

July 19, 2022

Block 49, LLC  
5219 N Hampton  
Bel Aire, KS 67226

Re: Letter of Intent to Issue IRB's and Provide Other Incentives for Construction of a Storage Unit Facility.

Dear Mr. Reese,

Subject to formal IRB document approval by the City Council of Bel Aire, this Letter of Intent with Block 49, LLC is submitted in order to set forth the agreement of the parties concerning the principal elements of Block 49. LLC commitment to the City of Bel Aire and the City's intent to provide the incentives outlined herein, including the issuance of Industrial Revenue Bonds pursuant to K.S.A. 12-1740 et seq., to construct ten storage buildings and one office building totaling 67,000 square foot for storage at their location in Skyview at Block 49 3<sup>rd</sup> Addition. This letter of intent is subject in all respects to subsequent actions by the City Council to authorize specific incentives outlined herein and does not constitute a binding obligation of the parties, until such actions have been taken and all documents contemplated herein are executed. Absent subsequent rescission or extension by action of the governing body, this letter of intent to issue bonds and provide other incentives will remain in effect for six months, unless extended by the parties. This letter of intent is void if not signed and accepted within 30 days from the date of signing

**I. Industrial Revenue Bonds**

At the option of Block 49, LLC, the City intends to authorize the issuance of taxable Industrial Revenue Bonds ("bonds" or "IRB's") to finance the cost of acquiring land, equipping and constructing ten buildings totaling 67,000 square foot for storage in Bel Aire for an aggregate total not to exceed \$7,000,000.00

The Industrial Revenue Bonds will be privately placed by Block 49, LLC, its investors and its lenders.

**II. Other Incentives:**

The City will assess a 1% origination fee due at closing, total shall not exceed \$100,000.00.

The City Council hereby conditionally approves a 100% ad valorem property tax exemption on the bond-financed property for a 10 year term ad valorem property tax exemption, all subject to the tenant's ongoing compliance with the Industrial Revenue

Bond Policy as well as conditions included in this LOI. Under state law, no exemption may be granted from the ad valorem property tax levied by a school district for the capital outlay fund pursuant to the provisions of K.S.A. 72-8801, which levy may not exceed 8 mills.

Based on the assessed valuation of the current property tax which is payable for that year.

The City Council hereby conditionally approves a sales tax exemption in connection with the purchase of materials and equipment used in construction and equipping of the project based on IRB statutes of the State of Kansas.

The following Payment in Lieu of Taxes (PILOT) shall be required:

Year 1	0%
Year 2	10%
Year 3	20%
Year 4	30%
Year 5	40%
Year 6	50%
Year 7	60%
Year 8	70%
Year 9	80%
Year 10	90%

### **III. Other Conditions:**

Closing of the IRB and issuance is subject to negotiation of the IRB bond documents, compliance with state law and City ordinances and policies for the issuance of the IRB bonds, and receipt of commitments for the purchase of IRB bonds from lenders / equity holders.

Negotiation of a lease agreement.

Preparation of appropriate bond ordinance.

Execution of guarantees for payment of bonds to the extent required by the owner of the bonds.

The applicant will identify all owners of the Block 49, LLC and their portion of equity as well as officers. The applicant will notify the City of any changes in ownership or officers as long as the bonds are outstanding.

Provide the City with a copy of the current financial statements, business plan and financial projections for Block 49, LLC storage facilities.

Agreement to pay all costs incurred by the City for processing the application and issuance of the bonds.

Agreement to pay the City an Administrative fee of \$2,500.00 per year for the time period in which the bonds are outstanding.

An agreement that prior to the issuance of the bonds, the prospective tenant will obtain a suitable commitment for a policy of title insuring the title of any real property conveyed to the City in connection with the financing.

This agreement only covers the proposed buildings totaling 67,000 square foot for both.

Block 49, LLC will cooperate with any annual compliance procedures the City may require in compliance with the Lease Agreements and IRB's including any annual reports required of the applicant as well as any inspections of the applicant's premises or interviews with the applicant's staff.

The City may revoke any ad valorem property tax abatement or impose a payment in lieu of taxes in the amount of any ad valorem property taxes abated in the event the City Council finds, upon the fourth year, that Block 49, LLC did not achieve its capital investment of \$6,000,000.00 and employment goal of 1 full time employee.

The applicant will continue using the property as a storage facility.

#### **IV. Assignment of Letter of Intent**

This Letter of Intent is not assignable by Block 49, LLC without the City's expressed written approval.

Sincerely,

\_\_\_\_\_  
Jim Benage, Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
City Manager

Accepted:

Block 49, LLC

\_\_\_\_\_  
Andrew Reese, Owner

\_\_\_\_\_  
Date