

Resolution No. 20-2014

A RESOLUTION OF ENDORSEMENT FOR THE OPERATION OF A
LOTTERY GAMING FACILITY BY CASTLE ROCK CASINO RESORT, LLC
IN CHEROKEE COUNTY, KANSAS:

WHEREAS, the Kansas Expanded Lottery Act and amendments thereto, K.S.A. 74-8733, *et seq.* (the “Act”), was approved by the Kansas Legislature, signed by the Governor, and published in the Kansas Register; and

WHEREAS, the Act provides for the development of one lottery gaming facility per Gaming Zone in the State, as defined in the Act; and

WHEREAS, Crawford County and Cherokee County are the counties located in the southeast Kansas Gaming Zone; and

WHEREAS, the Act provides that each county in each gaming zone must submit to the qualified voters a resolution to permit the operation of a Lottery Gaming Facility within the County; and

WHEREAS, Cherokee County called an election on the question of “Shall the Kansas lottery be authorized to operate a lottery gaming facility in Cherokee County?”; and

WHEREAS, the election was duly noticed, conducted, and the votes counted and canvassed in the manner provided under Kansas law; and

WHEREAS, the qualified voters voted in favor of the development and operation of Lottery Gaming Facility in Cherokee County and the certified results were transmitted to the Lottery Commission; and

WHEREAS, the Act requires a Resolution of Endorsement from the County of any prospective Lottery Gaming Facility Manager submitting a Lottery Gaming Facility Management Contract to the Lottery Commission; and

WHEREAS, Cherokee County has received statements of qualifications for parties seeking a Resolution of Endorsement from the County as a Lottery Gaming Facility Manager; and

WHEREAS, the County held a public hearing on November 24, 2014, (“Public Hearing”) to receive information and testimony in support of prospective Lottery Gaming Facility Managers regarding their qualifications, proposed sites for the Lottery Gaming Facility, and specific development plans for the Lottery Gaming Facility and ancillary development; and

WHEREAS, the following parties presented statements of qualification at the Public Hearing: Castle Rock Casino Resort, LLC; and

WHEREAS, after duly considering all information and testimony provided at the Public Hearing the County determined that Castle Rock Casino Resort, LLC possesses the qualifications and financial resources to operate a Lottery Gaming Facility in Cherokee County, Kansas, and

WHEREAS, Castle Rock Casino Resort, LLC controls approximately 80 acres adjacent to U.S. Highway 400 in close proximity to Interstate 44 and proposes this as the location for development and operation of a Lottery Gaming Facility; and

WHEREAS, Cherokee County has determined this location is well suited to attract tourism and enhance the economic development prospects of the County and State; and

WHEREAS, Cherokee County agrees to facilitate the delivery of water and sewer utilities, on terms acceptable to the County, to the agreed upon site as provided by law; and

WHEREAS, the proposed location in Cherokee County is presently eligible for County Emergency Medical and Fire Protection Services and are served by existing providers; and

WHEREAS, there are no zoning or building permits required in Cherokee County and Castle Rock Casino Resort, LLC will be able to construct the proposed facility at the proposed location with no additional zoning or permitting requirements; and

WHEREAS, Castle Rock Casino Resort, LLC is in compliance with all applicable Cherokee County resolutions, ordinances, and regulations; and

WHEREAS, the County expects to negotiate and enter into a development agreement with Castle Rock Casino Resort, LLC before construction of the project;

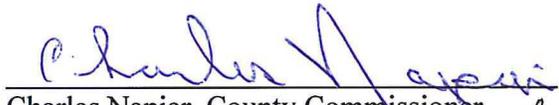
WHEREAS, to facilitate the location of the southeast Kansas Lottery Gaming Facility in Cherokee County the County has determined it is in the best interest of the County based on the information and testimony provided at the Public Hearing and independent investigations of prospective Lottery Gaming Facility Managers to issue a Resolution of Endorsement at this time.

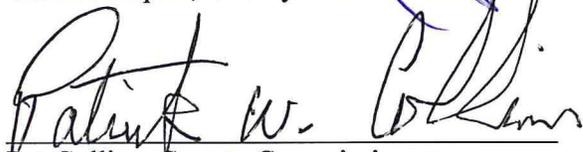
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

Castle Rock Casino Resort, LLC is hereby provided the Endorsement of the County for its proposal as Lottery Gaming Facility Manager Lottery Gaming Facility to be located in Cherokee County.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, THIS 24th DAY OF NOVEMBER, 2014.


Richard Hilderbrand, Chairman, County Commissioner


Charles Napier, County Commissioner


Pat Collins, County Commissioner

Attest:


Rodney D. Edmondson, Cherokee County Clerk

Approved as to Form:


David R. Cooper, Special Counsel to the Board of County Commissioners