

**CITY OF MAIZE, KANSAS**  
**COMMUNITY IMPROVEMENT**  
**DISTRICT**

**Application Procedures and Application**  
**Petition**



**Important Notice and Disclaimer**

The attached procedures, policies and forms have been prepared by the City of Maize, Kansas (the "City") for the purpose of assisting private developers in consideration of whether a Community Improvement District (CID) for prospective projects is a realistic possibility. The authority to make the legislative findings and determinations necessary for the compliance with the Kansas CID Act is vested solely and only in the City's Governing Body. Applicants and Projects are cautioned that the attached materials have been prepared primarily for informational purposes to inform Applicants of the types of projects the city would consider for CID assistance. The City reserves the right to reject any and all projects, even those which satisfy all of the attached criteria for the use of CID, for any reason whatsoever, without regard for the viability of the project. Furthermore, the City reserves the right to waive any non-conformance to these policies and approve any project the City deems favorable to the City.

### **Overview of the Community Improvement District (CID) Process**

- 1. Pre-application meeting(s) with City's Administration Team.**
- 2. An application petition is submitted by Applicant to the City Manager along with any applicable fees,**
- 3. The City Manager will review the application petition and determine whether the it is complete and whether the proposed project is eligible under the City's Economic Development Guidelines.**
- 4. After review by the City Manager, if it meets eligibility, the application petition will be forwarded with a recommendation to the City Council for discussion and/or consideration. A portion of those discussions involving financial affairs or trade secrets of a corporation, partnership, trust or individual proprietorship may be held in Executive Session behind closed doors.**
- 5. The City Council calls for a public hearing on the creation of the district if required.**
- 6. The city conducts hearings, sends notices and completes other requirements as prescribed by state law; City Council considers creation of the district and creates the district by Ordinance.**
- 7. The developer prepares a Community Improvement District Plan pursuant to state law and City requirements. A Community Improvement District Agreement is also prepared.**
- 8. The City Manager reviews the Plan and Agreement and submits to the City Council with a recommendation.**
- 9. The City Council reviews and considers the Community Improvement District Plan and the Community Improvement District Agreement at a Study Session.**
- 10. The City Council considers an Ordinance making necessary findings and approving the Community Improvement District Plan and Community Improvement District Agreement. Authorization of the issuance of bonds or reimbursement of CID eligible costs is also considered at this time.**
- 11. Execution of the Community Improvement District Agreement between the City and Applicant.**

## Application Procedures

### 1. APPLICATION:

**Submission:** The Community Improvement District - CID Application Petition, policies, and procedures are available at <https://www.cityofmaize.org> or the City Clerk's office. Not less than one (1) paper copy and one (1) electronic copy of the completed Application should be submitted to the City Manager, City of Maize, 10100 W. Grady Avenue, PO Box 245, Maize, Kansas 67101.

**Application Fee:** Each Application shall be accompanied with a non-refundable Application fee made payable to the City of Maize. The Application fee will be used by the City to pay the costs incurred by the City in the review of the Application. Bond Counsel and Financial Advisor fees are paid from bond and/or incremental CID proceeds, if necessary. The City has established a phased Application fee as outlined below. Any amendments to a CID Plan require a non-refundable amendment fee as indicated below. The Applicant shall be required to pay additional costs such as outside consultant and attorney fees and publication costs.

### CID APPLICATION FEE

<b>Application Fee</b>	\$5,000 – Non-refundable for new CID petitions, such amount may be adjusted to cover City's legal costs in establishing CID. \$2,500 – Non-refundable for CID amendments; such amount may be adjusted to cover City's legal costs in establishing CID.
<b>City Administrative Fees</b>	For any approved CID, the City shall be paid an on-going administrative services fee, in an amount equal to 5% of the total CID revenues received by the City.
<b>CID Origination Fee</b>	The city may require an Origination Fee pursuant to which the city will retain on an annual basis an amount equal to no less than 10% and no more than 2.5% of the CID revenue collected. Funds will be used for improvements and/or maintenance to public assets within the district.
<b>Deposit</b>	The City shall require a \$5,000 deposit as well. The deposit shall be applied toward staff time, expenses for any mailing or publications, internal legal. This fee shall be replenished by the applicant if at any time the fund drops below \$2,500. The applicant shall replenish the fund to the \$5,000 level within 10 days of notice that it has dropped below \$5,000. Failure to replenish the deposit will result in City staff ceasing the processing of that project. CID amendments will require a \$2,500 deposit and be required to be replenished when the balance falls below \$1,000. Any deposit cost not allocated once the project is complete will be refunded to the applicant.

