

## MINUTES OF THE MISSISSIPPI GAMING COMMISSION

Regular Monthly Meeting  
March 16, 2006

The regular monthly meeting of the Mississippi Gaming Commission was held at 10:00 a.m., Thursday, March 16, 2006, at the office of the Mississippi Gaming Commission located at 620 North Street, Suite 200, Jackson, Mississippi. Staff attending:

Jerry St. Pe', Chairman, MS Gaming Commission  
Nolen Canon, Commissioner, MS Gaming Commission  
John M. Hairston, Commissioner, MS Gaming Commission  
Larry K. Gregory, Executive Director, MS Gaming Commission  
Eugene C. Stone, III, Special Assistant Attorney General, Attorney General's Office  
Eddie Williams, Director of Administrative Services, MS Gaming Commission  
J. Ledbetter, Director of CID, MS Gaming Commission  
Brad Hetherington, Director of Investigations, MS Gaming Commission  
Allen Godfrey, Director of Compliance, MS Gaming Commission  
Emil Lyon, Director of Gaming Lab, MS Gaming Commission  
Sonny Weathersby, Director of Charitable Gaming, MS Gaming Commission  
David Bethea, Deputy Director of Investigations, MS Gaming Commission  
Becky Clark, Regulatory Staff Officer, MS Gaming Commission

### ITEM I.

Brad Hetherington gave the invocation. Chairman St. Pe' led the Pledge of Allegiance.

Larry Gregory made the following administrative announcements:

The next regular monthly meeting of the Mississippi Gaming Commission will be held at 10:00 a.m. on Thursday, April 20, 2006. The deadline for submission of agenda items for this meeting is March 31, 2006.

Chairman St. Pe' announced that today's meeting serves as the quarterly meeting between the Mississippi Gaming Commission and the Choctaw Gaming Commission. Choctaw Gaming Chairman Eddie Gibson is recovering from recent surgery and unable to attend but Chairman St. Pe' recognized Commissioners Tom Ben and Beatrice Carson who were present.

**ITEM II.**

**APPROVAL OF MINUTES**

**APPROVAL OF MINUTES**

1. February 23, 2006 Regular Monthly Meeting

**EXECUTIVE DIRECTOR'S RECOMMENDATION:** "The Executive Director recommends approval of the minutes of the February 23, 2006 Regular Monthly Meeting."

Commissioner Canon: Motion to adopt recommendation  
Commissioner Hairston: Second

RECORDED VOTE:	Chairman St. Pe':	YES
	Commissioner Canon:	YES
	Commissioner Hairston:	YES

**ITEM III.**

**GAMING MATTERS**

**REQUEST FOR APPROVALS – Myriad World Resorts of Tunica, LLC d/b/a Myriad Botanical Resorts**

(Documentation attached as Composite Exhibit "1")

1. Surrender of Gaming Site;
2. Gaming Site; and
3. Site Development Plan

Presenting the request to the Commission were Sam Begley, local counsel for Myriad World Resorts, Scott Hawrelechko, President and CEO of Myriad Word Resorts, Ken Murphree of Tunica County and John Almond with Allen & Hoshall Engineering.

**EXECUTIVE DIRECTOR'S RECOMMENDATION:** "Based upon the review of various submissions related to the proposed site and site development plan for Myriad World Resorts of Tunica, LLC d/b/a Myriad Botanical Resorts ("Myriad"), the Executive Director recommends that the

Mississippi Gaming Commission adopt the following findings of fact related thereto:

- 1) Myriad intends to develop and operate a casino gaming establishment on the Mississippi River at Old River, an oxbow lake located inside the mainline Mississippi River Levee, in parcels found in Section Six (6) and Seven (7), Township Four (4) South, Range Eleven (11) West, Tunica County, Mississippi. The Boundary Survey dated June 1, 2004 and prepared by Allen & Hoshall of Tunica, Mississippi certifying the boundaries of the site including a legal description was submitted to the Commission on March 10, 2006. The Myriad site consists of 3 adjacent parcels under lease, the locations of which are depicted on the map, all of which are situated in Township Four (4) South, Range Eleven (11) West:

