

**PETITION
INSTRUCTION SHEET
FOR PUBLIC IMPROVEMENTS – ASSESSMENT PRIOR TO CONSTRUCTION**

1. All owners of record of each piece of property should sign the petition. In other words, if a piece of property is owned by both a husband and wife, then both should sign the petition; or if the property is owned by three (3) separate individuals, then all three should sign the petition.
2. If a piece of property is owned by a corporation, then the corporate officers should sign the petition in their corporate capacity. The secretary should affix the corporate seal on the petition. Title of the corporate officers shall be stated.
3. If a piece of property is owned by a partnership, then all partners should sign the petition unless the partnership agreement specifically authorizes one partner to sign on behalf of the partnership.
4. Please print or type the name and title of the person signing as a property owner. This will help the City Council determine the sufficiency of the petition.
5. Please put the place of residence of the signer in the appropriate blank. If a corporation is signing the petition, put the corporation's principal place of business.
6. In the place marked "Legal description of property owned within improvement district," please write in the legal description of the property the lot, block, and subdivision description or a description by metes and bounds. If all of the property does not fall within the improvement district, only describe that part that falls within the improvement district.
7. Provide attachments with the following information:
 - a) List of owners with lineal footage of each tract within improvement district with proposed estimated cost of assessment, property address if available, mailing address and Johnson County Parcel ID Number.
 - b) Engineers estimates of itemized bid quantities with unit costs, total cost with a cost breakdown determining cost to the city at large, if any.
 - c) Estimated square footage for land acquisition and easements for each tract that will need to be procured.
8. Petitioners are to submit copies of: Articles of Corporation, Partnership Agreements, etc. along with petition.
9. Prepare on a separate sheet listing the owners and mailing addresses on all the tracts, parcels, pieces of property within the improvement district with the square footage areas affected by the improvement district.
10. Attach a drawing (sheet no larger than 8-1/2 x 11 inches), showing the improvements, with all lot information, or tracts, and ownership information. Highlight and indicate the Benefit District Boundary. Drawing should be captioned:

"Proposed Improvements for Hedge Lane Benefit District – 175th Street to approximately 2,615 lineal feet North, plus 400' taper."

11. Fill out the Benefit District Application Form and the Estimated or Probable Cost Form. Include \$4,000.00 non-refundable City Petition Fee with initial submittal.

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BENEFIT DISTRICT APPLICATION FORM

Applicant: Hedge 175 Associates, LLC Phone No. (816) 756-1400

Address: 4622 Pennsylvania Avenue, Suite 700, Kansas City, MO 64112

Engineer: McClure Engineering Company Phone No. (913) 888-7800

Address: 11250 Corporate Avenue, Lenexa, KS 66219

Does petition have the following filing requirements:

	YES	NO
1. Description of proposed public improvements.	(X)	()
2. Legal description of improvement district with:	(X)	()
(a) improvement district boundary map attached.	(X)	()
3. Is total improvement costs shown on petition.	(X)	()
(a) Attach itemized cost breakdown for construction.	(X)	()
(b) Attach itemized cost breakdown for right of way.	(X)	()
4. Is proposed method of assessment shown.	(X)	()
(a) Attach sheet showing preliminary assessment on each piece of property.	(X)	()
5. Is apportionment of cost shown.	(X)	()
(a) Attach worksheet showing how cost apportionment was arrived at.	(X)	()
6. Name and address of all property owners with:	(X)	()
(a) Legal description of each piece or tract.	(X)	()
(b) Assessable square footage or front footage.	(X)	()

GENERAL DESCRIPTION OF IMPROVEMENT

YES NO

(X) () STREET – Construction of a 40 feet wide asphalt roadway known as Hedge Lane from 175th Street to the north approximately 2,615 lineal feet, plus 400' taper, as shown on Exhibit 3. The improvements shall include clearing and grading, asphaltic pavement, curb and gutter, concrete sidewalk, curb inlets, storm sewer, street lights, and related work necessary to complete the project.

