

Dist. 99 says it will comply with land pact

By Dave Fornell

Staff writer

Community High School District 99 officials say they intend to honor a 1978 understanding reached with the village of Woodridge giving that village the first opportunity to purchase a district-owned, 45-acre parcel of vacant land -- even though a formal intergovernmental agreement specifying such a course of action was never executed.

Superintendent David Eblen said the district plans to follow the spirit of an agreement the School Board adopted in 1978. Eblen said there has been a misunderstanding of the district's intentions after it put the property up for bid and announced there is no legally binding agreement in place offering Woodridge, and the Woodridge Park District, a right of first refusal to buy the parcel.

Soon after that, Woodridge produced documentation supporting the 1978 policy decision by the District 99 School Board. That agreement states if the district was ever to sell the property, Woodridge and the Woodridge Park District would be given the right of first refusal after fair market value was determined by a district-appointed appraiser. The agreement also states the district would allow the village a reasonable amount of time to purchase the site before offering it to other buyers.

According to minutes of Woodridge Village Board and District 99 School Board meetings from 1978, the agreement was made in exchange for Woodridge's pledge not to change the parcel's zoning to a more restrictive classification. District officials felt the stricter zoning would lower the future value of the property if it was not used for a third high school.

Eblen and District 99 Controller Mark Staehlin said the property was put up for bid so the School Board can get an idea of what potential buyers are willing to pay. They said this will establish the fair market value for the site. They said the district is under no obligation to accept the bids, which are due by the beginning of June.

"The intent of the process is to find a fair market value for the property," Staehlin said. "Our approach was just to go to the bidders and see what they are willing to pay."

After a price is determined, Eblen and Staehlin said Woodridge will be offered the right of first refusal, in keeping with the agreement.

Staehlin said the first step to sell the land is for the School Board to officially declare it surplus property, which the board has not done. Eblen said the district has had several meetings with Woodridge officials about the possible sale and to inform them of the purpose of the current bidding process.

However, Woodridge Mayor William Murphy said the meetings were not as positive as District 99 has painted them.

"They are speaking out of both sides of their mouth," Murphy said. "They say they will honor the spirit of the 1978 agreement, but they retained that (real estate) firm and put the property up for bid. They are trying to drive up the price

of the property."

The district has advertised the site in newspapers as an "ideal location and size for higher-density single-family or townhouse development."

That did not sit well with Woodridge officials, who stated they will not rezone the property for a high-density development. The village asked residents through its e-mailed newsletter to call or e-mail District 99 officials and tell them not to advocate high-density housing in their town.

However, Eblen said the reason for the language in the ad was to attract bids from all kinds of developers to discover the land's true value.

"When you seek the value of land, you seek the highest and best use," Eblen said.

If Woodridge cannot afford the price tag for the property when its value is determined, Staehlin said it is possible the district could subdivide the site and sell a part of the land the village can afford. He said the rest of the property might then be sold to another buyer.

While Eblen and Staehlin said the district is willing to keep "within the spirit of the agreement," they also say there is no legal obligation for them to do so.

"There is no legal intergovernmental agreement with Woodridge," Staehlin said.

He said the 1978 policy statement is not binding because it was never formalized into a proper agreement, and as a policy it could be changed by a vote of the current board. He said an intergovernmental agreement is a formal and binding document that can only be changed through an agreement by both governmental bodies.

Woodridge officials disagreed.

"They are going down a road that will cost District 99 taxpayers a lot of money in legal fees," Murphy said.

Eblen said he hopes the board will make a final decision on the sale of the property by August.

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