

EXECUTIVE SESSION MINUTES
May 15, 2019 LITIGATION

Supervisor Swanson called the meeting to order at 8:05 pm. The purpose of the meeting is to discuss Lakemoor TIF litigation. Everyone was asked to identify themselves and their titles. Answering present was Supervisor Swanson, Clerk Rowe, Trustee Lindberg, Trustee McKernan, Trustee Ringel, Trustee Stiller, Attorney Dean Kron, and Township Attorney Ridgway.

Attorney Kron updated the Board by giving the status of the lawsuit between the Village of Lakemoor, Wauconda School District, Wauconda Library, and Wauconda Township. The property involved is the corner of Rt. 12 and Rt. 120 in Lakemoor. The suit was filed in February 2015. The reason for the length of this suit is partly because three judges have been involved due to either retirement or re-assignment. The current judge denied summary judgements submitted by both entities, which means the case goes to trial. The two arguments against the Village is (1)that the 114 acres has been farmed from 1971 to 2017 which means that it does not have chronic flooding; (2) it has a "but for" issue that the property can and is being developed without a TIF district. The property has approximately 10% wetlands which is 15 acres. Ten of those are in a TIF district.

A trial date is set for October 7, 2019. The Village of Lakemoor has requested a settlement conference which is set for May 21, 2019.

At 9:04 pm, Trustee Stiller motioned to adjourn. Trustee McKernan seconded. Meeting was adjourned back into the regular board meeting.