With

3 Lanes (40' B-B) With 12 Inches Asphalt/Concrete

() (X) WATER - From _____ to _____ With _____ Lines

() (X) SANITARY SEWER _____ Lineal Feet of _____ Inch _____ Lines

General Location: 175th & Hedge Lane

Platted Areas in Proposed Benefit District: YES () NO (X)

Plats Pending in Proposed Benefit District: YES () NO (X)

Number of Tracts, Parcels or Lots in District: Three (3) parcels are included in the Improvement District; one (1) parcel is subject to a benefit fee.

Number of Tracts, Parcels or Lots Signed: 3

Total Sq. Ft. in District Excluding Public R.O.W.: 9,716,417.18 +/-

Total Front Footage (If Applicable): N/A

Right of Way or Easements Required: YES (☒) NO (☐)

Right of Way or Easements Dedicated: YES (☒) NO (☐)

Proposed Method of Assessment:

() Front Footage Cost per F.F. _____

(X) Square Footage Cost per S.F. \$0.53

Estimated Cost of Public Improvement: \$4,011,609.00 (Construction Cost);
\$5,105,685.68 (Total Cost)

Estimated Engineering Design Time: _____ Years 3 Months

Estimated Date to Begin Construction: Summer 2021

Estimated Completion Date: Spring 2022

ESTIMATED OR PROBABLE COST

Project Name – Hedge Lane – 175th to 2,615' North Plus 400' Taper and Number – TBD

Prepared By: Block TPA Investors, LLC

Date: March 10, 2021

(A) Estimated Construction Time: Years	1	Months	4
(B) # of Parcels	3	(C) # of Signs	1
(D) Engineer Petition Preparation Fee			\$0.00
(E) Appraisal Costs			\$0.00
(F) Other:			\$0.00
(G) Estimated or Probable Construction Cost			\$3,925,888.00
(H) Land Acquisition Costs (Attach Itemized List Each Tract)			\$35,721.00
(I) Utility Mitigation (Attach Itemized List & Cost)			\$50,000.00
(J) Reserve for Construction Timing 1% Per Month [$1\% \times (G) \times \text{Total Months (A)}$]			\$0.00
(K) SUBTOTAL OF CONSTRUCTION COST: [(G) + (J)]			\$3,925,888.00
(L) CONSTRUCTION TOTAL COST: [(K) + (H) + (I)]			\$4,011,609.00
(M) Interim Financing [(6% of (L) Per Year for Each Year of Construction Time)			\$561,625.26
(N) Temporary Note Issuance Cost [$.5\% \times (L)$ of Total-Min. \$250]			\$0.00
(O) Engineering [City Estimate]			\$0.00
(P) Engineer Petition Preparation Fee [from line (D) above]			\$0.00
(Q) Inspection [$5\% \times (L)$]			\$200,580.45
(R) Legal Notice (Set at \$200.00)			\$200.00
(S) Sign Costs [\$500.00 per Sign (C)]			\$1,000.00
(T) Certificates of Title [\$20.00 per Parcel(B)]			\$60.00
(U) Tax Roll Certification [\$5.00 per Parcel(B)]			\$15.00
(V) Project Management Cost [$1.5\% \times (L)$ Construction Total Cost]			\$60,174.14
(W) Appraisal Costs [from line (E) above]			\$0.00
(X) Bond Issuance Cost [$1.75\% \times (L)$ Construction Total Cost]			\$70,203.16
(Y) Reserve for Contingency [$10\% \times (L)$ Construction Total Cost]			\$0.00
(Z) Other: [from line (F) above]			\$0.00
(AA) PROJECT SUBTOTAL COST [Sum of lines (L) through (Z)]			\$4,905,467.00
(BB) City Petition Fee (Set at \$4000)			\$4,000.00
(CC) Indirect Costs [4% of Subtotal (AA)]			\$196,218.68
(DD) City Petition Fee plus Indirect Costs (BB+CC)			\$200,218.68
(EE) PROJECT TOTAL ESTIMATED OR PROBABLE COSTS (AA + DD)			\$5,105,685.68

PETITION FOR PUBLIC IMPROVEMENTS

TO: The Governing Body of the City of Olathe, Kansas:

1. We, the undersigned, are owners of record of property liable for assessment for the following proposed improvements (the "Improvements"):

Construction of a 40 feet wide asphalt roadway known as Hedge Lane from 175th Street to the north approximately 2,615 feet, plus 400' taper, as shown on Exhibit 3. The improvements shall include clearing and grading, asphaltic pavement, curb and gutter, concrete sidewalk, curb inlets, storm sewer, street lights, and related work necessary to complete the project.

