



## RESOLUTION

### Approving a Settlement Agreement and Consent Order For Resolution of Pending Litigation

**WHEREAS**, the Town of Hillsborough was named as a Defendant in the litigation styled KEPSC Hillsborough, LLC, Plaintiff, v. Town of Hillsborough, Defendant, Orange County Superior Court, Case No. 24CV003340-670, which made certain allegations concerning the Plaintiff's planned development of property on statutory and constitutional grounds, and the town has denied any wrongdoing or liability; and

**WHEREAS**, the parties have reached an agreement to settle the litigation after a court-mandated mediated settlement conference; and

**WHEREAS**, the proposed development has been made the subject of a rezoning application and proposed development agreement that were presented to the Hillsborough Board of Commissioners and the Hillsborough Planning Board at a joint public hearing of those bodies on February 18, 2026, where public comment was received; and

**WHEREAS**, the Hillsborough Board of Commissioners wishes to enter into the Settlement Agreement attached to this Resolution as Exhibit A and to request that an Orange County Superior Court Judge enter the Consent Order attached to this Resolution as Exhibit B, with the intention of fully and finally resolving the litigation;

**NOW, THEREFORE**, be it resolved by the Hillsborough Board of Commissioners as follows:

1. The Settlement Agreement attached to this Resolution as Exhibit A is approved and the Assistant Town Manager is hereby authorized and directed to execute the Settlement Agreement on behalf of the Town of Hillsborough.
2. The Consent Order attached to this Resolution as Exhibit B is approved and counsel for the Town of Hillsborough is authorized and directed to present the Consent Order to a judge of the Orange County Superior Court for consideration.
3. Upon execution of the Settlement Agreement and entry of the Consent Order, the Town of Hillsborough Board of Commissioners shall undertake all necessary steps to carry out the duties agreed to in the Settlement Agreement and required by the Court in the Consent Order.

Approved this 23rd day of March of the year 2026.

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Mark Bell, Mayor  
Town of Hillsborough

Attestation:

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Sarah Kimrey, Town Clerk