

**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, Mercado 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 Mercado, and hereby provides the required local recommendation to the Indiana Alcohol and Tobacco Commission for a 221-3 Riverfront license to be issued to Mercado; and

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 That this resolution shall be in full force and effect from and after its passage and approval by the Mayor, unless rescinded by resolution by this legislative body.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

EXHIBIT I

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: Mercado Restaurant (Mercadofw, LLC)

Applicant's Name: Johnny Perez

Applicant's Address: Johnny Perez City: New Haven State: IN Zip: 46774

Applicant's Phone (daytime) 530-863-3228 Email: johnny@mercaditotaq.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
We hope to be open Early Summer.
3. Explain the overall concept and unique features of the proposed establishment.
See Pitch Deck
4. Describe the level of control and participation the owners will have in the day, to, day operation of the business.
Owner will be managing daily operations and oversee both kitchen and bar
5. Explain how your operation plans to focus on a dining, entertainment or cultural experience rather than an alcohol consumption experience.
See Pitch Deck
6. Describe how your venue/operation will draw people to Downtown Fort Wayne.
We hope to be an industry hospitality leader showcasing a fresh perspective on Mexican Food.
7. Provide information regarding the proposed permit holder's related experience
See Pitch Deck

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.

Downtown Dining District - Liquor License Application

An Equal Opportunity Employer

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:

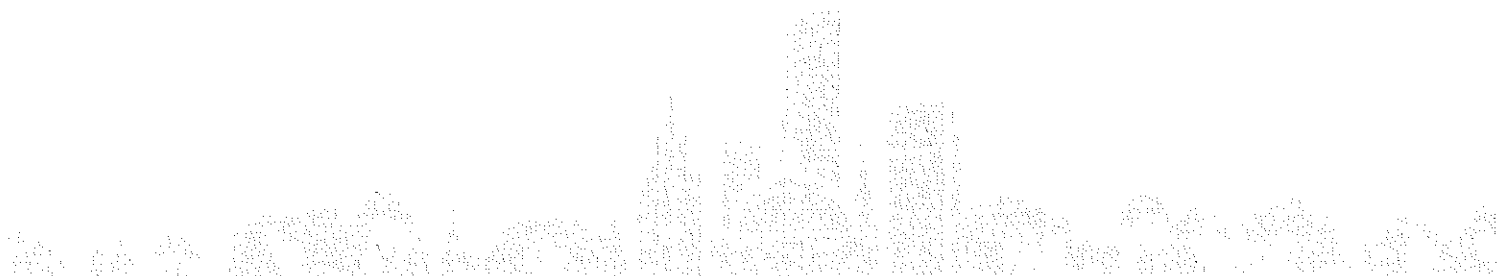
Applicants will enter into a formal written agreement with the City of Fort Wayne committing to ongoing compliance with the following district requirements, including annual reporting, and verification of compliance.

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.

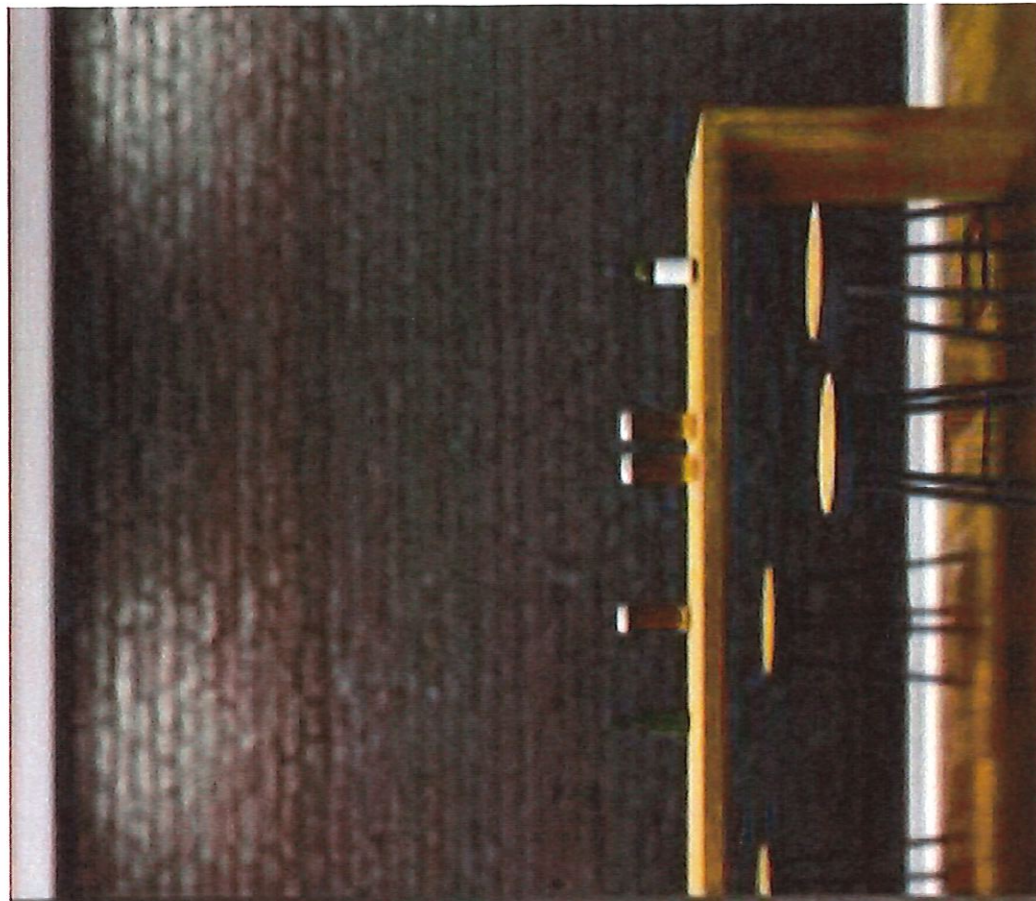
I understand that the project described in this Application may not receive a Downtown Liquor License.

