

**PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT**

TO: City Council,
City of Topeka, Kansas

The undersigned (the “**Petitioners**”), being the owners 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 petition the City of Topeka, Kansas (the “**City**”) to create a 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 Petitioners state as follows:

1. GENERAL NATURE

The proposed CID Project consists of redevelopment of certain property located at the southeast corner of SW 17th Street and SW Wanamaker Road within the City. The general nature of the proposed CID Project is set forth in **EXHIBIT “A”**, attached hereto and incorporated by reference herein.

The Developer seeks CID financing to finance the development and construction of the CID Project in accordance with this Petition, the Act, and City of Topeka policy.

2. ESTIMATED COST

The estimated cost of the CID Project is approximately \$31,400,000 plus associated interest.

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 or through issuance of special obligation CID bonds/notes if requested by Petitioner, its successors or assigns, at the sole discretion of the City.

4. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

Petitioners do not propose that the CID Project be financed through the levying of assessments.

5. PROPOSED AMOUNT OF SALES TAX

Petitioners propose that the CID Project be financed through the levying of a CID sales tax in the amount of 1.0% as authorized by the Act.

6. MAP AND LEGAL DESCRIPTION OF THE PROPOSED CID

A general depiction of the CID is attached hereto at **EXHIBIT “B”**.

The legal description of the CID is attached hereto at **EXHIBIT “C”**.

7. NOTICE TO PETITION SIGNER

Petitioners hereby acknowledge that signatures may not be withdrawn from this Petition by the signers hereof after the Governing Body of the City commences consideration of this Petition, or later than seven (7) days after the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

Petitioners hereby acknowledge 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

Petitioners hereby acknowledge 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 issuance or the marketability of CID bonds/notes, if any, to finance the CID Project described in this Petition. The Petitioners assume 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; and

(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.

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

EIG WANAMAKER, LLC,
an Indiana limited liability company

By: [Signature]
Title: CFO
Date: March 12, 2019

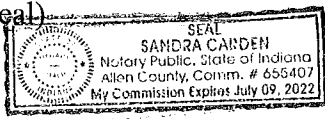
ACKNOWLEDGMENT

STATE OF IN)
) ss.
COUNTY OF Allen)

BE IT REMEMBERED, that on this 12 day of March, 2019 before me, the undersigned, a Notary Public in and for said County and State, came Daniel Michael, 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)



[Signature]
Sandra Carden
Notary Public in and for said
County and State

My Commission Expires:
7/9/22

EXHIBIT “A”

General Nature of Proposed CID Project

Land Acquisition

Building Improvements

Tenant Improvements

Parking Lot and other Site Improvements

Planning & Design

Financing/Interest Costs and other Soft Costs Required to Complete the CID Project

EXHIBIT "B"

GENERAL DEPICTION OF CID



EXHIBIT "C"

LEGAL DESCRIPTION OF CID

TRACT I:

Lot 1, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas.

TRACT II:

Lot 2, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas.

TRACT III:

Lot 3, Block A, TOPEKA CROSSING SUBDIVISION NO. 2 in the City of Topeka, Shawnee County, Kansas, with the following exceptions:

EXCEPT Commencing at the Southwest corner of said Lot 3; thence on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 40.00 feet to the POINT OF BEGINNING; thence continuing on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 234.45 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 199.21 feet; thence on a bearing of South 72 degrees 07 minutes 16 seconds East, a distance of 89.19 feet; thence on a bearing of South 45 degrees 16 minutes 47 seconds West, a distance of 52.75 feet; thence on a bearing of South 01 degree 59 minutes 10 seconds East, a distance of 168.35 feet; thence on a bearing of South 88 degrees 00 minutes 50 seconds West, a distance of 244.35 feet to the point of beginning,

AND ALSO EXCEPT Commencing at the Southwest corner of said Lot 3; thence on a bearing of North 01 degree 59 minutes 10 seconds West, along the West line of said Lot 3, a distance of 340.45 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 20.82 feet to the POINT OF BEGINNING; thence on a bearing of North 01 degree 59 minutes 10 seconds West, a distance of 192.31 feet; thence on a bearing of North 88 degrees 00 minutes 50 seconds East, a distance of 260.00 feet to the point of beginning.

TRACT IV:

Lot 1, Block A, TOPEKA CROSSING SUBDIVISION in the City of Topeka, Shawnee County, Kansas.

TRACT V: The East 8.59 feet of the North 211.66 feet of Lot 2 and the South 26 feet of said Lot 2 and the North 26 feet of Lot 3, Block A, TOPEKA CROSSING SUBDIVISION in the City of Topeka, Shawnee County, Kansas.

TRACT VI:

Non-Exclusive Easements for the passage (including ingress/egress to public streets) and parking of vehicles and for the passage and accommodation of pedestrians over and across the Common Area (as defined in said instrument), including the parking, driveways, roadways and sidewalk areas as created in the Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements recorded December 3, 1992, in Book 2767, Page 792, subject, however, to the terms and provisions thereof.