

A RESOLUTION APPROVING THE MUNICIPAL
RIVERFRONT DEVELOPMENT DOWNTOWN DINING
DISTRICT LIQUOR LICENSE

WHEREAS, the City of Fort Wayne has created the Municipal Riverfront Development Project, known as the Downtown Dining District, to continue the current progress in the redevelopment of downtown; and

WHEREAS, Indiana Code 7.1-3-20, authorizes the issuance of certain, non-transferable permits to sell alcoholic beverages for on-premise consumption in a restaurant located on land or in a historic river vessel within a municipal riverfront development project; and

WHEREAS, to be considered for a recommendation for approval of a 221-3 Riverfront License from the Indiana ATC, an applicant submit a Downtown Dining District Liquor License Application and shall enter into a formal written agreement with the municipality; and

WHEREAS, CRG Unit 36, LLC has submitted an application for a Downtown Dining District Liquor License, a copy of which is attached hereto as Exhibit 1 and is prepared to enter into a formal written agreement with the City of Fort Wayne, a copy of which is attached hereto as Exhibit 2; and

WHEREAS, the application and agreement meet the criteria established by Resolution R-105-15 as adopted by Common Council;

NOW, THEREFORE, BE IT RESOLVED, The Common Council of The City of Fort Wayne, Indiana:

Section1. That the City of Fort Wayne Common Council hereby approves the "Downtown Dining District" application and agreement between The City of Fort Wayne and CRG Unit 36, LLC and hereby provides the required local

1 recommendation to the Indiana Alcohol and Tobacco Commission for a 221-3
2 Riverfront license to be issued to CRG Unit 36, LLC; and

3 Section 2. That this resolution shall be in full force and effect from and after its
4 passage and approval by the Mayor, unless rescinded by resolution by this
5 legislative body.

6 _____
Council Member

7 Approved as to Form and Legality:

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9 _____
10 Carol Helton, City Attorney
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COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

Exhibit 1

Engage • Innovate • Perform

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne IN 46802
260.427.1127

www.fwcommunitydevelopment.org

Downtown Dining District Liquor License Application

Business Entity Making this Application: ___CRG Unit 36, LLC_____

Applicant's Name: ___CRG Holdings, LLC by Michael E. Cunningham, President and CEO also known as Cunningham Restaurant Group_____

Applicant's Address: ___530 Fulton Street, Suite 100___City: Indianapolis___ State: IN Zip: 46202_____

Applicant's Phone (daytime): ___317.507.5218___ Email: mike@crgdining.com_____

1. Please outline any plans you have to improve the facility in which you will operate
2. The expected timetable for work and business commencement
3. Explain the overall concept and unique features of the proposed establishment.
4. Describe the level of control and participation the owners will have in the day, to, day operation of the business.
5. Explain how your operation plans to focus on a dining, entertainment or cultural experience rather than an alcohol consumption experience.
6. Describe how your venue/operation will draw people to Downtown Fort Wayne.
7. Provide information regarding the proposed permit holder's related experience

Permits are not transferable and any renewal is subject to compliance with the terms of the agreement with the City of Fort Wayne. The permits shall not be pledged as collateral or subject to any lien judgment, property settlement agreement, or third party claim.

An Equal Opportunity Employer

Downtown Dining District - Liquor License Application Eligibility Requirements and Evaluation Criteria

The Downtown Dining District is a project district where 3-way liquor licenses are made available to eligible dining, entertainment, and cultural establishments as a way to encourage dining in Downtown Fort Wayne. This District was made possible via state legislation and an Ordinance passed by the City of Fort Wayne Council that designated the District and adopted eligibility requirements.

Eligibility Requirements:

In addition to complying with all building, health, zoning laws, ordinances and all rules and regulations of the Indiana State Alcohol and Tobacco Commission (ATC), and local, state, and federal government's applicants must also meet the following local requirements annually in order to be eligible to apply or renew:

1. Applicant's establishment must be located within the Downtown Dining District boundaries.
2. The focus of operation must be on a dining, entertainment or cultural experience rather than solely an alcohol consumption experience.
3. The establishment cannot be a private club, nightclub, or adult entertainment venue.
4. Fees: Applicant must submit a \$1,000 non-refundable application fee with application.

District Requirements:

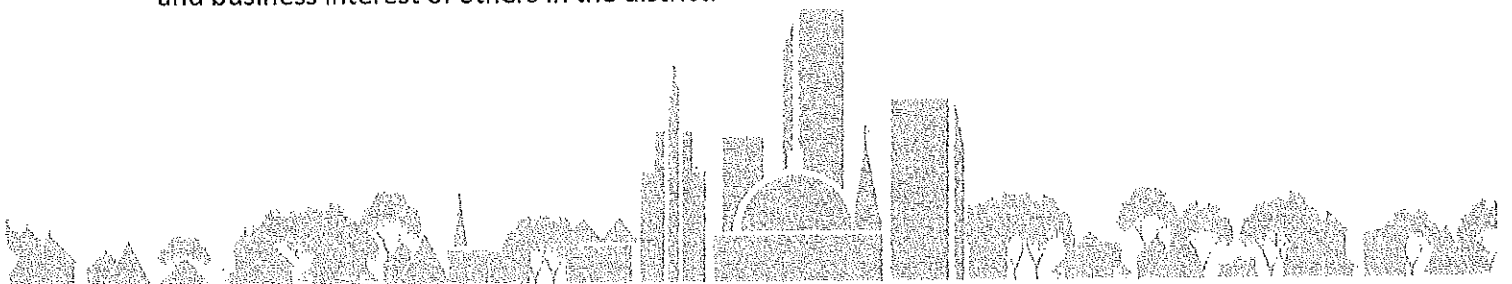
Applicants will enter into a formal written agreement with the City of Fort Wayne committing to ongoing compliance with the following district requirements, including annual reporting, and verification of compliance.

1. Establishments receiving Riverfront liquor licenses within the Downtown Dining District are required to maintain an annual ratio of non-liquor sales to total sales of at least 50%.
2. The licensed establishment will be actively open for business and fully operational during a minimum of three hundred (300) days per year, and a minimum of five evenings (5) per week.
3. The Applicant shall comply with all local and ATC application and renewal procedures.
4. Annual dues in the amount of \$2500 must be paid for membership in the *Downtown Dining Association*, payable through the Downtown Improvement District.

Evaluation Criteria:

The recommendation to support the state permit application will be based on how strongly the applicant meets the following criteria:

1. Granting of the license will benefit the purposes of the district, i.e. to become a cultural and dining destination in Downtown Fort Wayne.
2. Granting of the license and the business activity will not be detrimental to the property values and business interest of others in the district.



The above criteria will be evaluated on the following:

1. The Physical Location
2. The Business Plan
3. Reputation/Experience of Ownership

Please attach:

1. Your completed Indiana State form entitled "Application for New or Transfer Permit" along with any attachments.
2. A signed copy of this Application, including the Applicant's Certification below
3. A copy of your business plan
4. A check made payable to the City of Fort Wayne in the amount of \$1,000.

Please submit this form and all attachments to: City of Fort Wayne – Community Development, Attention: Development Finance - Downtown Dining District, 200 E. Berry Street - Suite 320, Fort Wayne, IN 46802.

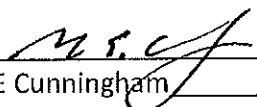
APPLICANT'S CERTIFICATION

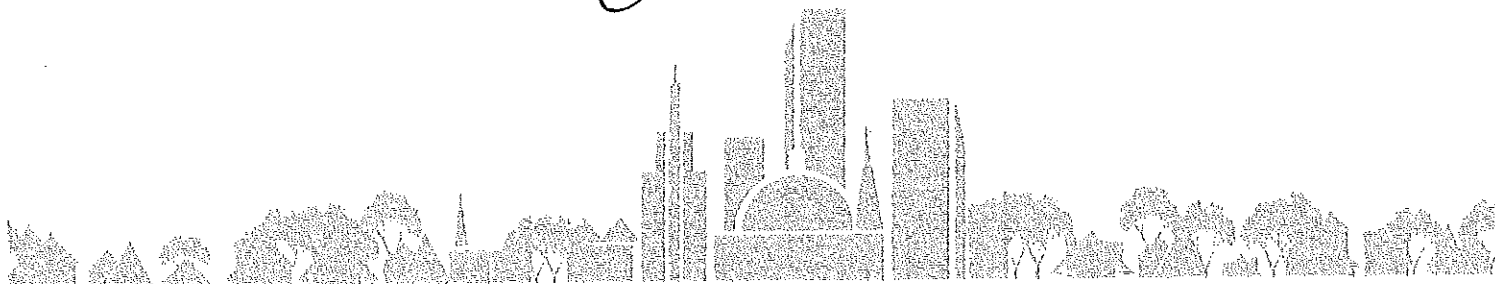
I hereby certify that all information in this application and all information furnished in support of this application are true and complete to the best of the Applicant's knowledge and belief.

I understand that the project described in this Application may not receive a Downtown Liquor License.

I certify that I have read and understand and agree to the above eligibility requirements & evaluation criteria. I further understand and agree to enter into a formal written agreement regarding the aforementioned district requirements, to be approved by the City of Fort Wayne Common Council and the Mayor.

