

AS LAID IN THE HOUSE OF ASSEMBLY

BERMUDA

GAMING (DESIGNATED SITE) ORDER 2022

BR / 2022

The Minister responsible for gaming, in exercise of the powers conferred by section 4(1) of the Gaming Act 2014, acting on the advice of the Bermuda Gaming Commission, hereby makes the following Order:

Citation

1 This Order may be cited as the Gaming (Designated Site) Order 2022.

Designated site

2 All that parcel of land in Southampton Parish, Bermuda described in Schedule 1, as shown delineated on the Property Plan that is set out in Schedule 2, is hereby declared to be a designated site for an integrated resort for the purposes of section 4 of the Gaming Act 2014 for a period of five years from the date of publication of this Order.

SCHEDULE 1

(Paragraph 2)

Property Description

The Fairmont Southampton Hotel

Part I "Waterlot Inn"

ALL THAT certain parcel of land situate in Southampton Parish in the Islands of Bermuda and delineated and outlined in red and partly shaded green on the plan prepared by Bermuda-Caribbean Engineering Consultants Limited (being drawing No SV 154623/7) dated January 2017 ("the Plan") comprising Nought decimal point eight three three of a hectare (0.833Ha) and bounded NORTHWESTERLY SOUTHWESTERLY and again NORTHWESTERLY in part by the waters of Jew's Bay and in part by land now or formerly in the possession of Michael Smatt and there measuring along three straight lines Eleven decimal point one two metres (11.12m) Two decimal point two nine metres (2.29m) and Forty-five decimal point eight six metres (45.86m) respectively NORTHEASTERLY and NORTHWESTERLY by land now or formerly in the possession of J Fryer as shown on the Plan and there measuring Eighteen decimal point two nine metres (18.29m) and Forty-four decimal point five eight metres (44.58m) respectively NORTHEASTERLY by land undesignated as to ownership and there measuring along a straight line Ninety one decimal point one four metres (91.14m) generally SOUTHEASTERLY by the main public road designated "Middle Road" on the Plan and there measuring along a curved line One hundred and sixty-four decimal point three six metres (164.36m) SOUTHWESTERLY by other land and there measuring approximately Seven decimal point one metres (7.1m) generally NORTHWESTERLY by the Waters of Jew's Bay and there measuring along a curved line approximately Seventy-seven decimal point two metres (77.2m) SOUTHWESTERLY NORTHWESTERLY and again SOUTHWESTERLY by the said

Waters of Jew's Bay as shown on the Plan and there measuring along three straight lines Two decimal point four three metres (2.43m) Three decimal point three five metres (3.35m) and Twenty-seven decimal point seven three metres (27.73m) respectively WESTERLY in part by the leasehold area (or jetty) shown shaded blue on the Plan and in part by the said Waters of Jew's Bay and there measuring along two straight lines Three decimal point two eight metres (3.28m) and Twenty decimal point two nine

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metres (20.29m) respectively generally SOUTHWESTERLY by the Waters of Jews Bay and there measuring along various curved and straight lines Five decimal point four one metres (5.41m) Two decimal point nought eight metres (2.08m) Fifteen decimal point four six metres (15.46m) Nine decimal point six nought metres (9.60m) Five decimal point nought nought metres (5.00m) Four decimal point seven nought (4.70) and Six decimal point four three metres (6.43m) respectively SOUTHEASTERLY and SOUTHWESTERLY by the said Waters of Jew's Bay and there measuring along two straight lines Six decimal point six three metres (6.63m) Four decimal point nine nought metres (4.90m) respectively OR HOWEVER OTHERWISE the said parcel of land may be bounded may measure or ought to be described TOGETHER WITH all buildings thereon erected AND ESPECIALLY TOGETHER WITH full free and unrestricted right and liberty of way and passage for the owners and occupiers from time to time of the parcel of land above described or any part thereof and their tenants and servants and all other lawfully authorised persons with or without animals and vehicles of all descriptions OVER AND ALONG the roadway 4.27m wide and designated "Rebecca Road" on the Plan that leads in a southeasterly direction to the said Middle Road and in a northwesterly direction to the Waters of Riddell 's Bay AND ALSO OVER AND ALONG the roadway of minimum width 3.05m shaded yellow on the Plan which connects to the said Rebecca Road SUBJECT NEVERTHELESS to any subsisting rights in favour of the owners and

occupiers of neighbouring properties that abut Rebecca Road to pass and repass OVER AND ALONG the portion of Rebecca Road that forms part of the parcel of land now being described as shown on the Plan.

