RESOLUTION # 36-2014

RESOLUTION RELATING TO A PUBLIC HEARING AND APPROVING FINANCING FOR THE BENEFIT OF ABILENE CHRISTIAN UNIVERSITY AND RELATED MATTERS.

THE STATE OF TEXAS

COUNTY OF TAYLOR

CITY OF ABILENE

WHEREAS, the City of Abilene, Texas (the "City") has been informed that Abilene Christian University (the "Borrower") will entering into loans from one or more banks (the "Bank") to one or more cultural or education facilities corporation (the "Corporation") created pursuant to Article 1528m, Vernon's Texas Civil Statutes, or Chapter 53A of the Texas Education Code ("State Law"), in the maximum aggregate principal amount of \$45,000,000 and proposed loans from the Corporation to Abilene Christian University (the "Borrower") in the same amount (collectively, the "Loans") to assist it in financing on a tax-exempt basis (the "Financing");

WHEREAS, the Corporation is authorized by State Law to provide financing for cultural and/or educational facilities by contractual arrangement, and the Loans among the Borrower, the Corporation and Bank constitutes contractual arrangements in which the Corporation is authorized by State Law to participate in;

WHEREAS, The Loans are being made pursuant to a plan of finance for the purpose of (a) financing the cost of construction and renovation of campus facilities, including (i) the Bennett Gymnasium, (ii) a new track and soccer stadium, (iii) the Onstead Science Center, (iv) the Hardin Administration Building, (v) the Zona Luce Building, (vii) the Halbert-Walling Research Center, and (viii) street and sidewalks, all located on the Borrower's campus at 1600 Campus Court, Abilene, Texas 79601; and (b) paying certain expenses in connection with the issuance of the Loans (collectively, the "Project").

WHEREAS, the Borrower has agreed to make payments in amounts sufficient to pay loan payments required to be made under the Loans (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 <u>Exhibit B</u> 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 18th day of December, 2014.

ATTEST:

City Secretary

Mayor

(City Seal)

APPROVED:

rom Militer

'City Attorney