

**DOWNERS GROVE SANITARY DISTRICT  
SPECIAL ASSESSMENT PROCEEDURES  
FOR SANITARY SEWERS**

**INTRODUCTION**

The Statutes of the State of Illinois set forth a special assessment procedure whereby the Downers Grove Sanitary District may construct sanitary sewers and assess the costs of the sewers against adjacent property to the extent the property is benefited. In order to utilize the special assessment procedure, the property to be benefited and assessed must be within the corporate limits of the sanitary district. The procedure for annexing property to the sanitary district and the steps involved in a special assessment are discussed separately below.

**ANNEXATION**

Property can be annexed into a sanitary district in one of two ways – by an election or by petition of a majority of land owners.

1. Upon the submittal to the sanitary district of a petition signed by ten percent or more of the legal voters residing within the area to be annexed, an election will be held at a regularly scheduled general election. The question to be submitted to the legal voters shall be whether the designated area should become a part of the sanitary district and assume a proportionate share of any bonded indebtedness of the district. If a majority of the votes cast at the election shall be in favor, the area shall be annexed.
2. Upon submittal of a petition to the sanitary district which has been signed by the owners of more than 50% of the land area of the designated area, the area shall be annexed.

The sanitary district will provide the appropriate petition forms upon request. Annexation to the sanitary district does not involve annexation into a city or village.

In order to determine whether there is sufficient interest in this area to proceed with this project, the District will send to each taxpayer an informal poll. The results of this poll will be provided as soon as possible and before any other actions are undertaken.

**SPECIAL ASSESSMENT PROCEDURE**

The Board of Local Improvements of the sanitary district originates the procedures for levying the special assessment, and property owners who wish a local improvement to be made on or adjacent to their property should petition this Board. For areas recently annexed by election or by majority petition, as discussed above, the Board of Local Improvements will generally initiate the special assessment procedure immediately following the annexation of the area to the sanitary district.

The following list is for general informational purposes only and merely highlights the various steps typically involved in a special assessment. This list should not be relied upon as conclusive since the steps actually followed in an individual special assessment will depend upon various circumstances, including the nature and extent of the improvement, as set forth in more detail in the state statutes and in the relevant case law.

1. Engineer's Report: At the request of the Board of Local Improvements, the plans for the local improvement project, including an estimate of costs thereof, are prepared by the engineer.
2. Estimate of Cost: This estimate lists the expenses involved in the local improvement and is signed by the President of the Board after determining that the estimate does not exceed the probable costs.
3. Originating Resolution: Board of Local Improvements outlines the improvement and orders a public hearing on the project.
4. Notice of Public Hearing: Persons who paid the last tax bill on the property to be assessed receive notice of the public hearing.
5. Public Hearing: A general description of the improvement is given to the public at the hearing and they are allowed to express their opinions and ask questions. The District attempts to provide a preliminary and unofficial spread of the assessment so that each property owner may then compute for himself an estimate of the amount to be levied against his property.
6. Second Resolution: Board of Local Improvements decides whether to continue, modify, or abandon the local improvement project.
7. Recommendation of Board of Local Improvements: If continued or modified, the improvement is recommended to the Board of Trustees of the sanitary district with a draft ordinance which shall be published at least 10 days prior to adoption.
8. Ordinance: The Board of Trustees decide whether to proceed with the special assessment.
9. Court Petition: District petitions the court for approval of the special assessment.
10. Appointment of Commissioners: President of Board of Local Improvements appoints commissioners to spread the assessment according to benefit, and to determine damages for any takings. This appointment is subject to approval by the court.
11. Assessment Roll: This roll, submitted by the Commissioners, lists the amounts proposed to be assessed against the individual parcels of property and just compensation for any takings (easements).
12. Summons: A summons shall be issued and served upon all parties whose property is to be taken.
13. Notice of Court Hearing: Notice of a court hearing is published and mailed to the persons who paid the last tax bill on the property to be assessed.
14. Court Hearing: At a hearing before the court, any person owning or occupying property to be assessed or taken may file objections.
15. Order of Confirmation: After hearing the objections, the court rules on assessment roll.
16. Bills Issued: Property owners are sent bills based on the amount confirmed against his property in the earlier court hearing. The assessment will be billed in approximately equal installments over ten years. The first installment shall be due within 30 days of the Order of Confirmation. All other installments will be due on January 2 of each year. A property

owner who wishes to avoid being charged interest on his assessment can pay his entire assessment at this time.

17. Invitation for Bids: Board of Local Improvements invites contractors to bid on the construction of the project.
18. Opening of Bids: The sealed bids of the contractors are opened publicly. Property owners have the right to do the work under certain conditions.
19. Award of Contract: The Board of Local Improvements accepts the lowest responsible bid or rejects all bids. If the bid to be approved is 10% more than the engineer's estimate, further legal proceedings must be undertaken and a supplemental assessment made. Following the award of a contract, construction begins.