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: 9/23/2019
Printed Name: Johnny Perez Title: Owner

MERCADO
AT THE LANDING
SUMMER 2020



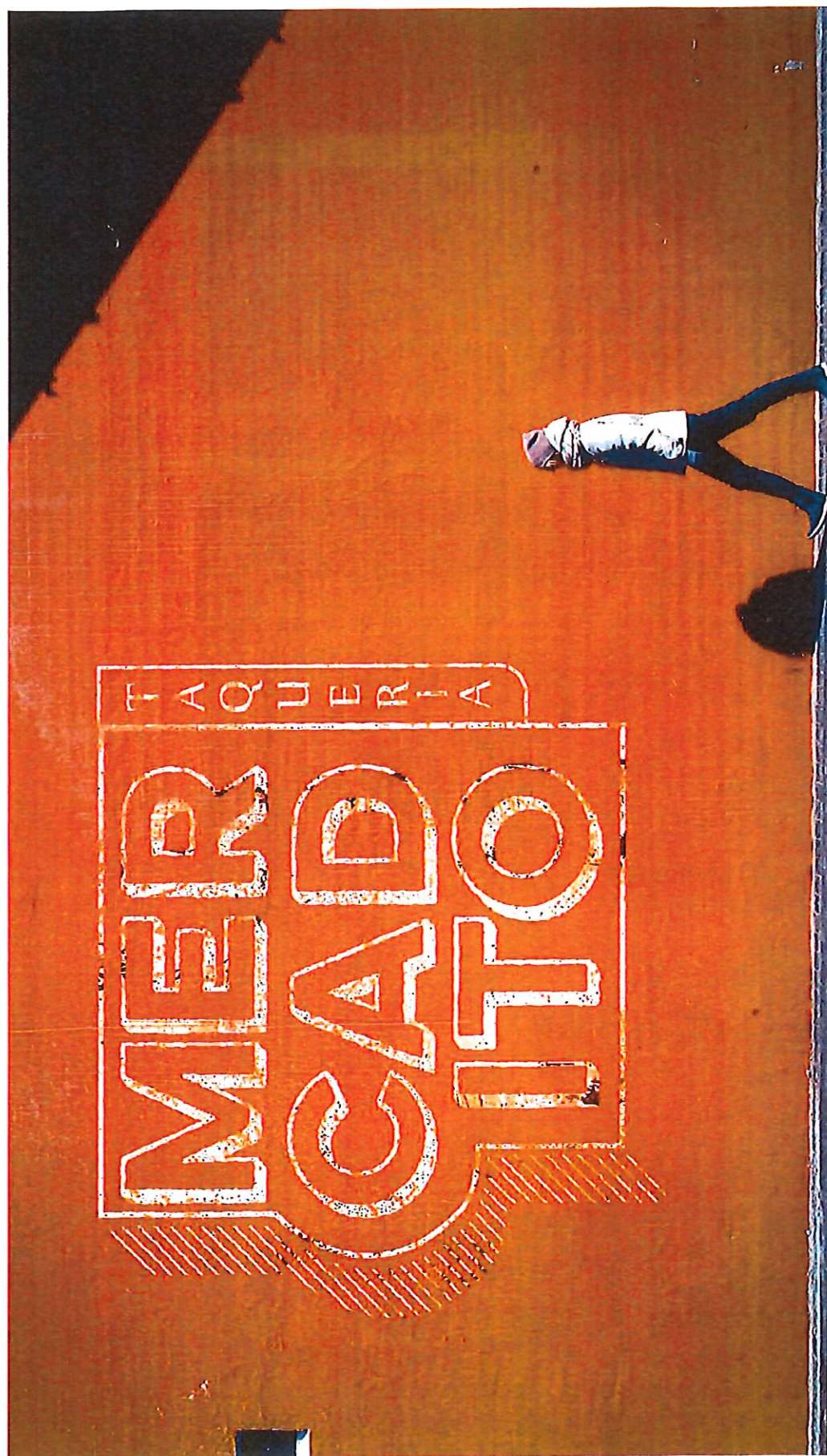
Location at The Landing

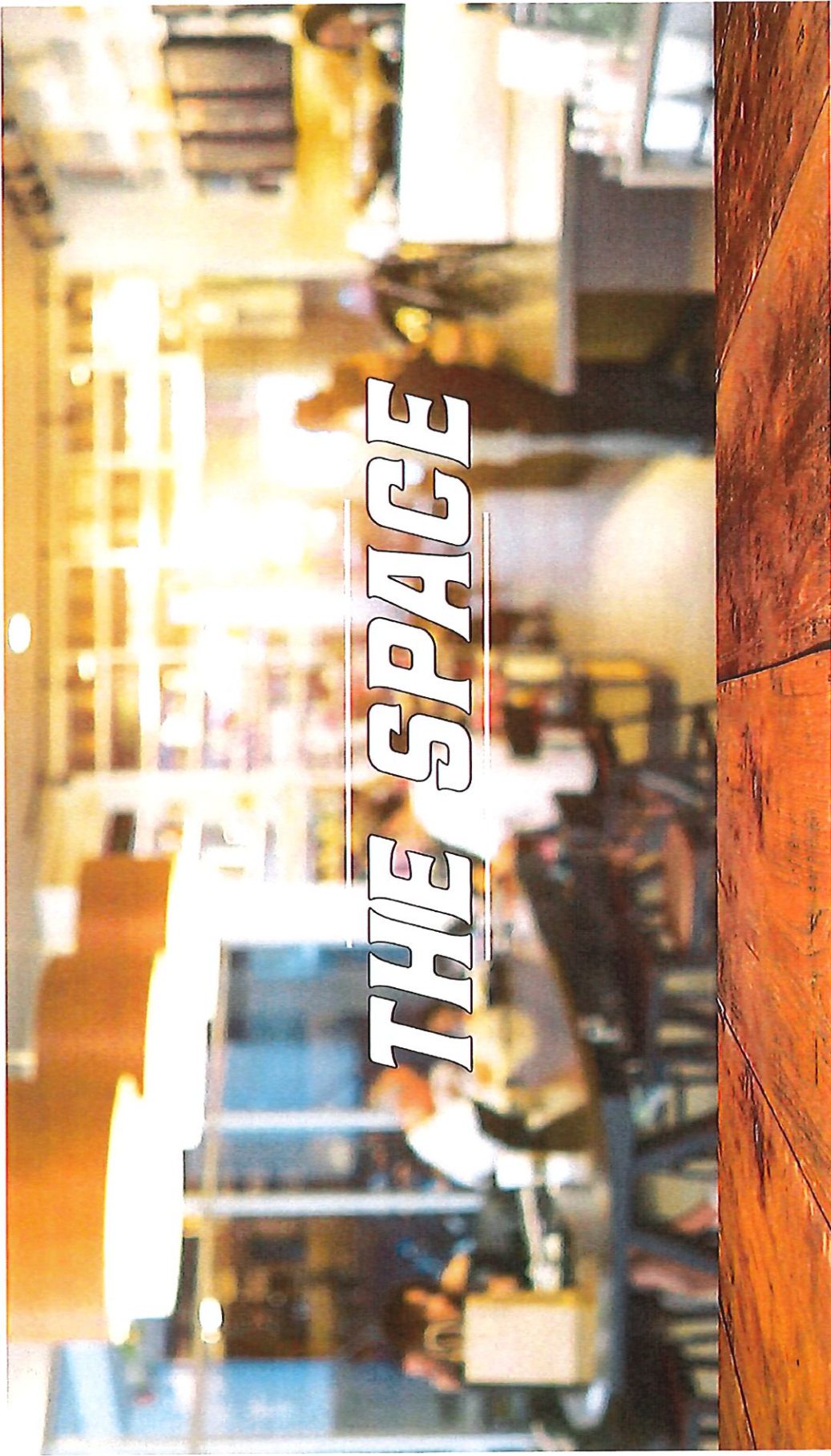


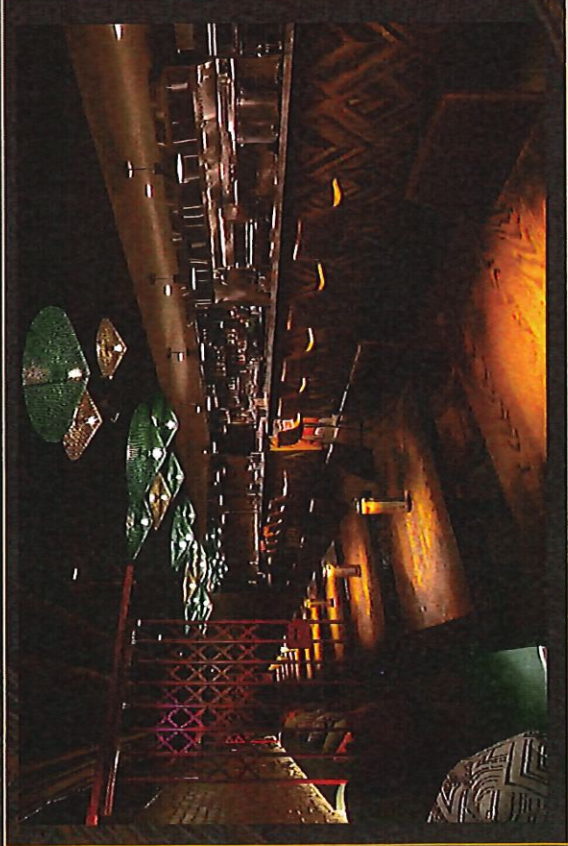
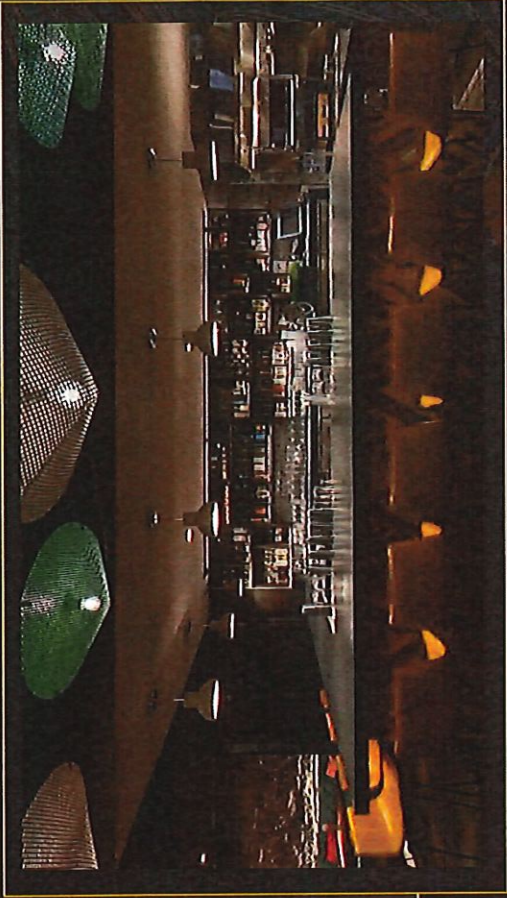
Location at The Landing

In the heart of Northeast Indiana, downtown Fort Wayne is alive with energy. And in the center of it all: The Landing. For 185 years, The Landing has been essential to our community's story. And now, a new chapter—one with 70 apartments and 56,000 SF of commercial space—begins.