I hereby release and discharge the City of Fort Wayne, together with their respective subsidiaries, affiliates, employees, agents, directors and other related parties, from any and all rights and obligations, duties, claims, debts, actions, causes of action or liabilities arising out of, or relating to, the seeking or receipt of a Downtown Dining District Liquor License pursuant to this Project Application and related documents.

Applicant's Signature:  Date: 7/26/19
Printed Name: Michael E Cunningham Title: President and CEO



CRG Unit 36 - Business Plan-The Landing

About Cunningham Restaurant Group

In the communities we serve, we will be the restaurant of choice for delighting our guests.

Local is best. And for us, local starts with you and me: neighborhoods and communities where we live, work, and play. Since 1997, Mike Cunningham, owner of Cunningham Restaurant Group (CRG), has created an array of unforgettable dining experiences for guests. From its humble beginnings in Brownsburg, Indiana to a growing tri-state restaurant group, CRG represents a steady beat of expansion and innovation fueled by a commitment to community impact.

Our vision is reflected in thirty-one restaurants...fourteen concepts...an event center, a grow facility, and sustainable, consistent growth.

From BRU Burger Bar, a gourmet burger and craft beer hangout, to Vida, a fine dining venue with sommeliers in-house, to Union 50 with a chef-driven menu and industrial feel, CRG invites guests to engage in restaurant dining like never before.

CRG restaurants are part of the fabric of communities. Visit www.crgdining.com to see all of our locations, make reservations, or to explore private dining opportunities. To learn more about career opportunities, visit www.crgdiningcareers.com/

IN: Boulder Creek | Charbonos | Bru Burger Bar | Café 251 | Union 50 | Stone Creek | Livery | Mesh | Vida | Provision | Rize | Tavern at the Point | Nesso | CRG Event Center | CRG Grow

OH: Bru Burger Bar | Stone Creek | Moerlein Lager House **KY:** Bru Burger Bar | Mesh

About the "Union 50" Concept

While we have not yet finalized the trade name that we will be using to conduct our business in Fort Wayne, the restaurant will be styled after one of our other restaurants, Union 50, a chef-driven restaurant and bar in Indianapolis. When you enter the restaurant, you will see industrial chic decor with a cool comforting atmosphere where guests can relax with friends, enjoy a special occasion or conduct a business meeting over drinks and lunch or dinner.

Our culinary team has created an innovative menu that changes seasonally and features a variety of local ingredients. We encourage guests to order multiple plates and share with their friends! Our bar menu boasts handcrafted cocktails, local beer, and a large selection of wine and whiskey.

Our first Union 50 location is currently located in the Mass Ave neighborhood in downtown Indianapolis. With its recent success in Indianapolis, we hope to expand the look and feel of this concept to other markets. Fort Wayne is the target market for our next location. With this location we hope to introduce a modified lunch service menu built from some of our dinner favorites. Our dinner menu features innovative dishes that change seasonally.

Union 50 also hosts live music multiple times per week.

A sample menu and photos showing the quality and style of the décor to be used are attached.

Improvements to the Facility

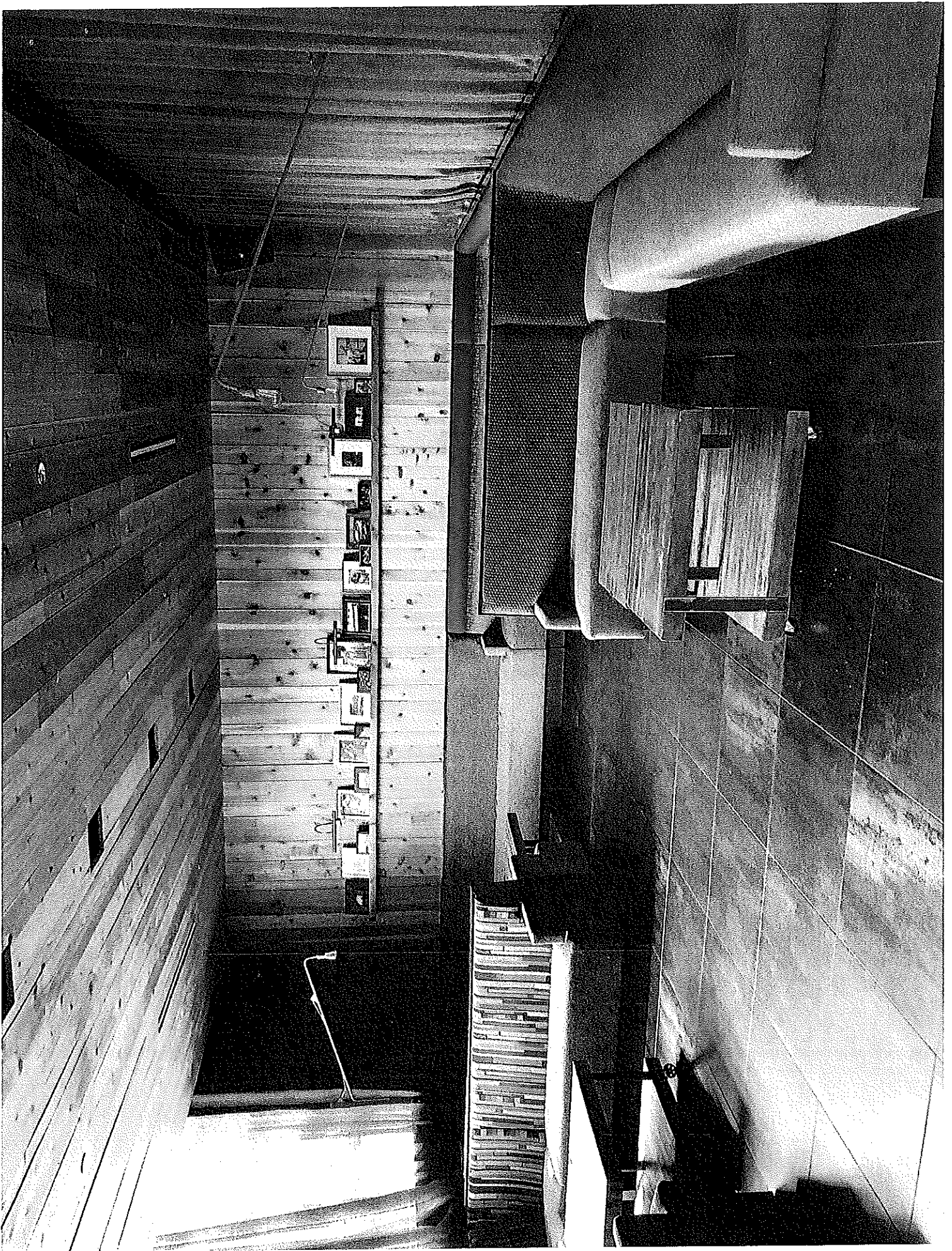
The restaurant will combine the buildings located at 123 and 131 West Columbia Street in Fort Wayne into a single operating restaurant building by constructing an extension to connect the two buildings. In addition, there will be an outdoor courtyard between the two buildings to accommodate outdoor dining. The restaurant will be built out and improved in the same manner as our other operating restaurants, exhibiting an upscale, contemporary dining experience. Other examples of our restaurant interiors can be viewed at www.crgdining.com.

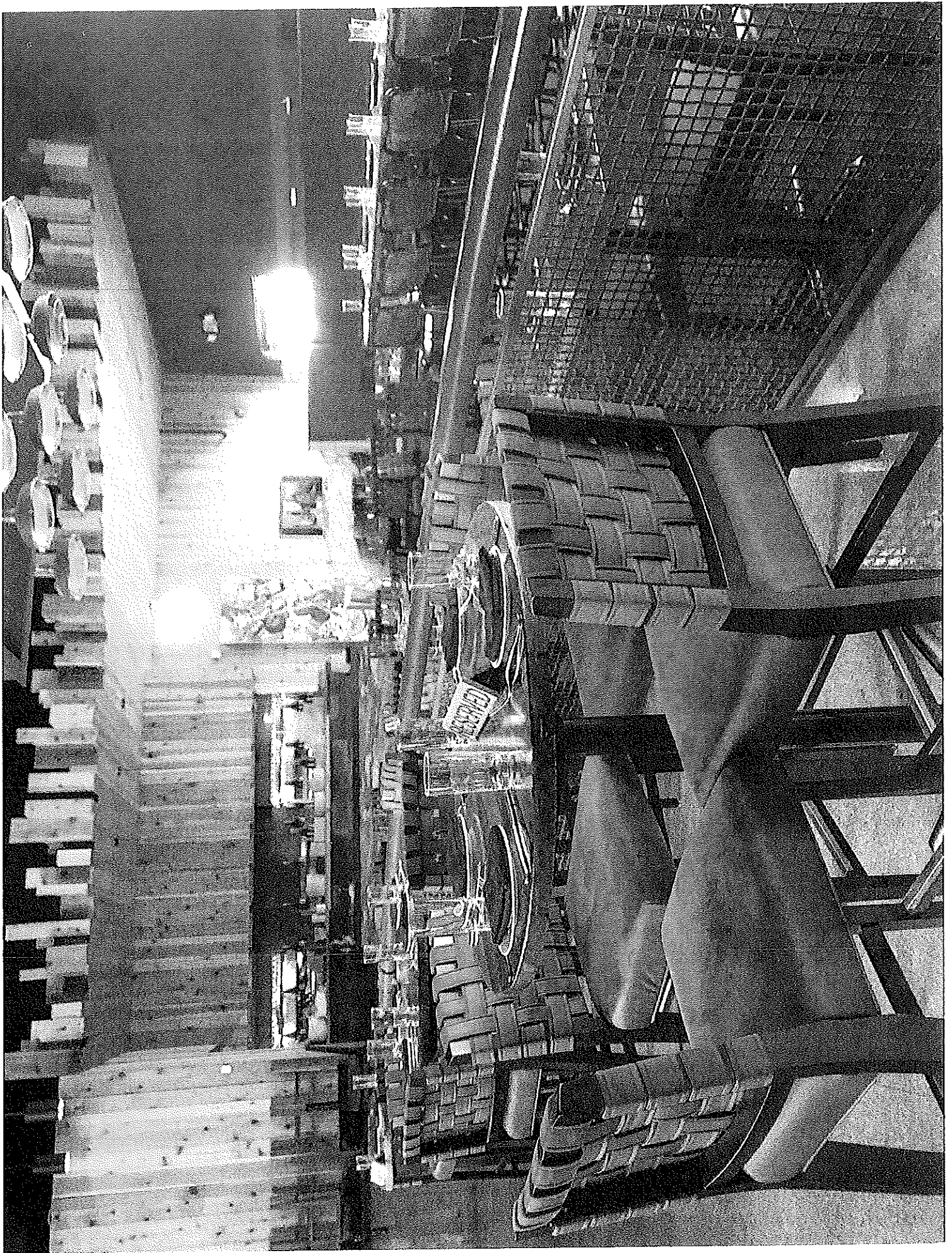
Expected Timetable for Work and Business Commencement

