

RESOLUTION 1995- 28

**A RESOLUTION CONCERNING INDIANA GAMING CO.'S
REQUEST FOR APPROVAL OF A REVISED TRAFFIC ACCESS PLAN**

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. The Commission issued a Certificate of Suitability to Indiana Gaming Co. ("Indiana Gaming") on June 30, 1995. One of the conditions placed upon the Certificate of Suitability was that Indiana Gaming would obtain the Central Indiana Railroad right-of-way from the intersection of US 50 and I-275 to the riverboat location and would construct a riverboat access road to the riverboat gambling operation.
2. Indiana Gaming has requested permission to revise the traffic access plan as is more fully set out in a letter dated September 6, 1995 (copy of letter attached).
3. The Indiana Department of Transportation ("INDOT") has reviewed the revised plan, and has determined that the revised plan will provide equal or better access to the riverboat gambling operation while improving traffic flow and safety conditions throughout the US 50 corridor as more fully set out in a letter dated September 4, 1995 (copy of letter attached). However, based upon the statements of INDOT to the Commission during the business meeting of the Commission on September 8, 1995, INDOT may not require that Indiana Gaming satisfy FEMA requirements by utilizing the existing railroad embankment as a flood protection levee. (Paragraph 4 of September 4 letter from INDOT).

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

SECTION 1. SCOPE.

This resolution applies to Indiana Gaming.

SECTION 2. DEFINITIONS.

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

SECTION 3. APPROVAL OF REVISED TRAFFIC ACCESS PLAN.

The Commission hereby:

APPROVES
(APPROVES OR REJECTS)


Indiana Gaming's request to alter the traffic access plan subject to approval of the plan by INDOT. This approval is conditioned upon Indiana Gaming complying with, at a minimum, conditions established and communicated to the Commission, in writing, by INDOT.

SECTION 4. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

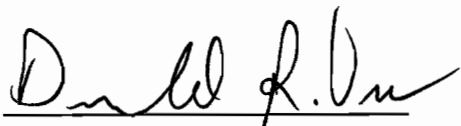
ADOPTED, THIS THE 8TH DAY OF SEPTEMBER, 1995:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Donald R. Vowels, Secretary