- The Landing is a development that hopes to preserve the history of the city while bringing a new energy to a historic landmark
- The opening of new commercial spaces on this street is creating a new density of food attraction to the city. Similar to Mass Ave. in Indianapolis
- RiverFront investments by the city are increasing the attraction to this area of downtown



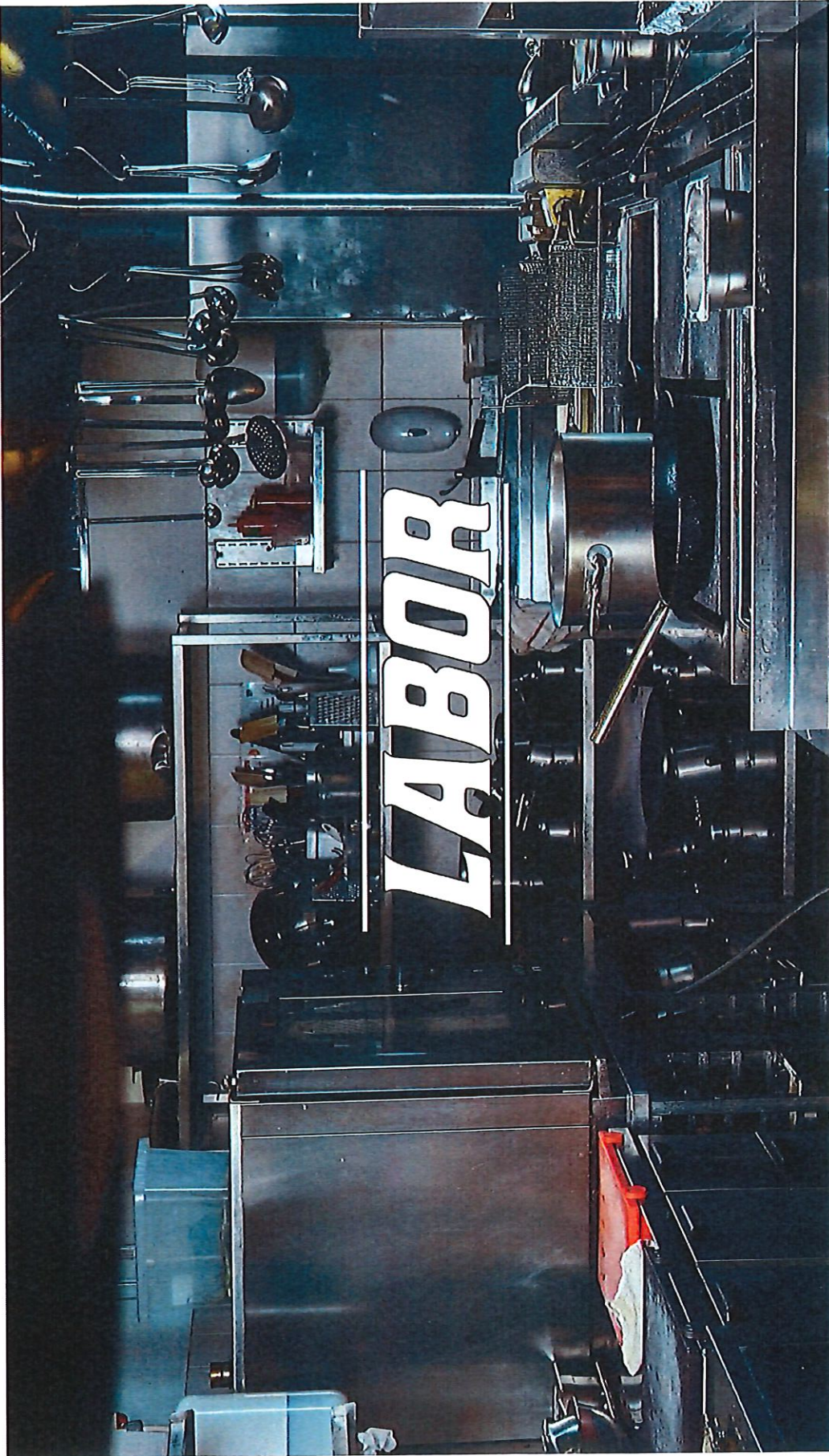




Open Kitchen/Bar

Concept Description

Mercadito, our food truck, is a food brand that explores the refined casualness of a classic taqueria. Mercadito translates to "Little Market" in Spanish. Mexican grocery stores will often have a taqueria tucked in a corner where shoppers can stop by for traditional fare. The taqueria serves as a place for people of the community to share stories and chismes (gossip). Mercadito will embody the same energy of a bustling and exciting space. Mercadito will function as a full service concept. Currently, Fort Wayne is experiencing a restaurant revival with newer restaurant concepts entering the market. Mercadito would establish itself as an accessible ethnic concept due to its ability to offer a wide range of menu items in a modernized Mexican setting that is lightly familiar. Mercadito will be influenced by regional Latin flavors with its primary focus being Mexican elements. We hope to define great service and create a gathering place for delicious tasting food.



