



SpencerFane®

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File No. 5027937-2

June 4, 2019

SENT VIA E-MAIL

Michael Wilkes, City Manager
City of Olathe
100 W. Santa Fe
Olathe, KS 66061

Re: OSC, LLC

Dear Michael:

Thank you for your help in facilitating receipt of the temporary certificates of occupancy at the Olathe Soccer Complex; with the completion of the 105th and 106th Streets improvements, which are underway, we will be ready for the final certificates of occupancy. I think you will agree that the complex has turned out better than anyone could have imagined, and it has truly become the new model for state-of-the-art soccer facilities in the Kansas City metro area. You and your staff have helped us make it happen, and we offer continued thanks.

As you know, the cost of the 105th Street improvements were not budgeted or envisioned when the Development Agreement with OSC, LLC was approved; similarly, certain City-requested additions to the 106th Street intersection were agreed to after the Development Agreement was executed.

We now have the unexpected and unbudgeted costs for the 105th and 106th Streets improvements and an additional access point for the parking lot serving Fields 7, 8 and 9. That cost is \$814,876.30. This amount is driven by the new 105th Street improvements, the additions to the original plans for 106th Street and the parking lot access improvement. In addition, right of way was acquired for the widening of 106th Street at a cost of \$119,000.00. Related engineering and planning for the foregoing has cost our client \$66,000.00. The total additional costs are therefore \$999,876.30.

The above amount is in addition to other increases due to requested enhanced landscaping, modification of parking islands and other field changes not part of the original construction budget.

Our client would ask that it receive an additional \$1,000,000.00 in TIF/CID and a corresponding increase in the term of each to ensure recovery of that amount. I understand that this will require an amendment to the Development Agreement, which I will be happy to prepare, and approval by the City Council. Could I respectfully request that this matter be added to a City Council agenda this month?

OP 1799740.2



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Michael Wilkes
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If you have questions, please contact me. Thanks again for your cooperation and assistance in this very exciting project.

Very truly yours,

SPENCER FANE LLP

A handwritten signature in blue ink, appearing to read "L. Heaven, Jr.", written over the printed name.

By: Lewis A. Heaven, Jr.

cc: Ron Shaver (via e-mail)
Mike Christie (via e-mail)