

## **RESOLUTION NO. 2025-R02**

### **RESOLUTION AUTHORIZING THE BOERNE PUBLIC FACILITY CORPORATION TO USE AND/OR TRANSFER FUNDS TO THE CITY OF BOERNE TO SUPPORT THE DEVELOPMENT OF THE FOLLOWING PUBLIC PURPOSES: APPROXIMATELY \$500,000 FOR CITY SIDEWALKS; APPROXIMATELY \$1,000,000 FOR DOWNTOWN PARKING FACILITIES; APPROXIMATELY \$1,500,000 FOR THE WATERWORKS TERRACE PROJECT; AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City Council of the City of Boerne, Texas (the “City”), has, pursuant to the Texas Public Facility Corporation Act, Chapter 303, Texas Local Government Code, as amended (the “Act”), approved and created the Boerne Public Facility Corporation, a nonstock, nonprofit public facility corporation (the “Corporation”);

WHEREAS, the Corporation, on behalf of the City, is empowered to finance the costs of or otherwise provide for the acquisition, construction, and placement in service of public facilities for residents of the City, among other things (the “Purposes”);

WHEREAS, the City has proposed the development of (i) sidewalks located in the City (the “Sidewalks”) (ii) parking facilities located in the downtown district of the City (the “Parking Facility”), and (iii) the Waterworks Terrace Parks Project located at West Blanco Road and West San Antonio Avenue in the City (“Waterworks Terrace”, together with the Sidewalks and Parking Facility, collectively, the “Facilities”);

WHEREAS, all of the Facilities will be open for use by the residents of the City;

WHEREAS, the Corporation has unallocated funds that may be used in furtherance of its Purposes;

WHEREAS, the City has proposed approximately \$500,000 for the development of the Sidewalks, approximately \$1,000,000 for the development of the Parking Facility, and approximately \$1,500,000 for the development of Waterworks Terrace;

WHEREAS, the Board has determined that it is in the public interest and to the benefit of the citizens and residents of Boerne for the various entities to enter into the transactions described above so that the Facilities may be developed;

WHEREAS, this Board of Directors has reviewed the foregoing and determined that the action herein authorized is in furtherance of the Purposes of Corporation;

**BE IT THEREFORE RESOLVED BY THE BOARD OF DIRECTORS OF THE BOERNE PUBLIC FACILITY CORPORATION, THAT:**

Section 1. The Corporation is authorized to use, grant and/or transfer to the City approximately \$500,000 for the development of the Sidewalks, approximately \$1,000,000 for the

development of the Parking Facility, and approximately \$1,500,000 for the development of Waterworks Terrace.

Section 2. The President, any Vice President, the Secretary, the Treasurer, any Assistant Secretary, or any of them, are hereby authorized to execute any and all documentation required or reasonably requested for the funds to be used to develop the Facilities.

Section 3. The President, any Vice President, the Secretary, the Treasurer, and any Assistant Secretary, or any of them, and, if required by the form of the document, the Secretary and any Assistant Secretary, or any of them, of Corporation are authorized and directed to modify, execute and deliver any of the documents to be signed by or consented to by Corporation, and any and all certificates and other instruments necessary to carry out the intent thereof and hereof. The President, any Vice President, the Secretary, the Treasurer, and any Assistant Secretary, or any of them, are authorized to negotiate and approve such changes in, or additions to, the terms of any of the documents, including amendments, renewals, and extensions, as such officers shall deem necessary or appropriate upon the advice of counsel to Corporation, and approval of the terms of any of the documents by such officers and this Board shall be conclusively evidenced by the execution and delivery of such documents.

Section 4. The officers of this Board, or any of them, are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

Section 5. If any section, paragraph, clause, or provisions of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Board.

Section 7. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. This Resolution shall be in force and effect from and after its passage.

PASSED and APPROVED on this the 12 day of August, 2025.

APPROVED:

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President/Chairman

ATTEST:

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Assistant Secretary