

**TRI-POINT COMMUNITY UNIT SCHOOL DISTRICT NO. 6J**

**RESOLUTION 2022-3**

**WAIVER OF THE SETBACK REQUIREMENT FROM SCHOOL DISTRICT  
PROPERTY LINES FOR THE LIVINGSTON WIND PROJECT LLC'S WIND ENERGY  
CONVERSION SYSTEM AND STATEMENT OF SUPPORT FOR THE  
DEVELOPMENT OF A WIND ENERGY CONVERSION SYSTEM IN SULLIVAN  
TOWNSHIP, LIVINGSTON COUNTY, ILLINOIS**

RESOLUTION NUMBER 2022-3

A RESOLUTION approving the development and construction of a wind energy conversion system (“WECS”) project, or any part thereof, within one and a half (1 ½) miles of the property line of property owned by Tri-Point Community Unit School District No. 6J (the “District”) by Livingston Wind Project, LLC, a Delaware limited liability company, and its affiliates and assignees (collectively “Developer”), and proclaiming support for the development of a WECS project by Developer within Sullivan, Broughton, Round Grove, and Union Townships in Livingston County, Illinois (the “Project”), and authorizing the President of the School Board for the District to execute a letter to the Livingston County Board and Livingston County Zoning Board of Appeals advising of this Resolution and the District’s support for the development of the Project, including without limitation that portion within one and a half (1 ½) miles of the District’s property lines.

WHEREAS, pursuant to 105 ILCS 5/10-20, the school board of the District (the “Board”) has the authority to exercise all powers not inconsistent with the Illinois School Code that may be requisite or proper for the maintenance, operation, and development of the schools under the jurisdiction of the Board;

WHEREAS, Livingston County Code of Ordinances Part II, Chapter 56, Article VIII, § 56-618(h)(8) states, “All WECS towers shall be one mile and a half from any school property line. The affected school district may waive this setback requirement.”;

WHEREAS, the Board has determined that the development of the Project by Developer, including the portion within one and a half miles of the property line of the District, and including but not limited to WECS towers, is requisite and proper for the maintenance, operation, and development of the schools within the District;

WHEREAS, the Board acknowledges the many benefits of the Project, including renewable energy, payments to participating property owners in the community, tax revenues to the District that will enhance the District’s resources and provide more opportunities to the District’s students and staff, potential job growth at the District and in the community, and direct and indirect economic benefits of a significant financial investment in the area by the Project;

WHEREAS, the Board is authorized and empowered under the Illinois School Code and the Livingston County Code of Ordinances to waive the setback requirement for the WECS Project or any portion thereof, including but not limited to WECS towers, within one and a half miles of the District’s property line; and

WHEREAS, the District wishes to communicate its support for the development of the Project to the Livingston County Board and the Livingston County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT AS FOLLOWS:**

Section 1: The District hereby proclaims its support for the development and construction of the Project by Developer in Livingston County, Sullivan, Broughton, Round Grove, and Union Townships, and within the one and a half (1 ½) mile radius from the District’s

property line, including but not limited to the development and construction of WECS towers, cables, and substations.

Section 2: The District hereby waives the setback requirement for the development and construction of the Project, or any part thereof, including but not limited to WECS towers, by Developer within one and a half (1 ½) miles of the District’s property line pursuant to Livingston County Code of Ordinances Part II, Chapter 56, Article VIII, § 56-618(h)(8).

Section 3: The Board hereby authorizes the President of the Board to execute and send the Letter of Support attached as Exhibit A to this Resolution to the Livingston County Board and the Livingston County Zoning Board of Appeals.

Section 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution, or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Passed this 20th day of April, 2022.

Ayes: 5

Nays: 1

Absent: 1

Abstain: \_\_\_\_\_

Approved this 20th day of April, 2022.

Signed: Chew Smallkauch  
Board President

Attest: [Signature]  
Board Secretary