

RESOLUTION # 13-2013

**RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING
FINANCING BY THE AMES HIGHER EDUCATION
FACILITIES CORPORATION FOR THE BENEFIT OF
ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.**

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

WHEREAS, the Ames Higher Education Facilities Corporation ("*Corporation*") is a nonprofit corporation created by the City of Ames, 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 Abilene Christian University (the "*Borrower*") to assist it (A) refinancing the Stamford Higher Education Facilities Corporation Revenue Improvement and Refunding Bonds (Abilene Christian University Project) Series 1998 which bonds financed and refinanced educational and housing facilities, including the Teague Special Events Center and the renovation of dormitories and academic buildings, and the purchase of technology equipment; (B) financing the cost of capital improvements to campus facilities including, but not limited to, renovation of a loop chiller system and upgrades to HVAC and ventilation systems; all the foregoing located or to be located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79699 (collectively, 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 Compass 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 \$15,000,000 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 13th day of June, 2013.

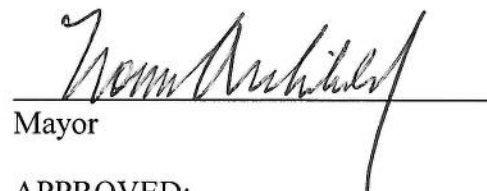
ATTEST:



City Secretary

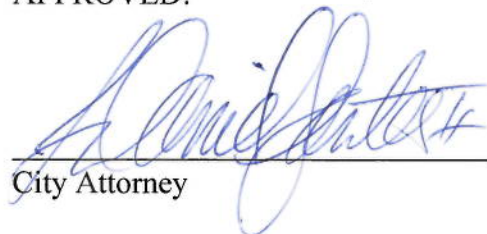
(City Seal)





Mayor

APPROVED:



City Attorney