



ABOVE AND BEYOND. BY DESIGN.

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City Clerk's Office

Sent Via E-Mail and Certified Mail – Return Receipt Requested

September 28, 2022

Board of Johnson County Commissioners
Johnson County Administration Building
111 South Cherry Street, Suite 3300
Olathe, KS 66061
Attention: Mr. Ed Eilert, Chairman of the Board

The Governing Body of the City of Overland Park, Kansas (the “City”) is considering the issuance in multiple series of Economic Development Revenue Bonds (the “Bonds”) in an amount not to exceed \$113,500,000 on behalf of Bluhawk Sports Properties, LLC, a Kansas limited liability company (the “Company”). Proceeds of the Bonds will be used to finance the acquisition, construction, equipping and furnishing of a multi-sport athletic complex, including real estate, buildings, improvements and equipment (collectively, the “Project”), generally located at the southeast corner of 162nd Street and Lowell Avenue within the City, to be leased to the Company. In addition to the request that the City issue Bonds, the Company has requested an abatement by the City of general ad valorem real estate taxes; provided, upon the issuance of the Bonds, the City and the Company enter into a payment in lieu of taxes agreement (“PILOT Agreement”) providing for a fixed payment in lieu of taxes in the amount of \$700,000 for years 1 through 5 years of the abatement term, increasing to \$750,000 for years 6 through ten of the abatement term, and providing performance standards for the Project to preserve the requested tax abatement. The multi-sport athletic complex is within the BluHawk STAR Bond District; however, the tax abatement applies only to the multi-sport athletic complex. No other abatement of general ad valorem real estate taxes is contemplated within the BluHawk STAR Bond District.

The Governing Body of the City will conduct a public hearing on the issue of granting tax exemption incentives in conjunction with the Project on Monday, October 3, 2022 at 7:30 p.m. (or as soon thereafter as is practical) in the Council Chamber of Overland Park City Hall. Also on Monday, October 3, 2022 and following the aforementioned public hearing, the City Council will consider adoption of a resolution of intent to issue Bonds for the Project. Enclosed is a copy of the public hearing notice published in *The Legal Record*, the official City newspaper on Tuesday, September 20, 2022 which is provided to you pursuant to K.S.A. 12-1749c and K.S.A. 12-1749d. Also enclosed is a draft of the resolution of intent.

If you have questions or need additional information please contact Kristy Stallings by e-mail (kristy.stallings@opkansas.org) or phone (913-895-6152).

Mr. Ed Eilert, Chairman of the Board
September 28, 2022
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Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Kelley". The signature is stylized with a large, circular initial "E" and a long, sweeping tail.

Elizabeth Kelley
City Clerk

Enclosures

cc: Penny Postoak Ferguson, Johnson County, County Manager

JOHNSON COUNTY PUBLIC NOTICES

First published in The Legal Record, Tuesday, September 20, 2022. CITY OF PRAIRIE VILLAGE, KANSAS NOTICE OF HEARING

The Board of Zoning Appeals of the City of Prairie Village, Kansas will hold a public hearing at its regular meeting on Tuesday, October 11, 2022, at 6:30 p.m. in the Council Chambers of the Municipal Building, 7700 Mission Road, Prairie Village, Kansas. The subject of the public hearing is:

APPLICATION BZA2022-02 Variance Application 7431 Belinder Avenue Current Zoning: R-1B Applicant: Anthony Fiorello

The legal description of the premises is defined as follows:

COUNTRY CLUB VIEW LOT 174 PVC-1685

The applicant is requesting a variance from Section 19.44.020(c)(5) of the Prairie Village Zoning Regulations to exceed the minimum side setback standard by six inches for a window well.

At the time of the scheduled public hearing, all interested persons may present their comments for up to three minutes. Comments may also be emailed to City Clerk Adam Geffert at cityclerk@pvkansas.com. All comments must be received by 3:00 p.m. on Tuesday, October 11.

Adam Geffert Planning Commission Secretary 9/20

First published in The Legal Record, Tuesday, September 20, 2022.

