

MISSOURI GAMING COMMISSION

COMMISSION RESOLUTION NO. 22-068  
APPROVING THE PETITION FOR TEMPORARY RELOCATION OF CASINO PENDING  
COMPLETION AND APPROVAL OF NEW FACILITY

October 26, 2022

WHEREAS, on October 26, 2022, Century Casino, Inc. and IOC-Caruthersville, LLC (collectively "Century") filed the attached Petition for Temporary Relocation of Casino Pending Completion and Approval of New Facility ("Petition");

WHEREAS, on December 1, 2021, the Commission approved Resolution 21-060, which approved Century's Petition for Preliminary Approval of New Facility Construction related to the new facility to be constructed in Caruthersville ("permanent nonfloating facility");

WHEREAS, a severe drop in the water levels of the Mississippi River and other safety concerns raise questions concerning the feasibility of continuing the gaming operations on the existing floating facility;

WHEREAS, the Casino currently has space to move the casino operations from the existing floating facility to their pavilion ("temporary nonfloating facility") as a temporary relocation until the permanent nonfloating facility is constructed and approved by this commission to commence operations.

WHEREAS, Section 313.800(20) RSMo, defines a nonfloating facility as follows:

**"Nonfloating facility"**, any structure within one thousand feet from the closest edge of the main channel of the Missouri or Mississippi River, as established by the United States Army Corps of Engineers, that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers, tanks, or structures;

WHEREAS, based on the Petition and the evidence presented by Century, the Commission hereby finds as follows:

- 1) The proposed structure for the temporary nonfloating facility is within 1,000 feet of the Mississippi River;
- 2) The structure will contain at least 2,000 gallons of water in a rigid container inside the facility; and
- 3) If the structure is modified according to the Petition, the structure would meet the definition of a nonfloating facility under Section 313.800(20), RSMo.

NOW, THEREFORE, BE IT RESOLVED, that the Petition for Temporary Relocation of Casino Pending Completion and Approval of New Facility is approved.

RESOLVED, that upon completion of the required modifications of the temporary nonfloating facility, Century may transfer their gaming operations to the temporary nonfloating facility, however, no transition may occur until approved by the Executive Director and upon the completion of all inspections necessary to ensure compliance with all gaming statutes and regulations. This authorization shall expire upon the construction and approval to commence gaming operations at the permanent nonfloating facility described in Resolution 21-060.

SO ADOPTED.

  
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Mike Yeara  
Chairman  
Missouri Gaming Commission

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OCT 24 2022

MISSOURI GAMING COMMISSION

IN THE MISSOURI GAMING COMMISSION  
STATE OF MISSOURI

In re: )  
 )  
 CENTURY CASINOS, INC. )  
 455 E. Pikes Peak Avenue, Suite 210 )  
 Colorado Springs, Colorado 80903 )  
 )  
 and )  
 )  
 IOC - CARUTHERSVILLE, LLC )  
 777 East 3<sup>rd</sup> Street )  
 Caruthersville, Missouri 63830 )

**PETITION FOR APPROVAL FOR TEMPORARY RELOCATION OF CASINO  
PENDING COMPLETION AND APPROVAL OF NEW FACILITY**

Petitioners CENTURY CASINOS, INC. (“Century”), a Delaware corporation, and IOC - CARUTHERSVILLE, LLC, a Missouri limited liability company, doing business as Century Casino Caruthersville (“IOC-Caruthersville”), pursuant to 11 CSR 45-10.040 and other applicable regulations, petition the Missouri Gaming Commission (“Commission”) for approval to Temporarily Relocate the Casino to a new non floating facility in Caruthersville, Missouri. In support of their Petition for Preliminary Approval of New Facility Constructions, Petitioners state as follows:

**FACTS**

1. Century is a publicly traded corporation, founded in 1992, that is the parent company of two Missouri Class B licensees: IOC-Caruthersville, LLC, and IOC-Cape Girardeau, LLC and as such also has a Missouri Class A license.
2. IOC-Caruthersville operates a gaming facility in Caruthersville, Missouri known as Century Casino Caruthersville (“Casino”).
3. Century’s Class A License was last renewed by the Commission on December 1, 2021, and is currently set to expire on December 31, 2025.
4. IOC-Caruthersville’s Class B License was last renewed by this Commission on June 30, 2021, and is set to expire on June 30, 2025.



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5. Casino is currently on a facility floating directly upon the Mississippi River at Mile Marker 845.9 on the right bank of the Lower Mississippi River and is a facility directly upon the river itself.

6. Casino has been operating at the same location and on the same floating facility since its initial approval as Casino Aztar in 1995.

7. Century has commenced the design work to construct a nonfloating facility to replace the existing Century Casino Caruthersville. This construction has been approved by Century's, board of directors and VICI Properties, Inc, Century's REIT, has made a funding commitment to ensure that the new facility will be constructed.