Part II

"Northern Entrance Parcel"

ALL THAT parcel of land situate in Southampton Parish in the Islands of Bermuda and delineated and outlined in red and partly shaded green on Exhibit IA comprising Nought decimal point one four four of a hectare (0.144Ha) and bounded generally NORTHWESTERLY by the verge of the main public road designated "Middle Road" and there measuring along a curved line Ten decimal point five metres (10.5m) NORTHWESTERLY by the said Middle Road and there measuring Thirty decimal

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point three metres (30.3m) and generally EASTERLY by land now or formerly in the possession of Manuel A Figueiredo and there measuring along a curved line Eleven decimal point four three metres (11.43m) SOUTHEASTERLY and then generally NORTHEASTERLY by the land of the said Manuel A Figueiredo and there measuring along three straight lines Seven decimal point eight two metres (7.82m) Eleven decimal point two eight metres (11.28m) and Nineteen decimal point nine one metres (19.91m) respectively SOUTHEASTERLY NORTHEASTERLY and again SOUTHEASTERLY by land now or formerly in the possession of The Bermuda Government as shown on the Plan and there measuring along three straight lines Three decimal point five one metres (3.51m) One decimal point eight three metres (1.83m) and Twenty-four decimal point six nine metres (24.69m) and SOUTHWESTERLY by land now or formerly in the possession of William Madeiros and there measuring Forty-two decimal point one metres (42.1 m) OR

HOWEVER OTHERWISE the said parcel of land may be bounded may measure or ought to be described TOGETHER WITH any buildings thereon erected and any rights appurtenant thereto SUBJECT NEVERTHELESS to an easement in favour of The Bermuda Telephone Company Limited to lay and maintain conduits and pipes for the said company's business purposes along the strip of land lying along the Western boundary of the said parcel of land now being described and designated "easement for cables" on the Plan AND SUBJECT ALSO to full free and unrestricted right and liberty of way and passage for the owners and occupiers from time to time of the lot of land now or formerly in the possession of the said Manuel A Figueiredo AND ALSO for the owners and occupiers from time to time of the lot of land lying to the southeast of the land now being described to pass and repass with or without animals and vehicles of all descriptions OVER AND ALONG the roadway of minimum width 5.49m that traverses the lot of land now being described and leads to the said Middle Road.

Part III

"Main Hotel"

ALL THAT certain parcel of land situated in Southampton Parish and delineated and outlined in red and partly shaded green on the Plan comprising Thirty-two decimal point

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six nine eight hectares (32.698 Ha) and bounded NORTHWESTERLY by land now or formerly in the possession of Donald Chadwick and there measuring Sixty decimal point eight six metres (60.86m) NORTHEASTERLY by the right of way 4.88m wide (the "4.88m Right of Way") shaded yellow on the Plan and there measuring Eighteen decimal point four five metres (18.45m) NORTHWESTERLY in part by the 4.88m Right of Way