NOTICE OF PUBLIC HEARING OF OVERLAND PARK, KANSAS

The City of Overland Park, Kansas (the "City"), will conduct a public hearing at 7:30 p.m. (or as soon thereafter as is practical) on Monday, October 3, 2022, in the City Council Chambers of City Hall, 8500 Santa Fe Drive, Overland Park, Kansas, to consider applying to the Board of Tax Appeals of the State of Kansas to grant an exemption from ad valorem taxes pursuant to K.S.A. 79-201a Second or Twenty Fourth, as amended, for property financed with the proceeds of not to exceed \$113,555,000 principal amount of Federally Taxable Private Activity Revenue Bonds (BluHawk - Multi-Sport Complex and Arena EDRB Project) (the "Bonds"), in one or more series, in accordance with K.S.A. 12-1740 to 12-1749d, inclusive, as amended. The proceeds of the Bonds will be used to finance the acquisition, construction, equipping and furnishing of a multi-sport athletic complex and an arena, including real estate, buildings, improvements and equipment (collectively, the "Project"), in one or more phases, generally located at the southwest corner of U.S. 69 Highway and 159th Street, within the City. The Project will be leased to Bluhawk Sports Properties, LLC, a Kansas limited liability company (the "Company"). Application for the exemption will be conditioned on an agreement by the Company to make certain payments in lieu of taxes which payments will be apportioned and paid by the Johnson County Treasurer to all taxing subdivisions in the territory in which the Project is located in the manner provided by K.S.A. 12-1742. The Bonds and the interest thereon will not be a debt or general obligation of the City, the State of Kansas or any municipal corporation thereof, and neither the Bonds nor the interest thereon are payable in any manner from tax revenues of any kind or character.

The meeting and the hearing will be open to the public. Interested members of the public are invited to attend the hearing and will have an opportunity to express their views with respect to the exemption, the Bonds and the Project. Written comments with respect to the exemption may also be submitted to the City Clerk before the hearing. A copy of a Resolution to be considered by the City on October 3, 2022, expressing the intent of the governing body of the City relating to the Project and the issuance of the Bonds is on file in the office of the City Clerk and is available for public inspection during normal business hours. Additional information regarding the exemption, the Bonds or the Project may be obtained in advance of the hearing from the City Clerk or on the City's website at http://apps.opkansas.org/City-Government/Legal-Notices/.

DATED: September 16, 2022.

CITY OF OVERLAND PARK, KANSAS

By: Elizabeth Kelley City Clerk

9/20

First published in The Legal Record, Tuesday, September 20, 2022. CHARTER ORDINANCE NO. 28

A CHARTER ORDINANCE EXEMPTING THE CITY OF DE SOTO, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-570 AND K.S.A. 14-571 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO public improvements AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR THE IMPROVEMENTS.

WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the "Act"), provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from non-uniform enactments of the Kansas Legislature; and

WHEREAS, the City of De Soto, Kansas (the "City") is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 14-570 and K.S.A. 14-571 are part of an enactment of the Kansas Legislature (K.S.A. 14-570 et seq.) relating to public improvements and the issuance of bonds for such purposes, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City (the "Governing Body") desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 14-570 and K.S.A. 14-571, and to provide substitute and additional provisions therefor.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

SECTION 1. Exemption. The City, by virtue of the powers vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-570 and K.S.A. 14-571 and shall be governed by the following substitute and additional provisions contained herein.

SECTION 2. Master Plan for Public Improvements. Whenever the City Administrator or his/her designee has filed with the Governing Body a master capital improvements plan (the "Plan") for the physical development of the City within the boundaries of the City, including the acquisition of land necessary therefore, the acquisition of equipment, vehicles or other personal property to be used in relation thereto, and may provide for assumption and payment of benefit district indebtedness previously created for public improvements, and which Plan may require a number of years to execute, and such Plan is approved by the Governing Body, the City is hereby authorized to issue its general obligation bonds (the "Bonds") in an amount sufficient to carry out such Plan and associated costs.

SECTION 3. Procedure for Issuance of Bonds. Before any Bonds are authorized or issued pursuant to this Charter Ordinance, the City will adopt a resolution specifying the amount of such Bonds and the purpose of the issuance thereof.

SECTION 4. Severability. If any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 5. Effective Date. This Charter Ordinance shall be published once a week for two consecutive weeks in the official City newspaper, and shall take effect sixty (60) days after final publication, unless a petition signed by a number of electors of the City equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular City election shall be filed in the office of the City Clerk demanding that this Charter Ordinance be submitted to a vote of the electors, in which event this Charter Ordinance shall take effect when approved by a majority of the electors voting at an election held for such purpose.

PASSED with at least a two-thirds (2/3) vote of the entire Governing Body of the City of De Soto, Kansas, on September 15, 2022, and APPROVED AND SIGNED by the Mayor.

