ORDINANCE NO. 18319

AN ORDINANCE introduced by Mayor James A. McClinton, authorizing Project No. 60580, Phase 3, which provides for completion of the renovation of the paddock and pit area and construction of buildings located at Heartland Park of Topeka as more specifically described herein, all pursuant to Section A12-1 of the Code of the City of Topeka.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That it is hereby deemed advisable and necessary and is also hereby authorized, pursuant to Section A12-1 of the Code of the City of Topeka that the following public improvement be made:

A. GENERAL NATURE OF IMPROVEMENT:

The third phase of this project will complete the renovation of the paddock and pit area by completing the asphaltic overlay of the remaining milled area. Additionally the third phase will construct a timing/scoring building, race control building, and if funds are available, a garage building.

B. ESTIMATED OR PROBABLE COST:

$2,500,000.00

C. APPORTIONMENT OF COSTS:

100% General Obligation Bonds and other lawfully available funds.

Section 2. No City funds shall be expended or any contract for services or material awarded for Project No. 60580, Phase 3 until the Development and Management Agreement between Lario Enterprises, Inc., as assigned to Jayhawk Racing L.L.C. and the City has been amended to assure that the facility and real estate stay in the ownership of the City of Topeka as long as the general obligation bonds issued to pay for the project are outstanding. Further, the Mayor shall not have the authority to execute any amendment to
the Development and Management Agreement unless authorized to do so by resolution of
the City Council.

Section 3. This Ordinance shall take effect and be in force from and after its
passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the City Council OCT 12 2004

ATTEST:

James A. McClinton, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 10/13/04 BY SBE
TO BE CODIFIED
NOT TO BE CODIFIED X