

MISSOURI GAMING COMMISSION

COMMISSION RESOLUTION NO. 21-060  
APPROVING THE PETITION FOR PRELIMINARY APPROVAL OF  
NEW FACILITY CONSTRUCTION

December 1, 2021

WHEREAS, on October 22, 2021, Century Casinos, Inc., and IOC-Caruthersville, LLC (collectively "Century") filed the attached Petition for Preliminary Approval of New Facility Construction ("Petition");

WHEREAS, Senate Bill 26 was passed by the Missouri Legislature in 2021, and signed by the Governor; it became effective on August 28, 2021. Senate Bill 26 amended sections of 313.800, 313.805, and 313.812, RSMo, to allow an excursion gambling boat to transition from a floating to a nonfloating facility.

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

**"Nonfloating facility"**, any structure within one thousand feet of the Missouri or Mississippi River 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 or structures;

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

- 1) The proposed structure for a nonfloating facility is within 1,000 feet of the Mississippi River;
- 2) The structure contains at least 2,000 gallons of water in a rigid container beneath the facility; and
- 3) If the structure is built according to the exhibits attached 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 Preliminary Approval of New Facility Construction is approved.

RESOLVED, that upon completion of construction of the nonfloating facility, Century may apply for final approval to transition to a nonfloating facility; however, no transition may occur until approved by this Commission and upon the completion of all inspections necessary to ensure compliance with all gaming statues and regulations.

SO ADOPTED.

  
Mike Leara, Chairman  
Missouri Gaming Commission

**RECEIVED**

OCT 22 2021

**IN THE MISSOURI GAMING COMMISSION  
STATE OF MISSOURI**

**MISSOURI GAMING COMMISSION**

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 PRELIMINARY APPROVAL OF NEW FACILITY CONSTRUCTION**

**COME NOW** 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”), by and through counsel and pursuant to 11 CSR 45-10.040 and other applicable regulations, and petition the Missouri Gaming Commission (“Commission”) for its Preliminary Approval of plans for construction of a new nonfloating 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. Century also operates two casinos in Colorado, three casinos, two racetracks and entertainment centers in Canada, the pari-mutuel off-track betting network in Alberta, Canada, and seven casinos in Poland.

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 on January 1, 2021 and is currently set to expire on December 31, 2021.

4. IOC-Caruthersville’s Class B License was last renewed on June 30, 2021 and is set to expire on June 30, 2025.

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. In the 2021 session of the Missouri General Assembly, Senate Bill 26 was passed and signed by Governor Michael L. Parson on July 14, 2021. Senate Bill 26 took effect on August 28, 2021, pursuant to the terms of the Missouri Constitution.

8. Senate Bill 26 amended Sections 313.800, 313.805, and 313.812 of the Revised Statutes of Missouri. These amended sections are within the Missouri statutes which control casino gaming within the State of Missouri.

9. Three relevant definitions in Section 313.800 were revised as follows:

(9) "Excursion gambling boat", a boat, ferry [or], other floating facility, or any nonfloating facility licensed by the commission on 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 [for docking purposes] 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;

(underlining and bracketing in original). Senate Bill 26 also created a new definition in Section 313.800, as follows:

(20) "Nonfloating facility", any structure within one thousand feet of the Missouri or Mississippi River 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 or structures;

10. Century has commenced the design work to construct a nonfloating facility to replace the existing Century Casino Caruthersville. A copy of the initial design drawings is attached to this Petition as Exhibit 1.

11. The design drawings reflect a set of four (4) rigid and fixed storage containers within the facility where each such container is below the facility and contains at least one thousand (1000) gallons of water for a total of at least four thousand (4000) gallons of water.

12. The new location of the nonfloating facility will be entirely within one thousand (1000) feet of the Mississippi River. A copy of the site survey is attached to this Petition as Exhibit 2, with the dashed red line reflecting the surveyed 1000-foot line from the Mississippi River.

13. 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.”