The Biggest Challenge for Restaurants

A diminishing workforce has made staffing restaurants the hardest component of running it.

- Traditional hiring methods have made restaurants a less desirable workspace
- The “coolness” of cooking has brought on novice work staff
- Higher Expectations of work and life balance. Restaurants cater to their guests on many holidays and are in business during “off” hours
- Low staff appreciation and training investment by management

Changing Tides

Our mission is to create a space where employees feel they deserve to work

- Staff acquisition methods must be tackled with a shifting approach that prioritizes the needs of the employees. Monetary influence will still exist, but a priority of a sense of purpose that aligns with our goals is ideal.
- Fort Wayne is saturated with restaurants. Downtown attracts a workforce that is looking for new and fresh concepts that additionally identify with their personalities.

Kitchen Labor Market

\$9-\$10	Entry Level Cook	• Dishwashers/Prep Hands • Pantry (Salad) Station • 1 Year to progress in position
\$10-\$12	Average Level	• Overall understanding of the basic kitchen mechanics (order pacing, mise en place) • Green Skill Set in knife techniques & Recipes • Moldable
\$12-\$15	Experienced Cook	• Usually has worked in a restaurant for 8+ Years • Tends to have basic understanding of Food • Usually proficient in one area of the kitchen

Ownership/Management

Mercadito will be owned & managed by Johnny Perez. I have 10+ years of restaurant experience. I was born in California, raised in Fort Wayne, IN. I attended Johnson & Wales University in Providence, Rhode Island where I earned an Associates degree in Culinary Arts. I returned back to Fort Wayne to earn my B.S. in Hospitality Management from Purdue University (IPFW).

- 4+ years for the ObiCai restaurant group in downtown Fort Wayne, IN. Serving as a beverage manager at The Hoppy Gnome and as Head Chef at Proximo.
- I was part of the opening management team and witnessed the growing stages of two new concepts in the downtown market.
- I have taken part of developing the staff training program, controlling food & beverage costs, and maintaining high quality guest service.



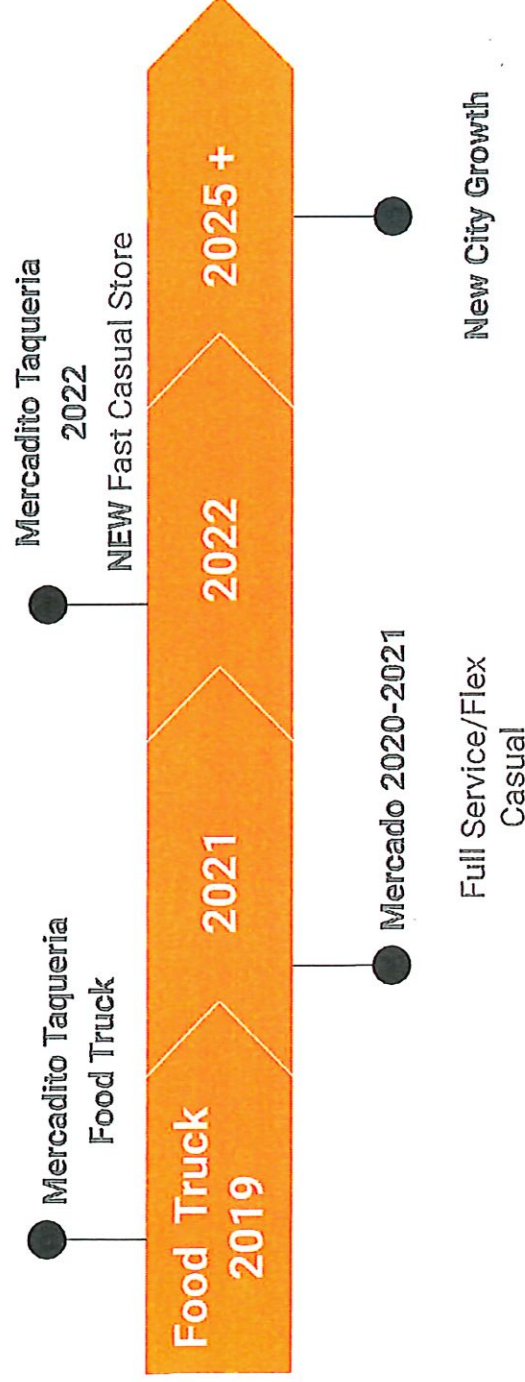
Service Standards

We're in the hospitality business. We're here for people. Competing on service has become the easiest way to impress guests in the current market.

- Accommodating guests by letting them omit an item or substitute something on the side is often seen as an issue for many restaurants.
 - The reason being is the amount of work it takes to be able to properly account for it or the added effort on the team to accomplish it.
- Training staff on how to say, "Yes" to a request that is physically possible is single handedly the most moving way to show your guests you care. Ignoring the ego of preserving the bartender or chef's perception of how something should be and focus on how the guest would appreciate it best is our core focus.

Future Growth

Starting the food truck was a way for us to launch our food brand in a capacity that allows us to be able to grow the brand tactfully. Financially the food truck is a lesser risk than going straight to brick and mortar, but it still allows us to reap the benefits of building the Mercadito brand. Mercadito is designed as a fast casual brand to be able to scale to more locations. Mercado would be the full service parent concept to Mercadito. Mercado will embody the same energy while offering refined options in a sit down setting. We feel that the Fort Wayne market could benefit from a refreshing Mexican/Latin concept and is vital to us in setting the service and food quality standards in this category of restaurants for the city.