We hereby propose that such Improvements be made in the manner provided by K.S.A. 12-6a01 et seq.

2. The total estimated or probable cost of such Improvements are: \$5,105,685.68.
3. The extent of the proposed improvement district to be assessed is as follows (the "Improvement District"), but excluding all dedicated public right of way within such area:

HEDGE 175 ASSOCIATES, LLC LEGAL DESCRIPTION

The Southeast Quarter of Section 21, Township 14, Range 23, in the City of Olathe, Johnson County, Kansas, except that part in streets and road.

AND ALSO:

All that part of the Northeast Quarter of Section 21, Township 14 South, Range 23 East, Sixth Principal Meridian, Johnson County, Kansas, described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Section 21; thence South 87 degrees 18 minutes 00 seconds West, along the South line of the Northeast Quarter of said Section 21, a distance of 20.00 feet to the point of beginning; thence continuing South 87 degrees 18 minutes 00 seconds West, along the South line of the Northeast Quarter of said Section 21, a distance of 2574.33 feet to the Southwest corner of the Northeast Quarter of said Section 21; thence North 01 degrees 50 minutes 38 seconds West, along the West line of the Northeast Quarter of said Section 21, a distance of 1338.94 feet to the Northwest corner of the South Half of the Northeast Quarter of said Section 21; thence North 87 degrees 34 minutes 50 seconds East, along the North line of the South Half of the Northeast Quarter of said Section 21, a distance of 2572.77 feet to a point being 20.00 feet West of the Northeast corner of the South Half of the Northeast Quarter of said Section 21; thence South 01 degrees 54 minutes 16 seconds East, parallel to the East line of the Northeast Quarter of said Section 21, a distance of 1326.41 feet to the point of beginning, Except that part in streets and roads.

HEDGE 175 ASSOCIATES, LLC SUBJECT PROPERTY CONTAINS 9,715,283 SQUARE FEET OR 223.032 ACRES MORE OR LESS.

A map showing the boundaries of the Improvement District is attached as **Exhibit 1**.

4. Method of Assessment:

The proposed method of assessment for the Improvement is: equally per square foot.

5. The proposed apportionment of costs between the Improvement District and the city at large is:

One-hundred Percent (100%) to be assessed against the entire Improvement District; and

Zero Percent (0%) to be paid by the City at-large.

6. We further propose that such Improvement be made without notice and hearing as required by K.S.A. 12-6a04(a).

7. Pursuant to the provisions of K.S.A. 12-6a19, there is additional property that benefits from the Improvements, but is not included within Improvement District referenced in Paragraph 3 of this Petition because the property is currently outside the City limits and will not immediately be served by the Improvements. Whenever any owner of property within the Benefit Fee Area (defined below) requests by petition to be served by the Improvements, the City intends to charge benefit fees in the manner set forth in K.S.A. 12-6a19. The Benefit Fee Area is defined as the tract of land legally described as follows:

The Southwest Quarter of Section 22, Township 14, Range 23, Johnson County, Kansas, except that part in streets and roads.

The total benefit fees to be charged to all property within the Benefit Fee Area will equal 50% of the total cost of the Improvements (i.e., ½ of the cost of the Improvements will be charged to property on the west side of Hedge Lane within the Improvement District and ½ of the cost of the improvements will be charged to the property on the east side of Hedge Lane within the Benefit Fee Area). The total benefit fees will be charged to each lot and unplatted tract of land within the Benefit Fee Area equally per square foot.

Pursuant to K.S.A. 12-6a19, a benefit fee shall be assessed only against the property in the Benefit Fee Area requesting service by the Improvements. The benefit fee will be the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original Improvement District. The benefit fee will be due and payable at the time the property begins being served by the Improvements, in a single lump sum.

Benefit fee revenues received by the City will be first applied to reduce the remaining balance of future special assessments to be paid by properties in the Improvement District, in reverse chronological order. If all special assessments have been paid by properties in the Improvement District, then the Benefit Fee revenues received by the City will be repaid to the then current property owners of property liable for special assessments for the Improvements.

