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East Dundee Appeals Wal-Mart TIF Case to State Supreme Court.

East Dundee appealed its dismissed lawsuit against Carpentersville and Wal-Mart to the Illinois Supreme Court this week. The retailer has announced plans to close its East Dundee store, above, and build a supercenter in neighboring Carpentersville.

East Dundee didn't waste time taking legal action against Carpentersville to stop Wal-Mart's pending move to the neighboring village.

East Dundee appealed its dismissed case versus the village and Wal-Mart to the Illinois Supreme Court, less than 24 hours after Carpentersville officials reviewed Wal-Mart's draft application for financial assistance.

Wal-Mart, slated to build a supercenter at Lake Marian Road and Route 25, seeks $4.3 million from a tax increment finance district that encompasses its future location in Carpentersville. If Carpentersville doesn't come through with the money, Wal-Mart won't build there, according to the draft application.

East Dundee argues the retailer should not receive funding from a TIF district because the new site is three miles from the East Dundee store, which is also in a TIF district. State law mandates a distance of at least 10 miles to stop communities from poaching businesses from each other.

While the Carpentersville village board isn't due to vote on Wal-Mart's redevelopment agreement until late summer, East Dundee would rather strike now, Village President Lael Miller said.

"They may actually start doing some work prior to (Carpentersville's vote), we don't know." Miller said. "We anticipate we'll move forward with this and we'll take our chances."

History isn't on East Dundee's side, and the latest appeal marks the village's fourth attempt at blocking Wal-Mart from leaving.

In February 2013 a judge denied East Dundee's move for a temporary restraining order and threw out a lawsuit aimed at preventing Wal-Mart from receiving funding from the Carpentersville TIF district.

Six months later, Kane County Judge David Akemann dismissed the lawsuit against the world's largest retailer and Carpentersville, saying East Dundee had no standing in the case because TIF money had not yet changed hands.

East Dundee appealed that decision in April and the Illinois Appellate Court Second District sided with Akemann when it dismissed the case.

Carpentersville Village President Ed Ritter isn't concerned about East Dundee's latest filing and expects Wal-Mart to go on as scheduled.

“We’re very confident that Wal-Mart will be open in Carpentersville before the end of 2016,” Ritter said.

In 2012, Wal-Mart announced it would close its 23-year-old store in East Dundee to build in Carpentersville.

The departure means East Dundee would lose about $850,000 in annual revenues from Wal-Mart. Miller estimates the village has spent about $83,000 in legal fees since the litigation began 17 months ago.

But it made more than $1.2 million from Wal-Mart in the same time frame, he said.

“Yes we did spend money but obviously we made more money in the meantime as well,” Miller said.

By Lenore T. Adkins

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