



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.

Aspen Funds, LLC and assigns

Applicant's Name

dan@schulterev.com

913-353-4837

Applicant's Email Address

Telephone Number

5700 West 112th Street, Suite 110 Overland Park, KS 66211

Applicant's Address

Daniel Schulte, Member

913-353-4837

Name and Title of Responsible Officer/Contact

Telephone Number

Address (if other than corporate address)

Mark Sprecker, Polsinelli PC

Attorney for Applicant

msprecker@polsinelli.com

816-572-4558

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 2021 / Wyoming

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 six buildings totaling approximately 1,092,315 SF on an approximately 98.09 +/- acre site located in the SEQ of Hedge Lane and 167th 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>)	\$ 5,350,000
Building	\$ 135,000,000
Machinery and Equipment	\$
Pollution Control Facilities	\$
Other Costs*	\$
Total	\$ 140,350,000

* State other costs:

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?

SEQ of Hedge Lane and 167th 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.

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

Approximately 1,092,315 SF of flex office and industrial buildings and all associated site work and infrastructure.

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:

N/A

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:

Crossland / 3252 Roanoke Rd Kansas City, MO 64111

Tessere / 9229 Ward Parkway Suite 210 Kansas City, MO 64114

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 six buildings 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 50%

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 1,092,315 SF of flex office/warehousing space located in approximately six buildings. With each individual issuance, Applicant would like the option to fix the PILOT at 50% of the then comparable market value.

- 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 14th day of March 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 
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 that part of the Northwest Quarter of Section 22, Township 14 South, Range 23 East, Sixth Principal Meridian, Johnson County, Kansas, described as follows:

Beginning at the Northwest corner of the Northwest Quarter of said Section 22; thence South 89 degrees 54 minutes 56 seconds East, along the North line of the Northwest Quarter of said Section 22, a distance of 2,713.72 feet to the Northeast corner of the Northwest Quarter of said Section 22; thence South 00 degrees 14 minutes 25 seconds West along the East line of the Northwest Quarter of said Section 22, a distance of 2,657.00 feet to the Southeast corner of the Northwest Quarter of said Section 22; thence North 89 degrees 49 minutes 07 seconds West, along the South line of the Northwest Quarter of said Section 22, a distance of 2,699.52 feet to the Southwest corner of the Northwest Quarter of said Section 22; thence North 00 degrees 03 minutes 59 seconds West, along the West line of the Northwest Quarter of said Section 22, a distance of 2,652.43 feet to the point of beginning, except that Part Platted as Van Duss Industrial Park, Second Plat and except any part used or dedicated for streets, roads or highway right of way.