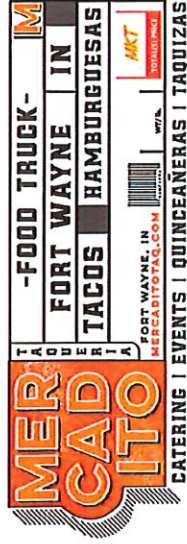


TE GUSTO

HOSPITALITY GROUP

Te Gustó / You liked it.

A statement that recognizes the enjoyment of our concepts. This serves as a testament to our thesis of creating experiences through our concepts serving as more than food and beverage locations. Te Gustó will encompass a variety of concepts that range from Mexican to American BBQ. The framework of people first allows us to build a team that best fits our future concepts.



- Food Truck
- Fast-Casual Concept (Multi-Store)

MERCADO

- Flagship/Full-Service
- HQ - Training Site
- High Volume Store Placement

**CITY OF FORT WAYNE
AGREEMENT
WITH MERCADO
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 MERCADO ("Applicant") (the City and Applicant being collectively referred to herein as the "Parties"), regarding the establishment proposed at 111 W. Columbia 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 August 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 Mercado:

Johnny Perez
111 W. Columbia St.
Fort Wayne, IN 46802
PH: (503) 863-3228
e-mail: johnny@mercaditotaq.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: _____ Date: _____, 20____
Mayor

MERCADO

By: MERCADO

2/18/2020

Johnny Perez Date: _____, 20____



APPLICATION FOR NEW OR TRANSFER PERMIT

State Form 51189 (R4 / 11-14)

Approved by State Board of Accounts, 2014

- INSTRUCTIONS:**
1. Type or print legibly.
 2. Submit in duplicate. Include payment.
 3. Mail to the address at the end of this application form.
 4. If there is no opening for this applied permit or there is an omission, this application will be returned.

Your Social Security number is being requested by this state agency in accordance with I.C. 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.

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

Mercadofw

Telephone number of business

(530) 863-3228

Doing business as (DBA)

Mercado

Location where alcoholic beverages will be dispensed (number and street)

111 Columbia St. Suite 103

Telephone number of premise

WA

City / Town

Fort Wayne

State

IN

ZIP code

46802

Certification number of Indiana retail merchant

In Process

Home telephone number (include area code)

(530) 863-3228

E-mail address

Schmye@mercadofw.com

General Questions Part 1

1. The proposed premise is located in what county?
Allen
2. Is the proposed permit premise 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

If no mail receptacle at this location or you wish to have your correspondence sent to another address:

Name

Address (number and street, city, state, and ZIP code)

General Questions Part 2

1. Do you understand that you must apply for a Federal Identification number?
☒ Yes ☐ No
2. Do you understand that you must apply for a Federal Stamp from the Bureau of Alcohol, Tobacco, and Firearms (BATF)?
☒ Yes ☐ No
3. Does the permittee have an interest in any distiller, vintner, farm winery, rectifier, brewer, primary source of supply, or wholesaler permit?
☐ Yes ☒ No
4. As owner, do you manage the premise?
If no, please complete the Manager's Questionnaire and attach it to this application.
☒ Yes ☐ No
5. Do you sell tobacco products?
☐ Yes ☒ No
6. 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
7. Do you have the right to possess (rent, lease, mortgage, or own) the permit premise for the term of the permit?
☒ Yes ☐ No

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

Commission approved

Permit issued

Date of expiration (mm/dd/yy)

Permit released

Remarks

STEP 2: ANNUAL FOOD SALES

FOR EXISTING BUSINESSES ONLY

Required 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)

Date of ending report (month, day, year)

Gross food sales (excluding all carryout and catering sales)

Gross alcoholic beverage sales

Total gross food and beverage sales

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 any type 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 ☐ No

If you are a corporate wholesaler, is at least one (1) of the stockholders a resident of the county in which the licensed premise is situated for at least one (1) year immediately prior to making application for the permit?

☐ Yes ☐ No

Is the applicant a retailer corporation with forty-one percent (41%) or more of the common stock held by out of state stockholders? (If the answer is 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 year period commencing on the date of issuance of the permit will, thereafter, exceed One Hundred Thousand Dollars (\$100,000) per annum.

Initial _____

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 any type 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 ☐ No

If a limited partnership, limited liability company, or limited liability partnership wholesaler, at least one (1) of the stockholders must have been a resident of the county in which the licensed premise is situated for at least one (1) year immediately prior to making application for the 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 the answer is yes, you must agree to and initial the statement 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 the case must have 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 will, thereafter, exceed One Hundred Thousand Dollars (\$100,000) per annum.

Initial _____

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

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 of new conviction.)

☐ Yes ☒ No

Have any individuals with an interest in this application ever been convicted of a violation of the Indiana Alcoholic Beverage laws, rules, regulations, or orders of the Commission?

☐ 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 reputation 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, or of this state charged with any duty or function in the enforcement of this title?

☐ Yes ☒ No

Have any individuals with an interest in this application held a permit under this title and has the permit been revoked within one (1) year prior to the date of this application?

☐ Yes ☒ No

Have any individuals with an interest in this application 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 reason of a procedural or technical defect)

☐ Yes ☒ No

Do any individuals with an interest in this application hold any other permit of any kind connected with the sale of alcoholic beverages, or do they have any interest in any such permit directly or indirectly, through ownership of stock or otherwise? If yes, list permit numbers below.

☐ Yes ☒ No

Permit number(s)

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 retailer's 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 John-1 Perez		Social Security number *	Date of birth (month, day, year)	Citizen of United States ☒ Yes ☐ No
Address (number and street, city, state, and ZIP code) 3782 Woodcliff Dr New Haven, IN 46774				
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)				
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
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-premise consumption only on a premise 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 your club permit premise 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 historic district permit, is the restaurant located in a facility that is on the National Register of Historic Places or is it located within the boundaries of a historic district established by ordinance?	☐ Yes ☐ No
If yes, you must submit the appropriate verification.	
AIRPORT, REDEVELOPMENT, RIVERFRONT, RAILWAY STATION, CULTURAL CENTER	
If you are applying for a permit authorized by IC 7.1-3-20-18, do you meet the requirements for the designated permit?	☒ Yes ☐ No
Specify the type of permit for which you are applying: <u>Riverfront Liquor license</u>	
NOTE: If you are applying for a municipal riverfront development permit, you must also submit a letter indicating that the statutory requirements have been met and the mayor's approval of the permit.	

STEP 5. PERMIT TYPE SPECIFIC QUESTIONS (continued)

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 landside 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)
--------------------------------------	-------------------------------------	---------------------------------------

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 30,000 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 30,000 barrels.
(A barrel equals thirty-one (31) gallons.) (Brewer)

☐ Yes ☐ No

WINERY / DISTILLERY (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)

☐ Farm Winery (IC 7.1-3-12-3)

☐ Artisan Distiller (IC 7.1-3-27-2)

☐ Farm Winery Brandy Distiller (IC 7.1-3-7.5-2)

BOND REQUIREMENTS (Check the appropriate bond amount if applicable.)

The following applicants are required to file with this application the appropriate non-revocable surety bond, made payable to the State of Indiana.

☐ Brewer (\$10,000)

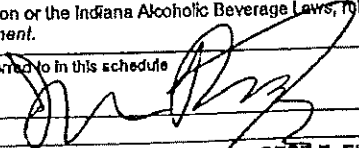
☐ Distiller (\$10,000)

☐ Liquor Wholesaler (\$10,000)

☐ Rectifier (\$15,000)

☐ Vintner (excludes farm winery) (\$1,000)

STEP 6. MANAGER'S QUESTIONNAIRE

Name of manager (last, first, middle initial) Johnny Perez				Social Security number 608-60-3505			
Permit number of ATC employee	Date of expiration (month, day, year)	Age 21	Sex ☒ Male ☐ Female	Date of birth (month, day, year) 10/12/1992	Height 5	Weight 11	
Home address (number and street, city, state, and ZIP code) 3782 Woodlake Dr. New Haven, IN 46774							
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 is engaged in carrying on any phase of manufacture of, traffic in, or transportation of alcoholic beverages without a permit when one is required?						☒ Yes ☐ No	
Are you a State 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 your alcoholic beverage permit 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.)						☐ 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? 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, explain:							
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.						☐ Yes ☒ No	
Have you been convicted of a 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 or agent(s) referred to in this schedule 							

STEP 7. FLOOR PLAN

INSTRUCTIONS: Applicant must submit four (4) drawings on letter size paper (8 1/2" 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 premise? ☐ Yes ☐ No

If the answer to the above question is "yes," it should be understood that 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.

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.

(Please attach all drawings to this application.)

STEP 8. AFFIRMATION OF APPLICANT

Name of applicant (individual, corporation, partnership, LLC, LLP)

Mercedoban, LLC

I certify that this application was completed by myself or by the preparer identified herein. I certify that all information provided herein and on any attachments are 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 premise and vehicles to determine compliance with the provisions of IC 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)

1/24/2020

Printed name of applicant

Johnny Perez

Title of applicant

*Owner***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.

Signature of preparer

Date signed (month, day, year)

Printed name of preparer

Telephone number

()

