



CITY OF LENEXA

Private Activity Conduit Financing & Tax Abatement
Application Form

Version date: December 2021

Application for Private Activity Conduit Financing

Complete and provide the following information. If necessary, attach additional pages to complete answers. Failure to provide all required information in a complete and accurate manner could delay processing of your application. The City reserves the right to reject or stop the processing of an application lacking all required information.

Section 1 - Applicant Information

1. Applicant:

Name

Address

Telephone No.

Name & Title of Contact Person

Telephone No.

Email Address

Fax No.

2. Applicant's Attorney:

Firm Name and Individual's Name

Firm Address

Telephone No.

Attorney Email Address

Fax No.

3. Bond Purchaser/Underwriter:

Bond Purchaser/Underwriter for Applicant (if applicable)

Bond Purchaser/Underwriter Address

Telephone No.

Bond Purchaser/Underwriter Email Address

Fax No.

Section 2 – Applicant Business Information

1. Identify Applicant's business type:

Corporation

Partnership

Sole Proprietorship

Other

If other, describe: _____

2. State of incorporation/organization and year: _____

3. If the Applicant is a corporation, list the owners, officers, stockholders and directors holding more than 5% ownership in the entity. If a corporation has not yet been formed, include as much data as possible concerning potential officers, directors and stockholders.

4. If the Applicant is a partnership, list the general and limited partners with more than 5% of the partnership. If a partnership is not yet formed, include as much data as possible concerning potential partners.

5. If the applicant consists of multiple owners, provide the type and percentage of ownership and for each entity, provide the information set forth in Section 2, numbers 1-4 above.

6. Describe the line or lines of business engaged in by the Applicant

7. Describe any pending or threatened litigation (include case numbers if available):

8. Are the Applicant's debt instruments currently rated by a credit rating service?
Yes No

If yes, please attach copies of the most recent credit rating reports.

9. Does the Applicant currently have any offices or operations located in the City of Lenexa? Yes No

If yes, provide address(es) and describe the current offices and/or operations:

10. Has the Applicant, or any partner, officer, member or director of the Applicant; or any entity in which any partner, officer, member or director of the Applicant is or was a partner, officer, member or director, ever been charged with and/or convicted of a criminal offense (other than traffic violations) or charged by any regulatory agency with violations of financial or professional regulations?
Yes No

If yes, state the name of the business or individual, the caption of the proceeding; court and year in which it was filed, and its disposition and/or status:

11. Within the last ten (10) years, has the Applicant or any partner, officer, member or director of the Applicant; or any entity in which any partner, officer or director of the Applicant is or was a partner, officer, member or director, been a debtor in bankruptcy? Yes No

If yes, state the name of the business or individual, caption of the proceeding, the court and year in which it was filed, and its disposition and/or status:

Section 3 – Project Information:

1. Describe the nature of the proposed project, including: total project cost; size of facility; amount of land to be purchased (if applicable); whether the project is an expansion of existing facility, construction of a new facility, or both; proposed use of the facility; reason(s) the Applicant requires a new or expanded facility; estimated capital investment for the facility (land acquisition and building only, excluding personal property); and phasing plans if the project is to be constructed in multiple phases:

2. Provide the street address, Johnson County Parcel ID Number and legal description (in a separate attached Microsoft Word file) for the property where the project will be located:

Street Address: _____

Parcel ID Number: _____

3. Current appraised value (per County Appraiser’s office) of property where the project will be located: \$

4. Estimated appraised value (as calculated by the County Appraiser’s office) of project upon completion: \$

5. Provide architect and construction contractor information:

Architect Name

Telephone No.

Architect Address

Architect Email Address

Fax No.

Construction Contractor Name

Telephone No.

Construction Contractor Address

Construction Contractor Email Address

Fax No.

6. Type of Facility to Be Constructed:

7. Is the property properly zoned for the project? Yes No

If a zoning change is pending, cite the application number and present status or proposed schedule for submitting an application:

8. Has the City approved the final project plan? Yes No

If no, provide the status of the final plan approval process and when approval is anticipated:

- a. Has the final plat for the project been approved by the City? If so, when was it recorded or alternatively, when will it be recorded?

- b. If the final plat for the project has not yet been approved by the City, provide the status of the final plat approval process and when file plat approval is anticipated, and the date upon when such final plat will be recorded.

