

RESOLUTION NUMBER 27 - 04

**RESOLUTION AUTHORIZING THE EXECUTION
OF A 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 is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has 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, the Village of East Dundee adopted an Amended and Restated Development Agreement with Rocky Road Power, L.L.C., a Delaware Limited Liability Company, pursuant to Resolution No. 18-99 on October 4, 1999; and

WHEREAS, the Village of East Dundee and Rocky Road Power, L.L.C., now wish to further amend said Development Agreement by adopting the First Amendment to Amended and Restated Development Agreement, a copy of which First Amendment is attached hereto as an exhibit.

NOW THEREFORE BE IT RESOLVED 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 enter into and authorize the execution of a First Amendment to Amended and Restated Development Agreement with Rocky Road Power, L.L.C., a copy of which First Amendment is attached hereto as an exhibit.

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 All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.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 November, 2004, pursuant to a roll call vote as follows:

AYES: Zacske, Ruffalo, Bartels, Schock, Van Ostenbridge, Scarpelli
NAYES: None
ABSENT: None

Approved by me this 1st day of November, 2004.

Roger W Ahrens
ROGER AHRENS, President

Published in pamphlet form this 8th day of November, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on November 8th, 2004.