

**TOURISM AND SPORTS AUTHORITY**  
**Resolution Authorizing Resumption of Construction**  
**of Multipurpose Stadium Facility**

**I. RECITALS**

**WHEREAS**, pursuant to Arizona Revised Statutes Section 5-807 (the “Act”), the Tourism and Sports Authority (the “Authority”), B & B Holdings, Inc. d/b/a the Arizona Cardinals and Hunt Construction Group, Inc. (“Hunt”) have entered into that certain Interim Construction Agreement (the “Agreement”) dated June 26, 2001; and

**WHEREAS**, pursuant to concerns raised by the Federal Aviation Administration (the “FAA”) and the City of Phoenix regarding the suitability of the City of Tempe site (the “Site”) for construction of the Authority’s multipurpose stadium facility (the “Facility”), the Authority, in a formal notice of suspension dated July 13, 2001, directed Hunt and all of its construction subcontractors to immediately suspend work on the Facility at the Site; and

**WHEREAS**, the Authority believes its comprehensive response to all FAA issues and concerns raised, dated August 21, 2001, has substantially mitigated all FAA concerns; and

**WHEREAS**, in response to the presence of two existing structures at Papago Park Center in close vicinity to the Site, the FAA, on September 6, 2001, issued a Notice to Airmen (“NOTAM”) raising the minimum localizer only approach to Phoenix Sky Harbor Airport Runway 26 (the “Runway”) from 1,500 feet MSL to 1,740 feet MSL; and

**WHEREAS**, the Authority believes the FAA, upon further review, will set a new minimum localizer only approach to the Runway at 1,780 feet MSL, with a “step-down” to 1,580 MSL at 1.72 nautical miles from the Runway’s threshold; and

**WHEREAS**, at these altitudes, when evaluated in accordance with the FAA’s Terminal End of Runway Procedures (“TERPS”) criteria, the FAA will determine that the Facility constructed on the Site will not violate applicable Federal Aviation Regulation standards; and

**WHEREAS**, the FAA has ordered a public comment period to end October 7, 2001, but has not yet provided a draft final report to the Authority or for public comment; and

**WHEREAS**, in order to keep the Facility construction project on time and on budget, the Authority must continue with Site preparation and Facility construction activities pursuant to and in accordance with the Agreement; and

**WHEREAS**, these Site preparation and construction activities will all be subsurface in nature and will not, in and of themselves, contribute to the construction of an above-grade structure that would have implications for the FAA; and

**WHEREAS**, the Authority has retained a team of independent experts to review and advise the Board of all the issues raised by the FAA; and

**WHEREAS**, the Authority has received the opinion of its independent experts on all the issues raised by the FAA and those experts have advised the Board that the Facility as relocated has addressed all concerns raised by the FAA; and

**WHEREAS**, John F. Long has threatened to commence an action alleging that the formation of the Authority violates the Arizona Constitution as a special law; and

**WHEREAS**, the Board has received and reviewed a copy of an opinion from the Attorney General of the State of Arizona dated September 6, 2001 setting forth her conclusion that the statute authorizing the formation of the Authority is constitutional under the Arizona Constitution; and

**WHEREAS**, the President recommends that the Board authorize the resumption of construction of the Facility at the Site pursuant to and in accordance with the Agreement subject to the limitations set forth below.

## **II. AUTHORIZATION OF RESUMPTION OF CONSTRUCTION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board, on behalf of the Authority, upon receipt of \$1,000,000 from the City of Tempe pursuant to that certain Memorandum of Understanding dated February 13, 2001 authorizes the resumption of Site preparation and Facility construction activities pursuant to and in accordance with the Agreement, provided, that all Site preparation and construction activities will be subsurface in nature and will not, in and of themselves, contribute to the construction of an above-grade structure that would have implications for the FAA; and

**FURTHER RESOLVED**, that the President shall, prior to the resumption of Site preparation and construction activities, obtain the FAA's obstruction evaluation of the Facility; and

## **III. MISCELLANEOUS MATTERS**

**FURTHER RESOLVED**, that all actions previously taken on behalf of the Authority by any director or officer of the Authority in connection with any of the foregoing matters are ratified and confirmed in all particulars as the acts of the Authority.

Dated September 10, 2001