



Sen. M. Maggie Crotty

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09400SB2664sam001

LRB094 19033 HLH 55883 a

1 AMENDMENT TO SENATE BILL 2664

2 AMENDMENT NO. _____. Amend Senate Bill 2664 by replacing
3 everything after the enacting clause with the following:

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

1 public utility and located within the boundaries of the
2 sanitary district if the works are to be used by the sanitary
3 district either by operating the works as a separate system or
4 incorporating it into the sewage collection or treatment system
5 of the sanitary district. If any district formed under this Act
6 is unable to agree with any other sanitary district upon the
7 terms whereby it shall be permitted to use the drains, channels
8 or ditches of such other sanitary district, the right to such
9 use may be acquired by condemnation in any circuit court by
10 proceedings as provided in Section 4-17 of the Illinois
11 Drainage Code. The compensation to be paid for such use may be
12 a gross sum, or it may be in the form of an annual rental, to be
13 paid in yearly installments as provided by the judgment of the
14 court wherein such proceedings may be had. However, when such
15 compensation is fixed at a gross sum all moneys for the
16 purchase and condemnation of any property shall be paid before
17 possession is taken or any work done on the premises damaged by
18 the construction of such channel or outlet, and in case of an
19 appeal from the circuit court taken by either party whereby the
20 amount of damages is not finally determined, then possession
21 may be taken, if the amount of judgment in such court is
22 deposited at some bank or savings and loan association to be
23 designated by the court, subject to the payment of such damages
24 on orders signed by the circuit court, whenever the amount of
25 damages is finally determined. The sanitary district may sell,
26 convey, vacate and release the real or personal property, right
27 of way and privileges acquired by it when no longer required
28 for the purposes of the district.

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

30 (70 ILCS 2405/23.5) (from Ch. 42, par. 317e.5)

31 Sec. 23.5. Any sanitary district may annex any territory
32 which is not within the corporate limits of the sanitary
33 district but which is contiguous to it and is served by the

1 sanitary district or by a municipality with sanitary sewers
2 that are connected and served by the sanitary district by the
3 passage of an ordinance to that effect by the board of
4 trustees, describing the territory to be annexed. A copy of the
5 ordinance with an accurate map of the annexed territory,
6 certified as correct by the clerk of the district shall be
7 filed with the county clerk of the county in which the annexed
8 territory is located. For purposes of this Act, a property is
9 served by a sanitary district if a sewer that is part of the
10 sanitary district's sewer system, part of the sewer system of a
11 municipality that is connected to the sanitary district, or
12 part of any other sewer system that connects to and is served
13 by the sanitary district has been extended to, across, or along
14 the property, whether or not the buildings on the property are
15 physically connected to the sewer.

16 ~~Territory that is not contiguous to a sanitary district but~~
17 ~~is separated from the sanitary district by only a forest~~
18 ~~preserve district may be annexed to the sanitary district under~~
19 ~~this Section. The territory included within the forest preserve~~
20 ~~district shall not be annexed to the sanitary district and~~
21 ~~shall not be subject to rights-of-way for access or services~~
22 ~~between the parts of the sanitary district separated by the~~
23 ~~forest preserve district without the approval of the governing~~
24 ~~body of the forest preserve district.~~

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

26 (70 ILCS 2405/23.7) (from Ch. 42, par. 317e.7)

27 Sec. 23.7. For purposes of this Act, territory to be
28 organized as a sanitary district shall be considered to be
29 contiguous territory, and territory to be annexed to a sanitary
30 district shall be considered to be contiguous to the sanitary
31 district notwithstanding that the territory to be so organized
32 is divided by l ~~one or more railroad rights-of-ways, public~~
33 ~~easements, or property owned by a public utility or that the~~

1 territory to be so annexed is separated from the sanitary
2 district by, one or more railroad rights-of-ways, public
3 easements, ~~or~~ property owned by a public utility, or property
4 owned by a forest preserve district or any public agency or
5 not-for-profit corporation, provided that the property does
6 not require sanitary sewer service. However, upon such
7 organization or annexation, the area included within any such
8 right-of-way, public easement, ~~or~~ property owned by a public
9 utility, or property owned by a forest preserve district or any
10 public agency or not-for-profit corporation shall not be
11 considered a part of or annexed to the sanitary district and
12 shall not be subject to rights-of-way for access or services
13 without the approval of the legal owner of the property.

