

RESOLUTION 1995- 2

**A RESOLUTION REGARDING THE REQUEST OF BARDEN  
PRC-GARY, LLC, TRUMP HOTELS AND CASINO  
RESORTS, INC., AND THE CITY OF GARY TO  
EXPLORE AN ALTERNATIVE SITE FOR THE  
LOCATION OF A RIVERBOAT GAMBLING OPERATION**

**WHEREAS**, the Indiana Gaming Commission ("the Commission") has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

**WHEREAS**, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

**WHEREAS**, the Commission is to "determine the waterways that are navigable waterways for purposes of this article" and "determine the navigable waterways that are suitable for the operation of riverboats under this article";

**WHEREAS**, during the public hearings held in Gary on August 31, November 1, and November 2, 1994, as well as on December 9, 1994, Barden PRC-Gary, LLC and Trump Hotels and Casino Resorts, Inc. advised the Commission that each applicant would locate a riverboat gambling operation at Buffington Harbor on property owned and controlled by Lehigh Portland Cement Company;

**WHEREAS**, it was represented at the public hearings that the City of Gary and Lehigh were in the process of negotiating the purchase price of the property, and the two parties were close to reaching an agreement regarding the property;

**WHEREAS**, the City of Gary has filed a condemnation action to obtain the Buffington Harbor property and said condemnation suit is proceeding;

**WHEREAS**, the Commission ordered the Executive Director to issue Certificates of Suitability to Barden PRC-Gary, LLC and Trump Hotels and Casino Resorts, Inc. on December 9, 1994 and said Certificates of Suitability were issued on December 27, 1994;

**WHEREAS**, negotiations between Lehigh, the City of Gary, and Barden PRC-Gary, LLC and Trump Hotels and Casino Resorts, Inc. have reached an impasse and extensive delays may occur in gaining control of the necessary property; and

**WHEREAS**, Barden PRC-Gary, LLC and Trump Hotels and Casino Resorts, Inc. have located property described as the Little Calumet River site that may be suitable for the development of a riverboat gambling operation and the City of Gary has discussed the possibility of leasing the property from the Little Calumet River Basin Development Commission. The Little Calumet River Basin

Development Commission has control over the property and has expressed interest in leasing it to the City of Gary (copy of letter attached).

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

**SECTION 1. SCOPE.**

This resolution applies to Barden PRC-Gary, LLC and Trump Hotels and Casino Resorts, Inc.

**SECTION 2. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC 1-1 apply to this resolution.

**SECTION 3. ACTION OF COMMISSION REGARDING REQUEST FOR PERMISSION TO EXPLORE AN ALTERNATIVE SITE.**

The Commission hereby:

**Grants**

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GRANTS OR DENIES

Barden PRC-Gary, LLC, Trump Hotels and Casino Resorts, Inc., and City of Gary permission to explore an alternative site to the Buffington Harbor site for the location of a riverboat gambling operation. Barden PRC-Gary, LLC, Trump Hotels and Casino Resorts, Inc., and City of Gary must report, in writing, the feasibility of locating a riverboat gambling operation at an alternative site within thirty (30) days or at least two (2) days before the next Commission meeting. Barden PRC-Gary, LLC, Trump Hotels and Casino Resorts, Inc., and representatives of City of Gary must appear at the next Commission meeting to answer any questions the Commission may have regarding their findings as well as the status of the Lehigh negotiations and the condemnation suit.

**SECTION 4. EFFECTIVE DATE.**


This RESOLUTION is effective immediately.

ADOPTED, THIS THE 10TH DAY OF FEBRUARY, 1995:

THE INDIANA GAMING COMMISSION:

  
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Alan I. Klineman, Chair

ATTEST:

  
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Gilmer Gene Hensley, Secretary