



**CITY OF OLATHE, KANSAS**  
**APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS**  
**(IRB)**  
*New Business to Olathe*

*This application is submitted in conformance with the city's tax abatement policy. It is understood that the city may require in lieu payments for property which becomes tax exempt. The attached sheet(s), if any, are submitted as Exhibit A of this application. This application must be submitted within sufficient time to meet procedural requirements of the abatement policy, (refer to the tax abatement calendar).*

**A non-refundable \$4,000 application / filing fee must accompany this application. The IRB application review process will not start until the application in full is received. If bonds are issued, the City will require an issuance fee of .0025 of the first \$40 million of bonds issued plus .0020 of the amount of bonds issued in excess of \$40 million (issuance fee shall not be less than \$2,500 or more than \$250,000). For warehouse distribution or logistics-type projects the City will require an issuance fee of .0030 of the par amount of bonds being issued (which amount shall not be less than \$2,500 or more than \$250,000). Additionally, the applicant shall be responsible for bond counsel fees, trustee fees and other fees associated with the issuance of the bonds. See Section 6 of Resolution No. 22-1080 and contact Bond Counsel for a more detailed explanation of the fees.**

**Commercial Reposition Partners 17, LLC and assigns**

***Applicant's Name***

**mconnor@denmarkcorp.com**

***Applicant's Email Address***

***Telephone Number***

**270 Saint Paul St Ste 200, Denver, CO 80206**

***Applicant's Address***

**Mark Connor, Authorized Signatory**

***Name and Title of Responsible Officer/Contact***

***Telephone Number***

***Address (if other than corporate address)***

**Curtis Petersen, Polsinelli PC**

***Attorney for Applicant***

**cpetersen@polsinelli.com**

**913-234-7458**

***Attorney's Email Address***

***Telephone Number***

**900 W. 48th Place, Suite 900, Kansas City, MO 64112**

***Attorney's Address***

**Applicant will purchase Bonds.**

***Bond Purchaser/Underwriter for Applicant***

**Same as above.**

***Bond Purchaser/Underwriter's Address***

***Telephone Number***

**Same as above.**

***Bond Counsel for Applicant***

**Same as above.**

***Bond Counsel's Address***

***Telephone Number***

## I. BUSINESS INFORMATION

A. In what line or lines of business is the applicant engaged?

Real estate acquisition, development, and management.

B. Is the applicant (or its parent) a proprietorship, partnership, or corporation (LLC)?

Corporation (LLC)

C. Year and State of incorporation 2022 / Colorado

If proprietorship, partnership, or close corporation, list the names of owners and the approximate amounts owned by each of its principal stockholders.

D. List the names and titles of the officers of the applicant firm:

Available upon request.

E. Are you pursuing an other incentives offered by another government entity? No  
If yes, please indicate below what the other incentives are.

## II. THE PROJECT

Briefly describe the nature of the proposed project, including information as to the structure itself (size of building, amount of land to be purchased, etc.), whether it is an expansion of an existing facility or the construction of a new facility, and what products or services are to be manufactured or provided there.

Construct business park (flex office and industrial) consisting of approximately seven buildings totaling approximately 2,200,000 SF and commercial space in one or more buildings consisting of approximately 60,000 SF on an approximately 145.78 +/- acre site located on the NEC of Lone Elm Road and 175th Street along with all associated site work and infrastructure.

### A. Approximate amount requested for:

Land (Attach a legal description of property as <u>Exhibit A</u> )	\$ 23,200,000
Building	\$ 477,000,000
Machinery and Equipment	\$ 134,000,000
Pollution Control Facilities	\$
Other Costs*	\$ 35,800,000
Total	\$ 670,000,000

### \* State other costs:

Contingency, design, etc.

### B. Does the applicant, or its parent, presently have offices or industrial facilities located in Olathe, Kansas?

No ☒ If yes, please describe below.

### C. Will you be relocating from your existing Olathe facilities to new facilities constructed by this project?

No \_\_\_\_\_ If yes, what will you be doing with your existing facilities after relocating?

D. Where is the location of the project?

NEC of Lone Elm Road and 175th Street.

E. Is the prospective location properly zoned? No ☐

If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:

Rezoning application will be filed shortly. Site is currently zoned rural, but will need to be rezoned to industrial/commercial.

F. Describe the type of buildings to be constructed and type of machinery and equipment to be financed:

Business park (flex office and industrial) consisting of approximately seven buildings totaling approximately 2,200,000 SF and commercial space in one or more buildings consisting of approximately 60,000 SF.