We have signed a lease with The Landing Master Tenant, LLC as landlord, part of the Model Group that is developing the Landing in the downtown area. Work on the streetscape is nearing completion and the premises will soon be turned over to us to begin the construction and buildout of our premises. We expect that we will be open to the general public during the latter part of the first quarter of 2020.

Level of Control and Participation by Ownership

Michael Cunningham is the Manager of CRG Holdings/Cunningham Restaurant Group and oversees the entire organization including approximately 2000 employees. His primary focus is on providing the leadership and overall direction of the organization and seeking out new growth opportunities. Although he will not maintain a daily presence in the Fort Wayne restaurant, he frequently visits all locations on a regular basis to ensure that quality is maintained in each location. Mr. Cunningham leads a management team consisting of its Chief Operating Officer, Mike O'Donnell, with more than thirty years of experience, and a group of five Directors of Operations that oversee 4 to 7 restaurants each. In addition, each restaurant has an on-site management team consisting of a general manager, executive chef, sous chef and one or more front of house managers.







BOARDS

Crostini / Grain Mustard / Cornichon 3 for 15
Each Additional 5

Grand Board (Chef's Choice) 35
3 Charcuterie + 3 Cheese Selections /
Artisan Bread / 2 Extras

CHARCUTERIE

Turchetti's Soppressata
Finocchiona
Cacciatore
Beef Pepperoni
Potato-Bacon Terrine
Turchetti's 'Nduja
Duck Rillette
Smoked Salmon
Berkshire Prosciutto
Candied Pork Belly
Fig "Salami" (vegan)

CHEESE

Nancy's Camembert
Smoked Cheddar
MontAmoré
Pimento
Honey Ricotta
Kenny's Barren County Bleu
Tiger Lily
Dirt Lover
Fair Oaks Havarti Habanero

EXTRAS

Artisan Bread 4
Goat Cheese-Stuffed Peppadew Peppers 4
Marinated Olives 3
Pickled Vegetables 3
Piparras Peppers 3
White Bean Hummus 3
Spiced Tomato Marmalade 3
White Anchovy Giardiniera 3

HAND-CUT FRIES 7

CHOOSE STYLE

Truffle Oil
Sea Salt + Parsley
Manchego + Bacon
Duck Fat + Rosemary

CHOOSE TWO SAUCES

House Ketchup
Garlic-Truffle Aioli
Espresso-Chipotle BBQ
Spicy Grain Mustard
Beer Cheese

POUTINE

Pastrami 12
Hand-Cut Fries / Cheese Curd /
Piparras Peppers / Pastrami Gravy / Fresh Herb

Chilaquiles 12
Hand-Cut Fries / Cheese Curd /
Guajillo Pulled Pork / Avocado / Crema /
Cilantro / Lime / Add Egg 1

PETIT

Beef Tartare* - Horseradish Crema / Pickled Mustard Seed /
Crispy Onion Strings / Quail Egg 13
East Street Salad vg gf - Mixed Greens / Fennel / Feta Cheese /
Spicy Pecan / Blood Orange Vinaigrette 8
Sticky Chicken Wings - Sesame-Soy Glazed / Cucumber /
Fresno Chili Pepper / Scallion / Seaweed Salad 12
Beet + Bleu Cheese Salad gf - Arugula / Roasted Pear /
Spiced Walnut / Scallion / Barren County Bleu Cheese / Walnut Vinaigrette 9
Medjool Dates gf - Honey Ricotta / Bacon-Onion Jam /
Peruvian Pepper Sauce / Mint 8
Wood-Fired San Marzano Tomatoes + Goat Cheese vg - 9
Olive Oil / Warm Artisan Bread / Fresh Herb / Fennel
Caesar Salad - Baby Romaine / Herbed Goat Cheese / Giardiniera /
Boquerones / Crostini / White Anchovy Vinaigrette 10
Rock Shrimp + Mussel Chowder - Pork Belly / Fresh Herb 11
Tuna Crudo* - Yellowfin / Smoked Jalapeño Emulsion /
Marinated Cucumber / Shaved Fennel / Barrel-Aged Soy / Salmon Roe /
Avocado Aioli 18

BISTRO

Pan-Fried Gnocchi vg - Wood-Fired San Marzano Tomato /
Herbed Mascarpone / Swiss Chard / Crushed Red Pepper / Trumpet Mushroom 17
Wood-Fired Wild Mushrooms - Potato-Bacon Terrine / Romesco /
Pea Shoot (sub tofu upon request) 14
Kimchi Meatloaf - Thai Ketchup / Apple-Yuzu Jam /
Colcannon Potato Fritter 17
Steamed Mussels* - Spicy Garlic-White Wine Sauce /
Salami Picante / Fingerling Potato / Tomato / Cilantro / Crusty Bread 14
Toast + Jam* - Wild Gulf Shrimp Toast / Sushi Grade Ahi Jam /
Wasabi Tobiko / Marinated Cucumber 16
Roasted Bone Marrow - Fennel + Pear / Pulled Pork Jam /
Garlic Baguette 17
Scallops* gf - Zucchini / Patty Pan / Haricot Verts / House Chorizo /
Smoked Paprika-Carrot Purée / Corn Relish 29

GRAND

Roasted Half Chicken - Citrus / Basil / Pea / Mint /
Nueske Couscous / Basil Aioli / Blood Orange Gastrique 25
Duck, Duck gf - Seared Duck Breast / Parsnip Purée /
Blackberry Conserve / Duck Leg Confit / Hickory Roasted Turnip /
Asparagus / Spiced Jus 27
Shrimp + Grits gf - Wild Gulf Shrimp / Hairloom Grits /
Oyster Mushroom + Tasso Ham Gravy / House Worcestershire / Scallion 22
Beef Tenderloin* gf - Pink Peppercorn-Garlic Potato /
Charred Cauliflower / Wood-Fired Asparagus / Buttermilk Bleu Cheese /
Roasted Tomato Demi 31
Tomahawk Pork Chop* - Serrano-Potato Pavé / Swiss Chard /
Bacon / Parsnip Purée / Bourbon-Maple Glaze 26
Lamb Shank - White Bean Fundido / Salami Picante / Guajillo Mole 31
Roasted Tomato / Cilantro
King Salmon* gf - Rock Shrimp / Andouille Sausage /
Roasted Tomato Risotto / Asparagus / Tomato Basil Beurre Blanc 28
Nori Tuna* Togarashi / Udon / Mango / Mushroom /
Kimchi / Cucumber Relish 32

vg vegetarian | gf gluten free

*Consumers with weakened immune systems have an increased health risk from consuming raw or undercooked animal foods.



APPLICATION FOR NEW OR TRANSFER PERMIT

State Form 51189 (R5 / 2-17)

Approved by State Board of Accounts, 2017

INSTRUCTIONS:

1. Type or print legibly.
2. Include payment.
3. Do not complete shaded areas.
4. Mail to the address at the end of this application form.
5. If there is no opening for this applied permit or there is an omission, this application will be returned.
6. Please attach a completed Property Tax Clearance – Form 1, if applicable, which can be found at <http://in.gov/atc/2409.htm>.
7. Please attach a copy of your Registered Retail Merchant Certificate from Indiana Department of Revenue.
8. Please attach a completed County Verification of Business Location form, if applicable, which can be found at <http://in.gov/atc/2409.htm>.

* This agency is requesting your Social Security Number in accordance with IC 4-1-8-1; disclosure is mandatory, and this record cannot be processed without it.

