



Ohio Administrative Code

Rule 3769-20-02 Application to relocate a race track facility.

Effective: September 24, 2015

(A) A permit holder eligible to become a video lottery sales agent may apply in a manner as determined by the commission to relocate its race track and all racing permits.

(B) The application to relocate a race track shall be made in the manner prescribed by the racing commission and may include information required by rule 3769-2-08 or 3769-12-08 of the Administrative Code. The application shall also:

- (1) Indicate whether or not a temporary facility will be used to conduct business at the new location;
- (2) Identify the location for the new track by city or township, county, address and zip code;
- (3) Disclose the incremental economic benefits to the state in a certificate of compliance that shall be a part of the application; and
- (4) Provide other information as required by the racing commission.

(C) If a permit holder's current race track is located on property owned by a political subdivision and the application indicates that the new location is twenty miles or less from its current location, the racing commission shall calculate the distance and provide its calculation to the applicant. If the permit holder's calculation differs significantly from the racing commission's calculation of the distance, then the racing commission's determination of the distance between the two locations will be controlling.

(D) An application to relocate a race track facility must be submitted to the racing commission on or before June 11, 2014.

(E) The relocation fee to relocate a race track shall be as follows:



- (1) Seventy-five million dollars to transfer and relocate the existing permit(s) and track located at "3664 Grant Avenue, Grove City, Ohio" known as Beulah park to "700 North Canfield Niles Road, Youngstown, Ohio";
 - (2) Seventy-five million dollars to transfer and relocate the existing permit(s) and track located at "5700 Telegraph Road, Toledo, Ohio" known as Raceway park to "3100 Needmore Road, Dayton, Ohio";
 - (3) Twenty-five million dollars to transfer and relocate the existing permit(s) and track located at "21501 Emery Road, Cleveland, Ohio" known as Thistledown to a location in the Akron/Canton area within a twelve mile radius of the following GPS coordinates: +40 55 20.00, -81 26 20.00; and
 - (4) A permit holder who makes application for a new location and is currently on property owned by a political subdivision and is twenty miles or less from its current location shall not pay a fee. If the permit holder's calculation differs significantly from the racing commission's calculation of the distance, then the racing commission's determination of the distance between the two locations will be controlling.
- (F) Relocation fees shall be subject to the following conditions as applicable
- (1) The first installment of the relocation fee shall be in the amount of seven million five hundred thousand dollars and shall be paid on the first day of video lottery terminal game play at a relocated racetrack in its new location. The remaining balance shall be paid in eighteen equal semi-annual installments of four million eight hundred and six thousand forty six dollars beginning one year after the first day of video lottery terminal game play at a relocated racetrack in its new location and then every six months thereafter. Installments shall continue until the total seventy-five million dollar relocation fee is collected.
 - (2) All relocations fees shall be paid to the racing commission and shall be deposited in the racetrack relocation fund.