

Bond Case Briefs

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Gurba v. Community High School Dist. No. 155

Appellate Court of Illinois, Second District - September 3, 2014 - N.E.3d - 2014 IL App (2d) 140098

Owners of land adjacent to school football stadium brought action against school district and board of education, alleging bleachers constructed pursuant to district decision violated municipal zoning and stormwater ordinances. Board brought third-party action against city and superintendent, seeking declaratory judgment that bleacher project was not subject to such ordinances. The Circuit Court entered judgment finding that project was subject to ordinances. Board appealed.

The Appellate Court held that:

- As a matter of apparent first impression, constitutional provisions tasking state government with provision of public education did not preclude enforcement of municipal zoning ordinances against school district and board of education, and
- Pursuant to School Code, board was required to follow city zoning ordinances.