#### TRACT I

The West Half (W ½) of Section Six (6) less the right of way to the Board of Commissioners to the Yazoo-Mississippi Levee Board containing 315.3 acres, more or less, LESS AND EXCEPT a tract bounded on the North by the North line of said Section Six (6); on the West by the West line of said Section Six (6); on the East by the right of way of the Mississippi Levee Board and the North-South centerline of said Section Six (6); and on the South by a line parallel with the North line of said Section Six (6) which is South of said North line a sufficient distance to include 87 acres in this tract.

#### TRACT II

The North Half (N ½) of Section Seven (7) less the right of way to the Board of Commissioners to the Yazoo-Mississippi Levee Board containing 242.5 acres, more or less. The North 87 acres of Sections Seven (7), which lies West of the right of way of the Yazoo-Mississippi Levee; being a tract bounded on the North by the North line of said Section Seven (7); on the West by the West line of said Section; on the East by the right of way of the said levee and on the South by a line parallel to said North line a distance to the South to include 87 acres in the tract.

### TRACT III

Eighty-seven (87) acres off the North side of that part of the Northwest Quarter (NW 1/4) of Section Six (6) remaining after reduction for the right of way of the Mississippi Board of Levee Commissioners; being a tract bounded on the North by the North line of said Section Six (6); on the West by the West line of said Section Six (6); on the East by the right of way of the Mississippi Levee Board and the North-South centerline of said Section Six (6); and on the South by a line parallel with the north line of said Section Six (6) which is South of said North line a sufficient distance to include 87 acres in this tract.

A copy of the ground lease for the above described property, which includes the legal descriptions thereof, was submitted to the Commission on March 10, 2006.

- 2) The site shall be the home port of Myriad's dockside gaming vessel. The vessel will not make excursions.
- 3) The site is bounded on the West by the Mississippi River and the West line of the aforesaid Sections Six (6) and Seven (7) and further bounded by a tree line running North and South and 150 feet in width. The site is bounded on the East by the right of way for the Mainline Levee of the Board of Commissioners to the Yazoo-Mississippi Levee Board and the North-South centerline of the aforesaid Section Six (6). The property is bounded on the North by the North line of the aforesaid Section Six (6). The property is bounded on the South by a tree line of 150 feet in width running north and south and by a wooded parcel of real property owned by a third party. The site may be entered from the East by either Indian Mound Road or Plantation Road.
- 4) The nearest residence to the site is located approximately 4,000 feet to the east. The nearest school, Robinsonville Elementary School, is located approximately four miles to the east of the site. There are two nearby churches, with cemeteries, respectively located 4,500 feet to the northwest

and 4,500 feet to the southeast of the site. The former church is abandoned. An area map was submitted to the Commission on March 10, 2006, with the location of the above-described properties marked thereon.

- 5) Uses for the site are subject to the Tunica County, Mississippi Zoning Ordinance. A copy of the official Zoning Map and portions of the Zoning Ordinance were submitted to the Commission on March 10, 2006. The property is zoned CA (CASINO DISTRICT). Casino gaming facilities are a permissible use in a CASINO DISTRICT with the approval of the Tunica County Planning Commission.
- 6) Myriad's casino will be located on a vessel with 160,000 square feet of useable space, of which 80,000 square feet will be utilized for gaming, with approximately 2000 slot machines and 90 table games including blackjack, craps, roulette and other table games. The vessel will float at Old River as described in paragraph 1 hereinabove, and will be permanently moored. Myriad will develop the proposed site by constructing a 1200 room hotel, a convention center, an arena, a water park, a snow park, a covered 18-hole golf course, a golf clubhouse, a retail boardwalk and an entertainment district. The development will include multi-story parking garages and surface parking to provide approximately 6000 spaces for the casino, hotel, convention center, golf course and retail and entertainment establishments. A conceptual site plan depicting the gaming site was provided to the Commission on February 23, 2006. Artist's renderings depicting the development were presented to the Commission on March 10, 2006. The site development plan provides ample parking and the infrastructure facilities required by MGC Regulation II. A., Section 3 amount to more than 100% of the construction cost of the casino. The Myriad site may be appropriate, subject to MGC approval, for additional hotel and casino development sites along Old River as depicted in the Conceptual Site Plan with the southernmost site to be developed by Myriad.
- 7) The vessel will be approximately 400 feet long and 200 feet wide, and will comply with all state and local safety and health ordinances and/or regulations.