8. Names may not be withdrawn from this petition by the signers hereof after the Governing Body commences consideration of the petition, or later than seven (7) days after this petition is filed, whichever occurs first.

9. We hereby agree that all costs incurred for the preparation, administration, engineering fees, etc. shall be assessed against the improvement district and city-at-large based upon the method of assessment and the apportionment of costs described herein regardless of the completion of the construction of the Improvement.
10. Petitioners signing for the public improvement hereby agree that in the event there is property in the improvement district that is outside the corporate limits of the City of Olathe, the owners of such property will petition for annexation prior to the time the governing body of the City of Olathe considers approval of the public improvements.
11. When applicable, any petitioner signing for a public improvement hereby agrees to dedicate or convey the necessary easements to accommodate said improvement.
12. Signed right-of-way donations and any necessary easements based upon the preliminary construction plan shall be provided prior to publication of the resolution approving the benefit district for any portion of the benefit district which cost is assessed against the improvement district and not paid by the city at large. If a property owner refuses to donate land for right-of-way for any portion of the benefit district which cost is assessed against the improvement district and not paid by the city, the Governing Body will assess all costs of purchasing right-of-way for that property upon the non-donating property owner pursuant to K.S.A. 12-692 and city policy.
13. We further propose that the Improvement be assessed prior to construction pursuant to the authority of K.S.A. 12-6a09(c).
14. Petitioners certify that they have no financial interest in any property with delinquent special assessments, ad valorem taxes, or other federal or state tax liens anywhere within the state of Kansas.
15. Property within in a benefit district may be platted or otherwise split into multiple parcels after a benefit district is created by the Governing Body. In connection with the filing of a plat or other request for a property split, 100% of the property owners subject to the split must file with the City a petition consenting to reallocation of special assessments against such property. The petition must specify the method for reallocation, and the specified method must comply with the resolution of the Governing Body creating the benefit district.
16. We further request that all assessments levied against the Improvement District be payable in ten (10) equal annual installments.

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Owner: HEDGE 175 ASSOCIATES, LLC

Address: 4622 Pennsylvania Avenue, Ste. 700

KANSAS CITY, MO 64112

Property owned within the Improvement District (Johnson County Parcel ID)	Estimated Assessment Amount
DF231421-4001	\$ 2,819,303.97
DF231421-4004	\$ 528,935.33
DF231421-3005	\$ 1,757,446.38

HEDGE 175 ASSOCIATES, LLC

By: BK Properties, LLC, Manager

By: Kenneth G. Block, Trustee of the
Kenneth G. Block Trust dated
January 11, 1991 as amended,
Managing Member

