

**A RESOLUTION REAFFIRMING COMMUNITY HIGH SCHOOL DISTRICT
99's NEED FOR CERTAIN PROPERTY LOCATED IN THE VILLAGE OF
WOODRIDGE**

WHEREAS, Community High School District 99 (the "District") consists of residents living in Bolingbrook, Darien, Downers Grove, Lisle, Oak Brook, Westmont, Woodridge, and unincorporated Du Page County, Illinois;

WHEREAS, the District owns an approximately 45-acre parcel of land located generally at the corner of Woodridge Drive and Center Drive in the Village of Woodridge, Illinois (the "Village") (the "Property"); and

WHEREAS, a substantial portion of the Property was purchased by the District in 1967; and

WHEREAS, the District acquired the remainder of the Property in 1994 pursuant to an intergovernmental agreement in which the Village and District agreed to exchange certain parcels of land; and

WHEREAS, the District acquired and continues to own the Property for the purpose of promoting school purposes, including but not limited to providing outdoor educational opportunities, providing for future District real estate needs such as a third high school, athletic fields, and/or auxiliary school facilities, and providing for the revenue necessary to maintain schools in the District; and

WHEREAS, in 1971 the District entered into a lease with the Woodridge Park District which allows the Woodridge Park District to use a portion of the Property for park and recreation purposes (the "Lease"); and

WHEREAS, the Lease does not interfere with the District's use of the Property for school purposes, as the District's historic use of the Property has been for such lower-intensity uses as outdoor educational exercises, and the parties to the Lease merely intended for the Woodridge Park District's use to be for interim park and recreation uses. Further, if the District plans to use the Property in a way that would interfere with the Woodridge Park District's leasehold interest, the District may terminate the lease; and

WHEREAS, as the District's need for classroom capacity has increased over the past 40 years, there have been multiple referenda (the "3rd High School Referenda") in which District residents have rejected building a high school on the Property at the current time in favor of expanding existing facilities; and

WHEREAS, the District's current enrollment exceeds the capacity of existing school facilities; and

WHEREAS, the District's future facilities needs are uncertain, as additional areas have sought annexation to the District, existing areas in the District are experiencing population growth due to new development and redevelopment, and recent projections show additional student enrollment; and

WHEREAS, the defeated 3rd High School Referenda, the District's rapidly changing needs, and the recent rejection by District residents of a referendum to increase property taxes require the District to assess its existing facilities configuration and face the possibilities of using the Property for specific school facilities, retaining the Property for future needs, or liquidating this asset and using the proceeds for District school purposes; and

WHEREAS, the District has never determined that the Property is unnecessary, unsuitable or inconvenient for use as a school, or that the Property is not needed for school purposes; and

WHEREAS, the Village of Woodridge on May 19, 2005 adopted its Ordinance No. 2005-36 providing for acquisition by eminent domain of the Property "for the purpose of parks and/or public grounds"; and

WHEREAS, the Village of Woodridge on May 23, 2005 filed an eminent domain suit in the Circuit Court of Du Page County, Illinois, to acquire the Property for the purpose of "parks and public grounds," known as *Village of Woodridge v. Board of Education of Community High School District 99, et al.*, No. 05 ED 64 ("the Litigation");

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE COMMUNITY HIGH SCHOOL DISTRICT 99 SCHOOL BOARD (THE "BOARD"):

Section 1: The recitals set forth above are incorporated herein as substantive provisions of this Resolution as if fully set out in this Section 1.

Section 2: The Board hereby reaffirms that the Property is necessary, suitable and convenient for school facilities, and that the Property is necessary, suitable and convenient for the lawful uses and purposes of the District.

Section 3: The taking of the Property by eminent domain will materially impair or interfere with the uses already existing, such current uses including but not limited to providing for outdoor educational opportunities and the real estate needs of the District.

Section 4: The taking of the Property by eminent domain will be detrimental to the public for a number of reasons, including but not limited to (1) the District will be deprived of the ability to use the Property in the future for school facilities, to the detriment of the schoolchildren of the District; (2) the District will not be able to realize the full value of the Property as compensation in an eminent domain lawsuit, to the detriment of the current taxpayers of the District; (3) the District will not be able to purchase comparable replacement real estate with the proceeds likely to be awarded in an eminent domain lawsuit; (4) the future taxable value of the Property will be lost, to the detriment of the future taxpayers of the District.

Section 5: The District's administration and counsel are directed to oppose the eminent domain taking of the Property in the Litigation.

Section 6: This resolution shall be in full force and effect immediately upon its adoption.

Adopted this 15th day of August, 2005, by the following roll call vote:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

APPROVED: _____

ATTEST: _____