RESOLUTION NO. 76-76

A RESOLUTION INTRODUCED BY NEIL DOBLER RELATING TO
NOTICE OF A PUBLIC HEARING CONCERNING THE
ESTABLISHMENT OF A REDEVELOPMENT DISTRICT WITHIN
THE CITY PURSUANT TO K.S.A. 12-1770 ET SEQ., AS AMENDED

WHEREAS, pursuant to K.S.A. 12-1770 et seq., as amended (the "Act"), the City of Topeka, Kansas (the "City"), is authorized to assist in the development and redevelopment of eligible areas within and without the City in order to promote, stimulate and develop the general and economic welfare of the State of Kansas and its communities; and

WHEREAS, pursuant to the Act, the City must adopt a resolution stating that the City is considering the establishment of the Redevelopment District and include in such resolution notice that a public hearing will be held to consider the establishment of said Redevelopment District;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, AS FOLLOWS:

1. Notice is hereby given that a public hearing to consider the establishment by the City of the Redevelopment District shall be held at the City of Topeka Municipal Building, 214 SE 8th St., Topeka, Kansas on September 13, 2005, beginning at 7:00 p.m.

2. The proposed boundaries of the Redevelopment District are set forth in Exhibit A, attached hereto and incorporated herein by reference.

3. A description of the proposed district plan for the Redevelopment District and the general description of the proposed buildings, facilities and improvements to be constructed or improved are attached hereto as Exhibit B and incorporated herein by reference.

4. A description and map of the proposed Redevelopment District are available for public inspection prior to the public hearing during regular office hours in the Office of the City Clerk, at Topeka, Kansas, 215 SE 7th St., Topeka, Kansas.

5. At the public hearing, the Governing Body of the City will consider findings necessary for the establishment of the proposed Redevelopment District.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act.
THIS RESOLUTION IS ADOPTED by the Governing Body of the City of Topeka, Kansas, this 1st day of August, 2005.

CITY OF TOPEKA, KANSAS

By: William W. Bunten
Mayor

By: Iris Walker
City Clerk

By: Brendan Long
City Attorney

AUG 12 2005
CITY ATTORNEY'S OFFICE

APPROVED AS TO FORM & LEGALITY
JRD
A PORTION OF HEARTLAND PARK TOPEKA SUBDIVISION, LYING IN THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER SECTION 7, THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SECTION 8, AND THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 18, ALL IN TOWNSHIP 13 SOUTH, RANGE 16 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SHAWNEE COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THENCE N 88 DEGREES 07' 18" E ALONG THE NORTH LINE OF HEARTLAND PARK TOPEKA SUBDIVISION, SHAWNEE COUNTY, KANSAS 2268.55 FT TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER;

THENCE N 88 DEGREES 07' 18" E ALONG THE NORTH LINE OF SAID SUBDIVISION 1409.90 FT TO THE NORTHEAST CORNER OF LOT 1, BLOCK B, OF SAID SUBDIVISION;

THENCE S 02 DEGREES 04' 31" E ALONG THE BOUNDARY OF SAID SUBDIVISION 650.00 FT TO THE MOST SOUTHERLY POINT OF SAID LOT 1, BLOCK B;

THENCE N 88 DEGREES 07' 18" E ALONG THE BOUNDARY OF SAID SUBDIVISION 1240.00 FT TO THE CENTERLINE OF SOUTHEAST ADAMS STREET;

THENCE CONTINUING ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING TWO COURSES:

N 88 DEGREES 27' 18" E 1147.85 FEET;
S 63 DEGREES 25' 07" E 1670.29 FEET TO THE LINE COMMON TO LOTS 1 AND 2, BLOCK D IN SAID SUBDIVISION;

THENCE CONTINUING ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING THREE COURSES:

S 63 DEGREES 25' 07" E 900.22 FEET;
N 86 DEGREES 16' 27" E 1053.80 FEET;
N 55 DEGREES 11' 33" E 910.15 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8, T-13-S, R-16-E;

THENCE S 02 DEGREES 32' 18" E ALONG THE BOUNDARY OF SAID SUBDIVISION 1318.30 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 8;

THENCE S 88 DEGREES 14' 08" W ALONG THE BOUNDARY OF SAID SUBDIVISION 2612.01 FEET TO THE SOUTHWEST CORNER, SOUTHEAST QUARTER OF SAID SECTION 8;
REDEVELOPMENT DISTRICT LEGAL DESCRIPTION
AUGUST 12, 2005
PREPARED BY M. W. BERRY, L.S. #946

THENCE S 88 DEGREES 19’ 21" W ALONG THE BOUNDARY OF SAID SUBDIVISION 2621.19 FT TO THE SOUTHWEST CORNER THE SOUTHWEST QUARTER OF SAID SECTION 8;
THENCE S 02 DEGREES 22’ 39" E ALONG THE BOUNDARY OF SAID SUBDIVISION 2638.05 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 18, T-13-S, R-16-E;
THENCE S 02 DEGREES 22’ 27" E ALONG THE BOUNDARY OF SAID SUBDIVISION 1318.96 FEET TO THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 18;
THENCE S 88 DEGREES 00’ 15" W ALONG THE BOUNDARY OF SAID SUBDIVISION 2638.04 FEET TO THE SOUTHWEST CORNER OF SAID NORTH HALF;
THENCE N 02 DEGREES 18’ 32" W ALONG THE BOUNDARY OF SAID SUBDIVISION 1319.82 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18;
THENCE N 02 DEGREES 18’ 22" W ALONG THE BOUNDARY OF SAID SUBDIVISION 2629.66 FT TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER;
THENCE S 88 DEGREES 23’ 32" W ALONG THE BOUNDARY OF SAID SUBDIVISION 2146.71 FEET TO A POINT 361.50 FEET FROM THE SOUTHWEST CORNER OF SECTION 7, T-13-S, R-16-E;
THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION THE FOLLOWING FOUR COURSES:
N 01 DEGREES 52’ 44" W 361.50 FEET;
S 88 DEGREES 23’ 32" W 216.30 FEET;
N 01 DEGREES 52’ 44" W 299.83 FEET;
S 88 DEGREES 23’ 32" W 94.74 FEET;
THENCE ALONG THE BOUNDARY OF SAID SUBDIVISION, (SAID BOUNDARY BEING THE EASTERLY RIGHT-OF-WAY OF TOPEKA BOULEVARD, FORMERLY KNOWN AS US HIGHWAY NO. 75) THE FOLLOWING FOUR COURSES:
N 01 DEGREES 55’ 59" W 906.14 FEET;
N 88 DEGREES 07’ 18" E 9.90 FEET;
N 04 DEGREES 18’ 42" E 288.60 FEET;
N 06 DEGREES 49’ 42" E 813.00 FEET TO THE POINT OF BEGINNING;

EXCEPT THE FOLLOWING TWO PARCELS:

EXCEPTION PARCEL 1

LOT 1, BLOCK I, HEARTLAND PARK TOPEKA SUBDIVISION, SHAWNEE COUNTY, KANSAS;

AND
EXCEPTION PARCEL NO. 2

A PART OF LOT 1, BLOCK H, HEARTLAND PARK TOPEKA SUBDIVISION, SHAWNEE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHERNMOST CORNER OF SAID LOT 1;
THENCE S 46 DEGREES 52' 42" E ALONG THE SOUTH LINE OF HEARTLAND PARKWAY (NOW KNOWN AS GARY ORMSBY DRIVE) 364.05 FEET;
THENCE S 43 DEGREES 07' 18" W 295.00 FEET TO THE NORTH LINE OF PADDOCK DRIVE;
THENCE N 46 DEGREES 52' 42" W ALONG THE NORTH LINE OF PADDOCK DRIVE 364.05 FEET;
THENCE N 43 DEGREES 07' 18" E ALONG THE EAST LINE OF DENISE MCCLUGGAGE 295.00 FEET TO THE POINT OF BEGINNING.
EXHIBIT B

DESCRIPTION OF DISTRICT PLAN

Heartland Park Redevelopment District and Project Plan

The preliminary plan for the Redevelopment District and the Redevelopment Project Area is to design, build, improve and operate a major motorsports complex in Shawnee County that is utilized for hosting competitions involving motor vehicles, including but not limited to, automobiles, motorcycles and other self-propelled vehicles other than motorized bicycles or motorized wheelchairs. The project will include racetracks, all facilities directly related and necessary to the operation of the motorsports complex, including but not limited to, parking lots, grandstands, suites and viewing areas, concessions souvenir facilities, catering facilities, visitor and retail centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility.

Heartland Park Topeka was built in 1988 and the asphalt roads, paddock and track are 16 years old and long overdue for replacement. In addition, many buildings and facilities necessary to operate a racing facility were either never constructed, or have been neglected and must be rebuilt or replaced. The cracked and pot-holed asphalt track surface, the temporary construction trailers, the off-site housing based office and burnt out maintenance buildings currently being used to conduct business will no longer suffice. Fast, smooth race surfaces, fan friendly facility improvements, modernization of present structures and the addition of new facilities to host different types of events need to be completed if Heartland Park Topeka is to become a World Class Racing and Entertainment Facility.

Overview of Project Completion Phases

Phase I: Repairs and Improvements necessary to be able to host the SCCA National Championship Runoffs & the SCCA Solo Championships, both in the fall of 2006 and construction of a Solo Pad necessary to retain the SCCA Solo National Championship event in Topeka.

Planning and Timing:
Phase I work must be completed in order to allow the SCCA National Championship Runoffs event to be presented at Heartland Park Topeka in September 2006. The new asphalt road course work must be done in the fall of 2005 in order for the special road course materials to “cure” over the fall and winter of 2005-2006. Additionally, the scheduling of events at the track must be coordinated with the necessary repairs to minimize the loss of revenue generating events at the track. This schedule coordination must be achieved in the fall of 2004 when the 2005 events dates are contracted.
Completion of the pad by the fall of 2006 will meet the time requirements of the SCCA and retain the event in Topeka. Additional uses for the pad will be: other Solo events for SCCA and local car clubs, parking for the NHRA Summer Nationals, vehicle testing, manufacturer ride and drives, police training and other activities and events that utilize large asphalt areas. An important point to note is that since this asphalt pad is outside the main race track itself, it can be used simultaneously with most other events at the facility; providing additional economic impact for our community and adding another dimension to the operational ability of Heartland Park Topeka.

**Phase II:** Facility Improvements necessary to complete Heartland Park Topeka as a World Class Race and Entertainment Facility

**Planning and Timing:**
These improvements are not only vital to the usage, efficiency and image of Heartland Park Topeka, but are long overdue since it has been 16 years since the track was built. The individual improvements will be completed on a priority basis with a finish date for all work of no later than the fall of 2008. Since many of the individual improvements are related to Phase I work they may be completed in conjunction with Phase I, depending on availability and timing of funding.

**Description of Redevelopment Repairs and Improvements**

**Phase I:** Repairs and Improvements necessary to be able to host the SCCA National Championship Runoffs in the fall of 2006

1. Repair and resurface complete road course:
The cost to repave the road course is considerably higher (approximately twice) than for areas such as the paddock due to the special “Polymer-slug” mixture necessary to provide a fast, long lasting and tough surface for the race track. In addition, due to the considerable deterioration of many areas of the current course, it will be necessary to either remove the present surface, rebuild the substructure and relay the entire area with 6 inches of asphalt or to take extensive crack control measures. The extent of these additional repairs can not be known until core samples are taken and grinding of the surface is commenced. However, it is likely that a significant amount of this additional rebuilding will be necessary in order to achieve the high quality finished product necessary to have a world class road race track. This added work could add a minimum of 20% more to the cost of this part of the project.

2. Repair and resurface all paddock areas:
The repair of the paddock areas inside the track will require substantial work above and beyond grinding and repaving due to the considerable heaving, cracking and general deterioration of the surface.

The solo pad to be built on the west half of the main parking lot along Topeka Blvd will have part of it built with "polymer-slag" asphalt mix in the areas that will be used for solo competition and the remainder will be of normal asphalt mix. However, the entire asphalt area will require a proper sub-base in order to be built to withstand normal traffic and loads.

3. Timing and Scoring building:
This building is a necessary part of operating the road course for most if not all sanctioning bodies. This is one of the components of the original plan for Heartland Park Topeka that was never completed. We moved the timing building from the Dirt Track as a temporary means of satisfying this need for the SCCA events this season.

4. Race Control and stewards building: Included in the Timing Building (#3)
This building is also necessary to safely hold the SCCA National Championship event, but it is also a standard part of every road racing facility of any importance. Like the Timing and Scoring building, the Race Control facility was never built.

5. Garages for Competitors:
The garages are rented by competitors during an event weekend, not only for road course events, but also for drag racing and other functions at Heartland Park Topeka. The cost of these buildings will be more expensive than just storage areas since viewing areas will be built on top of the garage units that can be used during all events for hospitality. This set of buildings will also be used to house track vehicles in the winter. A part of Phase II is the beginning of lease facilities on the east side of the property for use by outside companies; the start of a Heartland Park Topeka "Gasoline Alley".

6. Technical Inspection Building:
This is an enclosed pavilion style building (pole barn) with a concrete floor that will be used for all types of events for technical inspections, teardowns and driver’s meetings. A technical inspection building was part of the original plan for Heartland Park Topeka, but was never built, although this type of facility is a standard requirement for even small race facilities.

