

**BEFORE THE CITY COMMISSION
OF THE CITY OF LAWRENCE, KANSAS**

FILED

IN THE MATTER OF:

OCT 11 18

**NINTH AND NEW HAMPSHIRE
TRANSPORTATION DEVELOPMENT DISTRICT**

**CITY CLERK'S
OFFICE**

**PETITION TO ESTABLISH THE NINTH AND
NEW HAMPSHIRE TRANSPORTATION DEVELOPMENT DISTRICT**

**TO: MR. JONATHAN DOUGLASS
CLERK OF THE CITY OF LAWRENCE, KANSAS**

This petition ("Petition") is submitted pursuant to the Transportation Development District Act, K.S.A. 12-17, 140 *et seq.*, as amended (the "Act"), by the property owners, whose signature appears below (the "**Petitioners**") to establish the Ninth and New Hampshire Transportation Development District (the "**TDD District**") in the City of Lawrence, Kansas (the "**City**").

Petitioners, being owners of record of all of the real property within the proposed TDD District to be located within the boundaries of the City, do hereby request the City to create the TDD District and authorize the construction within the TDD District of the projects described below (the "**Project**") in accordance with the authority contained in the Act. In furtherance of such request, Petitioners state as follows:

I. General Nature of the Project

The general nature of the Project is to improve, construct, maintain, install, equip or extend any street, road, highway access road, intersection, signing, signalization, parking lots, parking garages, street light fixture, sidewalk, landscaping, or any other transportation related project or infrastructure authorized by the Act, whether located within or without the TDD District, including specifically the City parking garage located at the SE corner of 9th and New Hampshire. The Project is further broken down into two projects, the South Project area, which consists of a hotel and retail uses, and a North Project area. At this time, there are no anticipated retail uses for the North Project, but the North Project area has been included in the TDD District in case some retail uses do arise at a later time.

II. Estimated Cost of the South and North Project.

The estimated cost of the North and South Projects is approximately \$3,000,000 plus interest, including specifically the first \$850,000 of TDD revenues to the City for a

portion of the costs of the City parking garage located in the 900 block of New Hampshire.

III. Proposed Method of Financing.

The Project costs will be paid on a “pay as you go” approach.

The Project shall not be financed through special assessments on the property within the TDD District.

IV. Proposed Amount of Transportation Development District Sales Tax and Payment

Pursuant to K.S.A. § 12-17, 145 of the Act, the proposed amount of the transportation development district sales tax is one percent (1%). The sales tax will begin to be collected on January 1, 2015.

V. Map and Legal Description of the District

Legal Description: The District includes all of the real property within the area legally described on **Exhibit A** attached hereto and incorporated by reference in this Petition.

Boundary Map:

A map of the boundaries of the District is attached hereto as Exhibit B, and incorporated by reference in this Petition.

VI. Notice to Petitioners

The signature of Petitioners signing this Petition may not be withdrawn later than seven (7) days after this Petition is filed with the Clerk of the City. Petitioners consent to any assessment to the extent described in this Petition without regard to benefits conferred by the Project.

VII. Right to Assign and/or Transfer

The parties hereby acknowledge that the ownership of the North Project may be in the future transferred to a separate limited liability company or entity formed for the purpose of developing and owning the North Project. The new owner shall continue to be subject to all of the terms, conditions, and responsibilities of this agreement.

SIGNATURE PAGES FOR
PETITION TO ESTABLISH THE
NINTH AND NEW HAMPSHIRE TRANSPORTATION DEVELOPMENT DISTRICT

The undersigned requests that the City Commission of Lawrence, Kansas establish the TDD District according to the preceding Petition and authorize the creation of the TDD District and levy of the TDD District sales tax.

Name of South Project Owner: 900 New Hampshire, LLC.

