

# Judge refuses to dismiss District 99 land suit

---

By Don Grigas  
Downers Grove Reporter  
Wed May 30, 2007, 03:25 PM CDT

---

Downers Grove, IL -

Woodridge Mayor William Murphy is calling a DuPage County judge's ruling to deny Community High School District 99's request to dismiss the village's condemnation lawsuit "a significant victory."

Following a two-day hearing May 24 and 25 in DuPage County Circuit Court, Judge Jack Elsner denied a District 99 request to dismiss the case, stating the village has the legal grounds to file a condemnation suit against the district.

A Monday, Dec. 10, hearing was set in the ongoing case between the government bodies regarding a 45-acre parcel of land the village wants to obtain from District 99.

"The judge ruled it is within the law for the village to condemn the property, and we will continue to move forward," said Murphy. "It is significant because it verifies we have the legal basis to condemn the property."

District 99 Superintendent David Eblen said the district is disappointed in the ruling.

"We are disappointed the judge did not see our case the way we did," said Eblen. "We feel there is a higher public need toward the district."

In 2005, the village filed a condemnation suit against District 99 over the undeveloped, wooded property located at 71st Street and Center Drive near Woodridge Village Hall.

Prior to that the district had enlisted a marketing company to advertise the property as a potential site for high-density residential development.

Shortly after the lawsuit was filed the School Board voted unanimously to declare the property was still necessary for unspecified educational purposes.

Woodridge, which recently adopted a resolution to share the costs of legal bills and potential sale of the property with the Woodridge Park District, has offered \$10 million for the property, Murphy said.

The property was appraised at \$9.2 million about two years ago, Murphy said.

"Our \$10 million offer is \$800,000 more than the property is appraised at. We made the offer higher than the market value to try and get the district to negotiate and save the taxpayers more money in the long run," Murphy said.

According to Peg Halik, assistant village manager, the village has spent \$235,000 in legal fees.

Mike Adams, superintendent of the Woodridge Park District, said the park district is committed to paying half of all legal fees.

"We are in for half of everything," Adams said.

The village and Park District have been setting aside funds for the last two years in the event the property is sold, officials from both taxing districts said.

The Park District and District 99 have a long-term lease to use the property for the annual Woodridge Jubilee and other programs.