Rick Walker, Mayor

(SEAL)

ATTEST:

Brandon Mills, City Clerk

Approved as to form only:

Gilmore & Bell, P.C.

9/20 9/27

RESOLUTION NO. 4544, A

A RESOLUTION DECLARING THE INTENT OF THE CITY OF OVERLAND PARK, KANSAS, TO ISSUE FEDERALLY TAXABLE PRIVATE ACTIVITY REVENUE BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$113,555,000 IN ONE OR MORE SERIES FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, EQUIPPING AND FURNISHING OF A MULTI-SPORT ATHLETIC COMPLEX IN MULTIPLE PHASES LOCATED WITHIN THE CITY AND TO GRANT PROPERTY TAX ABATEMENT (BLUHAWK – MULTI-SPORT COMPLEX EDRB PROJECT).

WHEREAS, the City of Overland Park, Kansas (the “City”), is authorized and empowered pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, furnish and equip certain facilities (as defined in the Act) for the stated statutory purposes, to enter into leases or lease-purchase agreements with any person, firm or corporation for said facilities and to issue revenue bonds for the purpose of paying the cost of such facilities; and

WHEREAS, the Governing Body of the City previously adopted Resolution No. 4544 on July 22, 2019, declaring the intent of the City to issue its federally taxable private activity revenue bonds in the principal amount not to exceed \$83,500,000 for the purpose of financing the acquisition, construction, equipping and furnishing of the Multi-Sport Complex described herein; and

WHEREAS, pursuant to its terms, Resolution No. 4544 expired on July 22, 2020; and

WHEREAS, pursuant to the Second Amended and Restated Bluhawk Development Agreement dated as of June 21, 2021, as amended by the First Amendment thereto dated March 7, 2022 (collectively, the “Development Agreement”), among the Issuer and Bluhawk Land LLC, a Kansas limited liability company, Bluhawk Market Place LLC, a Kansas limited liability company, Bluhawk Holdings, Inc., a Kansas corporation, and Bluhawk Sports Properties, LLC, a Kansas limited liability company, (collectively, the “Developer”), the Developer submitted an application for EDRB financing to the City in an aggregate amount not to exceed \$265,000,000 for the entire Amended Project, as described in the Development Agreement, located in the City and generally bounded on the North by 159th Street, on the East by U.S. Highway 69, on the South by 167th Street and on the West by Antioch Road (the “Project Site”); and

WHEREAS, the Developer has now requested the City adopted a resolution of intent to issue its federally taxable private activity revenue bonds in one or more series for the purpose of financing the acquisition, construction, equipping and furnishing of the Multi-Sport Complex as described in the Development Agreement, in order to obtain a property tax abatement for the Multi-Sport Complex and to promote, stimulate and develop the general economic welfare and prosperity of the City and its environs and the health of the citizens thereof and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas and the health of the citizens thereof; and

WHEREAS, pursuant to the Development Agreement, the City agreed to advance a resolution of intent for consideration by the Governing Body declaring the intent of the City to issue the Bonds for the purpose of financing the acquisition, construction and equipping of the Multi-Sport Complex – Phase I as described in the Development Agreement (the “Multi-Sport Project – Phase 1”); and

WHEREAS, the Developer has requested the City to issue the initial series of its federally taxable private activity revenue bonds in the principal amount not to exceed \$83,500,000 (the “Series A Bonds”), for the purpose of financing the acquisition, construction, equipping and furnishing Multi-Sport Complex – Phase I; and

WHEREAS, the Developer has indicated its intent to make payments in lieu of taxes upon terms set forth in the Form of the Payment in Lieu of Taxes Agreement attached to the Development Agreement; and

WHEREAS, the bonds issued to finance the Multi-Sport Complex, and any portion thereof, shall be payable solely out of the rentals, revenues and receipts derived from the lease of the Multi-Sport Complex by the City to Bluhawk Sports Properties, LLC (“Bluhawk Sports”); and

WHEREAS, subject to the provisions of **Section 3** of this Resolution, the City desires to finance the cost of the acquisition, construction, equipping and furnishing of the Multi-Sport Complex by the issuance of federally taxable private activity revenue bonds pursuant to the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Subject to the provisions of **Section 3** of this Resolution, it is hereby found and declared that (i) the issuance of federally taxable private activity revenue bonds in one or more series by the City for the purpose of financing the cost of the Multi-Sport Complex to be leased to Bluhawk Sports will promote, stimulate and develop the general economic welfare and prosperity of the City and its environs and the health of the citizens thereof as well as further promoting, stimulating and developing the general economic welfare and prosperity of the State of Kansas and the health of the citizens thereof.