STEP 1: GENERAL INFORMATION

This permit type will allow you to sell: ☒ Beer ☒ Wine ☒ Liquor		This permit type is for: ☒ On-premise consumption (Retailer) ☐ Off-premise consumption (Dealer) ☐ Other (Specify)		Type of application: ☒ New application ☐ Transfer owner ☐ Transfer location	
Please briefly describe your business that qualifies you for this permit type. Full service restaurant and bar				Permit number (Required for transfers.)	
This ownership entity is: (Check one) ☐ Sole Owner ☐ Simple Partnership ☐ Corporation ☐ Limited Partnership ☐ Limited Liability Partnership ☒ Limited Liability Company ☐ Municipality ☐ Club Association ☐ Club Corporation					
Business entity making this application CRG Unit 36, LLC				Telephone number of applicant (317) 378-7274	
Doing business as (DBA) TBD					
Location where alcoholic beverages will be dispensed (number and street) 123 - 131 West Columbia Street					
City / Town Fort Wayne		State IN		ZIP code 46802	
E-mail address lshlensky@crgdining.com				Telephone number of premises () TBD	
General Questions Part 1					
1. The proposed premises is located in what county? Allen					
2. Is the proposed permit premises located inside the corporate limits of a city / town? ☒ Yes ☐ No					
3. If yes, please name the incorporated city / town. Fort Wayne					
4. If no, please name the unincorporated community which has been known by that name for more than ten (10) years. (This is only required for a beer or a beer and wine application.)					
5. Is there at least 200 feet between this premise and any church or school? ☒ Yes ☐ No					
6. If no, have you obtained a written statement from the church or school pursuant to IC 7.1-3-21-11(c)(1)? (If yes, please attach statement.) ☐ Yes ☐ No					
Business address, if different than premises address: ☒ Check here to use business address as mailing address: ☒					
Name c/o Cunningham Restaurant Group					
Address (number and street, city, state, and ZIP code) 530 Fulton Street, STE 100, Indianapolis, IN 46202					
General Questions Part 2					
1. Do you understand that you must have a Federal Identification number? ☒ Yes ☐ No					
2. Do any individuals, corporations, limited liability companies, limited liability partnerships, or stock owners, members, or partners of such entities have any interest, either directly or indirectly, in any distiller, vintner, farm winery, rectifier, brewer, primary source of supply, or wholesaler permit? ☐ Yes ☒ No					
3. As owner, do you manage the premise? ☐ Yes ☒ No If no, please complete Step 6, Manager's Questionnaire.					

FOR OFFICE USE ONLY

Date received (mm/dd/yy)
Permit number
Permit type
Quota check
Jurisdiction
Checked by
Base fee receipt number
Balance due
Refund
Catering receipt number
Balance due
Refund
Date reviewed (mm/dd/yy)
Hearing date of Local Board (mm/dd/yy)
Commission approved
Permit issued
Date of expiration (mm/dd/yy)
Permit released
Remarks

General Questions Part 2 (continued)

4. Do you sell tobacco products? ☐ Yes ☒ No
If yes, please provide the Tobacco Sales Certificate number. _____
5. Do you know that an Excise Officer may enter, inspect, and search your permit premise without a warrant or other process to determine if you are complying with the provisions of the Indiana alcoholic beverage laws / rules? ☒ Yes ☐ No
6. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term of the permit? ☒ Yes ☐ No

STEP 2: ANNUAL FOOD SALES (FOR EXISTING BUSINESSES ONLY**)**

For the following permits: Type 209 (except golf courses); All retail permits with less than sixty percent (60%) ownership by Indiana residents; Retail permits with limited bar / family room separation.

Date of beginning report (month, day, year)

N/A - New Business

Date of ending report (month, day, year)

A. Gross food sales (For retail permits, exclude carryout and catering sales.)
(For convenience stores exclude gasoline and automotive oil products.)

B. Gross alcoholic beverage sales

C. Total gross sales (column A + B)

STEP 3: QUALIFICATIONS**SOLE OWNER / PARTNERSHIP PERMIT:**

If applying as a sole owner or partnership for any type of permit, answer the following question:

Are you now and have you been a continuous and bona fide resident of this state for five (5) years?

☐ Yes ☐ No**CORPORATION PERMIT: (PLEASE ATTACH COPY OF "CERTIFICATE OF EXISTENCE" FROM THE INDIANA SECRETARY OF STATE.)**

If applying as a corporation for a retailer's permit, answer the following questions:

Is at least sixty percent (60%) of the outstanding common stock owned by persons who have been continuous and bona fide residents of this State for five (5) years? (For exceptions, see IC 7.1-3-21-6.)

☐ Yes ☐ NoIf you meet an exception in IC 7.1-3-21-6, please list and continue to the questions pertaining to all individuals having an interest in this permit.
_____Is the applicant a retailer corporation with forty-one percent (41%) or more of the common stock held by out of state stockholders?
If yes, you must agree to and initial below.☐ Yes ☐ No

I hereby affirm that the annual gross food sales at the permit location currently exceed one hundred thousand dollars (\$100,000) or in the case of a new applicant are expected to exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period commencing on the date of issuance of the permit and will, thereafter, exceed one hundred thousand dollars (\$100,000) per annum.

Initial _____

If applying as a corporation for a package liquor store, answer the following questions:

Is at least sixty percent (60%) of the outstanding stock in the corporation owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

☐ Yes ☐ No

Does the stock described in the previous question constitute a controlling interest in the corporation?

☐ Yes ☐ No**LLC / LLP PERMIT: (PLEASE ATTACH COPY OF "CERTIFICATE OF EXISTENCE" FROM THE INDIANA SECRETARY OF STATE)**

If applying as a limited partnership, limited liability company, or limited liability partnership for a retailer's permit, answer the following questions:

Is at least sixty percent (60%) of the ownership interest held by persons who have been continuous and bona fide residents of this State for five (5) years? (For exceptions, see IC 7.1-3-21-6.)

☒ Yes ☐ NoIf you meet an exception in IC 7.1-3-21-6, please list and continue to the questions pertaining to all individuals having an interest in this permit.
_____Is the applicant a retailer limited partnership, limited liability company, or limited liability partnership applying with forty-one percent (41%) or more of the ownership interest held by out of state residents?
If yes, you must agree to and initial below.☐ Yes ☒ No

I hereby affirm that the annual gross food sales at the permit location currently exceed one hundred thousand dollars (\$100,000) or in the case of a new applicant are expected to exceed two hundred thousand dollars (\$200,000) by the end of the two (2) year period commencing on the date of issuance of the permit and will, thereafter, exceed one hundred thousand dollars (\$100,000) per annum.

Initial _____

If applying as a limited partnership, limited liability company, or limited liability partnership for a package liquor store, answer the following questions:

Is at least sixty percent (60%) of the partnership interest or sixty percent (60%) of the outstanding membership interest in the limited liability company owned by persons who have been continuous and bona fide residents of Indiana for five (5) years; and

☐ Yes ☐ No

Does the partnership or membership interest described in the previous question constitute a controlling interest in the limited partnership, limited liability company, or limited liability partnership?

☐ Yes ☐ No

THE FOLLOWING QUESTIONS PERTAIN TO ALL INDIVIDUALS HAVING AN INTEREST IN THIS APPLICATION.

NOTE: "Individuals" referred to in all questions in the below section include LLCs, LLPs, corporations, partnerships, and all other business structures recognized under Indiana law as well as a natural person where applicable.

Have any individuals with an interest in this permit been convicted of a felony or a misdemeanor? (If yes, please attach letter with dates, court, conviction, and sentence.)	☒ Yes ☐ No
Have any individuals with an interest in this application ever been convicted of, or found to have committed a violation of, the Indiana Alcoholic Beverage laws, rules, regulations, or orders of the ATC? (If yes, please attach an explanation, including permit number(s).)	☐ Yes ☒ No
Are all individuals with an interest in this application citizens of the United States?	☒ Yes ☐ No
Are all individuals with an interest in this application of sound mind, good moral character, and good repute in the community in which they reside?	☒ Yes ☐ No
Are any individuals with an interest in this application a law enforcement officer, or an officer of a municipal corporation, or government subdivision, of this state charged with any duty or function in the enforcement of Indiana Code Title 7.1?	☐ Yes ☒ No
Have any individuals with an interest in this application held a permit under this title and had the permit been revoked within one (1) year prior to the date of this application? (If yes, please provide the permit number(s) and an explanation.)	☐ Yes ☒ No
Have any individuals with an interest in this application made an application for a permit of any type which was denied less than one (1) year prior to this application for a permit (unless the application was denied by reason of a procedural or technical defect)?	☐ Yes ☒ No
Do any individuals, corporations, limited liability companies, limited liability partnerships, partnerships, or stock owners, members, or partners of such entities have any interest, either directly or indirectly, in any other permits or endorsements of any kind issued under Indiana Code Title 7.1 connected with, but not limited to, the production, distribution, transportation, or sale of alcoholic beverages? If yes, list permits below. (Attach additional sheet if necessary.)	☒ Yes ☐ No
Permit number(s) See attached listing	
Are you indebted to a person or an officer or agent of that person, who holds a brewer's permit or wholesale permit, for a debt, secured by a lien, mortgage, or otherwise upon the premises for which the beer retailers permit is to be applicable or upon any of the property or fixtures in the premises, or used, or to be used in connection with the premises?	☐ Yes ☒ No

STEP 4. AFFIDAVIT OF OWNERSHIP

Complete name CRG Holdings, LLC	Social Security number * 32-0350999 entity	Date of birth (month, day, year) 8/19/2011 entity	Citizen of United States ☒ Yes ☐ No
Address (number and street, city, state, and ZIP code) 530 Fulton Street, STE 100, Indianapolis, IN 46202			
Nature of interest ☒ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer			Percent of ownership 100%
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code) CRG Holdings, LLC is owned by 3 individuals and a Trust, described on the attachment			
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer			Percent of ownership
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)			
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer			Percent of ownership
Complete name	Social Security number *	Date of birth (month, day, year)	Citizen of United States ☐ Yes ☐ No
Address (number and street, city, state, and ZIP code)			
Nature of interest ☐ Sole Owner ☐ Corporate President ☐ Stockholder ☐ Partner ☐ Corporate Secretary ☐ Club Officer			Percent of ownership

If you need more space, please attach additional sheets.

STEP 5. PERMIT TYPE SPECIFIC QUESTIONS

You must meet specific requirements to hold certain types of permits. Please answer only the following questions that are applicable to your permit application.

LIQUOR RETAILER

Is the proposed permit premise located in an incorporated city having a population of less than 5,000? ☐ Yes ☐ No

If the answer is yes, have you attached to the application the enabling ordinance from the city consenting to the issuance of liquor retailer's permits? ☐ Yes ☐ No

CATERING HALL

Are you applying for a special three-way catering hall permit that will allow you to sell alcoholic beverages for on-premises consumption only on a premises that is used only for private catered events and has accommodations for at least 250 individuals? ☐ Yes ☐ No

CLUBS

If you are applying for a club permit, please check the appropriate box: ☐ Social Club ☐ Fraternal Club

If a social club, does your association or organization meet the general requirements of IC 7.1-3-20-1? ☐ Yes ☐ No

If a fraternal club, does your association or corporation meet the general requirements of IC 7.1-3-20-1 and the specific requirements of IC 7.1-3-20-7? ☐ Yes ☐ No

If your club permit premises is outside the corporate limits, do you meet the requirements of IC 7.1-3-20-3? ☐ Yes ☐ No

HOTEL

If you are applying as a hotel, do you meet the general requirements of IC 7.1-3-20-18? ☐ Yes ☐ No

HISTORIC DISTRICT

If you are applying for an historic district permit, is the restaurant located in a district that is on the National Register of Historic Places that includes a county courthouse, a historic opera house, and a historic jail and sheriff's house pursuant to IC 7.1-3-20-16(g)? ☐ Yes ☐ No

If yes, you must submit the appropriate verification, including a district map identifying the location of your restaurant, an approval letter from a city or town representative that indicates whether the city or town adopted an ordinance that requires a written commitment pursuant to IC 7.1-3-19-17, and a copy of the ordinance creating the district. If the city or town ordinance requires a written commitment, you must also submit a copy of the written commitment.

AIRPORT, REDEVELOPMENT, RIVERFRONT, RAILWAY STATION, CULTURAL CENTER, SPEEDWAY, LAKE FRONT

If you are applying for a permit authorized by IC 7.1-3-20-16 or IC 7.1-3-20-16.8, do you meet the requirements for the designated permit? ☒ Yes ☐ No

Specify the type of permit for which you are applying. Riverfront

NOTE: If you are applying for a municipal riverfront development permit (IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1) or a lakefront development permit, motorsports development permit IC 7.1-3-20-16(k) or (l)), or redevelopment permit (IC 7.1-3-20-16.8), you must also submit a letter indicating that the statutory requirements have been met and the mayor's approval of the permit, a map of the district identifying the premises location, and a copy of the ordinance creating the district.

If you are applying for a permit in a publicly owned airport (IC 7.1-3-20-16(b)), union railway station (IC 7.1-3-20-16(c)), railway station (IC 7.1-3-20-16(e)), cultural center (IC 7.1-3-20-16(f)), or redevelopment district (IC 7.1-3-20-16(h) and (i)), please submit supporting documentation showing that your premises is located in a district that meets the qualification of the section authorizing the permit.

If you are applying for a lakefront district permit pursuant to IC 7.1-3-20-16(j) and IC 7.1-3-20-16.2, please submit a map of the district identifying the location of your restaurant, detailed information concerning the expenditures of the state, local, and federal funds on the municipal lakefront development project, and a copy of the local ordinance or resolution authorizing the municipal lakefront development project.

DRUG STORE

If you are the proprietor of a drug store, do you hold a valid permit issued by the State Board of Pharmacy? ☐ Yes ☐ No

NOTE: You must designate on your floor plan the pharmacy area that has been submitted and approved by the State Board of Pharmacy.

Permit number of pharmacy	Date of issuance (month, day, year)	Date of expiration (month, day, year)
---------------------------	-------------------------------------	---------------------------------------

RIVERBOAT

Are you applying for a riverboat / excursion permit and do you currently hold a valid riverboat owner's license issued by the Indiana Gaming Commission? ☐ Yes ☐ No

License number of riverboat owner	Date of issuance (month, day, year)	Date of expiration (month, day, year)
-----------------------------------	-------------------------------------	---------------------------------------

Are you applying for an adjacent landsite permit? ☐ Yes ☐ No

HORSE TRACK

Are you applying for a horse track permit and do you currently hold a valid recognized meeting permit issued by the Indiana Gaming Commission? ☐ Yes ☐ No

Permit number of recognized meeting	Date of issuance (month, day, year)	Date of expiration (month, day, year)
-------------------------------------	-------------------------------------	---------------------------------------

Are you applying for a satellite permit? ☐ Yes ☐ No

License number of satellite facility	Date of issuance (month, day, year)	Date of expiration (month, day, year)
--------------------------------------	-------------------------------------	---------------------------------------

STEP 5. PERMIT TYPE SPECIFIC QUESTIONS (continued)	
BOAT (SEASONAL)	
If you are applying for a boat permit, do you engage in regular passenger service which makes regular runs in seasonal weather between established locations?	☐ Yes ☐ No
BEER WHOLESALER	
Do you have available for investment capital and cash or property necessary and useful in your business, exclusively as a beer wholesaler, of at least \$15,000 (exclusive of motor vehicles), and do you agree that you will, if the application is granted, actually make the investment and submit proof to the Commission before you engage in business as a beer wholesaler?	☐ Yes ☐ No
BREWER	
I certify that the projected number of barrels of beer to be manufactured during the permit year will not exceed 90,000 barrels. (A barrel equals thirty-one (31) gallons.) (Small Brewer)	☐ Yes ☐ No
I certify that the projected number of barrels of beer to be manufactured during the permit year will exceed 90,000 barrels. (A barrel equals thirty-one (31) gallons.) (Brewer)	☐ Yes ☐ No
If a small brewer, do you own or lease a building separate from the brewery premises that is used to store and condition beer pursuant to IC 7.1-3-2-7(K)?	☐ Yes ☐ No
VINTER / DISTILLERY / FARM WINERY	
Check if you qualify and are applying for one of the following permits.	
☐ Vintner (IC 7.1-3-12-1)	☐ Distiller (IC 7.1-3-7-2)
☐ Artisan Distiller (IC 7.1-3-27-2)	☐ Farm Winery Brandy Distiller (IC 7.1-3-7.5-2)
☐ Farm Winery (IC 7.1-3-12-3)	
BOND REQUIREMENTS	
The following applicants are required to file with this application the appropriate non-revocable surety bond, made payable to the State of Indiana. (Check the appropriate bond amount, if applicable.)	
☐ Brewer (\$10,000)	☐ Liquor Wholesaler (\$10,000)
☐ Distiller (\$10,000)	☐ Rectifier (\$10,000)
☐ Vintner (excludes farm winery) (\$10,000)	
MICROWINE WHOLESALER	
I certify that the annual projected number of gallons of wine and brandy sold will not exceed twelve thousand (12,000) gallons.	☐ Yes ☐ No

STEP 6. MANAGER'S QUESTIONNAIRE		
Name of manager (last, first, middle initial) Tharp, Gay	Social Security number * [REDACTED]	
Date of birth (month, day, year) 6/13/1964	Employee permit number of manager BR 1581632	Date of expiration (month, day, year) 01/26/2021
Home address (number and street, city, state, and ZIP code) 8650 Blue Marlin Dr, Indianapolis, IN 46239		
Are you a citizen of the United States?		☒ Yes ☐ No
Are you at least twenty-one (21) years old?		☒ Yes ☐ No
Is it true that you are not an officer or employee of a person engaged in: The alcoholic beverage traffic, which person is a non-resident of this state; or The carrying on of any phase of manufacture of, traffic in, or transportation of alcoholic beverages without a permit under this title when one is required by this title?		☒ Yes ☐ No
Are you a law enforcement officer, or a non-elected officer of a municipal corporation or government subdivision charged with any duty or function in the enforcement of Alcoholic Beverage Laws?		☐ Yes ☒ No
Has an alcoholic beverage permit held by you been revoked within one (1) year prior to the date of this application for a permit?		☐ Yes ☒ No
Have you made an application for a permit of any type which has been denied less than one (1) year prior to this application for a permit (unless the application was denied by a reason of a procedural or technical defect)? (If yes, please attach an explanation.)		☐ Yes ☒ No
Are you now, and have you been for the last five (5) years a continuous and bona fide resident of the State of Indiana?		☒ Yes ☐ No
If no, does the permit premise you are managing have a minimum annual gross food sales of at least \$100,000?		☐ Yes ☐ No
Do you hold a permit of any kind for the sale of alcoholic beverages in Indiana, or do you have any interest in any such permit, directly or indirectly, through ownership of stock or otherwise?		☐ Yes ☒ No
If yes, list permit numbers. (Attach additional sheet, if necessary.)		
Have you been convicted of a felony? If yes, attach places and dates of arrest, court of record, and conviction and attach relevant court record(s).		☐ Yes ☒ No
Have you been found in violation of the Indiana alcoholic beverage laws, rules, regulations, or orders of the Commission? If yes, explain on a separate attachment.		☐ Yes ☒ No
Signatures of manager referred to in this schedule		

STEP 7. FLOOR PLAN

INSTRUCTIONS: Applicant must submit four (4) drawings on letter size paper (8½" x 11"). These drawings must show dimensions and identifications of any existing family room(s), seating arrangement(s), ballroom(s), service bar(s), dance floor area(s), kitchen area(s), restrooms, storage and office areas, exits, and alcoholic beverage display areas for all types of permits. Please sign and date each drawing.

