

PETITION FOR THE CREATION OF A  
COMMUNITY IMPROVEMENT DISTRICT

**RECEIVED**  
NOV. 14 2024  
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 project 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 construction and reconstruction of the approximately 1,672 square foot existing structure and addition of approximately 1,100 square feet for purposes of a family-friendly pizza establishment known as “Pizza 51 South” and other facilities or improvements associated with or incidental to such use generally located within and/or contiguous to any portion of the proposed District.

**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 Project with revenue from the CID Sales Tax (as defined below), the Project would not occur.

**3. ESTIMATED COST**

The estimated or probable cost of the Project is \$736,173, as set forth below:

	EST. AMOUNT	EST. CID ELIGIBLE
General Requirements	\$172,815	\$172,815
Concrete / Masonry	127,247	127,247
Metals / Woods / Carpentry	29,115	29,115
Openings / Overhead Doors	78,550	78,550
Finishes	70,126	70,126
Furnishings / Fabricated Structure	22,015	22,015
Plumbing / Heating / Electrical	188,860	188,860
Earthwork / Exterior Improvements	47,445	47,445
<b>Total</b>	<b>\$736,173</b>	<b>\$736,173</b>

**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 Project 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).**

**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 13, 2024 18:08 CST)

By: J. Michael Wilkes, City Manager

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON    )

On this 13<sup>th</sup> 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.

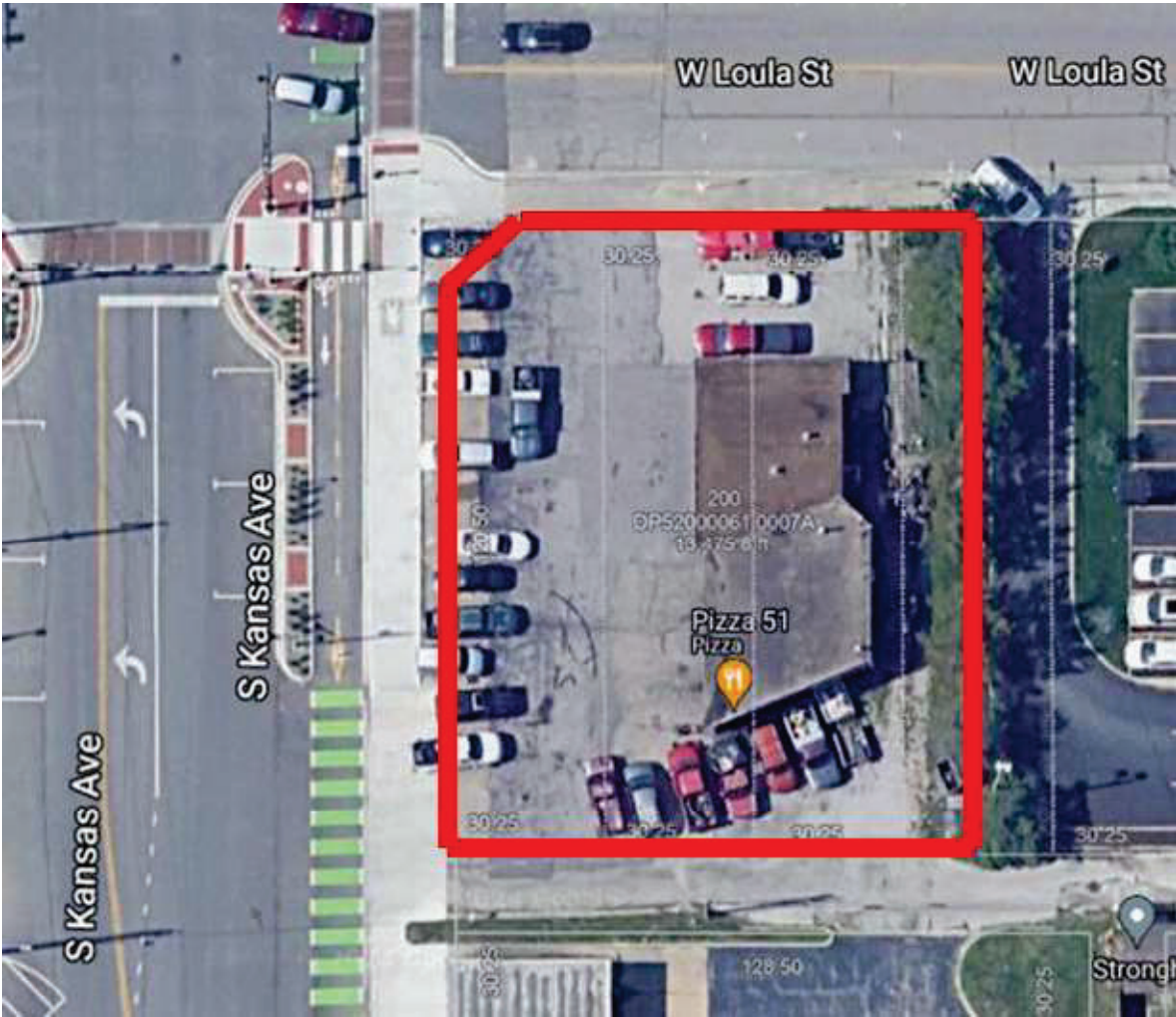


  
Notary Public

My Commission Expires: 4/21/28



EXHIBIT A  
MAP OF DISTRICT



**EXHIBIT B**

**LEGAL DESCRIPTION OF DISTRICT**

The West 15 feet of Lot 6 and all of Lots 7,8, and 9, Block 61, CITY OF OLATHE, a subdivision in the City of Olathe, Johnson County, Kansas, except that part of Lot 9, described as follows: A triangular parcel of land Beginning at a point 15 feet South of the Northwest corner of Lot 9, Block 61, and on the West line of said Lot 9, thence 15 feet North to the Northwest corner of Lot 9; thence Easterly 15 feet along the North line of Lot 9; thence Southwesterly to the point of beginning.

ALSO INCLUDING:

All adjacent Right-of-Way.

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