

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT, PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE, AND PURSUANT TO THE CITY'S ECONOMIC DEVELOPMENT POLICY, WITH BEN INVESTMENTS LLC, OWNER OF THE PROPERTY LOCATED AT 147 SOUTH ELM STREET, KELLER, TEXAS, FOR A CITY OF KELLER FAÇADE IMPROVEMENT GRANT, IN AN AMOUNT NOT TO EXCEED \$10,000 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID DOCUMENTS ON BEHALF OF THE CITY OF KELLER, TEXAS.

WHEREAS, the City of Keller, Texas is committed to the revitalization of the entire City of Keller; and

WHEREAS, in order to promote renovation and development in Keller, the City of Keller approved Resolution No. 4371, on June 01, 2021, approving the guidelines and criteria for the City of Keller Façade Improvement Grant Program; and

WHEREAS, BEN Investments LLC, owner of the property located at 147 South Elm Street, Keller, Texas (the "Grantee"), by entering into this Chapter 380 Agreement (the "Agreement"), pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy (the "Policy"), desires to make façade improvements on certain property, located at 147 South Elm Street, Keller, Texas (the "Property"); and

WHEREAS, the City of Keller, Texas has concluded and hereby finds that said Agreement attached hereto as Exhibit "A", clearly promotes economic development in the City, and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code, the Policy, and further, it is in the best interest of the City; and

WHEREAS, the Owner has applied to the City for economic incentives, including those which are described in said Agreement; and

WHEREAS, the Owner understands and agrees that: (a) in granting, renewing, or extending any economic incentives, the City is relying on Owner's representations, warranties, and agreements, as set forth and provided for in said Agreement; and (b) renewing or extending of any economic incentive by the City at all times shall be subject to the City's sole judgment and discretion; and (c) any such economic incentive shall be and shall remain subject to the terms and conditions of said Agreement.

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

Section 1: THAT the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the City Council of the City of Keller, Texas, hereby approves a Chapter 380 Economic Development Program Agreement, attached hereto as Exhibit "A", pursuant to Chapter 380 of the Texas Local Government Code, and pursuant to the City's Economic Development Policy, with BEN Investments LLC, owner of the property located at 147 South Elm Street, Keller, Texas, for a City of Keller Façade Improvement Grant, in an amount not to exceed \$10,000; and further authorizes the City Manager to execute said documents on behalf of the City of Keller, Texas.

AND IT IS SO RESOLVED.

Passed by a vote of \_\_\_ to \_\_\_ on this the 16<sup>th</sup> day of January 2024.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

Attest:

\_\_\_\_\_  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

\_\_\_\_\_  
L. Stanton Lowry, City Attorney