## **CID ADMINISTRATIVE SERVICE FEE**

The following administrative service fees shall be paid to the City from the tax increment generated from the project prior to disbursement of the increment to the developer or bond trustee to cover the administrative costs incurred by the City for the administration of and other City costs associated with each approved CID Project. Such administrative service fee shall be in addition to the CID application fee and any other fees associated with the CID Project.

Property tax increment projects  
only

5% of the annual increment

The applicant may be required to pay additional costs such as outside consultant and attorney fees as required for the city to fully analyze the CID application. CID application fees (excluding non-refundable), additional consultant and attorney fees may be reimbursed to applicant or paid to City from bond proceeds or CID revenues. However, City bond issuance costs may not be reimbursed from CID project revenue if CID project reimbursable costs are payable from City sales tax or transient guest tax.

*Preliminary Determination of Completeness:* Upon submission, the application petition will be reviewed to determine if it is complete. If the Application is incomplete or if additional information is needed, the Applicant will be notified in writing that the Application is not complete and the reasons will be stated referring to the specific criteria that are not met, additional information required, or financial, legal, planning, and development concerns.

*Requests for Proposals:* The City may initiate a Request for Proposals for a Community Improvement District project. The fees shown above are for both City initiated, and non-City initiated Community Improvement District projects. The City reserves the right to reduce or waive the above fees if a Community Improvement District project is determined to be in the best interest of the City to do so. Upon the filing of an Application that is non-City initiated, the City reserves the right to cause a public notice to be inserted in a newspaper of general circulation in the City or on the City's website requesting proposals for development in the proposed project area.

## **2. STAFF REVIEW:**

Review of the Application will be conducted by the City Manager, and if necessary, by other City Staff, the City's Financial Advisor, City Bond Counsel and any other outside consultant deemed necessary for review of the Application. Initial review time will be approximately 30 days from the date the completed Application is submitted to the city. However, more or less time may be required for particular Applications. Upon receipt of a complete Application and after review by the City Manager, the City Manager shall forward a recommendation to the City Council

for consideration. The recommendation of the City Manager may be approved, denied, or amended by the City Council. Applicants will be notified of the City Manager's forwarding the Application to the Council review.

Applications that are determined to be incomplete or do not conform to the City's policy will not be forwarded to the City Council. Applicants will be notified of the determination that the Application will not be forwarded and should be modified before being considered in the future.

### **3. COMMUNITY IMPROVEMENT DISTRICT CONSIDERATION:**

The City Council may desire to hold one or more study sessions or executive sessions before any public hearing is held. During this period the Applicant may be required to submit additional information as requested and/or appear before the City Council to present information regarding the Application. The City Council considers making all findings and determinations required by the Kansas CID Act.

The City Council conducts hearings and other requirements as prescribed by state law. The proposed developer prepares a Community Improvement District Plan pursuant to state law and City requirements. The cost of all such studies shall be paid by the Applicant and should be prepared by a professional consultant having a favorable reputation for the preparation of such studies. The studies shall be submitted to the City in a timely manner for review by Staff prior to any City Council meetings or study sessions. Additionally, consideration of the Community Improvement District Plan shall adhere to the requirements of the CID and may require additional studies as necessary. The City Manager reviews the Community Improvement District Plan and submits it to the City Council with comments.

After creation of the district and as part of the negotiation of the Community Improvement District Plan, the City and Applicant shall prepare a Community Improvement District Agreement. Additional requirements and costs, as needed, may be included in the Community Improvement District Agreement.

The City Council may review and discuss the Community Improvement District Plan and Community Improvement District Agreement at Study Sessions. The City Council may consider an Ordinance making necessary findings and approving the Community Improvement District Plan and Community Improvement District Agreement. Authorization of the issuance of bonds or reimbursement of CID eligible costs is also considered at this time.

### **4. NOTIFICATION / PUBLICATION RESPONSIBILITIES:**

Legal notices and mailings to taxing districts and property owners shall be prepared or caused to be prepared, delivered, and mailed by the City pursuant to state law. Copies of certifications of mailing, signed delivery certifications, or other proofs of notifications shall be forwarded to the City Clerk. The City shall also prepare or cause to be prepared any Notices of Public Hearings to be published and forward to the City Clerk for publication in a timely manner as required by state law. The Applicant is responsible for all costs associated with publications, mailings, certifications, delivery, and preparation of notices. The City shall be reimbursed for any expenses associated with Application and the CID process.

**5. OTHER COSTS OR EXPENSES:**

Applicant shall reimburse the City for all reasonable documented, out-of-pocket expenses incurred in connection with the Community Improvement District CID, including attorney's fees and other City consultant fees. Said reimbursements to the City shall be deemed Reimbursable Expenditures.

