ORDINANCE NO. 18580

AN ORDINANCE INTRODUCED BY CITY MANAGER NEIL DOBLER
AUTHORIZING THE ISSUANCE OF $10,405,000 AGGREGATE
PRINCIPAL AMOUNT OF FULL FAITH AND CREDIT STAR BONDS,
SERIES 2006-A (HEARTLAND PARK), OF THE CITY OF TOPEKA,
KANSAS, UNDER THE AUTHORITY OF K.S.A. 10-101 TO 125,
INCLUSIVE, K.S.A. 12-1770 ET SEQ., AS AMENDED AND
SUPPLEMENTED.

WHEREAS, the governing body of the City of Topeka, Kansas, (the “Issuer”) is
authorized pursuant to K.S.A. 12-1770 to and including 12-1780d, as amended and
supplemented, (the “Act”) including K.S.A. 12-1780b, as amended, to establish one or more
major motorsports complexes (as defined in K.S.A. 12-1770a(uu), as amended) in any area either
within or outside the boundaries of the Issuer; and

WHEREAS, in accordance with the requirements of K.S.A. 12-1780c, as amended, the
Issuer has both proposed to undertake the construction and completion of certain improvements
in the Heartland Park Redevelopment District established by the Issuer within its boundaries in
accordance with the requirements of the Act (the “Project”) and prepared a project plan therefore
together with all things required to be included therewith (the “Project Plan”); and

WHEREAS, a copy of the Project Plan has been delivered to the board of county
commissioners of Shawnee County, Kansas, and the board of education of Unified School
District No. 450; and

WHEREAS, the planning commission of the Issuer did find at its meeting held August
22, 2005, that the Project Plan is consistent with the intent of the comprehensive plan for the
development of the Issuer; and

WHEREAS, the governing body of the Issuer has adopted its Resolution No. 7677,
passed and approved August 23, 2005, as amended by its Resolution No. 7688, passed and
approved September 27, 2005, stating that the Issuer is considering adopting the Project Plan;
and

WHEREAS, the Issuer did in accordance with the requirements of applicable law give
notice of the date, hour and place of a public hearing to consider its adoption of the Project Plan;
and

WHEREAS, the Issuer did hold such public hearing December 6, 2005, (the “Hearing”) in
accordance with notice thereof duly given as aforesaid, to consider the adoption of the Project
Plan and, following such hearing, the governing body of the Issuer did adopt the Project Plan by
its Ordinance No. 18541, passed upon a 2/3 vote of the members of the governing body, December 6, 2005, and published as required by law; and

WHEREAS, the estimated cost of completing the Project in accordance with the Project Plan is $22,000,000 of which the Issuer has proposed, in accordance with K.S.A. 12-1780b(a), as amended, to finance the lesser of $10,460,000 or fifty percent (50%) of such redevelopment project costs, that being $10,460,000, from its full faith and credit STAR bonds payable from revenues described by subsection (a)(1)(D), (a)(1)(F) and (a)(1)(G) of K.S.A. 12-1774, as amended, and from a pledge of the Issuer’s full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient (the “Bonds”); and

WHEREAS, the Board of County Commissioners of Shawnee County, Kansas, has pledged all of the revenues received by Shawnee County from any transient guest, local sales and use taxes which are collected from taxpayers doing business in the Redevelopment District to the payment of the principal of and interest on the Bonds the issuance of which is authorized by this Ordinance; and

WHEREAS, the Board of Regents of Washburn University has pledged all of the revenues received by Washburn University from the retailer’s sales tax imposed by the University within Shawnee County, Kansas, pursuant to K.S.A 13-13a38 which are collected from taxpayers doing business in the Redevelopment District to the payment of the principal of and interest on the Bonds the issuance of which is authorized by this Ordinance; and

WHEREAS, the Secretary of Commerce of the State of Kansas did approve January 30, 2006, the Project and the issuance of the Bonds in an amount totaling the lesser of $10,460,000 or 50% of the Project costs; and

WHEREAS, a sufficient protest (i.e., 3% or more of the qualified voters of the Issuer) was not filed with the City Clerk within sixty (60) days following the date of the Hearing on the proposed Project Plan; and

WHEREAS, in accordance with K.S.A. 12-1780b(b), as amended, the maximum maturity of the Bonds to finance major motorsports complexes shall not exceed 20 years; and

WHEREAS, all legal requirements pertaining to the Project have been complied with and in accordance with all of the foregoing, the Issuer deems it necessary and advisable to issue and sell its Full Faith and Credit STAR Bonds, Series 2006-A (Heartland Park) in the aggregate principal amount of Ten Million Four Hundred Five Thousand Dollars ($10,405,000) for the purpose of paying not more than fifty percent (50%) of Project Costs.

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 Full Faith and Credit
STAR Bonds of the Issuer in the aggregate principal amount of Ten Million Four Hundred Five Thousand Dollars ($10,405,000) (the “Bonds”) pursuant to K.S.A. 12-1770 et seq., K.S.A. 12-1780a et seq. 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 Issuer 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 Issuer.

Section 3. That the Issuer shall, and the officers, agents and employees of the Issuer 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 Issuer 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.

(REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK)
Passed and approved by the Council of the City of Topeka, Kansas, this 7th day of March, 2006.

CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

William E. Walker, City Clerk

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. 18580 adopted and approved by the City Council on March 7, 2006.

Iris E. Walker, City Clerk