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

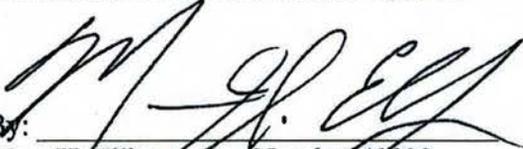
15. Based upon the language contained in Section 313.800(9), (19) and (20), the initial design drawings with the site survey demonstrate that the proposed nonfloating facility will comply with the provisions of Missouri law related to gaming.

**WHEREFORE**, the Petitioners respectfully request that this Commission give preliminary approval to the initial design drawings for a new nonfloating facility in Caruthersville, Missouri and further order that Petitioners file a Petition for Final Approval to Transition to a Nonfloating Facility with this Commission at a date in advance of any relocation sufficient to allow this Commission to review and inspect the new nonfloating facility prior to relocating the IOC-Caruthersville’s Class B licensed operation to the new nonfloating facility.

Dated: October 22, 2021

Respectfully submitted,

ELLINGER AND ASSOCIATES, LLC



By: \_\_\_\_\_

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Jefferson City, Missouri 65101

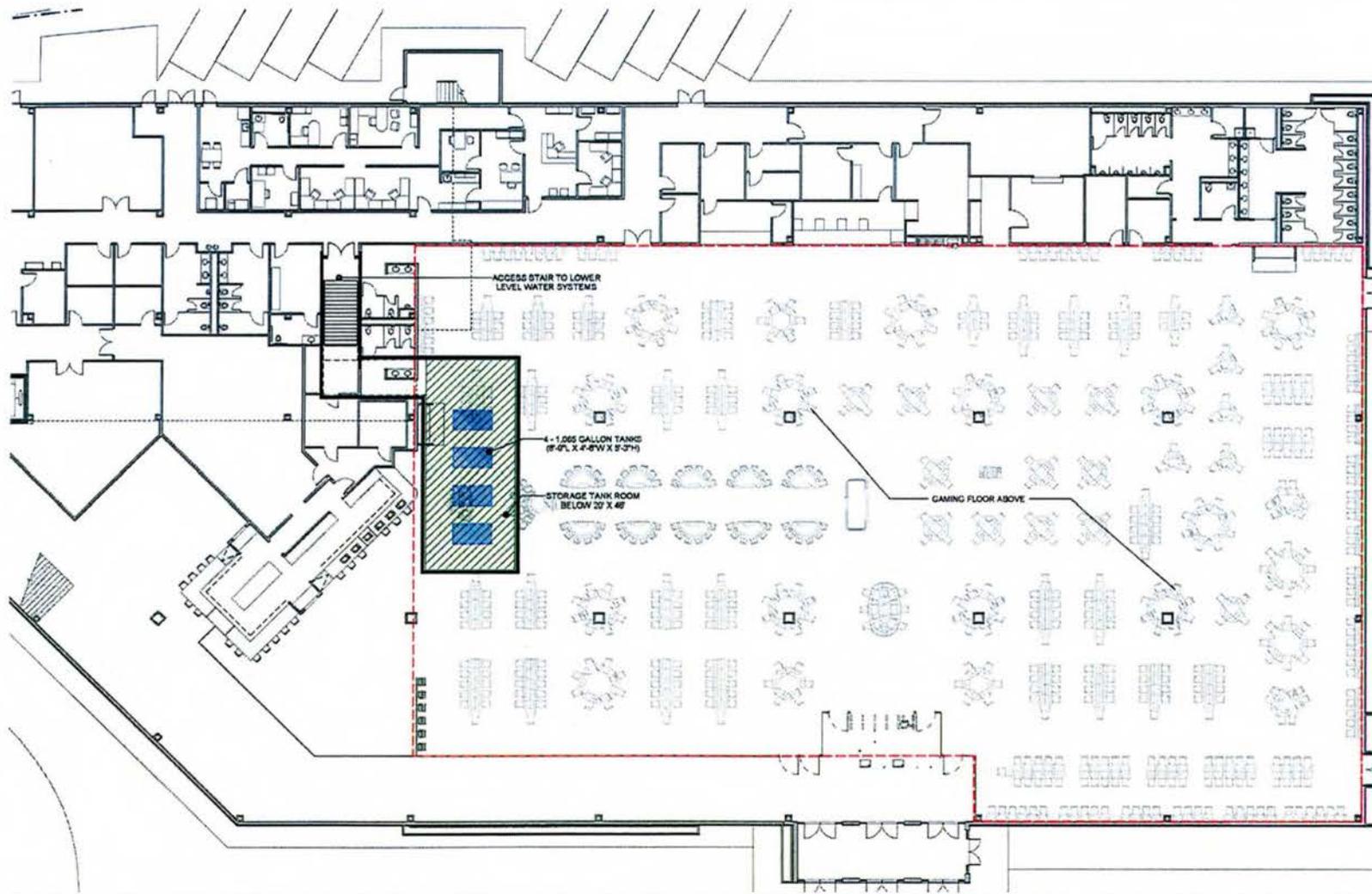
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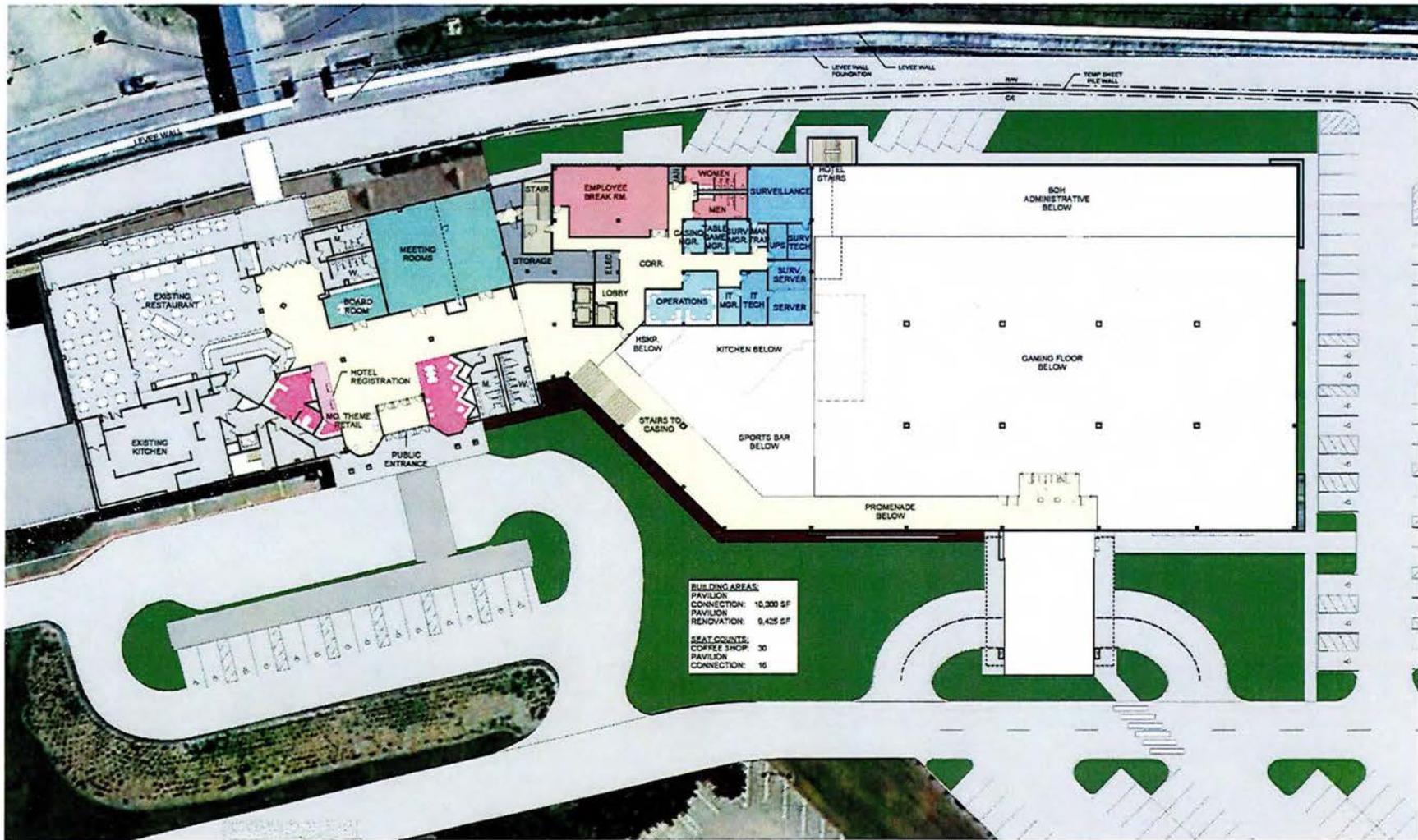
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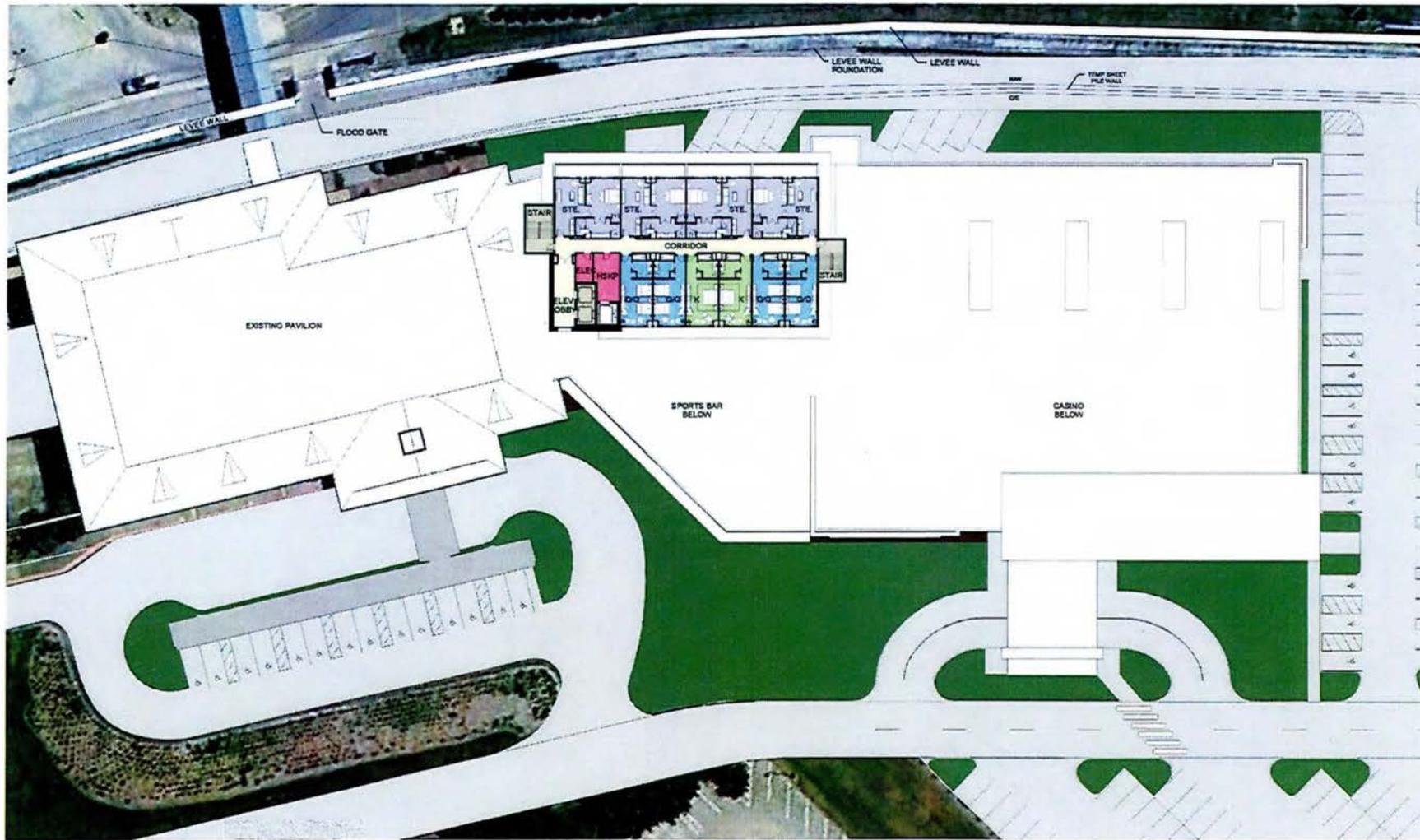
[sbell@ellingerlaw.com](mailto:sbell@ellingerlaw.com)