Manager of Owner: 900 NH, Inc., a Kansas corporation

Manager's Mailing Address: 900 NH, Inc.
6811 Shawnee Mission Parkway, Suite 210
Overland Park, Kansas 66202
Attn: Charles E. Mackey, President

Name of Signer: 900 NH, Inc.
Charles E. Mackey, President

Basis of Legal Authority to Sign: President of 900 NH, Inc., sole manager of 900
New Hampshire, LLC

Signer's Telephone Number: 913-262-5143

Signer's Mailing Address: Same as above

Entity Type: Owner – Kansas limited liability company
Manager - Kansas Corporation

By executing this Petition, the undersigned represents and warrants that such person has received a copy of this Petition and its exhibits, has read this Petition and its exhibits, is authorized to execute this Petition on behalf of the property owner named immediately above, and authorizes this signature page to be attached to the original of this Petition to be filed in the Office of the City Clerk of the City of Lawrence, Kansas. The undersigned acknowledges that the signature may not be withdrawn later than seven (7) days after this Petition is filed with the City Clerk.

900 New Hampshire, LLC,
A Kansas limited liability company

By: Its Manager
900 NH, Inc., a Kansas corporation


Charles E. Mackey, President


DATE: 10/4/13

Acknowledgement

STATE OF KANSAS)
)
) ss.
COUNTY OF DOUGLAS)

On this 4th ~~September~~ October 2013, 2013, before me, a Notary Public in and for said state, personally appeared Charles E. Mackey, President of 900 NH, Inc., its Manager, known to me to be the person who executed the within Petition of Property Owners to establish the Ninth and New Hampshire Transportation Development District on behalf of said entity and acknowledged to me that he executed the same for the purposes therein stated.

WITNESS my hand and official seal this 4th ~~September~~ October 2013, 2013.


Notary Public
Printed Name: Deborah Kay Hoskins

My Commission Expires:
June 12, 2017

DEBORAH KAY HOSKINS
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/12/17

The undersigned requests that the City Commission of Lawrence, Kansas establish the TDD District according to the preceding Petition and authorize the creation of the TDD District and levy of the TDD District sales tax.

Name of North Project Owner: Compton Rentals, LLC.

Manager of Owner: Douglas J. Compton

Owner's Mailing Address: c/o First Management, Inc.
901 New Hampshire Street, Suite 201
PO Box 1797
Lawrence, Kansas 66044
Attn: Douglas J. Compton, Manager

Name of Signer: Douglas J. Compton
Basis of Legal Authority to Sign: Manager

Signer's Telephone Number: 785-841-7333
Signer's Mailing Address: Same as above

Entity Type: Kansas Limited Liability Company

By executing this Petition, the undersigned represents and warrants that such person has received a copy of this Petition and its exhibits, has read this Petition and its exhibits, is authorized to execute this Petition on behalf of the property owner named immediately above, and authorizes this signature page to be attached to the original of this Petition to be filed in the Office of the City Clerk of the City of Lawrence, Kansas. The undersigned acknowledges that the signature may not be withdrawn later than seven (7) days after this Petition is filed with the City Clerk.

Compton Rentals, LLC,
A Kansas limited liability company


By: Douglas J. Compton, Manager

DATE: 10/11/13

Acknowledgement

STATE OF KANSAS)
)
COUNTY OF DOUGLAS) ss.

On this 11th day of ~~September~~^{October}, 2013, before me, a Notary Public in and for said state, personally appeared Douglas J. Compton, Manager of Compton Rentals, LLC, known to me to be the person who executed the within Petition of Property Owners to establish the Ninth and New Hampshire Transportation Development District on behalf of said entity and acknowledged to me that he executed the same for the purposes therein stated.

WITNESS my hand and official seal this 11th day of ~~September~~^{October}, 2013.

Carol Meiners
Notary Public
Printed Name: Carol Meiners

My Commission Expires:
4-18-2014



EXHIBIT A

LEGAL DESCRIPTION

North Project:

Lots 60, 62, 64, 66, and 68 New Hampshire Street, and Lot 61 Rhode Island Street, City of Lawrence, Douglas County, Kansas

South Project:

Lots 70, 72, 74, 76, and 78 New Hampshire Street, City of Lawrence, Douglas County, Kansas

EXHIBIT B
MAP OF PROPOSED
NEW HAMPSHIRE TRANSPORTATION DEVELOPMENT DISTRICT