If a restaurant or a restaurant located in a hotel or motel, will anyone under the age of twenty-one (21) be guests to the permit premises?

☒ Yes ☐ No

If the answer to the above question is "yes," there must be COMPLETE SEPARATION of the barroom from the room or rooms where individuals under the age of twenty-one (21) will be present.

☒ Yes ☐ No

Are you requesting approval for limited separation?

☒ Yes ☐ No

NOTE: All drawings must be approved by the Commission before the permit is issued. We recommend you receive approval before construction begins. Contact your local excise district office. Contact information for local excise district offices can be found at <http://in.gov/atc/isep/2379.htm>. (Please attach all drawings to this application.)

STEP 8. AFFIRMATION OF APPLICANT

I certify that this application was completed by myself or by the preparer identified herein. I certify that I have read this completed document and that all information provided herein and on any attachments is true and correct. I UNDERSTAND THAT IT IS A FELONY TO MISREPRESENT OR FALSIFY ANY PORTION OF THIS APPLICATION OR ATTACHED DOCUMENTS.

I hereby consent for the duration of the permit term to inspection and search by an enforcement officer, without a warrant or other process, of my licensed premises, any approved satellite facility, approved storage facility, and vehicles to determine compliance with the provision of Indiana Code 7.1.

Note: The applicant **MUST** sign this application unless the proper Power of Attorney forms are attached to this application.

Signature of applicant

Date signed (month, day, year)

7/26/19

Printed name of applicant

Michael E Cunningham

Title of applicant

President

STEP 9. SIGNATURE OF PREPARER (if applicable)

I certify that I have examined this application and the accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete. I certify that the applicant reviewed the completed form prior to signing.

Signature of preparer

Date signed (month, day, year)

7/2/2019

Printed name of preparer

Louis Shlensky

Telephone number

(317) 378-7274 x 1105

STEP 10. FEES

Please remit business check, certified check, or money order – application will not be processed without payment. (See attached fee schedule.)

Checks should be made payable to the Indiana Alcohol and Tobacco Commission.

MAIL COMPLETED APPLICATION, PAYMENT, AND SUPPORTING DOCUMENTS TO:

INDIANA ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street, Room E114

Indianapolis, IN 46204

For additional information: www.IN.gov/atc or (317) 232-2430

FEE SCHEDULE *

Permit	Fee	Statutory Authority
Beer only or wine only	\$500	IC 7.1-4-4.1-9(c)(1) (retailer); IC 7.1-4-4.1-12 (c)(1) (dealer)
Beer and wine	\$750	IC 7.1-4-4.1-9(c)(2) (retailer); IC 7.1-4-4.1-12(c)(2) (dealer)
Beer, wine, and liquor	\$1000	IC 7.1-4-4.1-9(c)(3) (retailer); IC 7.1-4-4.1-12(c)(3) (dealer)
Three-way (fraternal club)	\$250	IC 7.1-4-4.1-10
Supplemental catering	\$150	IC 7.1-4-4.1-2
Wholesaler	\$2000	IC 7.1-4-4.1-13(b)
Micro wine wholesaler (selling less than 12,000 gallons of wine and brandy)	\$100	IC 7.1-4-4.1-13(c)
Brewer (manufacturing more than 90,000 barrels)	\$2000	IC 7.1-4-4.1-14
Brewer (manufacturing 90,000 barrels or less)	\$500	IC 7.1-4-4.1-16
Distiller	\$2000	IC 7.1-4-4.1-14
Artisan distiller	\$250	IC 7.1-3-27-15
Vintner	\$2000	IC 7.1-4-4.1-14
Farm winery	\$500	IC 7.1-4-4.1-15
Rectifier	\$2000	IC 7.1-4-4.1-14
Wine bottler	\$2000	IC 7.1-4-4.1-14
Farm winery brandy distiller	\$250	IC 7.1-4-4.1-17

* For information about fees for other permit types, please contact the Alcohol and Tobacco Commission at (317) 232-2430.

CRG Unit 36, LLC dba
Affidavit of Ownership – Additional Information

The applicant is owned by CRG Holdings, LLC, an Indiana LLC. CRG Holdings is owned by Michael Cunningham 50%, John Roesch 12.5%, Larry Hoeg 12.5%, and 25% by the Michael E. Cunningham 2012 Family Trust, Melinda L Cunningham, Trustee. Their information is as follows:

1. Michael E Cunningham – [REDACTED]
 - a. Date of Birth: 3/17/1963
 - b. Address: 530 Fulton Street, Indianapolis, Indiana 46202
 - c. Nature of Interest – Member and manager, President and CEO
2. John E Roesch – [REDACTED]
 - a. Date of Birth: 3/20/1954
 - b. Address: 11035 Winding Brook Lane, Indianapolis, IN 46280
 - c. Nature of Interest – Member and Secretary/Treasurer
3. Larry S Hoeg – [REDACTED]
 - a. Date of Birth: 2/7/1941
 - b. Address: 3647 San Remo Terrace, Sarasota, FL 34239
 - c. Nature of Interest – Member
4. Michael E Cunningham 2012 Family Trust
 - a. Melinda L Cunningham, Trustee – SSN 298-68-3488
 - b. Address: 530 Fulton Street, Indianapolis, Indiana 46202
 - c. Nature of Interest – Member

Prior Conviction of Felony or Misdemeanor:

12.5% member Larry Hoeg was found guilty of Operating a Vehicle with an ACE of .08 or more, a Class C Misdemeanor in Lawrence, Indiana, Cause #49F190601CM10845 relating to an arrest on 1/21/2006. Sentenced to 60 days, 58 of which were suspended.

CRG Unit 36, LLC dba
Application for Renewal of Alcoholic Beverage Permit

Question 3 - Listing of Interests in other permits:

CRG Holdings owns the following entities that own and operate the following restaurant locations in Indiana that hold retail liquor permits under the following legal names:

Legal Name	DBA	Permit No.
SPI, LLC	Boulder Creek	RR3297264
Charbono, LLC	Charbonos	RR3218693
Stone Creek Plainfield, LLC	Stone Creek Dining Company	RR3221988
Stone Creek Zionsville, LLC	Stone Creek Dining Company	RR2922302
Stone Creek Noblesville, LLC	Stone Creek Dining Company	RR2922870
Mesh on Mass, LLC	Mesh	RR4932110
BRU on Mass, LLC	BRU Burger Bar	RR4904541
Union 50, LLC	Union 50	RR4930348
BRU Carmel, LLC	BRU Burger Bar	RR2931111
Restaurant Vida, LLC	Vida	RR4931490
Livery, LLC	Livery	RR4931488
Bru Evansville, LLC	BRU Burger Bar	RR8231997
BRU Plainfield, LLC	BRU Burger Bar	RR3232345
CRG Unit 25, LLC	Provision & Rize	RR4932688
CRG Event Center, LLC	CRG Event Center and Catering	CH3230009
BRU Noblesville, LLC	BRU Burger Bar	RR 2933830
CRG Unit 33, LLC	Tavern at the Point	RR4934128
Livery South Bend, LLC	Livery	RR7134159
BRU Lafayette, LLC	BRU Burger Bar	RR79-34617

Currently in Escrow pending opening of premises

Application Applied for Pending Location		
CRG Unit 35, LLC	To Be Determined	RR4934860

Application Pending

In addition, CRG Holdings owns the following entities that operate the following restaurants that are the managers under management agreements for the owners of the following permits:

Legal Name	DBA	Permit Owner	Permit No.
Stone Creek, LLC	Stone Creek Dining Company	Carter Icehouse II, Inc.	RR4186088
CRG Unit 30	Nesso Coastal Italia	NOS Hotel Partners LLC	RR4933855

State of Indiana
Office of the Secretary of State

CERTIFICATE OF EXISTENCE

To Whom These Presents Come, Greeting:

I, CONNIE LAWSON, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the custodian of the corporate records and the proper official to execute this certificate.

I further certify that records of this office disclose that

CRG UNIT 36, LLC

duly filed the requisite documents to commence business activities under the laws of the State of Indiana on December 13, 2018, and was in existence or authorized to transact business in the State of Indiana on July 23, 2019.