**CITY OF MAIZE, KANSAS APPLICATION FOR COMMUNITY IMPROVEMENT  
DISTRICT ("CID")**

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

FAX #: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

**Please complete the following items.**

1. As Exhibit A, provide attachments of relevant information on the Applicant's background(s) and development experience. Include resumes of key individuals assigned to the project, as well as other projects completed, including location and contact persons from local governments and bank references. Also, include a copy of the development company's organizational structure.

2. Identify the Applicant's consultants involved, or proposed to be involved, in the project noting relevant experience on similar projects (i.e., civil engineer, land use planner, Applicant's legal counsel, Applicant's financial advisor).

<u>CONSULTANT TYPE</u>	<u>CONSULTANT NAME, ADDRESS, PHONE, CONTACT PERSON, EMAIL</u>	<u>EXPERIENCE</u>



3. Describe the proposed project, including the size and scope, phasing and anticipated timing of the project.

- 10

7. Is the property currently zoned for the proposed use? \_\_\_\_\_ If not, what zoning change will be required?
8. Will the proposed project result in the relocation of residential, commercial, industrial or public facilities? \_\_\_\_\_ If so, discuss the nature of any anticipated relocations.
9. As Exhibit C, state the need and justification for CID assistance and the type and amount of assistance being requested. Provide a project proforma containing assumptions for CID assistance, including internal rate of return with, and without, public assistance. Explain how the Applicant(s) intend/intends to demonstrate that but for CID assistance, this project will be unable to proceed due to extraordinary economic conditions. Substantiate that other alternative methods of financing have been thoroughly explored, as well as why CID assistance is necessary.
10. Will the applicant(s) be in direct competition with other local firms or businesses located in Maize City Limits? \_\_\_\_\_ If so, name the firms and describe the nature of the competition.

11. Identify sources, amounts and status of all debt financing and/or equity funding available to complete the project. Does/Do the Applicant(s) anticipate the debt to be privately financed by the construction lender, developer or publicly sold? Please list all information in the following table format.

<u>Financial Resource</u>	<u>Amount</u>	<u>Term</u>	<u>Status</u>	<u>Contact Person</u>	<u>Contact Telephone #</u>

12. As Exhibit D, on a revenue worksheet, estimate the incremental property taxes and economic activity taxes (anticipated annual sales tax generated from operation) to be generated by the project, including underlying assumptions. This information, along with the expected return on investment, shall be included in the proforma.
13. As Exhibit E, attach a letter from a financial institution indicating that the Applicant(s) has/have sufficient financial resources to obtain the private financing for the project.
14. As Exhibit G, provide an outline of the costs associated with the development of the proposed project(s) and related parcel, or parcels, located within the CID area. Identify in the outline, those costs proposed to be funded with CID financing and the proposed payback timeframe (provide a debt service schedule showing rates and assumptions). The information shall include interest rates and all assumptions.
15. As Exhibit H, in one page or less, discuss and document information used to describe the market feasibility of each element of the proposed project. If a formal feasibility or comparable studies have been prepared (or will be prepared soon after submission of the application), please identify the firm who has prepared, or will prepare the study, including the qualifications and prior experience of such firm in preparing similar studies, and attach such reports.

16. Identify any proposed tenants of the project. Have lease(s) been negotiated or signed? What type of lease(s) is contemplated?
17. Who will own the developed property?
18. Briefly describe the "economic and quality of life" benefits of the proposed project to the city.
19. For projects requesting CID funding do you propose “pay-as-you-go” funding or special obligation bond financing? More scrutiny will be given to projects requesting special obligation financing and detailed financial analysis will be required showing why conventional financing is not possible to fund the entire project.

**CERTIFICATION OF APPLICANT**

Applicant(s) has/have received and reviewed the guidelines, and the applicant(s) understand and agree to the terms, including payment of the required fees.

As of the date of the applicant's execution of this application, to the best of the applicant's knowledge, the information contained within this application is true and correct.

**IN WITNESS WHEREOF**, the undersigned petitioners have executed the above foregoing petition to create the district at the dates set forth opposite their respective signatures below:

\_\_\_\_\_  
(Name of Business)

an \_\_\_\_\_ authorized to do business in Kansas.  
(Business Structure)

By: \_\_\_\_\_  
Signature of Authorized Agent for Entity

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ before me, the undersigned, a Notary Public in and for said County and State, came \_\_\_\_\_, 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)

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for said  
County and Stat





**EXHIBIT A**

Insert or attach here:

**EXHIBIT B**

Insert or attach here:

**EXHIBIT C**

Insert or attach here:

**EXHIBIT D**

Insert or attach here:

**EXHIBIT E**

Insert or attach here:

**EXHIBIT F**

Insert or attach here:

**EXHIBIT G**

Insert or attach here:

**EXHIBIT H**

Insert or attach here: