

**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, the City of Houston Higher Education Finance Corporation, created by the City of Houston, Texas, has adopted a resolution authorizing the issuance of a loan not to exceed \$90,000,000 to Cosmos Foundation, Inc., as authorized under Chapter 53, Texas Education Code, for the purpose of the financing or refinancing the cost of acquisition, construction, repair, renovation, remodeling, or improvement of the following educational facilities:

- Harmony School of Excellence, 2100 E. St. Elmo Road, Austin, TX 78744;
- Harmony School of Science, 11800 Stonehollow Drive, Austin, TX 78758;
- Harmony School of Political Sciences and Communication, 13175 Research Blvd., Austin, TX and corner of FM620 Road and Lake Creek Parkway, Austin, TX;
- Harmony Science Academy-Austin, 930 E. Rundberg Ln., Austin, TX 78753; and
- Harmony Science Academy-North Austin, 1421 Wells Branch Pkwy, Suite 200, Pflugerville, Texas 78660.

**WHEREAS**, Section 147(f) of the United States Internal Revenue Code of 1986, as amended, requires the City of Houston Higher Education Finance Corporation, as the Conduit Issuer, to obtain the approval of the City of Austin as the local jurisdiction wherein the educational facilities indicated above are situated before the loan can be made, and

**WHEREAS**, the City Council is informed that the requisite public hearing was held by the City of Houston Higher Education Finance Corporation on April 12, 2011, at 10:00 a.m. CDT at the offices of Andrews Kurth LLP, 600 Travis, Suite 4200, Houston, Texas 77002, regarding the issuance of the loan;  
**NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Section 1. The City Council gives its approval for the City of Houston Higher Education Finance Corporation to issue a loan to Cosmos Foundation, Inc. for the purpose of financing or refinancing the cost of acquisition, construction, repair, renovation, remodeling, or improvement of the educational facilities (Project), located at:

- Harmony School of Excellence, 2100 E. St. Elmo Road, Austin, TX 78744;
- Harmony School of Science, 11800 Stonehollow Drive, Austin, TX 78758;
- Harmony School of Political Sciences and Communication, 13175 Research Blvd., Austin, TX and corner of FM620 Road and Lake Creek Parkway, Austin, TX;
- Harmony Science Academy-Austin, 930 E. Rundberg Ln., Austin, TX 78753; and
- Harmony Science Academy-North Austin, 1421 Wells Branch Pkwy, Suite 200, Pflugerville, Texas 78660.

Section 2. The Mayor and City Clerk are authorized and directed to take any action and to execute and deliver any documents that are necessary or advisable to comply with the terms and intent of this Resolution and the financing transaction.

Section 3. Nothing in this Resolution shall be construed to create any obligation whatsoever of the City with respect to the repayment of the financing for the Project. The financing shall never constitute an indebtedness or pledge of the City within the meaning of any constitutional or statutory provision, and the financing shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any other revenues of the City.

Section 4. This Resolution is adopted solely to approve the financing. This Resolution does not constitute an approval by the City of any other aspect of the Project. In particular, but without limiting the foregoing, this Resolution does not constitute zoning approval, approval of any building permit, or any other approval required by the City in regard to the Project other than approval of the financing.

**ADOPTED:** \_\_\_\_\_, 2011

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk