



# COLLEGE TOWNSHIP

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## PROPOSED CASINO: TIMELINE OF SIGNIFICANT EVENTS

### **July 5, 2004 - Pennsylvania Racehorse Development and Gaming Act**

Act 71 of 2004, also known as the Pennsylvania Racehorse Development and Gaming Act, established the Pennsylvania Gaming Control Board and legalized casinos and racetracks as a use within the state.

### **February 16, 2016 – College Township Adds Gaming Establishments to Zoning**

College Township established the zoning provisions (§ 200-11.S as amended per Ord. No. O-06-05) that currently exist in the area encompassing the Nittany Mall. These zoning provisions allow for “gaming establishment” uses in the C-1 Commercial Zoning Districts in the Township, including the area of the Nittany Mall previously occupied by the Macy’s Department Store.

### **October 30, 2017 – Act 42 of 2017**

Governor Tom Wolf signed into law Act 42, which amended the 2004 Pennsylvania Racehorse Development and Gaming Act. Within Act 42 there was a provision that opened the potential for up to ten (10) Category 4 locations within the state. Further, Act 42 provided municipalities the opportunity to opt-out of being a host municipality for a Category 4 casino by December 31, 2017.

### **December 7, 2017 – Township Does Not “Opt-Out”**

College Township Council agreed not to approve an opt-out resolution and to, instead, rely on the Township’s Adult Business Ordinance that impacts and informs the gaming establishments use in the C-1 Commercial District. Within Centre County, 14 municipalities chose not to “opt-out” by the December 31, 2017 deadline.

### **January – April 2018 – Initial Auctions of Casino Licenses**

Three rounds of auctions for the ten (10) mini-casino licenses available in Pennsylvania were held, netting five (5) bids for licenses. No bids were submitted to license a casino location in College Township.

### **August 30, 2019 – Act 63 of 2019**

Act 63 of 2019 amended Title 53 of the Pennsylvania Consolidated Statutes, specific to the *Option to Prohibit the Location of an Establishment Licenses*. At the time, there were no Category 4 casino licenses available for auction.

As noted in the Solicitor’s opinion, within Title 53, Chapter 5, Section 502(a) (1) it is very clear that the township’s right to opt out expired 60 days after the effective date of the act which was July 2, 2019.

### **November 2019 – Mount Airy Casino Resort License Application Denied**

Mount Airy Casino Resort’s application for a proposed Category 4 casino in Big Beaver in Beaver County was rejected by the Pennsylvania Gaming Control Board due to an inability to secure financing.

### **March-April 2020 – Macy’s Department Store Closes**

As was initially announced in January 2020, the Macy’s Department Store located in the Nittany Mall is closed permanently.

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**May 29, 2020 – Act 23 of 2020**

Act 23 is signed enabling the Pennsylvania Gaming Control Board to auction the one (1) Category 4 license that was previously associated with the Mount Airy Casino Resort bid.

**September 2, 2020 – Successful License Bid Identifies Centre County Location**

The Pennsylvania Gaming Control Board conducts the auction for the Category 4 casino license with two (2) bids being submitted. Philadelphia based investor Mr. Ira Lubert, whose company operates as SC Gaming OpCo LLC, was deemed the successful bidder. Mr. Lubert's bid identified the location of this new casino as anywhere within a 15-mile radius of Unionville Borough, Centre County. This initial location zone included significant area within 13 of the 14 municipalities in Centre County that did not "opt-out".

**January 2021 – Bally's Corporation Announces Partnership with SC Gaming OpCo LLC**

Bally's Corporation announced that it has signed an agreement with SC Gaming OpCo LLC to develop the planned \$120 million mini-casino in Centre County. While the specific location was not named, the Bally's press release stated it would be located 'near the Nittany Mall.'

**Late January 2021 – College Township Receives Zoning Evaluation Request**

College Township received a request to evaluate its zoning regulations to determine if a gaming establishment would be permissible at 2901 East College Avenue (formerly Macy's). Staff acknowledged that a gaming establishment was permissible under the Township's current zoning ordinance.

**March 2, 2021 – College Township Received Local Impact Report Identifying Location**

College Township received via certified mail a statement from the Ballard Spahr Law Firm in Philadelphia formally transmitting the Local Impact Report and identifying the location of the proposed casino at the former Macy's at 2901 East College Avenue, State College, PA. The letter also indicates that the casino will offer 750 slot machines, 30 table games, a sportsbook, a restaurant and entertainment facilities.

