

**PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT**

TO: The Governing Body,
City of Olathe, Kansas

Pursuant to separate agreement, the City waived the Petition Fee related to this Petition.

The undersigned, being the owner of record, whether resident or not, of the following:

1. More than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. More than fifty-five percent (55%) by assessed value of the land area contained within the hereinafter described community improvement district;

hereby petitions the City of Olathe, Kansas (the “**City**”) to create a community improvement district (the “**District**”) and authorize the proposed projects hereinafter set forth, all in the manner provided by K.S.A. 12-6a26, *et seq.* (the “**Act**”). In furtherance of such request, the petitioner states as follows:

1. GENERAL NATURE

The general nature of the proposed project (the “**Project**”) is to renovate, redevelop or improve the District to include: an approximately 10,859 square foot facility to be used for Class A restaurant and/or other retail and commercial uses generally located within and/or contiguous to any portion of the proposed District, all as further described in the Development Agreement between the City and Cherry Santa Fe, LLC (the “**Contract Purchaser**”) dated as of December 11, 2024 (the “**Development Agreement**”).

2. BUT FOR

The petitioner certifies to the City that but for the creation of the community improvement district and the anticipated reimbursement of the costs of the Projects with revenue from the CID Sales Tax (as defined below), the Projects would not occur.

3. ESTIMATED COST

The estimated or probable cost of the Project is \$7,009,686 as further set forth in the Development Agreement.

4. PROPOSED METHOD OF FINANCING

It is proposed that the Project be financed through a combination of private equity, private debt, and pay-as-you-go CID financing.

5. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

No special assessments are proposed.

6. PROPOSED AMOUNT OF SALES TAX

It is being proposed that the Projects be financed in part through the levying of up to a two percent (2.00%) sales tax as authorized by the Act (the “CID Sales Tax”).

7. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map of the District is attached hereto as **Exhibit A**.

The legal description of the District is attached hereto as **Exhibit B**.

8. LIMITATION ON USE OF REVENUE

Revenue produced from the CID Sales Tax shall be limited to the reimbursement of Project costs and other costs allowable under the Act.

9. FINANCIAL ABILITY TO COMPLETE AND OPERATE

The undersigned Contract Purchaser hereby states that it has the financial ability to complete and operate the Project.

10. NOTICE TO PETITION SIGNERS

NAMES MAY NOT BE WITHDRAWN FROM THIS PETITION BY THE SIGNERS HEREOF AFTER THE CITY COMMENCES CONSIDERATION OF THIS PETITION, OR LATER THAN SEVEN (7) DAYS AFTER THE FILING HEREOF WITH THE CITY CLERK, WHICHEVER OCCURS FIRST.

11. CERTIFICATION OF APPLICANT

APPLICANT HAS RECEIVED AND REVIEWED THE CITY’S COMMUNITY IMPROVEMENT DISTRICT POLICY (POLICY NO. F-9, RESOLUTION NO. 23-1079 (THE “CID POLICY”) AND THE APPLICANT UNDERSTANDS AND AGREES TO THE TERMS OF THE CID POLICY (EXCEPT AS OTHERWISE SET FORTH BY SEPARATE AGREEMENT BETWEEN THE CONTRACT PURCHASER AND CITY, INCLUDING THE TERMS OF THE DEVELOPMENT AGREEMENT).

APPLICANT AGREES TO COMPLY WITH SECTION 4(B)(7) OF THE CID POLICY REGARDING COMMUNITY BENEFIT.

APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF CHAPTER 2.82 OF THE OLATHE MUNICIPAL CODE (THE “CODE”), INCLUDING PARTICULARLY 2.82.130, REGARDING PUBLIC ART FOR THE PROJECT OR TO PAY THE NECESSARY PAYMENT TO THE CITY’S PUBLIC ART FUND.