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







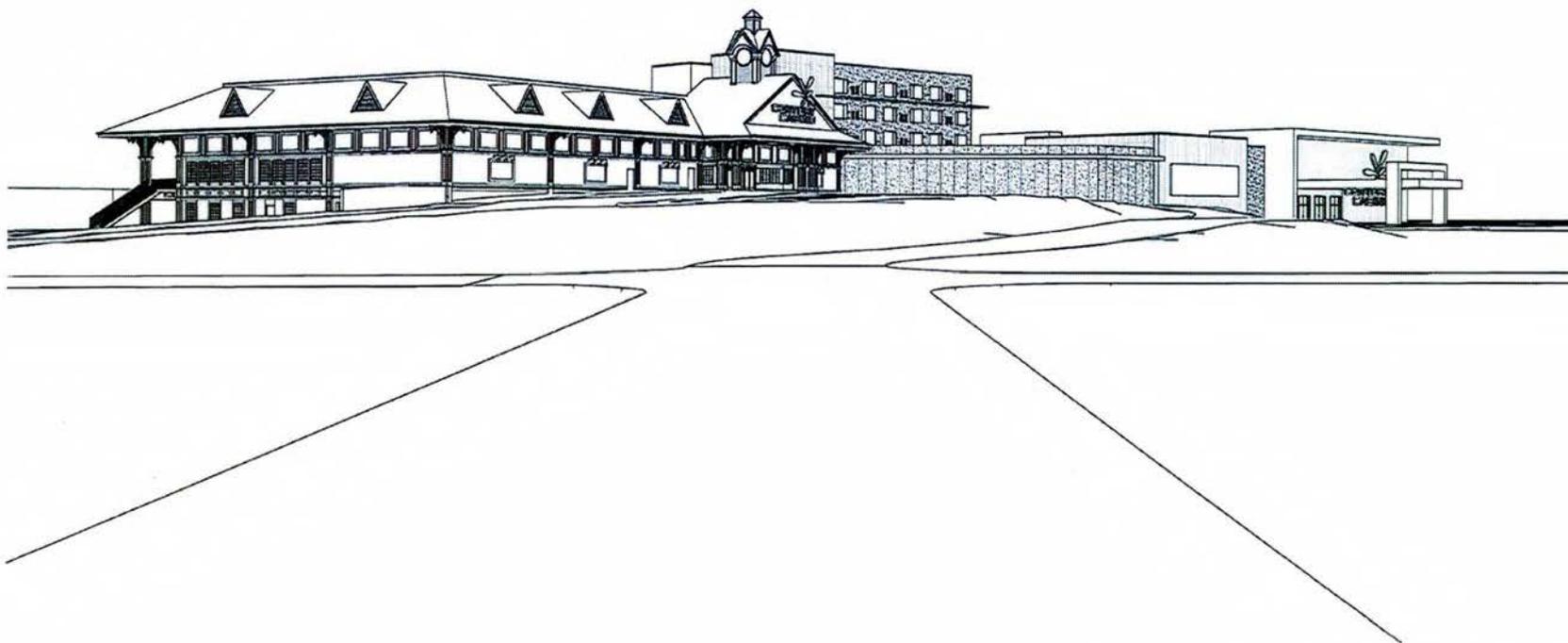


**CENTURY CASINO**  
**CARUTHERSVILLE**  
**NEW CASINO & HOTEL**  
OCTOBER 22, 2021  
KdG Proj. No. 200064.0002

