

RESOLUTION NUMBER 18 - 05

**A RESOLUTION AUTHORIZING THE EXECUTION
OF THE FIRST AMENDMENT TO AMENDED AND
RESTATED DEVELOPMENT AGREEMENT BETWEEN
ROCKY ROAD POWER, L.L.C., AND THE
VILLAGE OF EAST DUNDEE**

WHEREAS, the Village of East Dundee and the Village of Carpentersville are home rule units of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, have the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is deemed necessary and desirable for the Village of East Dundee to enter into a First Amendment to Amended and Restated Development Agreement with Rocky Road Power, L.L.C.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That the Village of East Dundee adopts and approves and the President be and he is hereby authorized and directed to sign and the Village Clerk is directed to attest to the execution of a First Amendment to Amended and Restated Development Agreement with Rocky Road Power, L.L.C., a copy of which Agreement is attached hereto and made a part hereof.

Section Two. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This resolution shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 1st day of August, 2005, pursuant to a roll call vote as follows:

AYES: Ruffalo, Scarpelli, O'Leary, Carlini

NAYES: NONE

ABSENT: Vandenberg, Gorman

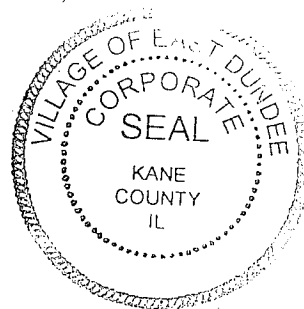
Approved by me this 1st day of August, 2005.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 26th day of August, 2005, under the authority of the President and Board of Trustees.

ATTEST:

Nikki Giles
NIKKI GILES, Village Clerk



Recorded in the Village Records on August 26th, 2005.

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