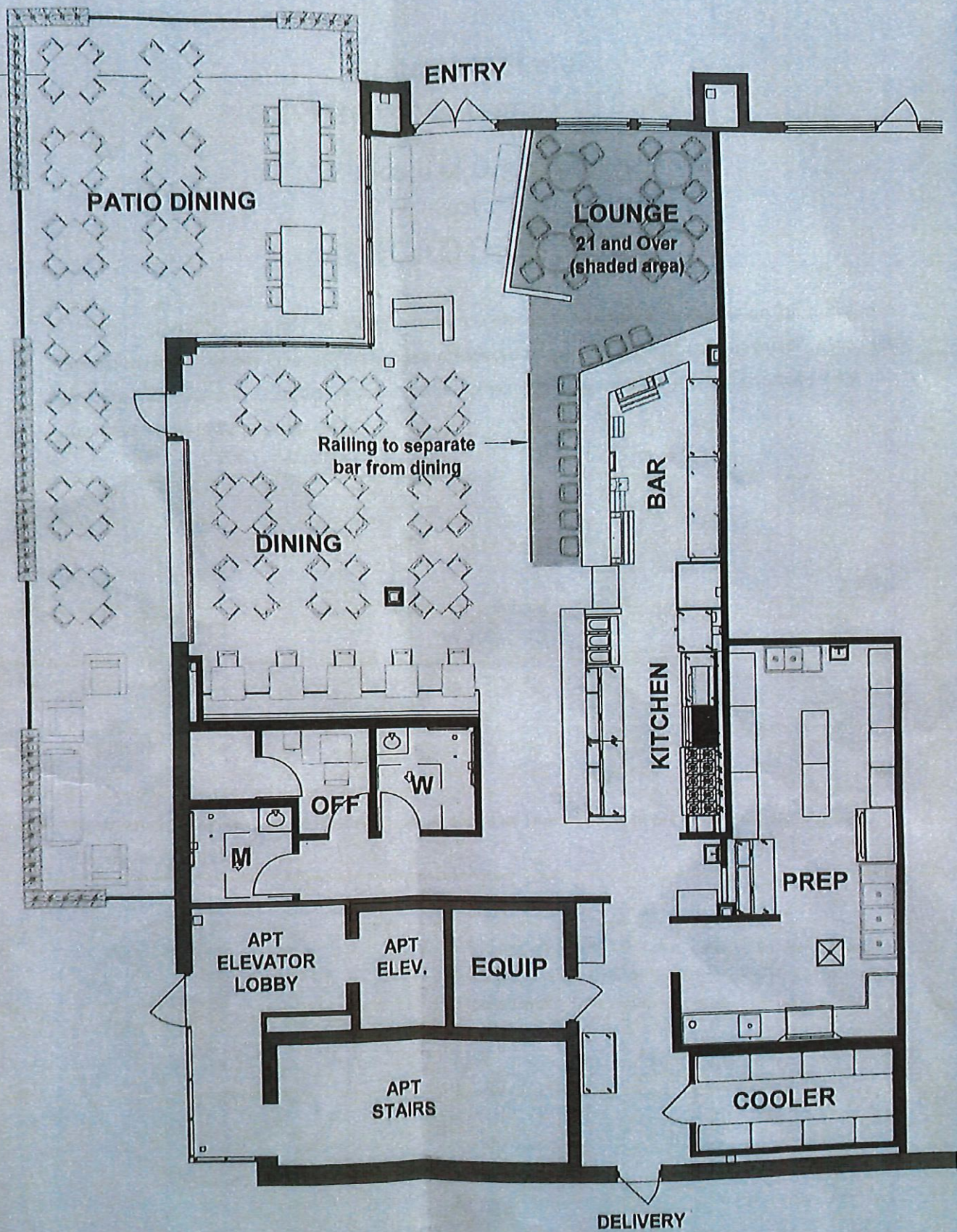
STEP 10. FEES

Please remit business, certified checks, or money order. Application will not be processed without payment.

One-way (beer only) =	\$500
Two-way (beer and wine only) =	\$750
Three-way (beer, wine, and liquor =	\$1,000
Except Fraternal Clubs =	\$250
Catering =	\$150
Transfer of Permit =	\$250 each transfer type

MAIL TO:

INDIANA ALCOHOL AND TOBACCO COMMISSION
302 West Washington Street, Room E114
Indianapolis, IN 46204
Website: <http://www.IN.gov/atc>



All dimensions shown are approximate and shall not be used for construction without their approval. The owner shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
12/19/2019 04:34 PM

ARTICLE I - ORGANIZATION

Formed pursuant to the provisions of the Indiana Code.

ARTICLE II - NAME AND PRINCIPAL OFFICE ADDRESS

BUSINESS ID 201912191363120
BUSINESS TYPE Domestic Limited Liability Company
BUSINESS NAME MERCADOFW, LLC
PRINCIPAL OFFICE ADDRESS 111 W. Columbia St., Fort Wayne, IN, 46802, USA

ARTICLE III - REGISTERED OFFICE AND ADDRESS

REGISTERED AGENT TYPE Individual
NAME Johnny Perez
ADDRESS 111 W. Columbia St., Fort Wayne, IN, 46802, USA
SERVICE OF PROCESS EMAIL johnny@mercadowf.com

I acknowledge that the Service of Process email provided above is the email address at which electronic service of process may be accepted.

ARTICLE IV - PERIOD OF DURATION AND EFFECTIVE DATE

PERIOD OF DURATION Perpetual
EFFECTIVE DATE 12/19/2019
EFFECTIVE TIME 03:58PM

ARTICLE V - PRINCIPALS

TITLE CEO
NAME Johnny Perez
ADDRESS 3782 WOODCLIFFE DR, New Haven, IN, 46774, USA

MANAGEMENT INFORMATION

THE LLC WILL BE MANAGED BY MANAGER(S) Yes
IS THE LLC A SINGLE MEMBER LLC? No

APPROVED AND FILED
CONNIE LAWSON
INDIANA SECRETARY OF STATE
12/19/2019 04:34 PM

SIGNATURE

THE SIGNATOR(S) REPRESENTS THAT THE REGISTERED AGENT NAMED IN THE APPLICATION HAS CONSENTED TO THE APPOINTMENT OF REGISTERED AGENT.

THE UNDERSIGNED, DESIRING TO FORM A LIMITED LIABILITY COMPANY PURSUANT TO THE PROVISIONS OF THE INDIANA BUSINESS FLEXIBILITY ACT EXECUTES THESE ARTICLES OF ORGANIZATION.

IN WITNESS WHEREOF, THE UNDERSIGNED HEREBY VERIFIES, SUBJECT TO THE PENALTIES OF PERJURY, THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, THIS DAY **December 19, 2019**.

SIGNATURE

Johnny Perez

TITLE

Member

Business ID : 201912191363120

Filing No : 8467755



COMMUNITY DEVELOPMENT

Thomas C. Henry, Mayor

Engage • Innovate • Perform

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

MEMO

To: Common Council Members

From: Sharon Feasel – Administrator, Development Finance-
Community Development Division

Date: February 25, 2020

Re: Downtown Dining District Liquor License Application for
Mercado

www.cityoffortwayne.org

The purpose of these Resolutions is to request approval of the application and agreement from Mercado who is 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.

Per the attached documents, the applicant has agreed to abide by 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

