

RESOLUTION NO. 25 -2000

**APPOINTING A HEARING OFFICER IN CONNECTION WITH THE ISSUANCE OF OBLIGATIONS BY THE CITY OF TATUM, TEXAS HIGHER EDUCATION FACILITIES CORPORATION FOR THE BENEFIT OF MCMURRY UNIVERSITY AND AUTHORIZE THE MAYOR OF THE CITY OF ABILENE TO APPROVE CERTAIN MATTERS AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE**

THE STATE OF TEXAS §  
COUNTIES OF TAYLOR AND JONES §  
CITY OF ABILENE §

WHEREAS, McMurry University (the "University"), a nonprofit corporation located in the City of Abilene (the "City") has requested the City of Tatum, Texas Higher Education Facilities Corporation (the "Corporation") which is a nonprofit corporation created by the City of Tatum, Texas, to enter into a series of loan transactions (the "Obligations") to finance and refinance certain educational and housing facilities in the maximum principal amount of \$6,100,000 (the "Project") on the campus of the University in the City; and

WHEREAS, the University has informed the City that Section 147(f) of the Internal Revenue Code ("Section 147(f)") will require the approval of the Obligations and the Project by the Mayor of the City, being the chief elected officer of the City, with such approval being made after the holding of a public hearing in the City; and

WHEREAS, the University has caused a notice of a public hearing to be published in the Abilene Reporter-News, providing the time and place of the hearing.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:

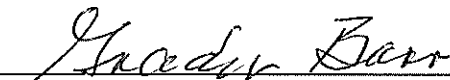
Section 1. Carl R. Brown, Vice President for Financial Affairs for the University shall hold a public hearing on the campus of the University on September 7, 2000.

Section 2. Following such hearing the Mayor is authorized to approve the issuance of the Obligations and the Project, but solely for the purpose of Section 147(f), and it is hereby provided that the City shall have no liabilities for the payment of any of the Obligations nor shall any of the City's assets be pledged to the payment of the Obligations.

Section 3. This Resolution shall become effective immediately upon its passage.

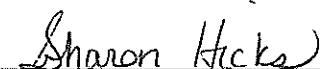
ADOPTED AND APPROVED this the 24th day of August, 2000.

  
\_\_\_\_\_  
City Secretary, City of Abilene

  
\_\_\_\_\_  
Mayor, City of Abilene

(CITY SEAL)

APPROVED:

  
\_\_\_\_\_  
City Attorney, City of Abilene

**APPROVAL OF HIGHEST ELECTED OFFICIAL  
OF CITY OF ABILENE**

**WHEREAS, MCMURRY UNIVERSITY** (the "Borrower"), in connection with a tax-exempt financing in the maximum principal amount of \$6,100,000 (the "Financing"), has requested the approval of the Financing (as further described below) and the Project (as defined below); and

**WHEREAS,** the Financing consists of a Loan Agreement between the Borrower and the City of Tatum, Texas Higher Education Facilities Corporation (the "Corporation"), and a Lender Loan Agreement between the Corporation and the Bank of America, N.A. (the "Bank") through which agreements (the "Financing") the Bank will provide funds to the Corporation, which in turn will loan those funds to the Borrower; and

**WHEREAS,** the proceeds of the loan made to the Borrower pursuant to the Financing will be used by the Borrower to finance or refinance the acquisition and renovation of certain higher education facilities in Abilene, Texas, and closing costs of the Financing (collectively, the "Project"); and

**WHEREAS,** in accordance with certain provisions of the Internal Revenue Code of 1986, as amended (the "Code") as described below, notice of a public hearing was published in the *Abilene Reporter-News*, Abilene, Texas on August 23, 2000, which notice provided that members of the public were invited to a hearing to be held in the City of Abilene, Texas ("City"), on September 7, 2000, in connection with the Financing and the Project; and

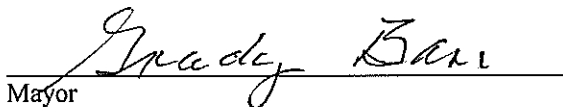
**WHEREAS,** a public hearing was held in the City, on September 7, 2000, by the hearing officer; and

**WHEREAS,** it is necessary for the undersigned, as the highest elected official of the City, to approve the Financing and the Project solely for the purpose of satisfying the requirements of section 147(f) of the Code;

**NOW, THEREFORE,** the undersigned Mayor of the City, acting solely in his official capacity and on behalf of the City, hereby approves the holding of the hearing in the City by the hearing officer and the Financing for the Borrower, and further approves the Project; provided that such approvals shall be solely for the purposes of section 147(f) of the Code, and neither the City nor the Mayor shall have any responsibility or liability for the Financing or the Project.

**IN WITNESS WHEREOF,** I have set my hand this the 8<sup>th</sup> day of September, 2000.

**CITY OF ABILENE, TEXAS**

  
\_\_\_\_\_  
Mayor

CERTIFICATE OF PUBLIC HEARING

I, the undersigned, hereby certify in connection with a series of loan transactions to be entered into by the City of Tatum, Texas Higher Education Facilities Corporation (the "*Corporation*"), McMurry University ("*Borrower*") and Bank of America, N.A. in the maximum principal amount of \$6,100,000 (the "*Loans*") for the benefit of Borrower, as follows:

1. I served as Hearing Officer for the Corporation and the City Council of the City of Abilene, Texas for the purpose of conducting a public hearing on the Loans and the use of the proceeds thereof to provide refinancing for a project to be owned and operated by Borrower and consisting of a a 100 unit, 2 story student apartments located at 2341 Hunt Street, Abilene, Texas, a 1 story Chapin Art Building located at 2127 Hunt Street, Abilene, Texas, a 2 story Radford Auditorium, located at S. 14th Street and Sayles Blvd., a 1 story Mabee Dining Facility and a 1 story Phillips Family Activity Center both located on the campus of the University at S. 14th & Sayles, Abilene, Texas (the "*Project*").
2. Such hearing was conducted commencing at 12:00 noon on September 7, 2000, at the Maedgen Administration Building, Room 104, S. 14th & Sayles, Abilene, Texas 79697, which building and office was open to the public for purposes of the hearing.
3. At the time for the commencement of the hearing, comments, either orally or in writing, were publicly requested on the Project to be financed with proceeds of the Loan and on the making of the Loans.
4. At the hearing,  
  
[XX] no persons presented comments orally or in writing.  
  
[ ] the comments summarized in Exhibit A-1 were made orally by the persons listed therein.  
  
[ ] the written comments attached hereto were presented.
5. No time limitations were imposed on any public comments.

IN WITNESS WHEREOF, I have hereunto set my hand this September 7, 2000.



\_\_\_\_\_  
Hearing Officer

EXHIBIT A-1

Public Comments

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