Date: March 10, 2021


By: 
Kenneth G. Block, Trustee

Exhibit 1

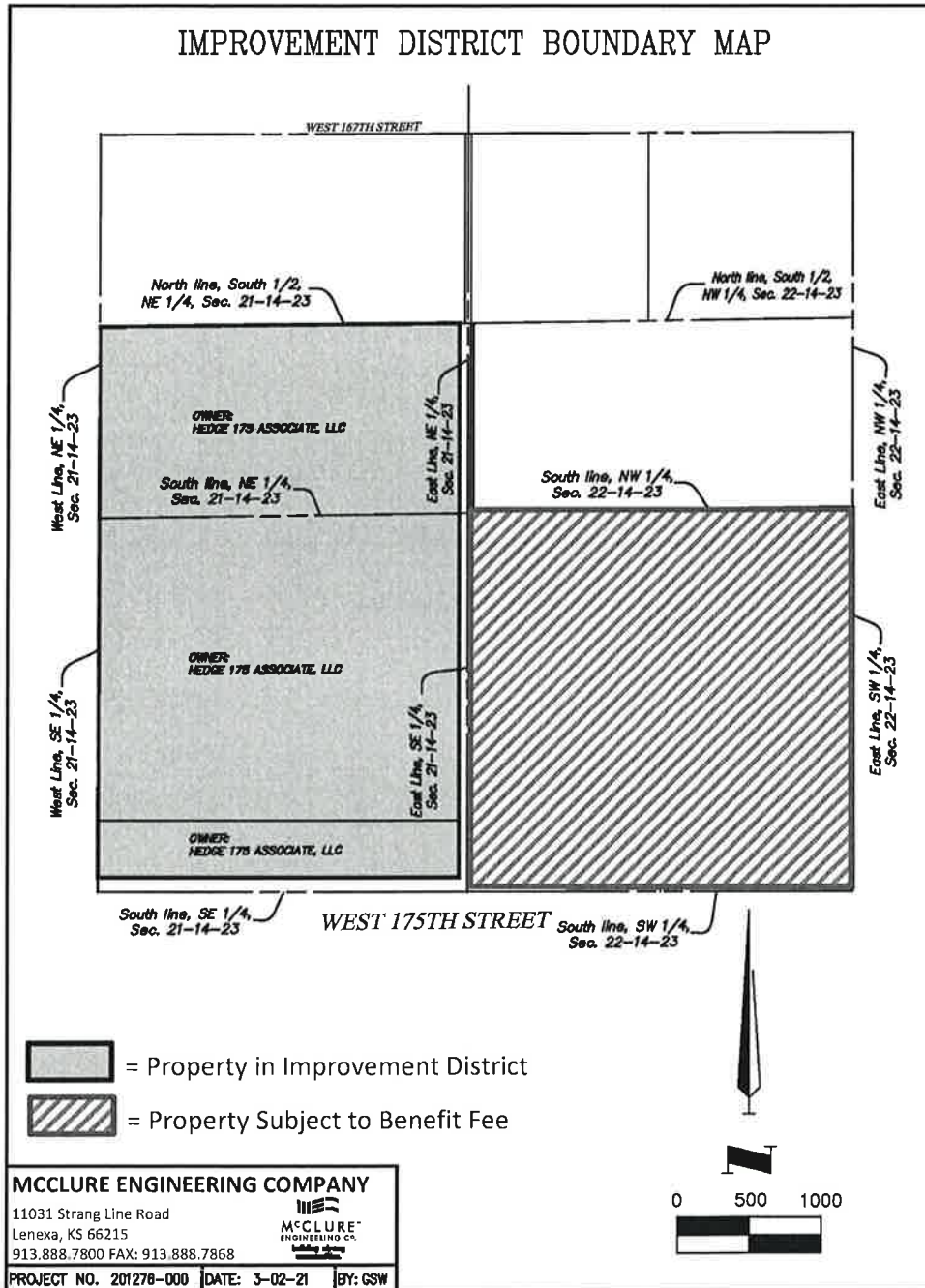


Exhibit 2

ALLOCATION OF COSTS AMONG PROPERTY IN IMPROVEMENT DISTRICT:

OWNER	PARCEL	SQUARE FOOTAGE	EST. ASSESSMENT
West Side of Hedge Lane			
1. HEDGE 175 ASSOCIATES LLC	DF231421-3005	5,365,299.64	\$2,819,303.97
2. HEDGE 175 ASSOCIATES LLC	DF231421-4001	1,006,594.73	\$528,935.33
3. HEDGE 175 ASSOCIATES LLC	DF231421-4004	3,344,522.81	\$1,757,446.38
TOTAL IMPROVEMENT DISTRICT		9,716,417.18	\$ 5,105,685.68

ALLOCATION OF COSTS TAKING INTO ACCOUNT BENEFIT FEE AREA:

OWNER	PARCEL	SQUARE FOOTAGE	%	EST. ASSESSMENT
West Side of Hedge Lane				
1. HEDGE 175 ASSOCIATES, LLC	DF231421-4001	5,365,299.64	55%	\$1,409,651.99
2. HEDGE 175 ASSOCIATES, LLC	DF231421-4004	1,006,594.73	10%	\$264,467.66
3. HEDGE 175 ASSOCIATES, LLC	DF231421-3005	3,344,522.81	34%	\$878,723.19
<i>Allocation to West Side Property Owners =</i>		<i>9,716,417.18</i>	<i>50%</i>	<i>\$2,552,842.84</i>
East Side of Hedge Lane				
4. ROBERT S. MURPHY REVOCABLE TRUST	6F231422-2001	6,966,325.42	100%	\$2,552,842.84
<i>Allocation to East Side Property Owners =</i>		<i>6,966,325.42</i>	<i>50%</i>	<i>\$2,552,842.84</i>
TOTAL IMPROVEMENT DISTRICT		16,682,742.60		\$5,105,685.68