G. Will the applicant be in direct competition with other local firms? No ☐

If yes, name the firms and describe the nature of the competition:

H. Are adequate public streets and utilities available to the proposed site? Yes

I. Specify if unusual demands for water and sewer will be made:

City is providing sanitary sewers per Annexation Agreement

J. Per the City IRB policy, an applicant is required to use City of Olathe solid waste service upon the start of the abatement period. Please indicate that you understand this requirement by answering yes: Yes

If you have a current existing contract with another contractor, please indicate below when that will expire. If you have any extenuating circumstances that would result in the City not being able to adequately serve your needs, please indicate those below:

K. What percentage of usable floor space will be occupied by applicant? 0%

What percentage will be occupied by other occupants? 100% If known, indicate each occupant below:

TBD

L. Name and address of construction contractor and/or architect:

Phelps Engineering

M. How many persons will be employed at the project? See firm data sheet.

Will this project represent an increase in employment opportunities in Olathe, Kansas? Yes

**\* Please complete Appendix I on page 10.**

N. Briefly describe the approximate number of persons to be employed by the project at all levels.

(e.g. - management, office, skilled and unskilled):

See Firm Data Sheet.

O. What dollar amount and percentage of the applicant's total projected annual sales for the next ten (10) years, is expected to be generated by the project?

Less than 5%.

P. What percentage of sales will be sold locally? N/A Is this percentage increasing, decreasing, or remaining stable from the current trend? Increasing

Q. What is the estimated annual amount of merchandise and services purchased locally by the applicant?

N/A

R. Is there likelihood for expansion of the proposed facility within three (3) years? No

If such expansion is contemplated, please describe below:

Each of the seven building in the business park and commercial space are anticipated to be constructed at different times.

### III. FINANCING

A. Have arrangements been for the marketing of the bonds? No

**If yes, please proceed to answer 1 - 7.**

**If no, please proceed to answer 8 - 12.**

1. Describe interest rate structure and term of bonds below:

2. Will the applicant pledge any assets other than the project itself to secure the bonds?
3. Will a bond and interest reserve be provided for? No If yes, state amount and source of funding.
4. Does the applicant have any major contractual arrangements that would tend to assure, or be a detriment to, the successful financing and marketing of the proposed bonds? No If yes, describe below:
5. Has a bond underwriter determined whether or not the bonds are marketable? No  
If yes, describe its determination below:
6. Indicate whether bonds will be publicly or privately placed. Privately
7. Does the applicant, or its parent, intend to purchase all or any part of the proposed bond issue?  
Applicant will purchase all bonds.
8. What portion of the project will be financed from funds other than bond proceeds, and what is the source of such funds?  
Project will be 100% privately financed, with IRBs reimbursing costs of land acquisition, construction, and FF&E.
9. What will be the applicant's equity investment? Please describe:  
TBD.
10. Has the applicant considered conventional financing? Yes

11. Indicate name of primary officer, institution name, and address of trustee and/or fiscal agent.

BOKF, Wendee Peres, 2405 Grand Boulevard, Suite 840 Kansas City, Missouri 64108

12. Proposed date of issuing bonds:

Issuances requested for each building as constructed.

B. List below previous participation in IRB financing:

None in Olathe, KS.

**Prior to the contractor starting construction on the project, the applicant shall notify the City Clerk whether or not to proceed with an application for a sales tax exemption from the state of Kansas. Prior to, or at completion, of the project, the applicant shall inform the City Clerk to proceed with the issuance of the industrial revenue bonds and filing with the state board of tax appeals for a tax abatement on the project.**

## V. TAXES

A. What is the requested tax abatement term in years? 10 Percentage requested 80 %

B. If a Fixed PILOT payment is proposed for the project, please outline proposed structure:

Applicant wishes to establish a master IRB resolution of intent that contemplates approximately 2,200,000 SF of flex office/warehousing space located in approximately six buildings and commercial space in one or more buildings of approximately 60,000 SF. With each individual issuance for any of the flex office/warehouse buildings, Applicant would like the option to fix the PILOT at 80% of the then comparable market value. Applicant is only requesting use of the IRBs on the commercial space for purposes of obtaining a project exemption certificate for sales tax exemption on eligible purchases.

- C. Under normal circumstances, the City will require payment in lieu of payments for property which becomes tax exempt. If tax abatement is requested, please describe special features or benefits of the project, which would justify tax abatements at the requested percentage and term. Include information about other local revenues associated with the project, such as sales taxes and franchise fees.



## VI. CERTIFICATION OF APPLICANT

Applicant understands and agrees to pay all fees described on Page 1 of this application.

Applicant agrees to comply with the provisions of Chapter 2.82 of the Olathe Municipal Code (the "Code") regarding Public Art for the Project, or to pay the necessary payment to the City's Public Art Fund. Applicant agrees to comply with Section 2(D) of Policy No. F-5, Resolution 22-1080.

It is understood that a performance agreement shall be required, as set forth in the City's tax abatement policy, for applications requesting tax abatement. I hereby swear that the foregoing and attached information dated this 1<sup>st</sup> day of May 2025, is true and correct to the best of my knowledge.

Applicant understands that the City reserves the right to ask for additional financial information, including, but not limited to financial reports, credit ratings, shareholder reports, on-going litigation information and proforma statements.

Signed \_\_\_\_\_  
*Name*

By <sup>Authorized Signatory</sup> \_\_\_\_\_  
*Title of Responsible Officer*

APPENDIX I\*

EMPLOYMENT INFORMATION

APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS

State law requires a fiscal impact analysis be performed prior to the issuance of a tax abatement. Information provided in sections below of Appendix I is essential in order for the city to meet this requirement.