9. a. Anticipated start date for construction:

b. Anticipated project completion:

10.a. What percentage of the facility will be occupied by the applicant? _____ %

b. If less than 100%, identify the other occupants and the corresponding occupancy percentage:

_____	_____ %
_____	_____ %
_____	_____ %

11. Provide information on the entity performing the environmental audit for the proposed site:

Company Name

Telephone No.

Company Address

Section 4 – Financing Information

1. a. List all previous participation in private activity debt conduit financing (IRBs, by the Applicant:

b. Has the Applicant ever been involved with transactions where the issuer ultimately defaulted on the repayment of the outstanding debt?

Yes

No

2. a. Has the applicant determined if the proposed debt issue will be marketable?

Yes

No

If so, provide an explanation and description of the marketing plan as an attachment to this application.

b. The City generally requires the bonds be privately placed. Provide the name/entity that will be purchasing the bonds:

c. If the bonds will not be privately placed, please provide an explanation as to why the bonds should be publicly sold:

d. Does the Applicant intend to purchase all or part of the proposed debt issue:

Yes

No

e. Will the transaction be rated by a credit rating agency?

If yes, include the entity providing the credit rating and the expected credit rating:

Entity:

Expected Credit Rating:

3. Provide the proposed dates for issuance of the debt and closing on the transaction:

Issuance: _____

Closing: _____

4. Identify what portion of the project will be financed from funds other than the private activity conduit debt financing and identify the source of those funds:

Description:	Amount:	Source:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Estimated issuance amount for the bonds: \$
6. Attach the anticipated sources and uses of the debt proceeds, the proposed debt service schedule and issue structure, and proposed security for the debt issue. For the refinancing of existing private activity conduit debt, describe the purpose of the proposed refinancing, anticipated sources and uses of the debt proceeds and proposed security for the refinancing debt issue.

Section 6 – Applicant’s Agreement

The Applicant certifies that the undersigned is authorized to execute this application on behalf of the Applicant. In consideration of the City’s acceptance, processing and evaluation of this application, Applicant agrees, represents, and warrants as follows:

Applicant agrees and understands that a non-refundable application fee to the City of Lenexa of \$2,000, which is due and payable at the time of making application, is required. Applicant agrees and understands that a retainer to the City of Lenexa of \$8,000, which is due and payable at the time of making application, is required if the Applicant is requesting a property tax abatement. Applicant further agrees and understands that Applicant shall be responsible for paying the following additional items:

1. An origination fee (authorized by K.S.A. 12-1742 as amended) as calculated according to the City’s Private Activity Conduit Financing and Tax Abatement Policy, which is due at closing.
2. All expenses incurred by the City for professional services pertaining to this application and Applicant’s project including, but not limited to, City Bond Counsel and Financial Advisor fees. These fees for professional services are due regardless of whether or not the project or transaction is approved or a closing on the sale of the contemplated bonds takes place.
3. All ongoing costs associated with the transaction including, but not limited to, professional fees associated with Applicant requested amendments such as assignments, assumptions or redemptions and additional fees incurred for amendments or extensions.
4. If a sales tax exemption is obtained and utilized, the applicant shall issue bonds no later than upon project completion or applicant shall be responsible to repay the Kansas Department of Revenue the sales tax which would have been otherwise incurred, and applicant shall indemnify and hold the City harmless for the same.

Applicant represents and warrants that all statements of fact contained in this application are true to Applicant’s best knowledge and belief. Applicant has a continuing obligation to supplement its application when any new information is acquired. Applicant represents that it has reviewed the City’s Private Activity Conduit Financing and Tax Abatement Policy and agrees to be bound by the procedures described therein.

It is understood and agreed that the information required in this application or any other information received will be disclosed to appropriate City staff and may be disclosed to the public.

APPLICANT

By: _____
Authorized Representative Date

Section 7 – Fees and documents to be submitted

1. Submit the following items to the City of Lenexa:
 - \$2,000 application fee (non-refundable)
 - \$8,000 retainer (applies only if a property tax abatement is requested)
 - E-mail the completed application, supplemental project information form (for tax abatements), and any other attachments to Kyle Glaser (kglaser@lenexa.com)
2. The application fee and retainer may be combined into a single check payable to “The City of Lenexa” and mailed or delivered to:

City of Lenexa
Attn: Kyle Glaser, Economic Development Analyst
17101 W. 87th St. Parkway
Lenexa, KS 66219

Phone: (913) 477-7688
Fax: (913) 477-7586
Email: kglaser@lenexa.com

3. The City will not commence work on the application until the application fee and the retainer (if applicable) are received by the City.