**EXHIBIT 1 - PROPOSED HOTEL SUITE FLOOR PLAN**

MGC SUBMISSION





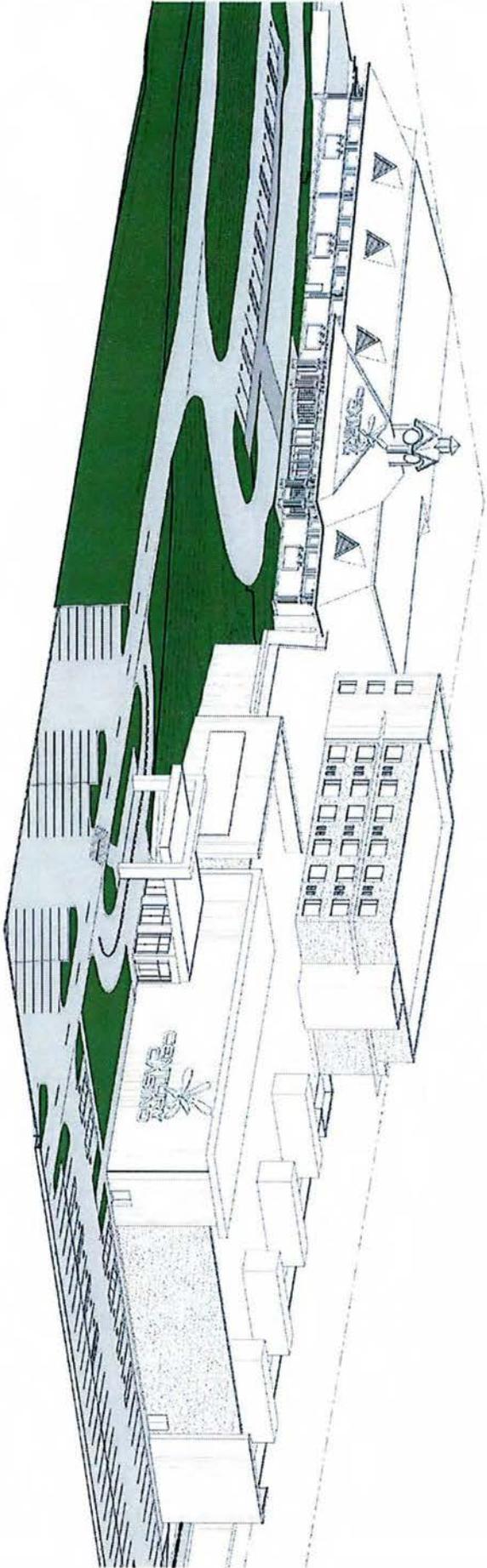
CENTURY CASINO  
CARUTHERSVILLE  
NEW CASINO & HOTEL  
OCTOBER 22, 2021  
KdG Proj. No.: 200054-0002