in part by land now or formerly in the possession of Joseph E Wakefield and in part by land now or formerly in the possession of Pierre Rouja and there measuring along a single straight line One hundred and nine decimal point eight five metres (109.85m) WEST-NORTHWESTERLY and SOUTHEASTERLY by the land of the said Pierre Rouja and there measuring along two straight lines Fifty-four decimal point four three metres (54.43m) and Eighty-four decimal point five four metres (84.54m) respectively and SOUTHEASTERLY by land now or formerly in the possession of the said Joseph E Wakefield and there measuring along a straight line Fifty- one decimal point five nine metres (51.59m) SOUTHWESTERLY by the 4.88m Right of Way and there measuring Sixteen decimal point four six metres (16.46m) generally NORTHWESTERLY by the public road designated "Lighthouse Road" on the Plan and there measuring along a curved line Two hundred and seventy decimal point four five metres (270.45m) and again NORTHWESTERLY by land now or formerly in the possession of Thaddeus Ming and there measuring One decimal point five one metres (1.5m) NORTHEASTERLY by land now or formerly in the possession of Alex Swan and Leon E Simmons and there measuring Fifty-eight decimal point five eight metres (58.58m) NORTH-NORTHEASTERLY by the land of the said Alex Swan and Leon E Simmons and there measuring along a straight line Six decimal point eight nine metres (6.89m) generally NORTHWESTERLY by the said land of Alex Swan and Leon E Simmons and there measuring along three curved lines Fifty-two decimal point nine two metres (52.92m) Six decimal point one nought metres (6.10m) and Thirty-six decimal point eight four metres (36.84m) respectively NORTHEASTERLY by land now or formerly in the possession of Rolf Wittich and there measuring along a straight line Ten decimal point four one metres (10.41m) generally NORTHERLY by the land of the said Rolf Wittich and there measuring along a curved line Forty decimal point nine five metres (40.95m) generally

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NORTHEASTERLY by land now or formerly in the possession of the Estate of James C Irving and there measuring along a curved line One hundred and twenty-three decimal point nought two metres (123.02m) NORTHWESTERLY by the land now or formerly in the possession of the said Estate of James C Irving and there measuring Twenty decimal point three four metres (20.34m) and again NORTHWESTERLY by land now or formerly in the possession of George L Burch as shown on the Plan and there measuring Thirty-seven decimal point one nine metres (37.19m) SOUTHWESTERLY by the land of the said George L Burch and there measuring along a straight line Fifty-five decimal point nought nine metres (55.09m) and again SOUTHWESTERLY by the roadway 4.88m metres wide and shaded yellow on the Plan and designated "Shawn Acres Road" ("Shawn Acres Road") and there measuring along a curved line Nineteen decimal point seven four metres (19.74m) and again SOUTHWESTERLY by the said Shawn Acres Road and there measuring along two straight lines Eighty-four decimal point nine seven metres (84.97m) and Thirty decimal point four eight metres (30.48m) respectively NORTH WESTERLY and SOUTHWESTERLY by land now or formerly in the possession of The Bennuda Telephone Company Limited and there measuring along two lines Thirty-six decimal point eight five metres (36.85m) and Fifty- three decimal point nine five metres (53.95m) respectively NORTH-NORTHWESTERLY NORTHEASTERLY and again NORTH-NORTHWESTERLY by land now or formerly in the possession of The Bermuda Government and there measuring along three straight lines Twenty-three decimal point three two metres (23.32m) Ten decimal point five two metres (10.52m) and Forty-eight decimal point four six metres (48.46m) respectively NORTHEASTERLY by land now or formerly in the possession of Edward DeMello and there measuring along two straight lines Two hundred and twenty decimal point eight three metres (220.83m) and Sixty-three decimal point one three metres (63.13m)

respectively NORTHWESTERLY in part by land of the said Edward DeMello and in part by land now or formerly in the possession of Daniel Augustus and there measuring along a single line Sixty-seven decimal point nought six metres (67.06m) SOUTHWESTERLY by land of the said Daniel Augustus and there measuring Eighty-six decimal point eight seven metres (86.87m) NORTHWESTERLY in part by land now or lately in the possession of Lois Emery in part by land now or lately in the possession of DeRosa Francis and in part by land now or formerly in the possession

