of a common interest community, the complaint shall name the
15 unit owners' association in lieu of naming the individual unit
16 owners and lienholders on individual units. Unit owners,
17 mortgagees and other lienholders may intervene as parties
18 defendant. For the purposes of this Section "common interest
19 community" shall have the same meaning as set forth in
20 subsection (c) of Section 9-102 of the Code of Civil Procedure.
21 "Unit owners' association" or "association" shall refer to both
22 the definition contained in Section 2 of the Condominium
23 Property Act and subsection (c) of Section 9-102 of the Code of
24 Civil Procedure. Where the property is sought to be taken or
25 damaged by the state for the purposes of establishing,
26 operating or maintaining any state house or state charitable or
27 other institutions or improvements, the complaint shall be
28 signed by the governor or such other person as he or she shall
29 direct, or as is provided by law. No property, except property
30 described in ~~either~~ Section 3 of the Sports Stadium Act, ~~or~~
31 Article 11, Division 139, of the Illinois Municipal Code, ~~or~~
32 Section 8 of the Sanitary District Act of 1917, and property
33 described as Site B in Section 2 of the Metropolitan Pier and
34 Exposition Authority Act, belonging to a railroad or other
35 public utility subject to the jurisdiction of the Illinois
36 Commerce Commission may be taken or damaged, pursuant to the

1 provisions of Article VII of this Act, without the prior
2 approval of the Illinois Commerce Commission. This amendatory
3 Act of 1991 (Public Act 87-760) is declaratory of existing law
4 and is intended to remove possible ambiguities, thereby
5 confirming the existing meaning of the Code of Civil Procedure
6 and of the Illinois Municipal Code in effect before January 1,
7 1992 (the effective date of Public Act 87-760).

8 (Source: P.A. 89-683, eff. 6-1-97; 90-6, eff. 6-3-97.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.