

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, AUTHORIZING FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN CITY OF KYLE, TEXAS, AND LEHMAN FAMILY LIMITED PARTNERSHIP AND LEHMAN FAMILY TRUST DATED MAY 2015; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (the "City") initiated annexation for certain purposes in 2009 of property owned by Lehman Family Limited Partnership and Lehman Family Trust ("Owner"), and in response to Owner's request, City granted to Owner a Development Agreement subject to Section 43.035 (the "2009 Agreement") (City and Owner collectively referred to as, "Parties"); and

WHEREAS, due to changed circumstances, the Parties repealed the 2009 Agreement and entered into an Amended and Restated Agreement dated May 2015, that removed the applicability of Section 43.035, Texas Local Government Code, except for subsection (d) of Section 43.035, to the 2009 Agreement and making the Amended and Restated Agreement pursuant to only Section 212.172, Texas Local Government Code (the "2015 Agreement"); and

WHEREAS, Lehman Family Limited Partnership and Lehman Family Trust conveyed 83.3633 acres, more or less, to Jansen Equipment, Inc. and as described in Warranty Deed, dated April 26, 2012, and of record at Volume 4335, Page 868, Official Public Records, Hays County, Texas; and

WHEREAS, due to further changed circumstances, the Parties now wish to amend the 2015 Agreement to extend the term of the Agreement for an additional 15 years from the Effective Date of this Amendment so that the term of the 2015 Agreement will now expire on May 5, 2032.

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

Section 1. Finding of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated as findings of fact.

Section 2. Amendment Approved. The City Council hereby approves the First Amendment to the Amended and Restated Development Agreement, attached hereto as Exhibit "A", and authorizes the Mayor to execute said First Amendment.

Section 3. Open Meetings. 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, Loc. Gov't. Code.

FINALLY PASSED AND ADOPTED on this ____ day of _____, 2017.

CITY OF KYLE, TEXAS

BY: _____
R. Todd Webster, Mayor

ATTEST:

Jennifer Vetrano, City Secretary