

RESOLUTION NO. R2022-69

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT WITH THE HILL COUNTY CHILDREN'S ADVOCACY CENTER; AND AUTHORIZING THE MAYOR'S EXECUTION OF SAID INSTRUMENTS ON BEHALF OF THE CITY

Whereas, City and the Hill County Children's Advocacy Center entered into a Memorandum of Agreement, effective January 19, 2022, in which City agrees to provide grant funds budgeted from its Program Year 2022 Community Development Block Grant CARES Act, Texas Community Resiliency Program Fund contract to construct a facility improvements project on behalf of the Organization benefitting the clientele served by Organization; and

Whereas, an amendment to the Memorandum of Agreement is necessary so the terms required by the Texas Department of Housing & Community Affairs legal counsel can be made part of the Memorandum of Agreement

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

Section one. Amendment Approved. The First Amendment to Memorandum of Agreement attachment hereto and incorporated by reference herein for all purposes is hereby approved.

Section two. Authorization. The mayor is hereby authorized to execute an instrument in substantial form as the attachment hereto and take such further action as may be reasonably necessary to facilitate the purpose of this resolution.

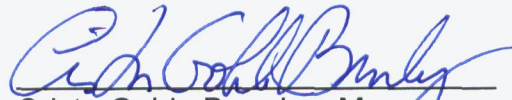
Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section four. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.


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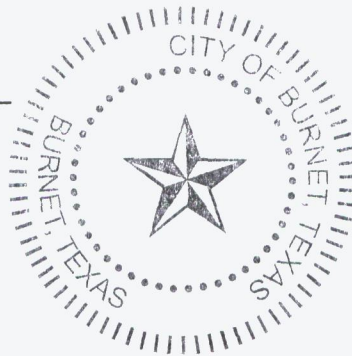
PASSED AND APPROVED this the 13th day of September 2022.

CITY OF BURNET, TEXAS


Crista Goble Bromley, Mayor

ATTEST:


Kelly Dix, City Secretary



STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF BURNET §

FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT

THIS FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT ("*Amendment*") is entered into by and between **City of Burnet** a Texas home rule municipality ("*City*") and the Hill County Children's Advocacy Center, a Texas non-profit organization ("*Organization*").

RECITALS

Whereas, City and Organization entered into that certain Memorandum of Agreement, effective January 19, 2022 ("*Agreement*"), in which City agrees to provide grant funds budgeted from its Program Year 2022 Community Development Block Grant CARES Act, Texas Community Resiliency Program Fund contract to construct a facility improvements project on behalf of the Organization benefitting the clientele served by Organization; and

Whereas, the Parties wish to amend the Agreement to include terms required by the Texas Department of Housing & Community Affairs legal counsel.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which City and Organization acknowledge, and the mutual benefits to be derived by the Parties from this Amendment, City and Organization agree as follows:

- (I) **Amendment.** The Agreement is amended by adding language after the last paragraph therein to read as follows:

The parties further agree as follows:

- (a) The project site is described as the Replat of Lots 10, 11 and 12 of the Kincheloe Addition, Burnet, Burnet County, Texas ("*Property*").
- (b) During construction of the Project the City shall lease the Property from the Organization for the nominal rent of one dollar per year.
- (c) At all times during the construction of the Project, the Texas Department of Housing & Community Affairs shall have unfettered access to the Property for inspection purposes.
- (d) After the closeout of the grant, and for a period of five years thereafter, use of the Property shall be restricted to only such uses that meet the CDBG National Objective and Eligible Activity requirements.

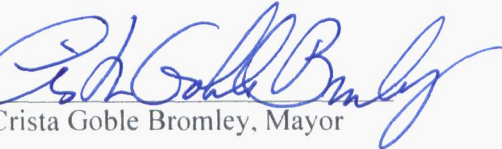
- (II) **Binding.** This First Amendment is binding upon and shall inure to the benefit of the parties and their prospective successors and assigns; and shall remain binding on the Parties until the expiration of the five-year period stated in subsection (I)(d) above.

(III) Counterparts. This First Amendment may be executed and delivered in one or more counterparts. Transmission of this First Amendment by telecopy shall be deemed transmission of the original First Amendment for all purposes.

(IV) Full Force and Effect. In all other respects, the Agreement shall continue in full force and effect, unmodified except to the extent provided herein, and City and Organization hereby Ratify and Affirm the same.

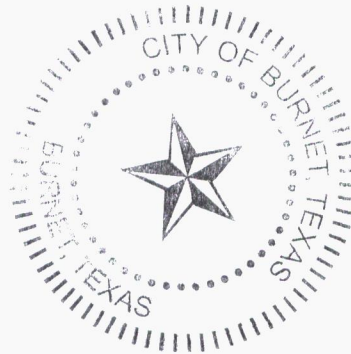
This First Amendment to be effective as of September 13, 2022.

City of Burnet

By: 
Crista Goble Bromley, Mayor

Attest:


By: 
Kelly Dix, City Secretary



Hill County Children's Advocacy Center

By: 
Wade Langley, Board President

Attest:

By: 
Paul Nelson, Board Secretary