I further certify this Domestic Limited Liability Company has filed its most recent report required by Indiana law with the Secretary of State, or is not yet required to file such report, and that no notice of withdrawal, dissolution, or expiration has been filed or taken place. All fees, taxes, interest, and penalties owed to Indiana by the domestic or foreign entity and collected by the Secretary of State have been paid.



In Witness Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, at the City of Indianapolis, July 23, 2019

Connie Lawson

CONNIE LAWSON
SECRETARY OF STATE

201812131293782 / 20191040882

All certificates should be validated here: <https://bsd.sos.in.gov/ValidateCertificate>

Expires on August 22, 2019.



PROPERTY TAX CLEARANCE SCHEDULE - FORM NO. 1
(For a ☐ Person ☒ Business ☐ Corporation)

State Form 1462 (R6 / 7-10)
Approved by State Board of Accounts, 2011
INDIANA ALCOHOL AND TOBACCO COMMISSION

Name of individual or company CRG Unit 36 LLC	
If transfer, give former name of business	
Mailing Address (street and number of rural route) 530 Fulton Street, Suite 100	
City Indianapolis	State Indiana
Doing business as (DBA)	ZIP Code 46202
Permit location (street address) 123 and 131 W Columbia Street	
City Fort Wayne	State Indiana
ZIP Code 46802	
I, Treasurer of <u>Allen</u> County, hereby certify that the person or company named above has paid all property taxes in 20 <u>NOT assessed</u> (for 20 <u>assessed</u> assessment) and property taxes for all prior years, or is exempt from property tax by reason of _____	
Signature of County Treasurer <u>Wm Royer</u> FG	
Date (month, day, year) <u>7/15/19</u>	



PROPERTY TAX CLEARANCE SCHEDULE - FORM NO. 1
(For a ☐ Person ☒ Business ☐ Corporation)

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Signature of County Treasurer <u>Wm Royer</u> FG	
Date (month, day, year) <u>7/15/19</u>	

ATC permit number New Application
Expiration date (month, day, year) TBD

TYPE (Check all that apply)
☒ New ☐ Renewal ☐ Transfer (Check all that apply) ☐ Ownership ☐ Location ☐ Stock

STATUS
☐ Permit escrow ☐ DBA change

ATC permit number New Application
Expiration date (month, day, year) TBD

TYPE (Check all that apply)
☒ New ☐ Renewal ☐ Transfer (Check all that apply) ☐ Ownership ☐ Location ☐ Stock

STATUS
☐ Permit escrow ☐ DBA change



COUNTY VERIFICATION OF BUSINESS LOCATION
State Form 44184 (R5/12-11)

ALCOHOL & TOBACCO COMMISSION
302 W. Washington Street, Room E114
Indianapolis, IN 46204
<http://www.IN.gov/atc>

TO THE INDIANA ALCOHOL AND TOBACCO COMMISSION:

I verify that 123 - 131 W Columbia Street Fort Wayne, IN 46802
(Address)

ALL COUNTIES EXCEPT MARION COUNTY

- ☒ is within the corporate limits of city or town of Fort Wayne, IN.
- ☐ is outside the corporate limits of city or town of _____.
- ☐ the premises is located outside the corporate limits of an incorporated city or town and the premises are within, or in immediate proximity to an unincorporated town, which unincorporated town meets these qualifications:
- (1) which has been a settlement or a group of residences for more than ten (10) years;
 - (2) to which the inhabitants of the surrounding countryside resort for purchases or public
 - (3) which has borne a name and has been known by that name for more than ten (10) years.

The county surveyor of the county in which the premises is located shall certify the information set forth below:

_____ are within or are in immediate
(Address)
proximity to the unincorporated town known as _____

_____, which has borne this name and has been known by this name for more than ten (10) years and has been a settlement or a group of residences for more than ten (10) years to which the inhabitants of the surrounding countryside resort for purchases, public meetings, or as a community or neighborhood center.

MARION COUNTY ONLY

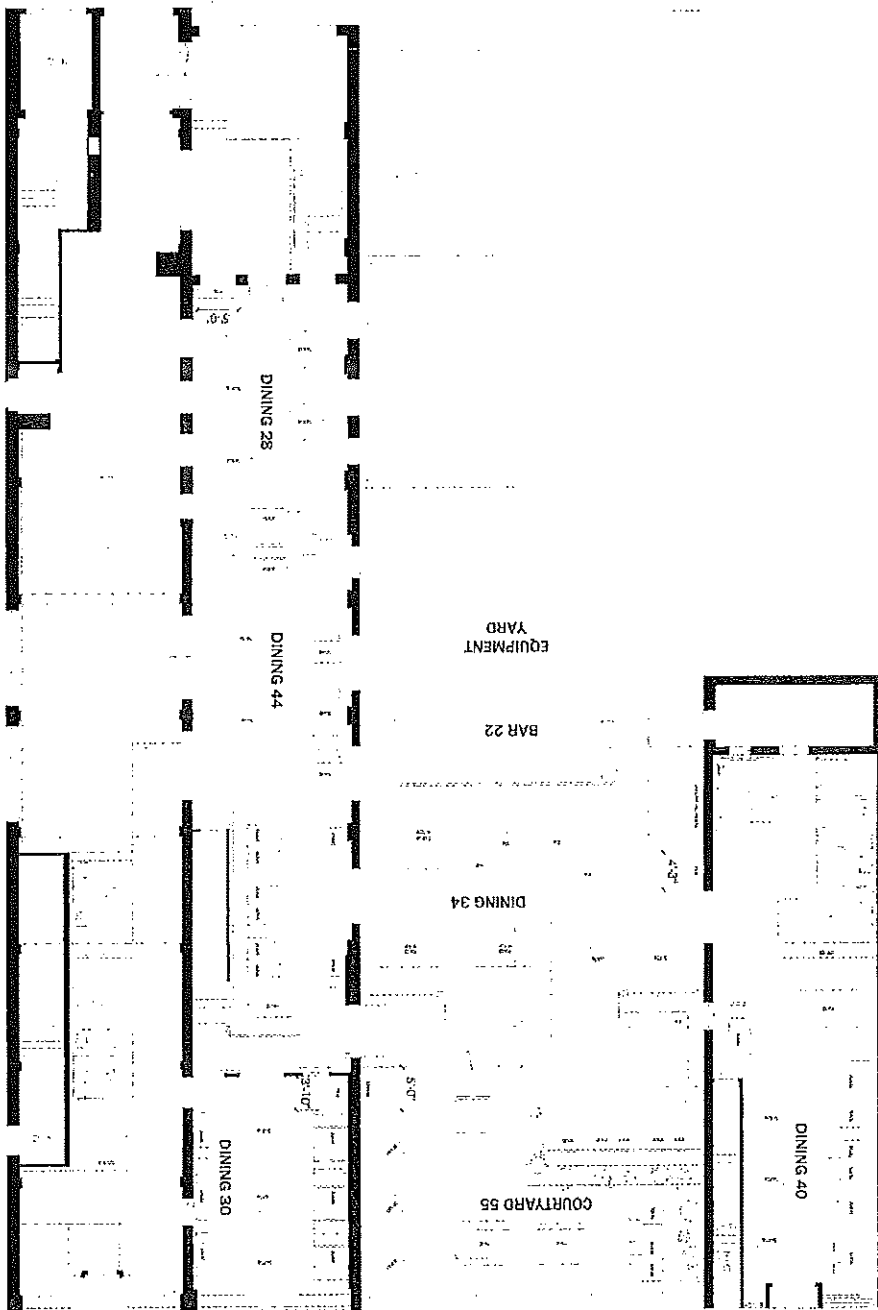
- ☐ Is within the corporate limits of a consolidated city and
- ☐ is within the corporate limits of the excluded city or town of _____.
- ☐ Is within the fire special service district as determined on the December, 1992, Department of Metropolitan Development map (no "unincorporated" permits may locate here).
- ☐ is outside the boundary of the fire special service district as determined on the December, 1992, Department of Metropolitan Development map and all excluded cities or towns.

Signature of County Surveyor

JEFF SORG
ALLEN COUNTY SURVEYOR

Date (month, date, year)

2-28-19



Mike Cunningham
MS
Date: 7/26/19

**CITY OF FORT WAYNE
AGREEMENT
WITH CRG UNIT 36, LLC
REGARDING AN APPLICATION FOR A RIVERFRONT LIQUOR LICENSE**

This Agreement (the "Agreement") is entered as of the Effective Date (as hereinafter defined) by the City of Fort Wayne, Indiana (the "City") and CRG Unit 36, LLC ("Applicant") (the City and Applicant being collectively referred to herein as the "Parties"), regarding the establishment proposed at 123-131 Street, Fort Wayne, IN 46802. The Parties, in consideration of the mutual covenants, obligations and agreements set forth herein, agree as follows:

WHEREAS, Fort Wayne Common Council Ordinance R-105-15 (the "Ordinance") provides that all applicants seeking a Riverfront liquor license as described in Ind. Code 7.1-3-20-16 shall enter into a formal agreement with the City; and

WHEREAS, the Parties desire to enter into this Agreement to encourage: (a) downtown revitalization; (b) expansion and strengthening of the downtown dining landscape; and (c) riverfront development; and

WHEREAS, the Applicant will be investing in the development and construction of a dining establishment within the boundaries of the municipal riverfront development area;

NOW, THEREFORE, for and in consideration of the mutual considerations hereinafter set forth, the parties hereto agree as follows:

1. **Purpose of the Agreement.** The purpose of this Agreement is to establish the mutually contemplated and agreed upon requirements for initial and annual renewal recommendations for the Applicant's Riverfront liquor license.
2. **Definitions.**
 - a. The "Application" means the Downtown Dining District Liquor License Application, dated July 26, 2019, a copy of which is attached hereto as Exhibit A and incorporated hereby by reference.
 - b. "Permit" means the Applicant/Permit Holder's type 221-3 Riverfront Liquor License as issued by the Indiana Alcohol and Tobacco Commission.
 - c. "Effective Date" means the date on which the second of the Parties executes the Agreement.
3. **Term of the Agreement.** This Agreement shall commence on the Effective Date and shall continue until such time as the permit is lost, revoked, or not renewed.
4. **Responsibilities of Applicant.** Applicant has made certain representations and covenants to the City in the Application regarding the planned Permit premises, including the amount of private sector investment, and the type of establishment planned. Applicant represents and covenants that it will use its best efforts to continuously maintain in all material respects the following Eligibility Requirements and District Requirements:

Eligibility criteria:

- a. The focus of operation will be on a dining, entertainment or cultural experience rather than solely an alcohol consumption experience.
- b. The establishment is not and will not convert to be a private club, nightclub, or adult entertainment venue.

