

BARRINGTON COMMUNITY UNIT SCHOOL DISTRICT 220

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING INTERVENTION IN *COY v. GOLDEN GOOSE ENTERPRISES* IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

WHEREAS, Barrington Community Unit School District 220 (the "*District*") is a school district established pursuant to the Illinois Constitution and Illinois School Code, 105 ILCS 5/1-1 *et seq.*; and

WHEREAS, the Village of Hoffman Estates ("*Hoffman Estates*") has approved an annexation agreement and rezoning (the "*Land Use Approvals*") for a 145-acre tract of land commonly known as Plum Farms ("*Subject Property*"); and

WHEREAS, the Land Use Approvals for the Subject Property will permit approximately 546 new homes to be built on the Subject Property and within the District, resulting in approximately 719 to 862 new students; and

WHEREAS, the increase in student population from the development of the Subject Property will increase the District's operating costs by between \$11-14 million, increase capital costs by between \$60-70 million, necessitate the construction of a new elementary and middle school, and place the high school near its capacity; and

WHEREAS, the Land Use Approvals do not provide a means for offsetting the fiscal and operational impacts of the development of the Subject Property on the District; and

WHEREAS, if the Subject Property is developed as permitted under the Land Use Approvals, the District will experience irreparable injury in its corporate capacity, and the District will be substantially and materially impaired from meeting its state-mandated obligation of providing a quality education to its students, 105 ILCS 5/1-1 *et seq.*; and

WHEREAS, because the Land Use Approvals will have such extensive and significant negative impacts on the District without offsetting benefits, the land Use Approvals are unreasonable, arbitrary, and capricious; and

WHEREAS, there is a lawsuit currently pending in the Circuit Court of Cook County, Illinois captioned *Coy et al. v. Golden Goose Enterprises, LLC, et al.*, No. 2017-CH-10408 (the "**Lawsuit**") challenging the legitimacy of the Land Use Approvals; and

WHEREAS, although the Lawsuit addresses many of the District's objections to the Land Use Approvals, none of the parties engaged in the Lawsuit are able to articulate the direct and palpable injuries that the District will suffer as a result of the Land Use Approvals; and

WHEREAS, the Board of Education of the District (the "**District Board**") has determined that it is necessary and in the best interests of the District and its residents to petition for leave to intervene in the Lawsuit so that the interests of the District are adequately represented and addressed in the lawsuit;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF BARRINGTON COMMUNITY UNIT SCHOOL DISTRICT 220 OF COOK, LAKE, MCHENRY, AND KANE COUNTIES, ILLINOIS, as follows:

SECTION ONE: **Recitals.** The foregoing recitals represent the findings of the District Board and are incorporated into and made a part of this Resolution.

SECTION TWO: **Approval and Authorization to Intervene.** The District Board hereby approves the engagement of Filippini Law Firm LLP ("**Counsel**") and authorizes and directs Counsel to file a petition to intervene and such other necessary or appropriate court pleadings to allow the District to become a party in the Lawsuit (the "**Intervention**"). The District Superintendent is also authorized to take all necessary and appropriate actions in support of the Intervention.

SECTION THREE: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this 16 day of October, 2017.

AYES: (6) Newman, Ruffolo, Shackleton, Battle, Bradford, Kazmier

NAYS: (0) None.

ABSENT: (1) Wilcox.

APPROVED this 16 day of October, 2017



District President

ATTEST:



District Secretary