ORDINANCE NO. 18507

AN ORDINANCE introduced by City Manager Neil Dobler, amending Ordinance 18319, 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 and repealing City of Topeka Ordinance No. 18319.

WHEREAS, the Council previously passed and approved City of Topeka Ordinance 18319 effective October 20, 2004, which authorized Project No. 60580, Phase 3; and

WHEREAS, it is necessary to amend the project budget to provide for the construction of additional buildings and other facilities at Heartland Park of Topeka; and

NOW THEREFORE, 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:

Section 2. GENERAL NATURE OF IMPROVEMENT: The third phase of this project will provide for the renovation of the paddock and pit area by completing grading, paving, and the addition of lighting. Additionally, the third phase will provide for the construction of the following buildings: a Race Control Building, a Garage Building, Pavilions, Maintenance Building, Technology Building, Credential Building, Tire Building, Concession Building, and other appurtenances needed for a complete project all located at Heartland Park of Topeka.

Section 3. ESTIMATED OR PROBABLE COST: The total estimated or probable
cost of amended project budget for Project No. 60580, Phase 3, is $5,500,000.00.

Section 4. APPORTIONMENT OF COSTS: 100% General Bonds, Bonds issued pursuant to K.S.A. § 12-1770, et seq. and other lawfully available funds.

Section 5. No City funds shall be expended or any contract for services or material awarded for Project No. 60580, Phase 3, as amended 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 6. That City of Topeka Ordinance No. 18319 is hereby specifically repealed.

Section 7. 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 SEP 13 2005.

ATTEST:

William W. Bunten, Mayor

Iris E. Walker, City Clerk

APPROVED AS TO FORM AND LEGALITY
DATE 08/30/05 BY SRC
TO BE CODIFIED
NOT TO BE CODIFIED X