

RESOLUTION 1995- 42

**A RESOLUTION APPROVING THE BOND THAT
IS TO BE POSTED BY AZTAR INDIANA GAMING CORP.**

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The following factors have been considered by the Commission:

1. Aztar Indiana Gaming Corp. ("Aztar") is scheduled to commence gaming operations on or before December 5, 1995.
2. Pursuant to IC 4-33-6-9, a riverboat licensee is to post a bond determined by the Commission to "adequately reflect the amount that a local community will expend for infrastructure and other facilities associated with a riverboat operation."
3. Aztar posted Letter of Credit 101 in the amount of \$5,200,000 with the National City Bank of Evansville on August 29, 1994. Aztar posted Letter of Credit 102 in the amount of \$8,250,000 with the National City Bank of Evansville on August 29, 1994. Letter of Credit 102 is fully cash collateralized. Those Letters of Credit listed the City of Evansville as the beneficiary, but are being amended to list the Indiana Gaming Commission as a beneficiary. Both Letters of Credit are irrevocable and satisfy the statutory requirements of IC 4-33-6-9. The amounts of those Letters of Credit are sufficient to satisfy the incentive payments that Aztar is to pay to the City of Evansville as a condition of the issuance of the Certificate of Suitability.
4. The Commission staff has recommended that an additional bond in the amount of \$2,000,000 be posted in the form of a Letter of Credit, Cash or Negotiable Securities, or a Surety Bond.

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING
COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

SECTION 2. APPROVAL OF THE LETTERS OF CREDIT POSTED BY AZTAR AND ADDITIONAL BOND REQUIREMENT.

The Commission hereby approves Letter of Credit 101 in the amount of \$5,200,000 and Letter of Credit 102 in the amount of \$8,250,000 posted by Aztar with National City Bank on August 29, 1994. Both Letters of Credit are to be amended to list the Indiana Gaming Commission as a beneficiary and other amendments as approved by Commission staff. The amendments to the Letters of Credit are to be completed on or before November 22, 1995. The Commission further requires Aztar to post an additional \$2,000,000 bond in one of the forms acceptable pursuant to IC 4-33-6-9. This bond is to list the Indiana Gaming Commission as obligee and to be posted on or before November 22, 1995.

SECTION 3. EFFECTIVE DATE.

This RESOLUTION is effective immediately.


ADOPTED, THIS THE 17TH DAY OF NOVEMBER, 1995:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Donald R. Vowels, Secretary