Section 2. Subject to the provisions of **Section 3** of this Resolution, the Governing Body of the City hereby intends to authorize the issuance of federally taxable private activity revenue bonds in one or more series in the principal amount not to exceed \$113,555,000 and to authorize the issuance of the Series A Bonds in the principal amount not to exceed \$83,500,000 to be issued pursuant to the Act and all necessary regulatory approvals and upon the conditions more fully set forth in **Section 3** hereof.

Section 3. Notwithstanding this Resolution of intent of the City to issue the bonds in one or more series in the principal amount not to exceed \$113,555,000 and to issue the Series A Bonds in the principal amount not to exceed \$83,500,000, the issuance of the bonds and the Series A Bonds is expressly subject to presentation, completion and final approval by the Governing Body of the City, of each of the conditions set forth in subparagraphs (a) through (e) below. In addition the issuance of such bonds is also conditioned on and subject to the reservations of rights set forth in subparagraphs (f) and (g) below:

- (a) Satisfactory negotiation and approval of a base lease agreement, lease agreement, trust indenture, bond ordinance and other documents necessary for the issuance of the bonds, including a payment in lieu of tax agreement by and among the City and the Developer in substantially the Form of Payment in Lieu of Taxes Agreement (the "PILOT Agreement") attached to the Development Agreement, and upon compliance with the terms of the Development Agreement by the Developer, with any subsequent changes to the form of the PILOT Agreement may be incorporated therein as shall be deemed necessary and approved by Special Counsel, the City Attorney, and other officials of the City executing such document, provided the document remains in substantially the form presented to the Governing Body, such officials' signatures thereon being conclusive evidence of their approval thereof and any such changes are hereby approved in all respects; and
- (b) Obtaining all necessary zoning and building permits and compliance with all necessary regulatory approvals and with the City ordinances; and
- (c) Successful private placement of the bonds or other purchase method approved by the City; and
- (d) Approval of the Bonds by Kutak Rock LLP, Bond Counsel, and approval of certain legal matters pertaining to the bonds by counsel to the Developer; and
- (e) Adequate security for the payment of the bonds; and
- (f) The City hereby reserves the right to rescind this Resolution of intent if the conditions specified in this **Section 3** hereof are not, in the sole judgment of the City, satisfied, or upon change of federal or state law or regulations affecting the City's issuing authority; and
- (g) If the bonds, including the Series A Bonds, are not issued for any reason, including noncompliance with the conditions of this **Section 3** hereof, the City shall not be subject to any liability, whatsoever, to the Developer.

Section 4. Subject to the conditions and prior approvals of **Section 3**, the Developer is hereby authorized to proceed with all matters necessary to accomplish the purposes set forth in this Resolution.

Section 5. The Mayor, City Council, City Manager, Deputy City Manager, Bond Counsel and City Attorney are hereby directed to take such action as they deem necessary in cooperation with all persons involved with the financing of the Multi-Sport Complex, or any part thereof, in order to present the necessary documents to the Governing Body of the City for final

action. In connection therewith, Bond Counsel for the City is directed to work with the Developer, its counsel and all others necessary, to accomplish the purposes as set forth herein.

Section 6. The City and the Developer expect to incur expenses in connection with the acquisition, construction, equipping and furnishing of the Multi-Sport Complex prior to the issuance of the bonds. The City and the Developer reasonably expect to reimburse such expenditures in connection with the Multi-Sport Complex from the proceeds of the bonds, including the Series A Bonds.

Section 7. This Resolution shall take effect and be in full force on the date it is adopted by the Governing Body and signed by the Mayor. This Resolution shall be of no effect and shall be null and void on December 31, 2024, in the event the Series A Bonds have not been issued by such date.

[Remainder of Page Intentionally Left Blank]

DRAFT

ADOPTED by the City Council this 3rd day of October, 2022.

APPROVED AND SIGNED by the Mayor this 3rd day of October, 2022.

CITY OF OVERLAND PARK, KANSAS

By: _____
Curt Skoog
Mayor

(SEAL)

ATTEST:

By: _____
Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

By: _____
Michael Koss
Deputy City Attorney

APPROVED AS TO FORM:

By: _____
Joseph D. Serrano, Kutak Rock LLP
Bond Counsel

