

Exhibit A

ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (Chapter 380 Agreement) AMENDMENT #1

This Amendment #1 to the ECONOMIC DEVELOPMENT PROGRAM AGREEMENT (“Agreement”) is entered into by and between the CITY OF KELLER, TEXAS (the “City”), a home rule municipal corporation organized under the laws of the State of Texas, and KCS Hospitality Group, Ltd. (the “Grantee”). The City and Grantee are collectively referred to as the “Parties”.

RECITALS

WHEREAS, KCS HOSPITALITY GROUP LTD., (the “GRANTEE”) was awarded a Chapter 380 Economic Development Program Agreement (the “AGREEMENT”) by the City Council of the City of Keller (the “CITY”) on May 3, 2022 to construct and lease three, seven thousand square foot restaurant buildings located at 1280 North Main Street on 5.37 acres known as Lot 8, Block A, Center Stage Addition, Keller, Texas (the “Property”); and

WHEREAS, the deadline to obtain a building permit within one year of the Effective Date of the Agreement, or by May 16, 2023 was not achievable by the Grantee despite working diligently in trying to commence construction of the restaurants; and

WHEREAS, the Grantee submitted a written request of extension of the Agreement on May 10, 2023 with a new set of deadlines to obtain a building permit and substantially complete improvements; and

WHEREAS, the City desires to extend the deadlines to obtain a building permit and substantially complete improvements; and

NOW, THEREFORE, in consideration of the mutual benefits and premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

Amend the following sections of the Chapter 380 Economic Development Agreement:

Section 4.1 (a) – Change date to May 16, 2024.

Section 4.1 (b) – Change date to August 16, 2025.

All other terms and conditions of the Agreement not hereby amended shall remain in full force and effect.

The City and Grantee hereby agree that the recitals set forth above are incorporated herein and are true and correct and form the basis upon which the Parties have entered into this Amendment #2 of the Agreement.

EXECUTED and effective as of the date of the last authorized signature below:

The City of Keller, Texas

GRANTEE: KCS Hospitality Group, Ltd.

By: _____
Mark Hafner, City Manager

By: _____

Name: _____

Date: _____

Title: _____

Date: _____

Attest:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

By: _____
L. Stanton Lowry
City Attorney