District Requirements:

- a. Establishments receiving permits within the Downtown Dining District are required to achieve within thirty-six (36) calendar months following the date on which applicant's business is open to the public, and thereafter maintain, an annual ratio of non-liquor sales to total sales of at least 50%.
- b. The licensed establishment will be actively open for business and fully operational a minimum of 300 (three hundred) days per year, and a minimum of 5 (five) nights per week.
- c. The Applicant shall comply with all local and ATC application and renewal procedures.
- d. The Applicant shall contribute to the Economic Improvement District for the Downtown Area of the City of Fort Wayne ("Downtown Improvement District"), annual dues in the amount of Two Thousand Five Hundred Dollars (\$2500.00).

5. Reporting Obligations of Applicant.

- a. The Applicant shall submit to the City documentation of compliance including the following reports:
 - i. A revenue report indicating the total annual non-liquor and liquor sales.
 - ii. A report indicating the total number of days open during the last year, along with a schedule of current operating hours.
 - iii. Proof of payment to the Downtown Improvement District for the annual Downtown Dining Association dues.
- b. Annual compliance reports will be submitted to the City during the term of the agreement, no later than 90 days prior to the annual renewal date of the establishment's permit.
- c. Applicant agrees to provide supplemental and/or clarifying information and data which the City may request in writing after reviewing the information submitted by Applicant pursuant to sub paragraph a. of this Section 5, within fifteen (15) days following City's request.

Applicant shall certify under oath the accuracy of all information submitted to the City under this Section 5.

6. **Non-Compliance:** If the City determines in its sole discretion that the Applicant is not in compliance with the requirements of this Agreement in any material respect, the City may, following thirty (30) days written notice to Applicant which shall provide the Applicant an opportunity to explain, the reasons for the noncompliance and the opportunity to cure, take any action the City deems appropriate, including the following steps:

- a. Termination of this Agreement

- b. Notice to the Indiana Alcohol and Tobacco Commission of non-compliance with the agreement, including a request for non-renewal of the Applicant's permit.
- c. A copy of the notice in Section 6 item b., above provided to the local ATC board and Excise office, requesting a recommendation to the state ATC office for non-renewal of the Applicant's permit.

Applicant hereby forever releases the City and the Downtown Improvement District, their directors, officers, employees, agents, representatives, departments and divisions, from any and all claims, demands, liabilities or causes of action of every kind and nature, whether now existing or hereafter arising, both known and unknown, which Applicant has or may have against the City or the Downtown Improvement District which is in any manner related to the termination of this Agreement by the City or the Applicant for any reason.

7. **Notice to Parties.** Any notice, statement or other communications sent to the City or the Applicant shall be sent to the following addresses, unless otherwise specifically advised.

To the City of Fort Wayne:

Carol Helton – City of Fort Wayne
200 East Berry St., Suite 430
Fort Wayne, IN 46802
PH: (260) 427-1124
e-mail: Carol.Helton@cityoffortwayne.org

To CRG Unit 36, LLC:

Michael E. Cunningham
123-131 W. Columbia St.
Fort Wayne, IN 46802
PH: (317) 507-5218
e-mail: mike@crgdining.com

8. **Authority to Bind.** Notwithstanding anything in this Agreement to the contrary, the signatory for the Applicant represents that he/she has been duly authorized by the Applicant to execute this Agreement and to bind the Applicant to each of the representations, covenants, and obligations of Applicant contained herein.

9. **Amendment of this Agreement.** This Agreement or any portion hereof may only be amended by a writing executed by the Parties.

10. **Assignability.** The Applicant shall not assign this Agreement or any portion thereof without the prior written consent of the City, which consent may be withheld at the City's discretion.

11. **Remedies not impaired.** No delay or omission of any party in exercising any right or remedy available under this Agreement shall impair any such right or remedy, or constitute a waiver of any default or acquiescence thereto.

12. **Compliance with Laws.** The Applicant agrees to comply with all applicable federal, state and local laws, rules, regulations and ordinances and all provisions required thereby, whether now existing or hereafter enacted, which are included and incorporated by reference herein, in Applicant's performance under this Agreement.

Pursuant to I.C. 22-9-1-10 and the Civil Rights Act of 1964, Applicant shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to the hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of such person's race, color, religion, sex, disability, national origin, handicap or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

The Applicant affirms under the penalties of perjury that the Applicant does not knowingly employ an unauthorized alien. The Applicant affirms under the penalties of perjury that the Applicant has enrolled and is participating in the E-Verify program as defined in IC 22-5-1.7-3. The Applicant agrees to provide documentation to the State of Indiana that the Applicant has enrolled and is participating in the E-Verify program. Additionally, the Applicant is not required to participate if the Applicant is self-employed and does not employ any employees. The City may terminate for default if the Applicant fails to cure a breach of this provision no later than thirty (30) days after being notified by the City.

13. **Governing Laws.** This Agreement shall be construed in accordance with and governed by the laws of the State of Indiana, notwithstanding its choice of law rules to the contrary or any other state's choice of law rules. Suit, if any, shall be brought in a court of applicable jurisdiction situated in Allen County, Indiana.

14. **Entire Agreement.** This Agreement, entered into of even date herewith, and any attachments hereto, contain the entire understanding of the Parties and this Agreement supersedes all prior agreements and understandings, oral or written, with respect to the subject matter enclosed herein and contemplated hereby.

15. **Indemnification and Release.** The Applicant shall indemnify, defend and hold harmless the City and the Downtown Improvement District and their divisions, department, directors, officers, employees, representatives and agents (collectively, the "Indemnitees") from and against all claims, demands, charges, lawsuits, costs and expenses (including legal costs and attorney's fees) caused by or associated with any act or omission of the Applicant and/or any of its contractors, subcontractors, vendors, suppliers, employees, representatives, licensees, invitees and/or authorized agents in connection with (a) the design, development, construction, operation, management and control of the Facility and (b) any and all activities of every kind and nature which occur in, on or about the Facility. Neither the City nor the Downtown Improvement District shall provide any indemnification hereunder to the Applicant. The Applicant hereby forever releases Indemnitees and each of them from any and all claims, demands

and charges, of every kind and nature, both known and unknown, whether now existing or hereafter arising, that Applicant has or may at any time in the future have against Indemnitees, or any of them, under this Agreement. In no event shall the City or the Downtown Improvement District be liable for any direct, indirect, special, incidental, consequential or punitive damages, costs or expenses arising from any act or omission to act by any party relating in any manner to this Agreement, the Application "as amended" or the activities described herein or therein or contemplated hereby or thereby. The covenants contained in this Section 18 shall survive the expiration or termination of the Agreement for any reason.

16. **Severability**. The invalidity of any section, subsection, clause or provision of this Agreement shall not affect the validity of the remaining sections, subsections, clauses, or provisions of this Agreement.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement on the dates entered below.

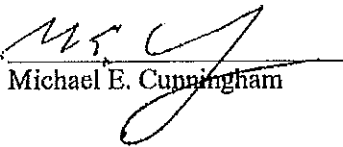
The City of Fort Wayne

By: _____
Mayor

Date: _____, 20__

CRG Unit 36, LLC

By: CRG Unit 36, LLC


Michael E. Cunningham

Date: 9/18, 2019



Engage • Innovate • Perform

City of Fort Wayne
Community Development
200 East Berry Street, Suite 320
Fort Wayne IN 46802
260.427.1127
www.cityoffortwayne.org

COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

MEMO

To: Common Council Members

From: Sharon Feasel – Manager, Community Development Division

Date: September 24, 2019

Re: Downtown Dining District Liquor Licenses for **Bird and Cleaver** and **CRG Unit 36, LLC**

The purpose of this Resolution is to request approvals of the applications and agreements from Bird and Cleaver and CRG Unit 36, LLC requesting a special Riverfront liquor license (Type 221-3) and provide the local recommendation for approval as required by the Indiana Alcohol and Tobacco Commission.

The applications and agreements meet the criteria approved in Resolution R-105-15

Thank you for your consideration and if you have any questions please contact me at 427-2107.

An Equal Opportunity Employer