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IN WITNESS WHEREOF, the undersigned petitioners have executed the above foregoing petition to create the District at the dates recorded below:

CITY OF OLATHE, KANSAS

Susan Sherman

By: Susan Sherman, Deputy City Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 12th day of February, 2025, before me personally appeared Susan Sherman, who being by me duly sworn did say that she is Deputy City Manager of the City of Olathe, Kansas, and that said instrument was signed and delivered on behalf of said City and acknowledged to me that she executed the same as the free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Eric L Strimple
Notary Public

My Commission Expires: 10-6-2026

CONTRACT PURCHASER:

CHERRY SANTA FE, LLC,
a Kansas limited liability company

By: Michael Berenbom

Name: Michael Berenbom

Title: Manager

ACKNOWLEDGMENT

STATE OF Missouri)
) ss.
COUNTY OF Jackson)

BE IT REMEMBERED, that on this 13 day of February, 2025 before me, the undersigned, a Notary Public in and for said County and State, came Michael Berenbom, Manager of Cherry Santa Fe, LLC, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)

Charlotte Marie Brewka

Notary Public in and for said
County and State

My Commission Expires:

8/22/2026

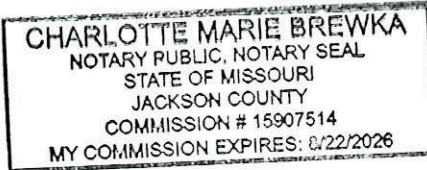
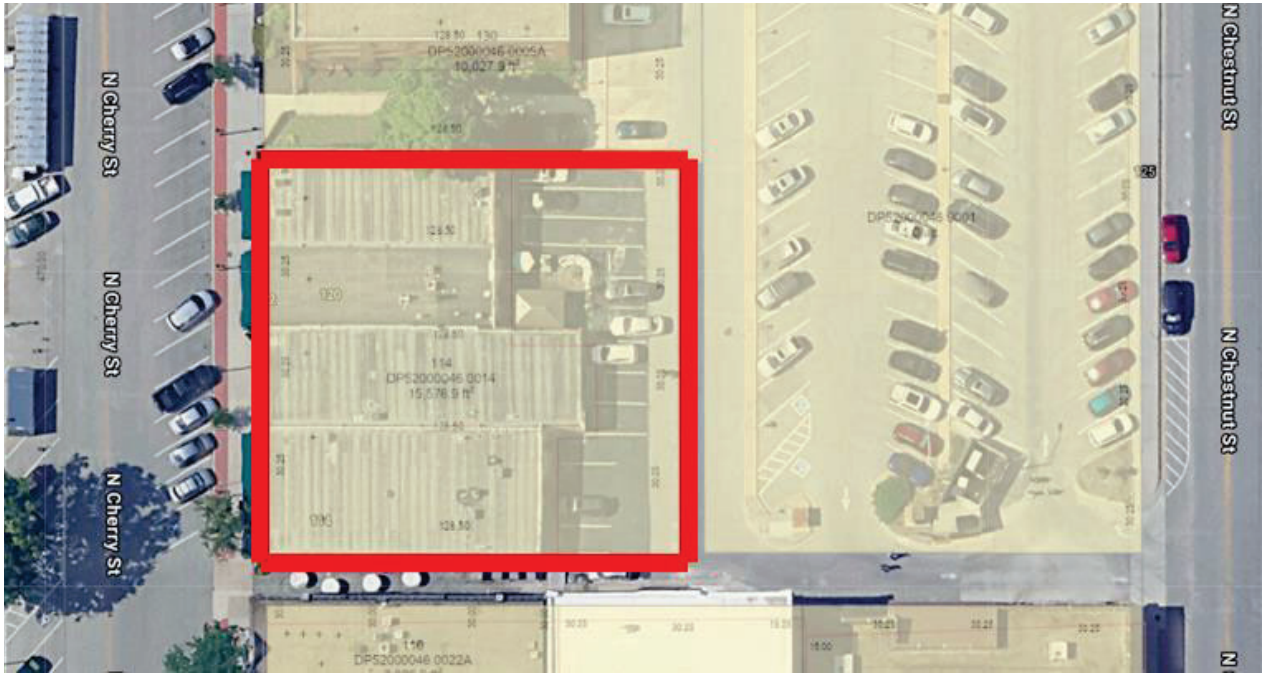


EXHIBIT A
MAP OF DISTRICT



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EXHIBIT B

LEGAL DESCRIPTION OF DISTRICT

All of Lot 13, except the North 25 feet, and all of lots 14, 17, 18, and 21, Block 46, CITY OF OLATHE, a subdivision of land in the City of Olathe, Johnson County, Kansas.

ALSO INCLUDING:

All adjacent Right-of-Way.

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