

School district loses a round in land battle

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By Eva McKendrick Staff Writer

Despite an effort to get the village of Woodridge's eminent-domain lawsuit against Downers Grove High School District 99 dismissed, a DuPage County judge recently upheld Woodridge's right to pursue the lawsuit.

After a hearing May 24 and 25, DuPage County Circuit Judge Jack Elsner denied District 99's request to dismiss the case.

In 1967, District 99 bought the 45 acres of Woodridge land at 71st Street and Woodridge Drive, thinking a third high school was in the future. Since then, Woodridge has used the open space for festivals and parkland. Woodridge would like to keep that space open and wants to buy it from District 99, but the district has not decided whether it wants to sell the land or keep it for unseen future educational needs.

Eminent-domain statute states that a public entity may take land unless it materially impairs its current use of the property or taking of the land is detrimental to the public. District 99 Superintendent Dave Eblen said the district wanted the case dismissed on the grounds that it would cost the district the ability to meet students' future needs, thereby causing detriment.

However, the judge said that since the land isn't being used now, it does not limit the authority of Woodridge to pursue the eminent-domain lawsuit.

"We're very disappointed," Eblen said. "We thought there was a higher public interest for the school to decide what to do with that land."

Woodridge Mayor William Murphy was happy with the outcome of the hearing.

"It really validates our eminent-domain suit in the legal process, and we are certainly pleased," he said.

Murphy said that even though the school district and the village will continue litigation, Woodridge is open to resolving the issue out of court.

"We're still hopeful that both parties could still sit down and discuss ways to resolve this legal matter," he said, and save everyone money in litigation fees.

The next court date is set for December, when a jury trial will decide the fair market value of the land.

Eblen said District 99 is deciding its next steps before the December trial.

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