

PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT
(WHEATFIELD VILLAGE)

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2017 AUG 31 A 9:28

TOPEKA, KANSAS

TO: City Council,
City of Topeka, Kansas

The undersigned (the “**Petitioner**”), being the owner of record, whether resident or not, of the following:

1. Not less than fifty-five percent (55%) of the land area contained within the hereinafter described community improvement district; and
2. Not less 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 Topeka, Kansas (the “**City**”) to create the Wheatfield Village Community Improvement District (“**CID**”) and authorize the proposed CID project (the “**CID 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 CID Project is to promote the redevelopment and revitalization of the Wheatfield Village mixed-use development, located at the northwest corner of Southwest 29th Street and Southwest Fairlawn Road within the City, by providing community improvement district financing in accordance with this petition and the Act to finance the demolition, construction, maintenance, and procurement of certain improvements, costs, and services within the district, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, parking lots and/or structures, buildings, facilities, tenant improvements, water management and drainage related items, utilities, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the district, marketing, advertisement and economic development, promotion of activities and special events, training, cleaning and maintenance, and administrative costs in establishing and maintaining the district and the CID Project, and any other items permitted to be financed within the district under the Act.

2. ESTIMATED COST

The total estimated cost of the CID Project is \$93,222,834, plus interest. It is anticipated that revenue generated from collection of the CID sales tax described in paragraph 5 of this Petition will be utilized to reimburse a portion of the cost of the CID Project.

3. PROPOSED METHOD OF FINANCING

The proposed method of financing the CID Project is from the CID sales tax described in paragraph 5 of this Petition through Pay-as-you-go financing.

4. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

Petitioner does not propose that the CID Project be financed through the levying of assessments.

5. PROPOSED AMOUNT OF SALES TAX

Petitioner proposes that the CID Project be financed through the levying of a CID sales tax in the amount of 2% for a 22 year term as authorized by the Act.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

A map of the CID is attached hereto at **EXHIBIT A**.

The legal description of the CID is attached hereto at **EXHIBIT B**.

7. NOTICE TO PETITION SIGNER

Petitioner hereby acknowledges that signatures may not be withdrawn from this Petition by the signer hereof after the Governing Body of the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

8. PETITION BINDING ON FUTURE OWNERS

Petitioner hereby acknowledges that if this Petition is not properly withdrawn as permitted by the Act, any future owners of the property within the CID shall be bound by this Petition.

9. BOND MARKETABILITY

Petitioner hereby acknowledges that the City will record this Petition if the proposed CID Project is approved by the City Council and that by the acceptance of this Petition, the City Council is not making any representation as to the issuance or marketability of CID bonds/notes, if any, to finance the CID Project described in this Petition. The Petitioner assumes the risk that such CID bonds/notes can be issued under terms acceptable to the City.

10. ACKNOWLEDGMENTS

Petitioner acknowledges that:

(A) the City's approval of this Petition or of the CID Project set forth in this Petition and creation of a CID by the City as proposed in this Petition does not eliminate independent requirements by the Petitioner to comply with all applicable zoning, planning, permit and other laws relating to the development of property;

(B) the City is relying on the estimated costs of the CID Project set forth in this Petition without independent investigation as to the accuracy of such estimates; and

(C) the implementation of the CID proposed by the Petition and the receipt of CID sales tax proposed by this Petition may be governed by the terms of a reimbursement or

development agreement entered into between the City and the Petitioner, or any successor or assigns of the Petitioner approved by the City.

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IN WITNESS WHEREOF, the undersigned have executed the above foregoing Petition to create the CID on the date set forth below:

29 FAIRLAWN, LLC, a Kansas limited liability company

By: James A. Klausman
Name: James A. Klausman
Title: Vice-President
Date: August 30, 2017

ACKNOWLEDGMENT

STATE OF Kansas)
) ss.
COUNTY OF Shawnee)

BE IT REMEMBERED, that on this 30 day of August, 2017, before me, the undersigned, a Notary Public in and for said County and State, came James A. Klausman, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal) 