7. Consolidated concession, souvenir and eating facility:
The concession building in the center of Heartland Park Topeka is a transplanted Wendy’s hamburger stand; circa 1970’s and is not usable. A proper facility which incorporates the following amenities will be built at the north end of the paddock and will service all events:
• Concession type food preparation and sales facility
• Souvenir stand
• Seating area for inside dining
• Outside seating for dining
• Children’s play area adjacent to the outside seating area, secured by fencing
• Observation deck for hospitality and additional seating

This building will provide a modern, sanitary food preparation and sales area as well as fan friendly, comfortable seating inside and out. The close proximity of the souvenir stand to the eating area will foster increased souvenir sales and the secure children’s play area will provide parents the opportunity to relax while their children play in safety without concern for traffic in the paddock. This type of customer satisfying facility is mandatory in today’s consumer responsive entertainment market and will help identify Heartland Park Topeka as a World Class Facility for all events.

8. Medical Facility:
The original medical facility at Heartland Park Topeka was a converted construction trailer that has not been usable for many years. Although the majority of the current event Medical services are provided by an outside ambulance company, a proper facility to bring both event participants as well as spectators needing medical attention or observation must be provided. This will satisfy both liability insurance concerns and the needs of NHRA and other event sanctioning bodies. The current souvenir building will be converted to provide this function, reducing the cost by not having to build a complete new Medical Facility.

Modern race facilities have showers and dressing areas available for drivers and crew to clean up after events. The shower/changing area will be incorporated into one of the other buildings, saving considerably on construction costs while achieving our goal of making Heartland Park Topeka into a World Class Race Facility.

10. Buildings and Facilities to support the Solo Event:
Water, electrical hookups and several buildings need to be constructed at this site to provide the necessary infrastructure to conduct the events like the SCCA National Solo Championships. These buildings will be used for other events utilizing the large asphalt pad each season. Lights and a public address system will be placed around and on the pad to allow usage for other events as well.
Phase II: Facility Improvements Necessary to Complete Heartland Park Topeka as a World Class Race and Entertainment Facility

1. New Maintenance and Credentials Building:
A new maintenance building will be built to replace the old barn, which is no longer insurable since a fire damaged it several years ago. This building will also incorporate a front area to be used as a credentials building. The current credentials building is a construction trailer in disrepair.

2. Camping and RV Area:
Spectators who like to camp on the property are a unique aspect of the NHRA National event at Heartland Park Topeka. Both track management and the NHRA feel this is a segment of our attendance can be greatly enhanced. In order to do this, a proper camping and RV area will be developed on the track property north of Gary Ormsby Drive. Included in this development will be:
   - RV Hookups
   - Security Building
   - Convenience store (small)
   - Campfire areas
   - Children’s playground

This campground can be used year round and will be beneficial to all events at Heartland Park Topeka. With over 125 acres in this area of the track property, expansion can be made as the need arises.

3. Additional 4000 seats for Spectator:
   In 2004, the attendance at the O'Reilly NHRA Summer Nationals on Memorial Day weekend increased almost 20% from the previous year. This number of attendees is rapidly approaching our maximum seating limit. With the continued expansion of that event, by the 2006 season, it will be necessary to add more seats along the top of the west seating area of the drag strip. The cost per seat is a minimum of $125, not including installation, due to current industry safety standards which require seating with kickboards closed off to prevent children from falling through, and adding seat backs to provide a premium seating.

4. Pavilions behind the main Grandstands (2):
There are no covered areas of significant size for spectators to use for eating or if inclement weather occurs during an event. The addition of these covered pavilions will be of benefit for all events that have attendance of over 10,000 people. Electrical and water hookups will be added as well.

5. Infield Amenities & Beatification:
This a small list of the improvements that need to be made to Heartland Park Topeka to create a competitor and fan friendly environment:
• Addition of more electrical hookups for competitors in the paddock
• A covered pavilion in the staging lanes area for competitors to stand out of the sun while waiting to compete, with a misting area, a concession area and a booth for buybacks or other event registrations
• Walkways from the tower for safe exit after events like the NHRA National event when large numbers of spectators crowd two narrow pedestrian bridges, the only direct means of getting to the parking lot.
• The public address system throughout Heartland Park Topeka is old and needs to be expanded and modernized. Additional poles which will have lights and speakers on them will be added in the paddock, staging lanes and entry areas. Included in Phase II (#6)
• Landscaping, trees and green space are non-existent at Heartland Park Topeka. Spectator and competitor viewing areas need trees and other areas around pavilions, concessions, tower, and entry areas will be improved with the addition of landscaping and green space.
• A brick walkway through the food court behind the main grandstand with lighting and comfortable surroundings.
• Tower improvements such as an elevator for ADA compliance
• Any number of improvements that help to bring fans back again and again to Heartland Park Topeka; a World Class Race Facility

6. Parking lot lighting and Public P.A. System:
At the NHRA National, on Friday night, our capacity crowd leaves after the final round at around 10:00 pm and returns to their cars in the parking lot, which has no lights to provide security or to help them find their vehicles. As the number of events utilizing that 45 acre area increases the usage of the lighting will become even more critical. These lights, along with the perimeter fence in Item 6 will help bring security, safety and fan appreciation to Heartland Park Topeka. See Phase II (#4) for P.A. information.