- 8) On November 5, 1990, in accordance with *Miss. Code Ann.* § 19-3-79(2) the Board of Supervisors of Tunica County adopted a resolution stating that no petition for an election for gaming was timely filed and that legal gaming on vessels could henceforth be conducted in Tunica County.
- 9) Myriad filed its proposed Notice of Intent to Apply for a Gaming License with the Commission for approval by the Executive Director on April 22, 2004, and was so approved by the Executive Director on April 22, 2004. Myriad's Notice of Intent to Apply for a Gaming License was published in *The Tunica Times* newspaper on April 29, 2004, May 6, 2004 and May 13, 2004. *The Tunica Times* is a newspaper published weekly in Tunica County, Mississippi. *The Tunica Times* issued its proof of publication on May 13, 2004, confirming that Myriad's Notice of Intent to Apply for a Gaming License was published therein on the dates stated above. The aforesaid Notice of Intent included a description of the proposed gaming establishment, describing its size, the number and types of game to be operated, the vessel's home port, and a statement that the vessel will not make excursions. The aforesaid Notice of Intent shall be applicable to and satisfy the requirements of this recommendation for site approval and site development plan approval.
- 10) By letter dated February 23, 2006, along with supporting materials provided on March 10, 2006, April 30 and May 4, 2004, Myriad made application to the Commission for Gaming Site Approval and Site Development Plan Approval, and requested that said approvals be granted at the Commission's regular monthly meeting on March 16, 2006.
- 11) The following documents are attached as exhibits in support of Myriad's request for approvals:

Ex. 1a

Ex. 1b

Ex. 2

Ex. 3

Ex. 4

Notice of Intent to Apply for a Gaming License  
Proof of Publication of Notice of Intent  
Casino Ground Lease (confidential, under seal)  
Area Map depicting churches, school, cemetery  
and residential locations  
Tunica County Official Zoning Map

Minutes of the Mississippi Gaming Commission  
March 16, 2006 Regular Monthly Meeting  
Page 7

Ex. 5	Aerial Map depicting Zoning Districts
Ex. 6	Comprehensive Land Use Plan for Tunica County
Ex. 7	Tunica County Zoning Ordinance
Ex. 8	Site Plan
Ex. 9	Casino Floor Plan
Ex. 10	Artist's rendering
Ex. 11	Boundary Survey prepared by Allen & Hoshall dated June 1, 2004 indicating the specific location of the property and including the legal description
Ex. 12	Site Development Plan Infrastructure Worksheet
Ex. 13	Hydrological Data

The Executive Director recommends that the Mississippi Gaming Commission adopt the following conclusions with respect to the proposed site and site development plan for Myriad:

- 1) In accordance with the Mississippi Gaming Control Act of 1990, codified at *Miss. Code Ann. § 75-76-1 et seq.*, and amendments to *Miss. Code Ann. § 19-3-79* and *Miss. Code Ann. § 97-33-1*, Tunica County, Mississippi authorized gaming and thus gaming is legal aboard vessels in Tunica County.
- 2) In accordance with *Miss. Code Ann. § 27-109-1(2)* and Commission Regulation II. B., Section 1(b), the Myriad vessel will meet all statutory and regulatory requirements.
- 3) Pursuant to Commission Regulation II. B., Section 5 and *Miss. Code Ann. § 19-3-79(1)*, Myriad's Notice of Intent to Apply for a Gaming License was approved by the Commission and properly published.
- 4) Myriad's dockside gaming vessel will be located at Old River in Tunica County and thereby is a legal gaming site under *Miss. Code Ann. § 97-33-1(b)* and Commission Regulation II. B. Section 2(a)(2).
- 5) Myriad has provided the Commission with all information required for gaming site approval. The site's location relative to the nearest residential area, church and school is satisfactory, and the site is zoned appropriately for development as a dockside gaming development under

Tunica County's Zoning Ordinance.

- 6) Myriad has provided the Commission with all information required for site development plan approval. The site development plan proposed by Myriad complies with all statutory and regulatory requirements.

Having determined that both the site and the site development plan meet all statutory and regulatory requirements, the Executive Director recommends that the site be approved as a gaming site and the site development plan be approved, subject to the following conditions:

- 1) That the Commission accepts the surrender of the previously approved site approval and site development plan approval dated June 16, 2004;
- 2) The gaming site approval and site development plan approval will expire on March 15, 2008, within which time the holder of the approvals must complete the site development, obtain all agency approvals and open the property to the public;
- 3) With respect to the gaming site development plan, the Commission's approval constitutes only the approval of the plan in concept. The applicant may not proceed with actual development until it receives Approval to Proceed with Development from the Commission;
- 4) The holder of the gaming site approval and site development plan approval will complete the construction of its casino and infrastructure facilities as set forth in the plan for development that has been approved by the Commission; any material deviations from this plan must be specifically approved by the Commission prior to the implementation. Any change to the site development plan, or placement or design of the cruise vessel or vessels, shall be submitted in advance to the Executive Director for a determination of whether such change constitutes a material change. If the Executive Director determines that a material change has occurred, Commission approval is required for same;



- 5) The holder of the gaming site approval and site development plan approval will comply with all federal and state laws, including the laws of Mississippi and particularly the Mississippi Gaming Control Act; and
- 6) The holder of the gaming site approval and site development plan approval will comply with and does hereby agree to be bound by all laws, including the Gaming Control Act, of the State of Mississippi; further the holder of the approvals agrees to adjudicate all legal proceedings (both state and federal) relative to said site approval, in the court located in the State of Mississippi.

Commissioner Hairston: Motion to adopt recommendation  
Commissioner Canon: Second

RECORDED VOTE:	Chairman St. Pe':	YES
	Commissioner Canon:	YES
	Commissioner Hairston:	YES

A. RECOMMENDATION FOR FINDING OF SUITABILITY -- RIH Acquisitions MS I, LLC and RIH Acquisitions MS II, LLC

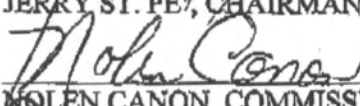
1. Michael L. Frawley  
Regional General Manager
2. Eric I. Matejevich  
Chief Financial Officer for RIH Acquisitions, LLC

ITEM VII.


ADJOURNMENT

There being no further business, the meeting was adjourned at 10:50 a.m.

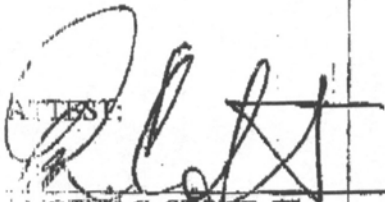
  
JERRY ST. PIERRE, CHAIRMAN

  
NOLAN CANON, COMMISSIONER

  
JOHN M. HAIRSTON, COMMISSIONER

  
LARRY K. GREGORY  
EXECUTIVE DIRECTOR

ATTEST:

  
EUGENE C. STONE, III  
SPECIAL ASSISTANT ATTORNEY GENERAL