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of Charles Bean and there measuring along a single line Sixty-two decimal point one eight metres (62.18m) NORTHEASTERLY in part by land now or formerly in the possession of John Trott in part by land now or formerly in the possession of Brenda Raynor and in part by land now or lately in the possession of Nelson Simons and there measuring along a single line One hundred and thirteen decimal point three nine metres (113.39m) NORTHWESTERLY in part by the land of the said Nelson Simons and in part by the land now or formerly in the possession of Arthur Douglas and in part by land now or lately in the possession of Alice Perinchief and there measuring along a single line Ninety-nine decimal point four one metres (99.41m) NORTHEASTERLY in part by land now or lately in the possession of Joan Astwood in part by land now or lately in possession of Raymond Astwood in part by land now or lately in the possession of Edmund Lightbourne in part by land now or lately in the possession of Edward Raynor in part by land now or lately in the possession of George Byron in part by land now or lately in the possession of Dennis Francis and in part by land now or lately in the possession of Verna Perinchief and there measuring along two straight lines One hundred and sixty decimal point four one metres (160.41m) and Twenty-nine decimal point eight nought metres (29.80m) respectively SOUTHEASTERLY by the lot of land designated lot "4" on the Plan and now or formerly in the possession of the said Alex Swan and Leon E Simmons and there measuring Fifty-three decimal point six two metres (53.62) generally

SOUTHEASTERLY by the said lot 4 and by the lots of land designated "5", "6" and "7" on the Plan which said lots are also now formerly in the possession of the said Alex Swan and Leon E Simmons and there measuring along several curved lines Thirty-four decimal point three five (34.35m) Sixty-seven decimal point seven four metres (67.74m) Twenty-three decimal point one nine metres (23.19m) Twenty-seven decimal point three four metres (27.34m) Twenty-five decimal point three nought metres (25.30m) and Fifteen decimal point three five metres (15.35m) respectively NORTHEASTERLY by the said Lot 7 and there measuring along a straight line Twelve decimal point three six metres (12.36m) SOUTHEASTERLY by the main public road designated "South Road" and there measuring Seventeen decimal point one seven metres (17.17m) SOUTHWESTERLY SOUTHERLY and again SOUTHWESTERLY by the lot of land now or formerly in the possession of Lorenzo Caletti and there measuring along three straight lines Nineteen decimal point six four metres (19.64m) Seven decimal point eight

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six metres (7.86m) and Six decimal point one nought metres (6.10m) respectively generally SOUTHEASTERLY by the said land of Lorenzo Caletti and there measuring along a curved line Eighty-six decimal point seven nine metres (86.79m) NORTHEASTERLY by the land of the said Lorenzo Caletti and there measuring Seven decimal point nine nought metres (7.90m) SOUTHEASTERLY in part by the land of the said Lorenzo Caletti and in part by the lots of land designated "8a" and "9" on the Plan which said lots are now formerly in the possession of the said Alex Swan and Leon E Simmons and there measuring along various curved lines Twenty-seven decimal point four one metres (27.41m) Twenty-seven decimal point three six metres (27.36m) Twenty-one decimal point six nought metres (21.60m) Thirty-three decimal point three six metres (33.36m) and Twelve decimal point seven one metres (12.71 m) respectively NORTHEASTERLY by the said Lot 9 and there measuring along a straight

line Thirty-three decimal point two one metres (33.21m) generally SOUTHEASTERLY by the said "South Road" and there measuring along five curved lines Thirty-seven decimal point eight seven metres (37.87m) Two hundred and fifty-one decimal point four metres (251.4m) Twenty-one decimal point five three metres (21.53m) One hundred and seventy decimal point three seven metres (170.37m) and Five decimal point nought five metres (5.05) respectively SOUTHWESTERLY SOUTHWESTERLY by the lots of land designated "17" "11" and "12" on the Plan which said lots of land are now or formerly in the possession of the said Alex Swan and Leon E Simmons and there measuring along five curved lines Forty-two decimal point four nine metres (42.49m) Twenty-two decimal point one nought metres (22.10m) Thirty-four decimal point eight three metres (34.83m) Sixty-one decimal point four two metres (61.42m) and Twenty-four decimal point two three metres (24.23m) respectively SOUTH- SOUTHWESTERLY and SOUTHEASTERLY by the said Lot 12 and there measuring along two straight lines Fifty-three decimal point nought six metres (53.06m) and Nineteen decimal point three nought metres (19.30m) and SOUTHWESTERLY in part by land now or lately in the possession of Hubert Smith in part by land now or lately in the possession of Gary Mayeux and in part by the lot of land designated Number "1" on the Plan and there measuring along a single line Sixty-four decimal point two nine metres (64.29m) OR HOWEVER OTHERWISE the said parcel of land may be bounded may measure or ought to be described TOGETHER WITH all buildings thereon erected and all covenants benefiting the owners and occupiers from time to time of the said

