

**RESOLUTION NO. R-2012-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS APPROVING THE FIRST AMENDMENT TO TEXAS MUNICIPAL LEASE-PURCHASE AGREEMENT NO. 5823 AND RELATED MATTERS.**

**WHEREAS**, the City of Tyler ("Lessee") has entered into the **FIRST AMENDMENT TO TEXAS MUNICIPAL LEASE-PURCHASE AGREEMENT NO. 5823** (the "First Amendment") with GOVERNMENT CAPITAL, as Lessor, as assigned to SOUTHSIDE BANK ("Lessor") and the CITY OF TYLER, as Lessee (the "Lease") and proposes to enter into the Lease with the intent that the interest portion of the Lease Payments (as defined in the Lease) therefor, in an amount not to exceed 2.18% per annum, be excluded from gross income for federal income tax purposes, and to make payments, as set forth in Exhibit A attached hereto, sufficient to pay both the principal and interest portion of the Lease Payments under the Lease; and

**WHEREAS**, the First Amendment to Texas Municipal Lease-Purchase Agreement No. 5823 has been presented to this meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

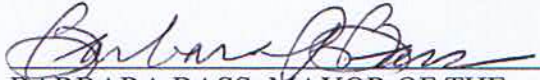
**Part 1.** The City Council agrees to enter into the First Amendment to Texas Municipal Lease-Purchase Agreement No. 5823.

**Part 2.** That any one or more of the Authorized Officers of the Lessee listed in Section 3 below be, and each of them hereby is, authorized to execute, acknowledge and deliver in the name and on behalf of Lessee to Lessor the First Amendment including all attachments, financing statements and schedules thereto, such First Amendment to be in substantially the form presented to this meeting with such changes as the signing officer shall determine to be advisable. Further, said Authorized Officers are authorized to execute, acknowledge and deliver in the name and on behalf of the Lessee any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such First Amendment; the execution thereof by any such Authorized Officer shall be conclusive as to such determination.

**Part 3.** That for the purpose of this resolution, the persons signing this document are "Authorized Officers" duly authorized to enter into the transaction contemplated by this resolution in the name and on behalf of Lessee.

**Part 4.** That this Resolution shall become effective upon its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL** of the City of Tyler this 11<sup>th</sup>  
day of January, 2012.

  
BARBARA BASS, MAYOR OF THE  
CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK

  
GARY C. LANDERS, CITY ATTORNEY





THE STATE OF TEXAS

COUNTY OF SMITH

I, Cassandra Brager, City Clerk of the City of Tyler, Texas do hereby certify that the above and foregoing is a true and correct copy of Resolution Number R-2012-1 passed by the City of Tyler City Council on this 11<sup>th</sup> day of January, 2012.

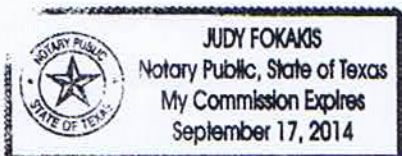


  
Cassandra Brager  
City Clerk

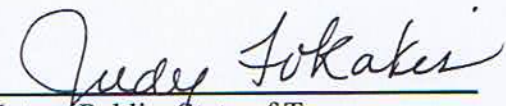
THE STATE OF TEXAS  
COUNTY OF SMITH

BEFORE ME, the undersigned authority, on this day personally appeared CASSANDRA BRAGER, City Clerk of the City of Tyler, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office this 24th day of January, 2012.



(Notary Seal)

  
Notary Public, State of Texas  
My commission expires: 9/17/14