

Bond Case Briefs

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Station Place Townhouse Condominium Association v. Village of Glenview

Appellate Court of Illinois, First District, Third Division - September 28, 2022 - N.E.3d - 2022 IL App (1st) 211131 - 2022 WL 4492999

Condominium associations and individual unit owners filed a complaint for declaratory judgment against village, challenging village's approval of application to develop a mixed-use building on nearby property and village's purchase and sale agreement with developer.

The Circuit Court dismissed the complaint in its entirety for failure to state a claim and for lack of standing. Plaintiffs appealed.

The Appellate Court held that:

- Purchase and sale agreement was not invalid, as village acted within its home rule powers;
- Plaintiffs were not deprived of their procedural due process rights during rezoning process;
- Plaintiffs' claim of violation of their substantive due process rights failed to state a cause of action; and
- Relief requested by plaintiffs alleging violations of the Open Meetings Act was unavailable, as meetings at issue were not "closed" meetings.

Village's purchase and sale agreement with developer was not invalid, though village did not comply with section of Illinois Municipal Code governing sale of surplus real estate, as village acted within its home rule powers in entering into the agreement, so was not required to comply with Illinois Municipal Code; entirety of property at issue was located within boundaries of village, and sale of municipal real property was considered a function pertaining to village's government and affairs, as village had a longstanding interest in revitalizing its downtown area and sale of village-owned parcel of property located in downtown area to developer seeking to build a mixed-use development implicated local concerns.