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

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

17 (735 ILCS 5/7-102) (from Ch. 110, par. 7-102)

18 Sec. 7-102. Parties. Where the right to take private
19 property for public use, without the owner's consent or the
20 right to construct or maintain any public road, railroad,
21 plankroad, turnpike road, canal or other public work or
22 improvement, or which may damage property not actually taken
23 has been heretofore or shall hereafter be conferred by general
24 law or special charter upon any corporate or municipal
25 authority, public body, officer or agent, person, commissioner
26 or corporation and the compensation to be paid for or in
27 respect of the property sought to be appropriated or damaged
28 for the purposes mentioned cannot be agreed upon by the parties
29 interested, or in case the owner of the property is incapable
30 of consenting, or the owner's name or residence is unknown, or
31 the owner is a nonresident of the state, the party authorized
32 to take or damage the property so required, or to construct,

1 operate and maintain any public road, railroad, plankroad,
2 turnpike road, canal or other public work or improvement, may
3 apply to the circuit court of the county where the property or
4 any part thereof is situated, by filing with the clerk a
5 complaint, setting forth, by reference, his, her or their
6 authority in the premises, the purpose for which the property
7 is sought to be taken or damaged, a description of the
8 property, the names of all persons interested therein as owners
9 or otherwise as appearing of record, if known, or if not known
10 stating that fact and praying such court to cause the
11 compensation to be paid to the owner to be assessed. If it
12 appears that any person not in being, upon coming into being,
13 is, or may become or may claim to be, entitled to any interest
14 in the property sought to be appropriated or damaged the court
15 shall appoint some competent and disinterested person as
16 guardian ad litem, to appear for and represent such interest in
17 the proceeding and to defend the proceeding on behalf of the
18 person not in being, and any judgment entered in the proceeding
19 shall be as effectual for all purposes as though the person was
20 in being and was a party to the proceeding. If the proceeding
21 seeks to affect the property of persons under guardianship, the
22 guardians shall be made parties defendant. Persons interested,
23 whose names are unknown, may be made parties defendant by the
24 same descriptions and in the same manner as provided in other
25 civil cases. Where the property to be taken or damaged is a
26 common element of property subject to a declaration of
27 condominium ownership pursuant to the Condominium Property Act
28 or of a common interest community, the complaint shall name the
29 unit owners' association in lieu of naming the individual unit
30 owners and lienholders on individual units. Unit owners,
31 mortgagees and other lienholders may intervene as parties
32 defendant. For the purposes of this Section "common interest
33 community" shall have the same meaning as set forth in
34 subsection (c) of Section 9-102 of the Code of Civil Procedure.

1 "Unit owners' association" or "association" shall refer to both
2 the definition contained in Section 2 of the Condominium
3 Property Act and subsection (c) of Section 9-102 of the Code of
4 Civil Procedure. Where the property is sought to be taken or
5 damaged by the state for the purposes of establishing,
6 operating or maintaining any state house or state charitable or
7 other institutions or improvements, the complaint shall be
8 signed by the governor or such other person as he or she shall
9 direct, or as is provided by law. No property, except property
10 described in ~~either~~ Section 3 of the Sports Stadium Act, ~~or~~
11 Article 11, Division 139, of the Illinois Municipal Code, ~~or~~
12 Section 8 of the Sanitary District Act of 1917, and property
13 described as Site B in Section 2 of the Metropolitan Pier and
14 Exposition Authority Act, belonging to a railroad or other
15 public utility subject to the jurisdiction of the Illinois
16 Commerce Commission may be taken or damaged, pursuant to the
17 provisions of Article VII of this Act, without the prior
18 approval of the Illinois Commerce Commission. This amendatory
19 Act of 1991 (Public Act 87-760) is declaratory of existing law
20 and is intended to remove possible ambiguities, thereby
21 confirming the existing meaning of the Code of Civil Procedure
22 and of the Illinois Municipal Code in effect before January 1,
23 1992 (the effective date of Public Act 87-760).

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law."