

Trial under way to set value of District 99 land

Westmont, IL -

The trial to determine the value of Community High School District 99's 45-acre property in Woodridge began Monday with \$12 million potentially hanging in the balance for the district.

Last May, a DuPage County Circuit Court judge sided with Woodridge in a condemnation lawsuit, allowing the village to take the district's property through eminent domain. Yet the two entities vary widely on the property's fair market value.

The village's appraisals continue to show the value of the property to be in the \$10 million-range, according to Woodridge Assistant Village Administrator Peg Halik.

District 99 estimates the number is much higher — as much as \$24 million, Superintendent Dave Eblen said.

The trial is expected to last seven to 10 days, Eblen said. Once the jury determines the property's value, Woodridge will be entitled to purchase it from the district, though not obligated.

Halik said the land's highest possible value is \$21.5 million, based on both a high and low appraisal value submitted to the court by each party.

"Quite frankly, from our perspective, \$21.5 million is not a possible solution that could be reached," Halik said.

She noted the land was zoned R-1 in 1978, which permits single-family homes on one-acre lots, parks, public service, churches and schools. Halik said the only way the land could net a higher price is if it was zoned for multi-family development.

However, District 99 School Board President Julia Beckman said in a district newsletter that property values are based on the standard of "highest- and best-" use whether or not the land is actually used for that purpose.

District 99 purchased the property in 1966 for a possible third school and has allowed the Woodridge community to use the land for various activities.

In 2005, the village filed a condemnation suit against District 99 over the property after the district enlisted a marketing company to advertise it as a potential site for high-density residential development.

Due to the scarcity of property around Downers Grove North High School in particular, District 99 officials said replacing the Woodridge land could be extremely costly, up to \$1 million an acre compared to the \$200,000 per acre originally offered by Woodridge.

By the numbers

45 acres Amount of land District 99 owns in Woodridge.

\$10 million Amount the village of Woodridge has offered to pay for the land.

\$24 million Amount District 99 claims the land could be worth.

Trial begins in District 99 land lawsuit

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By Eva McKendrick emckendrick@scn1.com

A trial over the Community High School District 99 land in the village of Woodridge started March 17, and a jury is expected to decide how much the land is worth before March 24.

Last May, the courts ruled that the village of Woodridge can take nearly 45 acres of land District 99 owns at Center and Woodridge drives by eminent domain. Now the jury is deciding how much Woodridge must pay the district for the land.

Woodridge has valued the site at \$10.25 million to \$11.22 million, while District 99 has set the value at \$21.5 million. These values are what both parties appraise the land at as of May 2005, when the village filed the lawsuit.

"The question is: Who did their job right?" Robert Funk, an attorney for Woodridge, said to the jury during opening statements.

During the trial, heard by Judge John T. Elsner, the jury will take a bus trip to the site and hear testimony from land planners, appraisers and engineers for both sides.

In 1966, District 99 bought the land thinking a third high school was in the future. Since then, Woodridge has used the vacant site for festivals and parkland.

In 1978, the district signed a contract with the village saying that if the district ever decided to sell the land, Woodridge would have the right of first refusal. Because of a contractual technicality, the district later found the contract invalid but said it would still honor the intent of the contract.

At the time the lawsuit was filed, the district had not decided whether to sell the land or keep it for unforeseen future needs, but it sought fair market value by opening bids from private developers in an effort to make a decision.

Woodridge has offered to buy the land twice, in May 2005 for \$8.5 million and in September 2006 for \$10 million. The district declined both offers.

Officials for the district have said it is their duty to the taxpayers to get what they feel the property is worth from a buyer.