

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

**A RESTATED RESOLUTION OF THE CITY OF KYLE, TEXAS,  
AUTHORIZING AMENDMENT NUMBER 1 EXTENDING AND  
AMENDING CERTAIN PROVISIONS OF THE DEVELOPMENT  
AGREEMENT BETWEEN THE CITY OF KYLE, TEXAS, AND  
BLANCO RIVER INVESTMENTS, LTD., AUTHORIZING THE  
CITY MANAGER TO EXECUTE SUCH AMENDMENT;  
REPEALING PREVIOUS AMENDMENTS; MAKING FINDINGS  
OF FACT; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the City of Kyle previously approved a Development Agreement with BRI, dated 5/3/2016 (the "DA"); and,

**Whereas**, a resolution to authorize the DA extension was previously approved by city council on 5/2/2017 and is being repealed and restated by this resolution; and,

**Whereas**, the Property owners desire to extend certain provisions of the DA; and,

**Whereas**, the City desires to clarify certain provisions of paragraph 3.02; and,

**Whereas**, both parties agree to the Amendment to occur by letter and this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF KYLE, HAYS COUNTY, TEXAS, THAT:**

**Section 1. Findings.** The following recitals of this restated resolution are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Authorization.** The City Manager is hereby authorized to have extended by letter the terms of Paragraph 3.02 of the DA by two years from the effective date of this resolution, which shall be construed to have extended the rights of BRI under Section 3.02 prior to their expiration. Following the issuance of such letter by the City Manager, the time period specified in Paragraph 3.02 shall be interpreted to have been extended for two years from the effective date of this resolution.

**Section 3. Effective Date.** This Resolution shall take effect from and after the date of its passage as authorized by the Charter of the City of Kyle.

**Section 4. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

**FINALLY PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2017.**

**ATTEST:  
CITY OF KYLE, TEXAS**

**THE**

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Jennifer Vetrano, City Secretary

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R. Todd Webster, Mayor