

RESOLUTION

ALLOCATING RECOVERY ZONE VOLUME CAP AND APPROVING A PROJECT FOR McHENRY COUNTY SPORTSPLEX LLC FOR THE PURPOSES OF THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009

WHEREAS, The American Recovery and Reinvestment Tax Act of 2009 (the "Act") grants the County of McHenry, Illinois (the "County") certain authority to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (the "Bonds") and distribute recovery zone allocation (the "Allocation") among borrowers and units of local government; and

WHEREAS, the Act requires the County to make certain findings of fact and designate the County as a recovery zone (the "Recovery Zone") pursuant to the requirements of the Act; and

WHEREAS, the County Board (the "County Board") of the County has designated McHenry County a Recovery Zone; and

WHEREAS, McHenry County Sportsplex LLC has submitted an application to the County requesting an Allocation for a capital improvement project to be financed with Recovery Zone Facility Bonds (the "Project"); and

WHEREAS, the County has reviewed the application and the Project and has made certain findings of fact; and

WHEREAS, the Project will constitute an indoor and outdoor sports and recreational facility to be located within the County and the Recovery Zone. The County intends to issue the Recovery Zone Facility Bonds and lend the proceeds thereof to McHenry County Sportsplex LLC for the purpose of financing the Project. The total principal amount of Recovery Zone Facility Bonds which the County intends to issue for the Project will not exceed the \$18,000,000 designation described above. Certain costs will be incurred by McHenry County Sportsplex LLC in connection with the Project prior to the issuance of the Recovery Zone Facility Bonds. The County reasonably expects to reimburse such costs with proceeds of the Recovery Zone Facility Bonds. This Resolution is consistent with the budgetary and financial circumstances of the County. No funds from sources other than the Recovery Zone Facility Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by the County for the Project. This Resolution constitutes a declaration of official intent under Treasury Regulations Sections 1.150-2 and 1.103-8(a)(5).

NOW THEREFORE, be it and it is hereby resolved by the County Board of the County, as follows:

Section 1. The County meets certain conditions specified in the Act required to designate the County as a Recovery Zone, those conditions being a significant increase in the unemployment rate, an increase in the rate of home foreclosures, and general distress and the County has been designated as a Recovery Zone.

Section 2. The County Board hereby approves the Project submitted by McHenry County Sportsplex LLC and designates \$18,000,000 of Recovery Zone Allocation to McHenry County Sportdplex LLC for the issuance of Recovery Zone Facility Bonds to finance the Project.

Section 3. The Allocation shall be used to issue bonds to finance the Project and said Bonds must close no later than September 30, 2010. In the event the Bonds do not close by September 30, 2010, then the Allocation shall expire and revert back to the County.

Section 4. All actions of the officers, agents and employees of the County that are in conformity with the purposes and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and adopted.

Section 5. This resolution shall be in full force and effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a copy of this Resolution to the City of McHenry, the County Administrator, Deputy County Administrator, Associate County Administrator-Finance, and County Auditor.

DATED, and adopted this twentieth day of April, A.D., 2010

AYES: _____

NAYES: _____

ABSENT: _____

Kenneth D. Koehler, Chairman
McHenry County Board

Attest:

Katherine C. Schultz, County Clerk
County of McHenry, Illinois