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parcel of land AND ESPECIALLY TOGETHER WITH full free and unrestricted right and liberty of way and passage for the owners and occupiers for the time being of the said parcel of land to pass and repass with or without animals and vehicles of all descriptions OVER AND ALONG the 4.88m Right of Way which leads in a generally Northeasterly direction to the main public road

designated "Lighthouse Road" and ALSO OVER AND ALONG Shawn Acres Road which leads in a general northwesterly direction from the lot of land now being described to the said Middle Road AND ALSO OVER AND ALONG the strip of land shaded yellow on the Plan that leads from the northernmost corner of the lot of land now being described in a northwesterly direction to the Northern Entrance Parcel SUBJECT NEVERTHELESS TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the owners and occupiers for the time being of the said parcel of land designated "# 13" on the Plan and every part thereof and their tenants and servants and all other persons lawfully going to and from the said #13 to pass and repass with or without animals and vehicles of all descriptions OVER AND ALONG the turnaround area shaded green on the Plan AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the said Pierre Rouja and the owners and occupiers for the time being of the parcel of land designated "#9" on the Plan to pass and repass with out without animals and vehicles of all descriptions OVER AND ALONG the roadway 4.88 wide and shaded green on the Plan AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the time being of the said Edward DeMello and the owners and occupiers for the lot of land now and formerly held by the said Edward DeMello to pass and repass with or without animals and vehicles of all descriptions OVER AND ALONG the roadway 4.27m wide shaded red on the plan prepared by Bermuda Caribbean bearing drawing number SV 15462/6B/7 ("the Easement Plan") which leads to and from the land now or formerly held by the Bermuda Government as shown on Plan 6B, AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the said Alex Swan and Leon Simmons and the owners and occupiers from time to time of the lot of land designated "16" on both the Plan and the Easement Plan to pass and repass with or without animals

and vehicles of all description OVER AND ALONG the portion of the roadway

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designated "Harbour View Drive" shaded brown on the Easement Plan that leads to and from the said Lighthouse Road AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the said Alex Swan and Leon Simmons and the owners and occupiers from time to time of the lots of land designated "8a" and "9" on the Plan and the Easement Plan to pass and repass with or without animals and vehicles of all descriptions OVER AND ALONG the portion of the roadway 6.10m wide shaded grey on the Easement Plan that leads to and from the said South Road AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the said Alex Swan and Leon Simmons and the owners and occupiers from time to time of the said lots of land designated "4", "5", "6" and "7" on the Plan and on the Easement Plan to pass and repass with or without animals and vehicles of all description OVER AND ALONG the portions of the roadway 6.10m wide shaded purple green and grey on the Easement Plan that leads to and from the said South Road AND SUBJECT ALSO TO FULL FREE AND UNRESTRICTED right and liberty of way and passage for the said Lorenzo Caletti and the owners and occupiers from time to time of the lot of land designated "8" on the Plan and on the Easement Plan the said Rolf Wittich and the owners and occupiers from time to time of the lot of land now or formerly held by Rolf Wittich as shown on the Easement Plan and for the said Estate of James C Irwing and the owners and occupiers from time to time of the lot of land now or formerly held by the Estate of James C Irwing as shown on the Plan and the Easement Plan to pass and repass with or without animals and vehicles of all description OVER AND ALONG the said Harbour View Drive including the portions thereof shaded brown yellow green and grey on the Easement Plan leading to the said South Road and to the said Lighthouse Road respectively.

