

RESOLUTION NO. R-2013-19

**A RESOLUTION AUTHORIZING THE ISSUANCE OF A
TAX EXEMPT FINANCING BY THE CRAWFORD
EDUCATION FACILITIES CORPORATION FOR
CUMBERLAND ACADEMY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City of Crawford, pursuant to the provisions of Chapter 53 of the *Texas Education Code*, as amended (the "Act"), approved and created the Crawford Education Facilities Corporation (the "Crawford Corporation") as a nonprofit corporation to exercise the powers enumerated and provided in the Act for and on behalf of the City of Crawford; and

WHEREAS, pursuant to the provisions of the Act, the Crawford Corporation may issue revenue bonds or other obligations to provide funds for any of its purposes including financing or refinancing costs to acquire, construct, enlarge, extend, repair, renovate, or otherwise improve "educational facilities" or "housing facilities" for educational institutions, including Cumberland Academy, a Texas nonprofit corporation and open enrollment charter school (the "School"), and regardless if such facilities are located within or without the city limits of the City of Crawford; and

WHEREAS, the School is requesting the Crawford Corporation to issue a tax exempt financing (the "Financing") for the benefit of the School; and

WHEREAS, the Financing shall be evidenced by one or more series of tax exempt notes or other evidence of indebtedness; and

WHEREAS, the Financing shall be issued by the Crawford Education Facilities Corporation in an amount not to exceed \$10,000,000, with the proceeds of the financing to be used by the School to acquire a facility to be used as an intermediate school campus located at 1040 Shiloh Road, Tyler, Texas, including a building containing classroom space, a gymnasium, cafetorium, and administrative space (the "Project"); and

WHEREAS, the Financing will be payable solely from revenues derived by the Crawford Corporation from the School pursuant to provisions of a Loan Agreement between the Crawford Corporation and the School and other applicable documents being entered into by the Crawford Corporation in connection with the issuance of the Financing, and the City of Tyler, Texas, will have no responsibility in any manner for the payment of the debt service requirements of the Financing; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires the City Council of the City of Tyler or the Mayor of the City (as the "applicable elected representative" of the "Government unit" where the Project is located) to approve the issuance of the Financing after a public hearing has been held as provided in the next paragraph herein; and

WHEREAS, on August 14, 2013, a public hearing was held by this City Council, with respect to the Financing and the related Project, and notice of such public hearing was published in a newspaper of general circulation in the City of Tyler at least 14 days prior to such public hearing; and

WHEREAS, the documents authorizing issuance of the Financing shall contain wording stating that the Financing imposes no liability on the City of Tyler, its officials, officers, or employees; and

WHEREAS, it is hereby deemed necessary and advisable that this Resolution be adopted;

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

PART 1: That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Resolution.

PART 2: That in order to satisfy the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirements of the Act, the City of Tyler hereby approves the issuance of the Financing described above in an aggregate principal amount not to exceed \$10,000,000 in order to obtain funds for the School to finance or refinance the Project. Proceeds of the Financing may also be used for paying certain expenses in connection with the issuance of the Financing, all pursuant to the requirements of the Act and other applicable laws.

PART 3: That this Resolution shall become effective immediately upon its adoption.

PART 4: That this approval in no event shall make the City of Tyler liable in any manner whatsoever with regard to the Financing or with regard to the Project to be financed with the proceeds of the Financing.

PART 5: That this approval is given for the limited purpose of satisfying any requirements of the Act and Section 147(f) of the Code, and this approval does not apply to any other legal requirements applicable to the Project, including but not limited to building code laws or zoning laws.


PART 6: That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED on this the 14th day of August, 2013.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

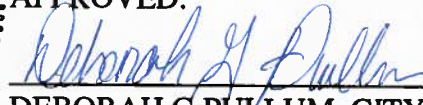
ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM, CITY ATTORNEY