7. Perimeter Fence around Parking area property:
The frontage property along Topeka Blvd and Ormsby Drive has no fence to provide security or to prevent or restrict entry to the facility. In order to prevent the current overnight parking, unauthorized activities and other breaches in security, a perimeter fence and gates need to be placed around this open parking area. The fencing will also secure the VIP parking and RV areas just north of the main entrance; Gate C and the maintenance building and credentials building by the entrance tunnel; Gate G.

8. Credential and Security Building at Tunnel Entrance:
The building used for tunnel security is only slightly larger than an old style out door toilet and is in complete disrepair. In addition to the minimal usefulness of this building, minimal respect is shown by anyone who views the personnel assigned to provide security due to the underwhelming presence
provided by their building. The new security building will be placed between the two lanes of the road entering and exiting Gate G; the tunnel, on the east side. The building will have electricity, air conditioning and heat as well as a telephone communication and will be manned during all events and act as a security central location. Credentials Building: $155,000

The credential building is the first part of our facility seen by competitors and track workers alike as they register to enter the facility. The current credentials building is a mobile home style construction trailer.

9. Connection to City Sewer System:
Heartland Park Topeka has been on a lagoon system for its sewage system since it was built. This system, although presently functioning properly, has limitations and potential environmental issues. Connecting to the city sewer system through the MTAA system will eliminate the lagoon system and allow for future expansion of Heartland Park Topeka both of events as well as added business operations. The cost for this connection is an estimate since the distance to the nearest connect point and the fees for the connection may be considerable greater than shown. A review on the costs from the City of Topeka is under request.

10. Repair of the outside roads on the property:
Finish Line Drive, Hinson Way, 77th Street and all of the other roads providing access to and from Heartland Park Topeka were built in 1989 and are designated as city and county streets. The almost 3.5 miles of roads and streets have had minimum repairs done and are in extremely poor condition and must be redone or they will be unusable. In addition, some of the roads were never completed. Repair costs are based upon milling and overlay repair only, not replacement. Replacement costs could be required if this work is not done soon.

11. Resurface the Drag Strip Shut Down Area: (Included in Phase I)
The shut down area of the drag strip is 16 years old the same as the road course. The NHRA is requiring repair of this area as mandatory to be able to safely continue to hold the O’Reilly NHRA Summer Nationals at Heartland Park Topeka. This repair will be done at the same time as the road course.

12. Commerce Park Lease Buildings:
This development will be a series of leased buildings located on the east edge of the main race track property, along Adams Street.

Like most of the improvements in this project, "Gasoline Alley" was part of the original plan for Heartland Park Topeka to be a World Class Racing Facility. The locating of race and other related businesses in a multi-building complex is a natural expansion and addition to the track. For those businesses
that need race track usage to test or demonstrate their products, having their operations located at Heartland Park Topeka is a natural and beneficial. This type of development has created an entire “cottage industry” near Indianapolis Speedway, Charlotte (Lowes) Speedway, inside Sears Point (Infineon) Raceway and others. This part of the improvement project not only solidifies the business operations of Heartland Park Topeka but it also brings jobs and increased commerce to the Topeka community.
A nationally recognized race organization is presently ready to move from out of the area to Topeka and into a 12,000 square foot building as the first tenant of the Heartland Park Topeka “Gasoline Alley”. They employ 8-15 employees year round and have annual sales of over $3,000,000.

13. Spectator Entrance Walkover Bridge:
Spectators entering the facility from the ticket office area (Gate A) must walk from the ticket office to the dirt track area and then back to the tower and grandstands. Addition of another walkover bridge from the ticket office directly over Finish Line Drive to the tower walkways would eliminate over ¼ mile of walking by our patrons; particularly difficult for those in wheelchairs.

14. Top Eliminator Club Building:
The Top Eliminator Club (TEC) ticket is the most prestigious ticket to the NHRA event at Heartland Park Topeka. At present, patrons with TEC tickets have a tented area for hospitality and reserved seats about 300 feet from that tented area. The TEC building would combine the hospitality and seating areas into a single premium area, similar to other modern race facilities.