Current number of employees at firm’s present site.

See Firm Data Sheet

Occupational Classification	Total	Average Starting Wage	Average Maximum Wage	Number By County of Residence *
See Firm Data Sheet				Johnson
				Other
				Johnson
				Other
				Johnson
				Other
				Johnson
				Other
				Johnson
				Other
				Johnson
				Other

## **EXHIBIT A**

Insert or attach here:

ALL OF THE SOUTHWEST QUARTER (SW  $\frac{1}{4}$ ) OF SECTION TWENTY-THREE (23), TOWNSHIP FOURTEEN (14), RANGE TWENTY-THREE (23), IN JOHNSON COUNTY, KANSAS, EXCEPT THAT PART IN STREETS AND ROADS, AND EXCEPT THE FOLLOWING PARCELS, TO WIT:

A) BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH ONE-HALF (N  $\frac{1}{2}$ ) OF THE SOUTHWEST QUARTER (SW  $\frac{1}{2}$ ) OF SECTION TWENTY-THREE (23), TOWNSHIP FOURTEEN SOUTH (14S), RANGE TWENTY-THREE EAST (23E); THENCE EAST 660 FEET; THENCE NORTH 330 FEET; THENCE WEST 660 FEET; THENCE SOUTH 330 FEET TO THE POINT OF BEGINNING.

B) A TRACT OF LAND IN THE SOUTH ONE-HALF (S  $\frac{1}{2}$ ) OF THE SOUTHWEST QUARTER (SW  $\frac{1}{4}$ ) OF SECTION TWENTY THREE (23), TOWNSHIP FOURTEEN SOUTH (14S), RANGE TWENTY-THREE EAST (23E) OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH  $01^{\circ} 56'$  WEST, 81.5 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION; THENCE ON A CURVE OF 703.94 FEET RADIUS TO THE RIGHT, AN ARC DISTANCE OF 172.9 FEET WITH A CHORD WHICH BEARS SOUTH  $80^{\circ} 49'$  WEST 172.5 FEET; THENCE SOUTH  $87^{\circ} 51'$  WEST, 187.1 FEET; THENCE SOUTH  $66^{\circ} 03'$  WEST, 53.9 FEET; THENCE SOUTH  $02^{\circ} 09'$  EAST TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION, 408.0 FEET WEST OF THE PLACE OF BEGINNING; THENCE NORTH  $87^{\circ} 54'$  EAST ALONG SAID SOUTH LINE TO THE PLACE OF BEGINNING.

C) A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE ON AN ASSUMED BEARING OF NORTH  $00^{\circ} 36' 45''$  WEST, 350.00 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION; THENCE NORTH  $89^{\circ} 23' 15''$  EAST, 20.00 FEET TO THE EAST RIGHT OF WAY LINE OF A PUBLIC ROAD; THENCE SOUTH  $27^{\circ} 10' 39''$  EAST, 55.90 FEET; THENCE SOUTH  $07^{\circ} 01' 50''$  EAST, 101.04 FEET; THENCE SOUTH  $70^{\circ} 11' 31''$  EAST, 85.44 FEET; THENCE SOUTH  $89^{\circ} 47' 38''$  EAST, 600.08 FEET; THENCE NORTH  $89^{\circ} 15' 07''$  EAST, 1100.00 FEET; THENCE NORTH  $86^{\circ} 00' 07''$  EAST, 488.87 FEET; THENCE NORTH  $78^{\circ} 20' 43''$  EAST, 146.84 FEET; THENCE NORTH  $72^{\circ} 19' 31''$  EAST, 174.66 FEET TO A POINT ON THE EAST LINE 176.35 FEET NORTH OF THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH  $00^{\circ} 34' 47''$  EAST, 94.93 FEET ALONG SAID EAST LINE TO THE NORTH RIGHT OF WAY OF US 169 HIGHWAY; THENCE ON A CURVE OF 703.94 FEET RADIUS TO THE RIGHT ALONG SAID RIGHT OF WAY LINE AN ARC DISTANCE OF 172.71 FEET, WITH A CHORD WHICH BEARS SOUTH  $82^{\circ} 18' 38''$  WEST, 172.28 FEET; THENCE SOUTH  $89^{\circ} 20' 22''$  WEST, 187.08 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH  $86^{\circ} 35' 44''$  WEST, 54.21 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH  $00^{\circ} 39' 38''$  EAST, 40.00 FEET TO A POINT ON THE SOUTH LINE, 407.95 FEET WEST OF THE SOUTHEAST CORNER OF SAID. QUARTER SECTION; THENCE SOUTH  $89^{\circ} 15' 07'$  WEST 2237.51 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

D) THE WEST 45 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14, RANGE 23, IN JOHNSON COUNTY, KANSAS, EXCEPT THE SOUTH 300 FEET THEREOF.

E) THE WEST 40 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14, RANGE 23, IN JOHNSON COUNTY, KANSAS, EXCEPT THE SOUTH 330 FEET THEREOF.