

TOURISM AND SPORTS AUTHORITY
Resolution Authorizing Termination of
Construction at Tempe Multipurpose Facility Site

I. RECITALS

WHEREAS, pursuant to Arizona Revised Statutes Section 5-801 et seq. (the “Act”), the Tourism and Sports Authority (the “Authority”) and the City of Tempe (the “City”) have entered into that certain Maricopa County Multipurpose Facility Binding Memorandum of Understanding dated February 13, 2001 (the “MOU”); and

WHEREAS, pursuant to the MOU, the Authority and the City agreed to construct the Authority’s multipurpose stadium facility (the “Facility”) at a site in the City generally bounded by Priest Drive to the west, the Red Mountain Freeway to the south, Center Parkway to the east, and Washington Street to the north, all as more fully described in the MOU (the “Site”); and

WHEREAS, following an extensive review of the Site, on November 17, 2001, the Federal Aviation Administration (the “FAA”) issued a final determination that the Site poses a potential hazard to efficient and safe flight operations at Phoenix Sky Harbor Airport; and

WHEREAS, in light of the FAA’s determination, the Authority, through its Board of Directors (the “Board”), desires to terminate construction of the Facility at the Site.

II. AUTHORIZATION OF TERMINATION OF CONSTRUCTION

NOW, THEREFORE, BE IT RESOLVED, that the Board, on behalf of the Authority and pursuant to the Act, hereby approves of the termination of construction of the Facility at the Site; and

FURTHER RESOLVED, that it is the intention of the Board that this resolution only operate to authorize termination of construction of the Facility at the Site and should not be construed as a waiver or release of any other rights the Authority may have with respect to the MOU or the Site; and

FURTHER RESOLVED, that the President and Chief Executive Officer of the Authority is authorized and directed, in the name and on behalf of the Authority, to take all actions necessary, appropriate or advisable to effectuate the termination of construction of the Facility at the Site; 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: November 28, 2001