

Bond Case Briefs

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INVERSE CONDEMNATION - ILLINOIS

Sorrells v. City of Macomb

Appellate Court of Illinois, Third District - October 23, 2015 - N.E.3d - 2015 IL App (3d) 140763 - 2015 WL 6437333

Landowners brought action against neighboring developer for flooding that occurred on their property allegedly caused by the development, and amended complaint to add claim for inverse condemnation against city.

The Circuit Court granted city's motion to dismiss for failure to state a cause of action, and landowners appealed.

The Appellate Court held that flooding was not a taking by the city.

Flooding of landowners' property from neighboring development was not a "taking" by the city, despite claim that development's streets had been dedicated to the city and city had taken landowners' property in the form of a "drainage easement" for the drainage of its streets, where development was not a public property, water allegedly invading the property was drainage from two storm water detention basins or other drainage basins rather than from the dedicated streets, and there was no claim that flooding was the intended or foreseeable result of the city's actions rather than that of the development.