

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

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CITY OF OLATHE
CITY CLERK OFFICE**

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: (i) the existing 8,500 square foot structure to be used as a Class A restaurant establishment similar to Third Street Social located in Lee’s Summit and (ii) 3,000 square feet of other Class A restaurant or retail and/or other commercial use 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 Contract Purchaser dated as of August 14, 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 \$6,071,163, as set forth below, subject to change in accordance with the terms of the Development Agreement:

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	EST. AMOUNT	EST. CID ELIGIBLE COSTS
Land Costs		
Property Acquisition	\$1	\$1
Due Diligence and Closing Costs	25,000	25,000
Subtotal	\$25,001	\$25,001
Construction Costs		
Site Improvements	\$100,000	\$100,000
Hard Costs	2,635,650	2,635,650
Roof and Ceiling Upgrades	1,000,000	1,000,000
Fire Sprinkler System	250,000	250,000
Utility Upgrades/Connections/Fees (including grease interceptor)	352,500	352,500
Furniture, Fixture, and Equipment	878,550	878,550
Contingency	231,117	231,117
Subtotal	\$5,447,817	\$5,447,817
Soft Costs		
Architectural and Engineering	194,139	*194,139
Permits, Fees, Inspections	91,500	91,500
Professional Services	50,000	--
Financing Costs	161,714	*161,714
Property Taxes During Construction Period	70,000	--
Contingency	30,993	*30,993
Subtotal	\$598,346	\$478,346
TOTAL	\$6,071,163	\$5,951,164

*Eligible to the extent connected to a capital cost that is otherwise CID-eligible.

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.

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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


Michael Wilkes (Nov 12, 2024 14:57 CST)

By: J. Michael Wilkes, City Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 12th day of November, 2024, before me personally appeared J. Michael Wilkes, who being by me duly sworn did say that he is 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 he 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.



Melissa Meiners
Notary Public

My Commission Expires: 4/21/28

EXHIBIT A
MAP OF DISTRICT

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EXHIBIT B
LEGAL DESCRIPTION OF DISTRICT

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All of Lots 27, 28, 29, and 30, Block 53, Town 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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