ORDINANCE NO. 18528

AN ORDINANCE INTRODUCED BY CITY MANAGER NEIL DOBLER
AUTHORIZING THE ISSUANCE OF $5,070,000 AGGREGATE
PRINCIPAL AMOUNT OF TAXABLE GENERAL OBLIGATION
BONDS, SERIES 2005-C (HEARTLAND PARK), OF THE CITY OF
TOPEKA, KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125,
INCLUSIVE, THE HOME RULE AUTHORITY GRANTED TO THE
CITIES OF THE STATE OF KANSAS BY SECTION 5 OF ARTICLE 12
OF THE KANSAS CONSTITUTION AND CHARTER ORDINANCE NO.
89 OF THE CITY, ALL AS AMENDED.

WHEREAS, pursuant to the home rule authority granted to the cities of the State of
Kansas by Section 5 of Article 12 of the Kansas Constitution, and Charter Ordinance No. 89 of
the City of Topeka, Kansas, (the “City”) (Section A12-1 of the Code of the City) and other
provisions of the laws of the State of Kansas applicable thereto, by proceedings duly had, the
City has authorized the issuance of taxable general obligation bonds to finance renovation of the
racetrack and certain paddock and pit area and construction of buildings located at Heartland
Park of Topeka, together with all things necessary and incidental thereto (City Projects Nos.
60580P2 and 60580P3) (the “Project”).

WHEREAS, all legal requirements pertaining to the Project have been complied with,
and the governing body of the City now finds and determines that the total costs of the Project
and related expenses are at least $8,000,000 (the “Project Costs”), to be paid for by the issuance
of general obligation bonds; and

WHEREAS, in accordance with all of the foregoing, the City deems it necessary and
advisable to issue and sell its Taxable General Obligation Bonds, Series 2005-C (Heartland Park)
in the aggregate principal amount of Five Million Seventy Thousand Dollars ($5,070,000) for the
purpose of paying the cost of the Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TOPEKA, SHAWNEE COUNTY, KANSAS:

Section 1. That for the purpose of providing funds to pay the cost of the Project
hereinbefore described, there is hereby authorized and directed to be issued Taxable General
Obligation Bonds of the City in the aggregate principal amount of Five Million Seventy
Thousand Dollars ($5,070,000) (the “Bonds”) as provided by the home rule authority granted to
the cities of the State of Kansas under Section 5 of Article 12 of the Kansas Constitution, Charter
Ordinance No. 89 of the City (Section A12-1 of the Code of the City) and Article 1 of Chapter
10, Kansas States Annotated, all as amended. The Bonds shall be dated and bear interest, shall
mature and be payable at such times, shall be in such form, shall be subject to redemption and
payment prior to the maturity thereof and shall be issued in the manner prescribed and subject to
the provisions, covenants and agreements set forth in a resolution of the Governing Body of the
City adopted the same date as the date of the passage and approval of this Ordinance (the
“Resolution”).

Section 2. That the Mayor or Deputy Mayor and City Clerk or Deputy City Clerk are
hereby authorized to prepare and execute the Bonds and when so executed, the Bonds shall be
registered as required by law and the Governing Body shall annually make provisions for the
payment of the principal of, redemption premium, if any, and interest on the Bonds as the same
shall become due by levying a tax upon all the taxable property of the City.

Section 3. That the City shall, and the officers, agents and employees of the City are
hereby authorized and directed to, take such action and execute such other documents,
certificates and instruments as may be necessary or desirable to carry out and comply with the
provisions of this Ordinance and to carry out, comply with and perform the duties of the City
with respect to the Bonds and the Resolution all as necessary to carry out and give effect to the
transaction contemplated hereby and thereby.

Section 4. That if any portion or provision of this Ordinance or the Bonds shall for any
reason be held to be invalid or unenforceable, the invalidity or unenforceability of such portion
or provisions shall not affect any of the remaining provisions of this Ordinance or the Bonds but
this Ordinance and said Bonds shall be construed and enforced as if such illegal or invalid
provision had not been contained herein.

Section 5. That the Bonds shall be issued and sold to the purchaser thereof in accordance
with both their bid for the purchase thereof and the terms and conditions of this Ordinance.

Section 6. That this Ordinance shall take effect and be in force from and after its passage
and publication in the official City newspaper.

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Passed and approved by the Council of the City of Topeka, Kansas, this 25th day of October, 2005.

CITY OF TOPEKA, KANSAS

[Signature]
William W. Bunten, Mayor

ATTEST:

[Signature]
Iris E. Walker, City Clerk

(SEAL)

I, IRIS E. WALKER, City Clerk of the City of Topeka, Shawnee County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 18528 adopted and approved by the City Council on October 25, 2005.

[Signature]
Iris E. Walker, City Clerk

APPROVED AS TO FORM & LEGALITY

OCT 26 2005
CITY ATTORNEY'S OFFICE