

**AN ORDINANCE ESTABLISHING A MUNICIPAL RIVERFRONT
DEVELOPMENT PROJECT TO BE KNOWN AS THE “DOWNTOWN DINING
DISTRICT”
IN THE CITY OF FORT WAYNE**

WHEREAS, in 2003, the City of Fort Wayne (“City”) adopted a long-term downtown action plan known as the “Downtown Fort Wayne Blueprint for the Future” to establish the foundational economic development tools for enhanced downtown development opportunities (the “Blueprint”); and

WHEREAS, the City incorporated the Blueprint into the Allen County-Fort Wayne Comprehensive Plan in 2007; and

WHEREAS, the City desires to continue the current progress in the redevelopment of downtown as envisioned by the Blueprint; and

WHEREAS, Ind. Code § 7.1-3-20-16, a copy of which is attached hereto as Appendix “A”, authorizes the issuance of certain, non-transferrable permits to sell alcoholic beverages for on-premise consumption in a restaurant on land or in a historic river vessel within a municipal riverfront development project without regard to the quota provisions of Ind. Code § 7.1-3-22; and

WHEREAS, Ind. Code § 7.1-3-20-16(d), Ind. Code § 7.1-3-20-16.1(b), and 905 Ind. Admin. Code 1-20-1 (copies of Ind. Code § 7.1-3-20-16.1 and 905 Ind. Admin. Code 1-20-1 are attached hereto as Appendices “B” and “C” respectively) specify the criteria that an applicant must meet to qualify for an alcohol permit within a municipal riverfront development project; and

WHEREAS, 905 Ind. Admin. Code 1-47-2, a copy of which is attached hereto as Appendix “D”, specifies additional criteria to qualify for an alcohol permit within a municipal riverfront development project for certain applicants that do not meet the distance criteria set forth in Ind. Code § 7.1-3-20-16(b); and

WHEREAS, Ind. Code § 7.1-3-19-17, (attached hereto as Appendix “E”) permits the local legislative body to require formal written commitments as a condition of eligibility for a license within a municipal riverfront development project; and

WHEREAS, communities across the State of Indiana have used municipal riverfront development projects as an effective means of encouraging riverfront and/or downtown development; and

WHEREAS, in part because of the success of municipal riverfront development projects in other communities, the City’s Common Council (“Common Council”) finds it in the best interest of the City to designate an area of the downtown as a municipal riverfront development project (the “Project”) as authorized by Ind. Code § 7.1-3-20-16(d); and

WHEREAS, the designation will allow the Indiana Alcohol and Tobacco Commission (“ATC”) to issue off-quota permits to sell alcoholic beverages within the boundaries of the Project to those proprietor-applicants that meet the requirements under the foregoing state statutes and corresponding administrative rules, which, in turn, will encourage additional development downtown as envisioned by the Blueprint.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City of Fort Wayne hereby establishes a municipal riverfront development project to be known as the “Downtown Dining District”, the boundaries of which are set forth on the attached Exhibit “A” which is incorporated by reference and adopted herein. The Downtown Dining District boundaries shall be deemed to include those properties on the exterior of, but contiguous with the streets and right of ways that comprise the exterior boundary of the Downtown Dining District as depicted on Exhibit “A.”

Section 2. That the City of Fort Wayne hereby requires an applicant for a liquor license within the municipal riverfront development project boundaries, to enter into a formal written commitment as contemplated in Ind. Code § 7.1-3-19-17, a copy of which is set forth on the attached Exhibit “B” which is incorporated by reference and adopted herein.

Section 3. That all proprietor-applicants within the Downtown Dining District that satisfy the requirements of Ind. Code § 7.1-3-19-17, Ind. Code § 7.1-3-20-16(d) and § 7.1-3-20-16.1(b) and the corresponding administrative rules set forth in 905 Ind. Admin. Code 1-20-1 and 905 Ind. Admin. Code 1-47-2 (if applicable) shall be eligible to apply for a 221-3 Riverfront alcohol permit in accordance with state law.

Section 4. Documentation and information required of any applicant as part of the applicant's application for a 221-3 Riverfront alcohol permit as outlined in Section 7.1-3-20-16.1, which documentation and information is only obtainable from the City of Fort Wayne including, but not limited to, a detailed map showing the definite boundaries of the entire Municipal Riverfront Development Project, the location of the proposed permit within the project and detailed information concerning the expenditures of the State and City funds on the Municipal Riverfront Development Project, shall be provided by the City of Fort Wayne to the applicant within thirty (30) days of the date the applicant has requested the information in writing.

Section 5. That this resolution shall be in full force and effect from and after its passage and approval by the Mayor, unless rescinded by resolution by the legislative body.

Thomas E. Smith, Council Member

Approved as to Form and Legality:

Joseph G. Bonahoom, City Council Attorney