**EXHIBIT 1 - EXTERIOR PERSPECTIVE - ENTRY DRIVE**

MGC SUBMISSION



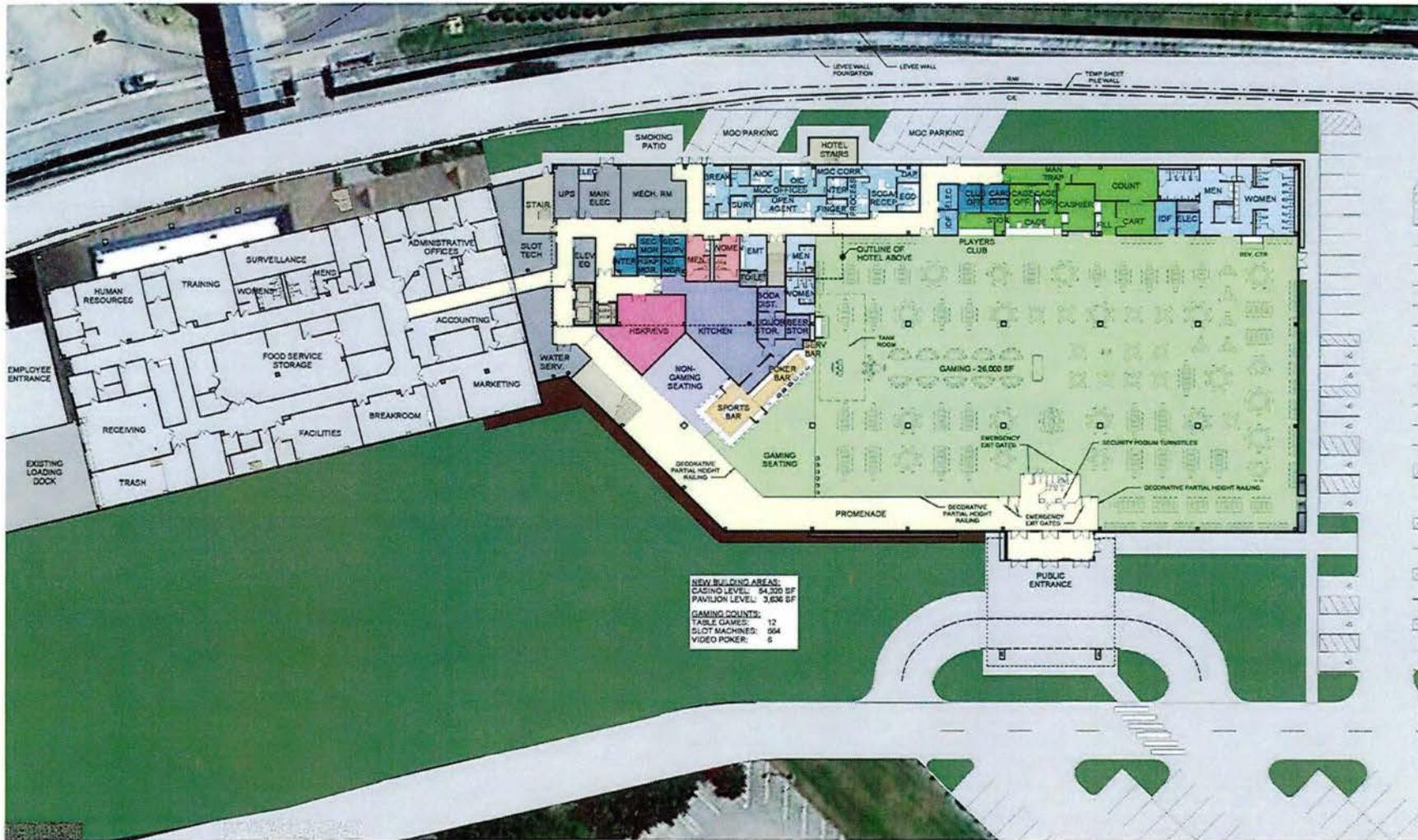




**CENTURY CASINO**  
**CARUTHERSVILLE**  
**NEW CASINO & HOTEL**  
CENTURY CASINO  
KdG Reg. No. 200044002

**EXHIBIT 1 - EXTERIOR PERSPECTIVE - AERIAL**

MGC SUBMISSION  
**KdG**



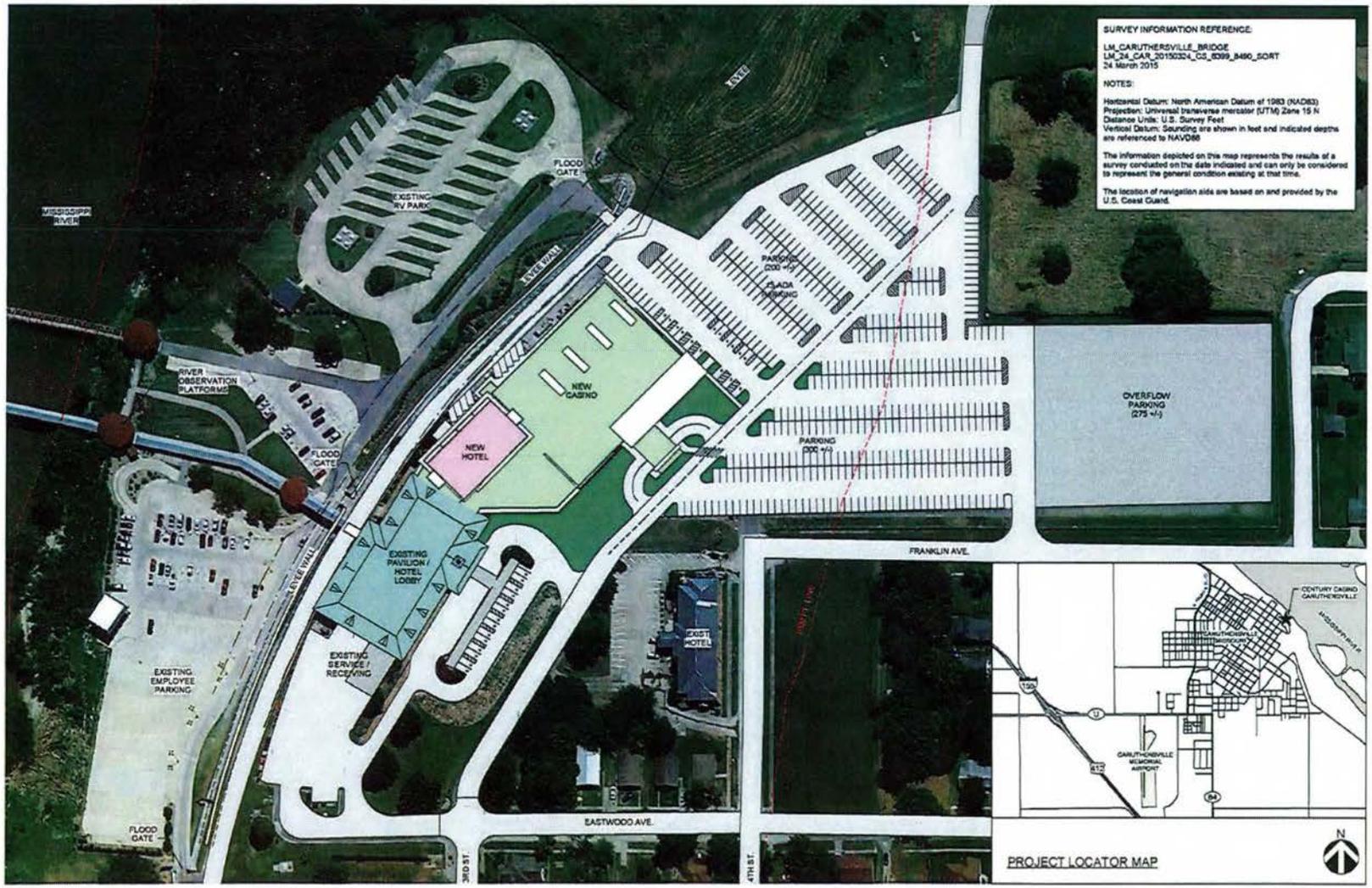


**CENTURY CASINOS**  
 CENTURY CASINO  
 CARUTHERSVILLE  
 NEW CASINO & HOTEL  
 OCTOBER 22, 2021  
 K&G Proj. No.: 200054-0002

**EXHIBIT 2 - OVERALL PROPERTY SITE PLAN**

MGC SUBMISSION

**KdG**



**SURVEY INFORMATION REFERENCE:**  
 LM\_CARUTHERSVILLE\_BRIDGE  
 LM\_24\_CAR\_20150324\_CS\_0399\_BASO\_SORT  
 24 March 2015

**NOTES:**  
 Horizontal Datum: North American Datum of 1983 (NAD83)  
 Projection: Universal Transverse Mercator (UTM) Zone 18 N  
 Distance Units: U.S. Survey Feet  
 Vertical Datum: Sounding are shown in feet and indicated depths are referenced to NAVD88

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.

**EXHIBIT 2 - PROPOSED CASINO SITE PLAN**