Part IV "Whaler Inn"

ALL THAT certain parcel of land delineated and outlined in red on the Plan comprising Four decimal point one nine four hectares (4.194Ha) and bounded generally NORTHWESTERLY by the said "South Road" and there measuring along three curved lines One hundred and thirty decimal point eight metres (130.8m) Nineteen decimal

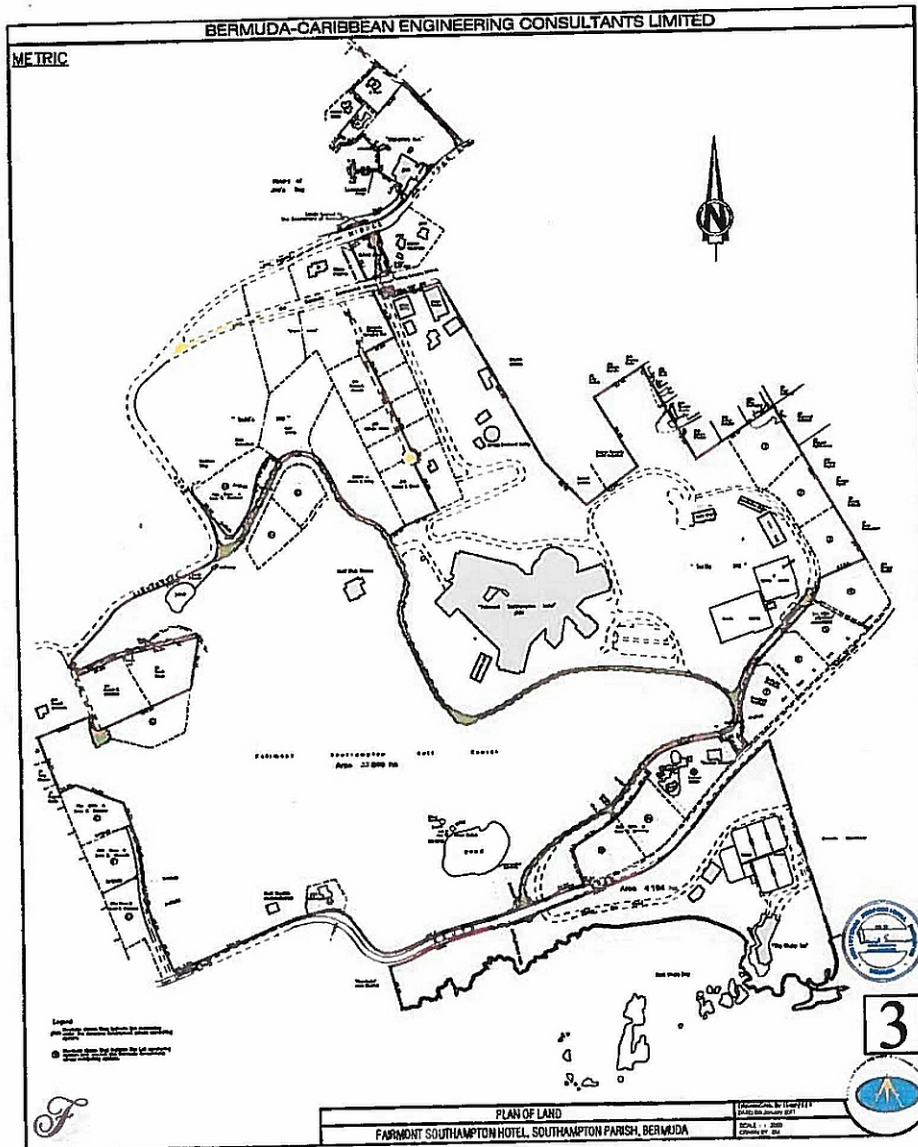
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point three eight metres (19.38m) and Three hundred and thirty-five decimal point two seven metres (335.27m) respectively NORTHEASTERLY by land now or formerly in the possession of The Bermuda Government and there measuring along a straight line Two hundred and twenty-one decimal point one two metres (221.1 2m) generally SOUTHERLY in part by the Waters of the Atlantic Ocean in part by the Waters of East Whale Bay and SOUTHWESTERLY by land now or lately in the possession of Anna Titterton as shown on the Plan and there measuring Forty-seven decimal point eight five metres (47.85m) OR HOWEVER OTHERWISE the said parcel of land may be bounded may measure or ought to be described TOGETHER WITH all buildings thereon erected and all appurtenances thereto belonging.

SCHEDULE 2

(Paragraph 2)

PROPERTY PLAN



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Made this day of 2022

Premier