

RESOLUTION # 07-2013

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING  
FINANCING BY THE STAMFORD HIGHER EDUCATION  
FACILITIES CORPORATION FOR THE BENEFIT OF  
HARDIN-SIMMONS UNIVERSITY AND RELATED MATTERS.

THE STATE OF TEXAS           §  
COUNTY OF TAYLOR           §  
CITY OF ABILENE             §

WHEREAS, the Stamford Higher Education Facilities Corporation ("*Corporation*") is a nonprofit corporation created by the City of Stamford, Texas pursuant to Section 53A.35(b) of the Higher Education Authority Act (Chapter 53A, Texas Education Code, as amended);

WHEREAS, the City of Abilene, Texas (the "*City*") has been informed that the Corporation has been requested by Hardin-Simmons University (the "*Borrower*") to assist it in financing and/or refinancing on a tax-exempt basis, the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including: central plant and boilers, Anderson Hall, athletic fields, parking, Mabee RTOC Building, Ferguson Hall, Nix Hall, Abilene Hall, Moody Center, Van Ellis Theatre, University Place Apartments, Hunter Hall, Mabee Complex, Frost Art Center, Caldwell Hall, Behrens Hall, Blanche Lange Hall, Richardson Library, Holland Health Science Building, Mabee Hall, Johnson Building, and other improvements including sidewalks, ramps, grounds and lighting, all on or around the Borrower's campus at 2200 Hickory, Abilene, Texas 79698 (the "*Project*");

WHEREAS, the Corporation is authorized by the provisions of Chapter 53A of the Texas Education Code and the Texas Non-Profit Corporation Act, Article 1396, Tex. Rev. Civ. Stats. Ann. (collectively, "*State Law*"), to enter into contractual obligations in order to finance or refinance the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including the Project;

WHEREAS, the Corporation is authorized by State Law to provide financing for educational and/or housing facilities by contractual arrangement, and the Loan Agreement (the "*Loan Agreement*") among the Borrower, the Corporation and Frost Bank (the "*Bank*") constitutes contractual arrangements in which the Corporation is authorized by State Law to participate in (the transactions set forth in the Loan Agreement, by which the Corporation will borrow up to \$8,000,000 from the Bank and then loan such amount to the Borrower for financing and/or refinancing the cost of acquiring, constructing, renovating, remodeling and equipping education and housing facilities, and facilities incidental, subordinate, or related thereto or appropriate in connection therewith, including the Project, as aforesaid, are hereinafter referred to as the "*Financing*");

WHEREAS, pursuant to the Loan Agreement, the Borrower has agreed to make payments in amounts sufficient to pay loan payments required to be made under the Loan Agreement (the "Loan Payments");

WHEREAS, section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that the issuance of any qualified 501(c)(3) obligations be approved by either the governing body of the City or the chief elected executive officer of the City after a public hearing following reasonable public notice;

WHEREAS, the publication of the Notice of Public Hearing (the "Public Notice") is evidenced by a Publisher's Affidavit (a copy of which is attached hereto as Exhibit A);

WHEREAS, attached hereto as Exhibit B is Certificate of Public Hearing regarding the conduct of the Public Hearing;

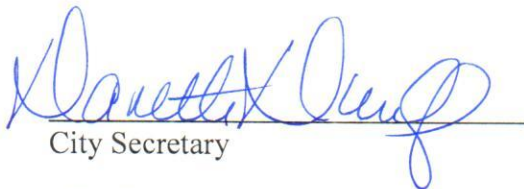
**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS THAT:**

**Section 1.** The City hereby specifically approves the Financing and the Project (as defined in the Public Notice) solely for the purpose of satisfying the requirements of section 147(f) of the Code; provided that the City shall have no liabilities for the payment of any of the Loan Payments nor shall any of the City's assets be pledged to secure the payment of the Loan Payments.

**Section 2.** This Resolution shall become effective immediately upon its passage.

ADOPTED AND APPROVED this the 25th day of April, 2013.

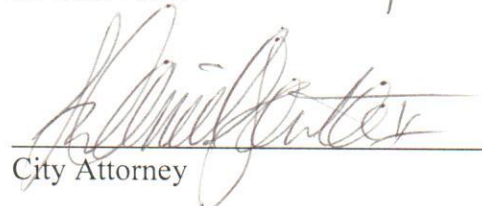
ATTEST:

  
\_\_\_\_\_  
City Secretary

(City Seal)

  
\_\_\_\_\_  
Mayor

APPROVED:

  
\_\_\_\_\_  
City Attorney