**July 28, 2021 - Cordish Companies Files Suit**

Cordish Companies filed suit in the Pennsylvania Commonwealth Court (under the name Stadium Casino) seeking to cancel the September 2, 2020 bid made by Mr. Lubert and subsequently accepted by the Pennsylvania Gaming Control Board.

**August 16, 2021 - Pennsylvania Gaming Control Board Hosts First Public Hearing**

The Pennsylvania Gaming Control Board hosted the first public hearing on license application for the proposed casino at the Nittany Mall. The hearing was held at the Penn Stater Conference Center in College Township.

**September 16, 2021 – College Township Conditionally Approves Land Development**

Council approved the preliminary/final land development plan for the proposed casino at location of the former Macy's Department Store at the Nittany Mall.

**June 12, 2022 - Pennsylvania Gaming Control Board Closes Public Comment**

The Pennsylvania Gaming Control Board deadline to receive public comments on SC Gaming OpCo LLC's license application.

**August 26, 2022 – Deadline for Any Party Petitioning to Intervene in License Application**

The Pennsylvania Gaming Control Board hearing officer's scheduling order, dated July 12, 2022, noted

that any party petitioning to intervene in the license application for SC Gaming OpCo LLC, has until August 26, 2022, to file the appropriate paperwork.

**September 1, 2022 – Council Requests Second Legal Opinion**

In response to correspondence received from the community, College Township requested a legal opinion from the Township’s solicitor related to any potential legal and/or financial ramifications of sending a letter to the Pennsylvania Gaming Control Board.

**September 22, 2022 – Executive Session of Council**

Council met in Executive Session with the Township Solicitor, Township Manager and Assistant Township Manager to discuss the Solicitor’s legal option.

**October 6, 2022 – Regular Meeting of Council**

On October 6, 2022, Council discussed [the opinion issued by the Solicitor](#), potential next steps and took public comment. A motion was made *to send the correspondence and the minutes related to the casino received since the close of public comments on June 12, 2022, to the Pennsylvania Gaming Control Board with a note stating what is in the contents* was offered at the conclusion of the discussion.

Prior to the vote, the Solicitor opined that with Council sending a this correspondence as a body, it may not be construed as public comment but as a formal action of Council to deny or delay

The motion subsequently failed in a zero (0) in favor, five (5) opposed vote.

Later in the same meeting, due to some confusion over the initial vote, Council reconsidered the same motion. The motion subsequently failed in a one (1) in favor, four (4) opposed vote.

**December 14, 2022 – Pennsylvania Gaming Control Board Hears the Petition for Intervention offered by Stadium Casino RE, LLC.**

The Pennsylvania Gaming Control Board met on December 14, 2022 to hear arguments on the Petition for Intervention on SC Gaming OpCo LLC’s license application submitted by Stadium Casino RE, LLC on October 19, 2022.

At the Petition for Intervention hearing, the Pennsylvania Gaming Control Board issued an Order granting Stadium Casino RE, LLC. intervenor status as a participant in the Category 4 License Application of SC Gaming OpCo LLC, but denied the discovery requests proposed in Stadium Gaming’s Petition to Intervene. Stadium Gaming will be permitted fifteen (15) minutes to address the Board in oral argument at the upcoming licensing hearing.

**January 25, 2023 – Second Hearing by Pennsylvania Gaming Control Board**

The Pennsylvania Gaming Control Board hosted a second hearing on the casino license application on Wednesday, January 25, 2023 at 10:00 am in Harrisburg. Testimony at that hearing was limited to parties to the proceeding including:

- SC Gaming LLC;
- Office of Enforcement Counsel/Bureau of Investigations and Enforcement, and;
- Stadium Casino RE, LLC.

At the conclusion of the hearing, the PGCB voted unanimously to award a Category 4 casino license to SC Gaming LLC. Stadium Casino RE, LLC retained the right to appeal this decision to the PA Supreme Court within 30 days of the January 25<sup>th</sup> PGCB decision.

**February 23, 2023 – Stadium Casino RE, LLC files petition for review with PA Supreme Court**

Stadium Casino RE, LLC filed a petition for review on February 23, 2023, asking the Pennsylvania Supreme Court to vacate the PGCB’s decision to award the license to SC Gaming OpCo.

Updates on the pending Commonwealth Court case can be tracked through the [Unified Judicial System of Pennsylvania website using the case Docket #249 MD 2021](#).

Updates on Stadium Casino RE, LLC’s appeal to the Supreme Court can be tracked through the [Unified Judicial System of Pennsylvania website using the case Docket #20 MM 2023](#).