

Motion to approve the following path forward regarding the lawsuit filed against the Village by Ms. Carol DiGiavanni involving the purchase of 5 Mill Race Road

1. The Village is engaged in a lawsuit concerning (a) the propriety of the Village's use of the Schroeder Bequest funds to purchase 5 Mill Race Road, (b) the imposition of a more formal trust structure for those funds and (c) procedures for using the funds.
2. The parties have been engaged in settlement discussions to limit the scope of the dispute to question "a" (i.e. the court would decide whether the use of the funds was proper in light of the bequest), and to resolve items "b" and "c" outside of court.
3. As to "b" and "c", the parties would agree that a trust structure is appropriate for the bequest (with the terms to be determined and approved via Town Assembly).
4. Further, the Village and the attorneys would jointly review Arden's governing documents and practices to ensure compliance with changes in Delaware and New Castle County laws/ordinances as well as FOIA and electronic/email/internet communications. The findings will be provided to the Town Assembly.
5. The value of the settlement structure is it greatly limits the scope of the litigation (such that resolution in the next 6 months is likely), and allows Arden governance matters to be determined democratically by the Village.

End of Motion.