Susan Brooks
Notary Public in and for said
County and State

My Commission Expires:
9-17-2018

EXHIBIT A

MAP OF CID

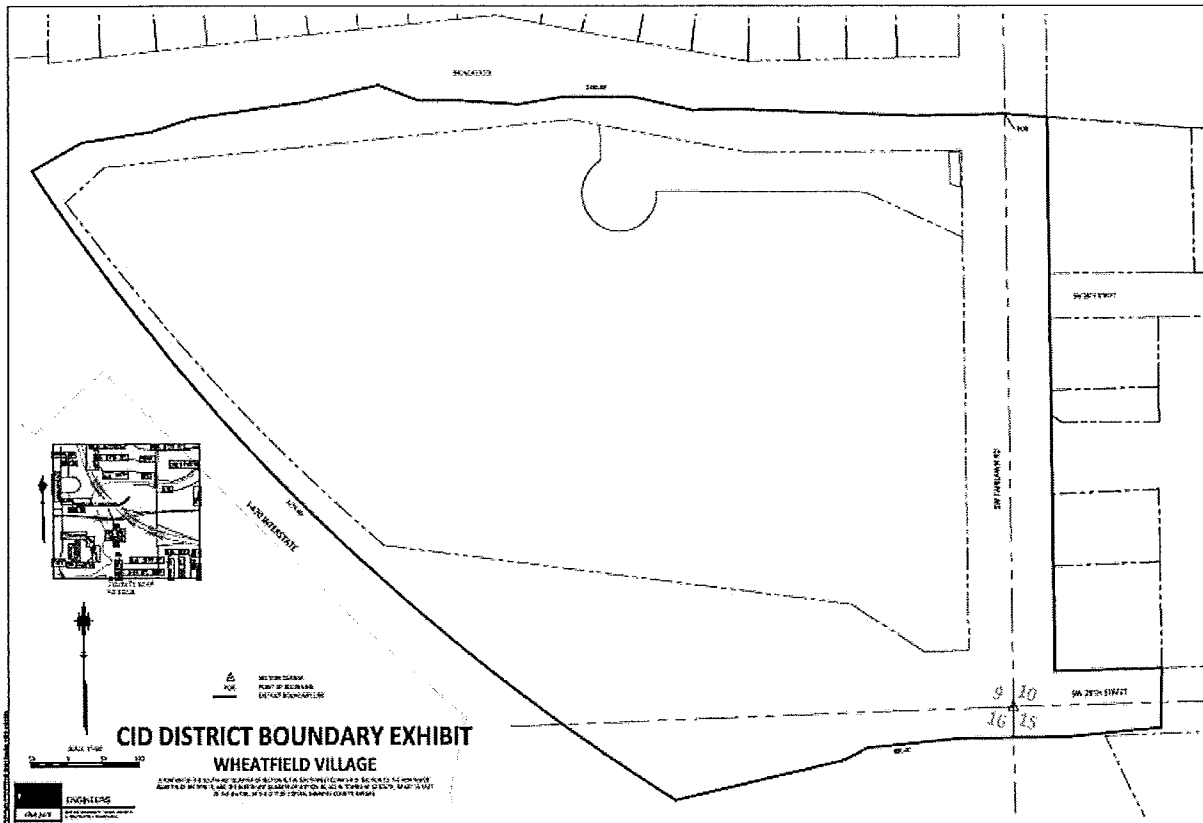


EXHIBIT B

LEGAL DESCRIPTION OF CID



WHEATFIELD VILLAGE

Project 14-5195

July 26, 2017

CID DISTRICT BOUNDARY

A portion on the Southeast Quarter of Section 9, the Southwest Quarter of Section 10, the Northwest Quarter of Section 15, and the Northeast Quarter of Section 16, all in Township 12 South, Range 15 East of the 6th P.M., in the City of Topeka, Shawnee County, Kansas described as follows:

Beginning at a point on the West line of said Southwest Quarter of Section 10, at a point 813.39 feet North of the Southwest corner of said Quarter Section, said point being on the extension of the North line of Shunga Plaza Subdivision and in the center of Shunga Creek; thence Southeasterly on the extension of the North line of said Shunga Plaza Subdivision to the East Right of Way line of Southwest Fairlawn Road; thence Southerly on said East Right of Way line to the intersection with the North Right of Way line of Southwest 29th Street; thence Easterly on the North Right of Way of Southwest 29th Street a distance of 150 feet more or less; thence Southerly to a point 20 feet South of the South curb line of Southwest 29th Street; thence Westerly and Southwesterly parallel with said South curb line and its extension a distance of 680 feet more or less to a point 100 feet measured at right angles to the center of the west-bound lanes of Interstate-470; thence Northwesterly and Northerly along a line being parallel with of 100 feet Northeasterly of said center of the west-bound lanes, a distance of 1,275 feet more or less to the center of Shunga Creek; thence Easterly on the center of said Shunga Creek a distance of 1,380 feet more or less to the point of beginning.