

Amendment to Agreement Between The County of Kane and Village of Burlington for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009.

WHEREAS, the Village of Burlington (the "Agency") applied to The County of Kane (the "County") and received a loan from the County in the aggregate principal amount of \$65,575 pursuant to the Agreement Between The County of Kane and Village of Burlington for Allocation and Loan of Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009 dated the 20th day of December, 2010 (the "Agreement"); and

Whereas, the costs of the Agency Project as defined in the Agreement exceed the amount loaned to the Agency by the County by the amount of \$20,000; and

Whereas, the County has sufficient Bond Proceeds (as defined in the Agreement) to loan to the Agency an additional amount of \$20,000 to complete the Agency Project.

NOW THEREFORE, the County and the Agency hereby agree to amend the Agreement as follows:

1. Paragraphs 1 and 2 of Article II of the Agreement are hereby amended by increasing the amount of the loan stated in each such paragraph from \$65,575 to \$85,575.

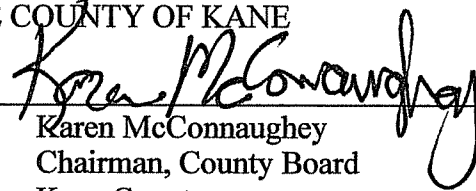
2. Exhibit A to the Agreement is hereby amended to increase the amount of Bond Proceeds to be applied to the costs of the Agency Project to \$85,575.00 and increase the Project Budget to \$88,575.00.

IN WITNESS WHEREOF, The County of Kane, by a Resolution duly adopted by the County Board of Kane County, causes this Amendment of the Agreement to be executed by its Chairman and attested by its Clerk and the Village of Burlington, by resolution, duly adopted by its President and Board of Trustees has caused this Amendment to the Agreement to be executed by the Village President and attested to by its Clerk, all on the day and year hereinafter written.

Dated: _____ day of _____, 2011.

THE COUNTY OF KANE

By: _____

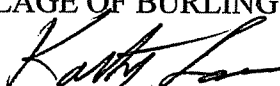

Karen McConnaughey
Chairman, County Board
Kane County

Attest: _____

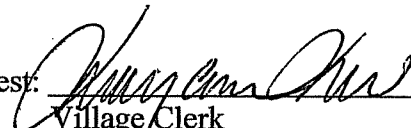
John A. Cunningham
Clerk, County Board
Kane County

VILLAGE OF BURLINGTON

By: _____


Village President

Attest: _____


Village Clerk

**Amendment to Depository Agreement Among
The County of Kane, the Village of Burlington
and U.S. Bank National Association, Chicago,
Illinois.**

WHEREAS, The County of Kane (the “**County**”), The Village of Burlington (the “**Agency**”) and U.S. Bank National Association, Chicago, Illinois (the “**Depository**”) entered into a Depository Agreement dated as of the 29th day of December, 2010 (the “**Agreement**”); and

WHEREAS, pursuant to the Agreement and the Intergovernmental Agreement, defined therein, \$65,575 of the proceeds of the sale of the Series 2010 Bonds, defined therein were deposited into the Series 2010 Village of Burlington Project Account to be invested and disbursed pursuant to the Agreement; and

WHEREAS, the Intergovernmental Agreement has been amended to an increase by \$20,000 the amount of proceeds of the sale of the Series 2010 Bonds to be loaned to the Agency and deposited into the Series 2010 Village of Burlington Project Account.

NOW THEREFORE, The County the Agency and the Depository hereby agree to amend the Agreement as follows:

1. The amount to be loaned to the Agency set forth in the preamble to the Agreement, shall be increased from \$65,575 to \$85,575.
2. An additional \$20,000 from the proceeds of the sale of the Series 2010 Bonds shall be deposited into the Series 2010 Village of Burlington Project account upon the execution and delivery of this Amendment to the Agreement and such additional funds shall be subject to all the terms and conditions of the Agreement applicable to the initial deposit of \$65,575.

IN WITNESS WHEREOF, the parties pursuant to the authorization have executed this Amendment to the Agreement as of the day and year hereinafter written

Dated: _____ day of _____ 2011.

[Signatures Appear on the Following Page]

U.S. BANK NATIONAL ASSOCIATION, as
Depository

By: _____
Title: _____

THE COUNTY OF KANE

By: Karen McComaughy
Title: _____

[SEAL]

Attest:

Its: _____

VILLAGE OF BURLINGTON, KANE
COUNTY, ILLINOIS

By: Kathy M. Law
Title: Village Press.

[SEAL]

Attest: John J. Wilson
Its: Village Clerk

CH29893470.1

VILLAGE OF BURLINGTON
KANE COUNTY, ILLINOIS

RESOLUTION NO. 2011-R-4

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF KANE AND THE VILLAGE OF BURLINGTON FOR ALLOCATION AND LOAN OF BOND PROCEEDS PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE NORTH MAIN STREET WATER MAIN REPLACEMENT PROJECT AND AUTHORIZING EXECUTION THEREOF BY THE VILLAGE PRESIDENT

RECITALS

WHEREAS, the Village of Burlington, an Illinois Municipal Corporation ("Village"), is organized and existing under the laws of the State of Illinois and governed by the Illinois Municipal Code; and

WHEREAS, the Board of Trustees of the Village approved by Resolution 2010R-8 on November 1, 2010, an Agreement between the County of Kane and the Village of Burlington for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009 ("Agreement"), which provided funds to the Village for the North Main Street Water Main Replacement Project ("Project"); and

WHEREAS, upon the receipt and opening of the bids in connection with the Project, the Village was made aware that the funds to be provided under the Agreement were insufficient to fund the Project; and

WHEREAS, the Village requested additional funds from the County of Kane and the County of Kane was able to make additional funds available pursuant to an Amendment to Agreement; and

WHEREAS, the Board of Trustees of the Village hereby deem it to be in the Village's best interest that the proposed Amendment to Agreement between the County of Kane and the Village of Burlington for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009, ("Amendment") be approved.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEE OF THE VILLAGE OF BURLINGTON, KANE COUNTY ILLINOIS, AS FOLLOWS:

Section 1. Incorporation of Recitals.

The foregoing recitals are incorporated herein as if fully set forth in the body of this Resolution.

Section 2. Approval of Proposed Amendment to Agreement Between the County of Kane and the Village of Burlington for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009

The terms and conditions of that proposed Amendment to Agreement between the County of Kane and the Village of Burlington For Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009 is hereby approved and a true and correct copy of said Amendment is attached hereto and incorporated herein as Exhibit A.

Section 3. Authority to Enter Into Amendment to Agreement Between the County of Kane and the Village of Burlington for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Tax Act of 2009

The Village President is hereby authorized to enter into and sign the proposed Amendment in substantially in the form and substance as set forth in the proposed Amendment attached as Exhibit A and further, is authorized to execute any additional agreements or documents necessary or desirable to effectuate said Amendment.

Section 4. Authority of Village Clerk to Attest to Said Agreement.

The Village Clerk be and the same is hereby authorized to attest to the signature of the Village President upon the Amendment attached as Exhibit A.

Section 5. Authority and Direction to Village Clerk to Certify Resolution.

The Village Clerk be and the same is hereby authorized and directed to provide a certified copy of this Resolution to be submitted with all executed documents or agreement necessary for submission of a signed copy of the Amendment.

Section 6. Other than as provided in the Amendment attached as Exhibit A and approved by this Resolution the provisions of the Agreement shall remain in full force and effect.

Section 7. Effective Date

This Resolution shall be in full force and effect from and after its passage and approval as permitted and required by law.