8. On December 1, 2021, the Commission approved Resolution 21-060, which approved Petitioners' Petition for Preliminary Approval of New Facility Construction related to the new facility to be constructed in Caruthersville.

9. In the 2022 session of the Missouri General Assembly, Senate Bill 987 was passed and signed by Governor Michael L. Parson on June 8, 2022. Senate Bill 987 took effect on August 28, 2022, pursuant to the Missouri Constitution. Senate Bill 987 amended Sections 313.800, 313.805, and 313.812 of the Revised Statutes of Missouri.

10. Three relevant definitions in Section 313.800 state as follows:

(9) "Excursion gambling boat", a boat, ferry, other floating facility, or any nonfloating facility licensed by the commission on or inside of which gambling games are allowed;

(19) "Mississippi River" and "Missouri River", the water, bed and banks of those rivers, including any space filled wholly or partially by the water of those rivers in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(20) "Nonfloating facility", any structure within one thousand feet from the closest edge of the main channel of the Missouri or Mississippi River, as established by the United States Army Corps of Engineers, that contains at least two thousand gallons of water beneath or inside the facility either by an enclosed space containing such water or in rigid or semirigid storage containers, tanks, or structures

11. Intervening weather and riverine issues have arisen with respect to the continued operations of the existing Casino. The current water level of the Mississippi River at or around

Mile 845.9 is at or below the “zero foot” level and as a result, the existing Casino is now partially on emerging sandbars.

12. The result of this record low water level and the sandbars is that the part of the casino is unable to operate for safety reasons (the original riverboat section) and the other part of the casino is listing towards the front and is beginning to experience stress cracks in the sheetrock in the lower level back of house areas on the barge. While this is an on-going issue, as of this time the ballast tanks on the barge are dry and no buckling has yet occurred on the exterior decks.

13. When the water levels rise again the existing facility could have damage that might jeopardize the ongoing operations of the Casino.

14. The Casino currently has a pavilion that has space to move the casino operations from the existing Casino to the pavilion as a temporary relocation until the new Casino is constructed and approved by this Commission to commence operations.

15. The pavilion will have rigid and fixed storage containers within the facility where such container is below the facility and will contain at least two thousand (2000) gallons of water in total.

16. The pavilion, which would be the temporary location of the nonfloating facility, is entirely within one thousand (1000) feet of the Mississippi River. A copy of the site plan is attached to this Petition as Exhibit 1, with the dashed red line reflecting the surveyed 1000-foot line from the Mississippi River.

17. Under the provisions of Section 313.812(17), RSMo, this Commission “shall render a finding concerning the transition from a boat, barge, or floating facility to a nonfloating facility within thirty days after a hearing on any request from an applicant or licensee.”

18. Section 313.812(17), RSMo, further provides that such a hearing may be held before any final action on licensing.

19. Based upon the language contained in Section 313.800(9), (19) and (20), the temporary site, a nonfloating facility, will comply with the provisions of Missouri law.

**WHEREFORE**, the Petitioners respectfully request that this Commission give approval for Century to temporarily relocate its casino to the pavilion as a nonfloating facility in Caruthersville, Missouri and further order that Petitioners not commence gaming operations on

the temporary nonfloating facility until Staff of this Commission has an opportunity to review and inspect the new nonfloating facility to ensure compliance with all laws and regulations of this commission and finally invest the Executive Director with the authority to issue a license for operations at the temporary nonfloating facility upon her approval that the temporary facility meets and complies with all laws and regulations.

Dated: October 24, 2022

Respectfully submitted,

ELLINGER AND ASSOCIATES, LLC

By: 

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Counsel for Century Casinos, Inc. and IOC-  
Caruthersville, LLC



**SURVEY INFORMATION REFERENCE:**  
 LM\_CARUTHERSVILLE\_BRIDGE  
 LM\_24\_CAR\_20150224\_CS\_8399\_8492\_SIGHT  
 24 March 2015

**NOTES:**  
 Horizontal Datum: North American Datum of 1983 (NAD83)  
 Projection: Universal Transverse Mercator (UTM) Zone 15 N  
 Distance Units: U.S. Survey Feet  
 Vertical Datum: Soundings are shown in feet and indicated depths are referenced to NAVD83

The information depicted on this map represents the results of a survey conducted on the date indicated and can only be considered to represent the general condition existing at that time.

The location of navigation aids are based on and provided by the U.S. Coast Guard.



**CENTURY CASINOS**  
 CENTURY CASINO  
 CARUTHERSVILLE  
 NEW CASINO & HOTEL  
 OCTOBER 22, 2021  
 KGD Proj. No.: 200654-0002

tabbles  
**EXHIBIT**  
 1

**PROPOSED CASINO SITE PLAN**

MGC SUBMISSION  
 KdG