

**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 shall applicant submit a Downtown Dining District Liquor License Application and shall enter into a formal written agreement with the municipality; and

WHEREAS, Mitchell's Downtown Sports Bar & Neighborhood Grill applied 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-106-15 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 Mitchell's Downtown Sports Bar & Neighborhood Grill and hereby provides the required local recommendation to the Indiana Alcohol and Tobacco Commission for a 221-3 Riverfront license to be issued to Mitchell's Downtown Sports Bar & Neighborhood Grill; and

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2 passage and approval by the Mayor, unless rescinded by resolution by this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

4 _____
5 Council Member

6 APPROVED AS TO FORM AND LEGALITY

7 _____
8 Malak Heiny, City Attorney



CITY OF FORT WAYNE

Downtown Dining District Liquor License Application

Business Entity Making this Application: TWDS DBA MITCHELLS DOWNTOWN

Applicant's Name: TODD M SMITH

Applicant's Address: 1216 N HARRISON City: FT. WAYNE State: IN Zip: 46808

Applicant's Phone (daytime): 260-445-3292 Email: todd.smithFW@bmail.com

Please include a thorough narrative for each of the items below:

1. Provide description (including renderings) of 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.

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 25%.
2. The licensed establishment will be actively open for business and fully operational during a minimum of two hundred ten (210) days per year.
3. The Applicant shall comply with all local and ATC application and renewal procedures.
4. Annual dues in the amount of \$3500 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

Attachments to include:

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

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

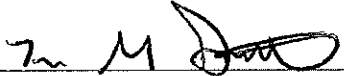
APPLICANT'S CERTIFICATION

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 and 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: 1-26-26

Printed Name: Todd M Smith Title: CEO / owner

Business Name:

Mitchell's Downtown Sports Bar & Neighborhood Grill

Business Address:

1216 N. Harrison Street
Fort Wayne, Indiana

Planned Opening:

Summer 2026

Business Description:

Mitchell's Downtown Sports Bar & Neighborhood Grill is a full-service, scratch-kitchen restaurant and sports bar designed as a family-friendly neighborhood destination. The concept combines quality food, entertainment, and a welcoming atmosphere for guests of all ages.

Hours of Operation:

- Monday – Sunday:
11:00 AM – 11:00 PM
- Open seven days per week

Food Program:

- Scratch-made menu using high-quality ingredients
- Lunch and dinner service
- Family-friendly menu offerings

Entertainment & Experience:

- Sports-focused viewing environment
- Family-friendly entertainment during all operating hours
- Designed for casual dining, group gatherings, and community events

Dining Options:

- Indoor dining
- Outdoor dining (seasonal)

Operating Concept:

Mitchell's Downtown will serve as the primary ground-floor anchor of the Mitchell's Downtown Entertainment Complex, operating as a neighborhood grill by day and evening while maintaining a welcoming, inclusive environment for families and guests of all ages.

Owner / Operator:

Todd Smith
Mitchell's Downtown Entertainment Complex

Additional operational details, staffing plans, and opening announcements will be provided as the project progresses toward its Summer 2026 opening.

Business Name: Retro Rewind

Business Address: 1216 N. Harrison Street, Fort Wayne, Indiana

Floor Location: Second Floor – Mitchell's Downtown Facility

Planned Opening: Late Fall 2026

Business Description:

Retro Rewind is a 30-and-older entertainment venue offering a nostalgic nightlife experience featuring retro and throwback music, interactive entertainment, and scratch-made food. The venue is designed to serve downtown Fort Wayne with an elevated yet approachable entertainment concept.

Entertainment Program:

- Karaoke on Wednesdays and Thursdays
- Retro and past-era music across multiple decades
- DJ-hosted and curated entertainment experiences
- Adult-focused atmosphere (30+)

Food & Beverage:

- Scratch-made food using quality ingredients
- Full bar service
- Late-evening dining options

Operating Concept:

Retro Rewind will operate as part of the Mitchell's Downtown Entertainment Complex, providing nighttime entertainment in a riverfront, second-floor setting.

Future Expansion:

- Rooftop venue scheduled to open Spring 2027
- Outdoor entertainment and seasonal programming

Owner / Operator:

Todd Smith

Mitchell's Downtown Entertainment Complex

Ownership, Experience & Operational Control Statement

This statement is provided to outline the ownership structure, operational control, and professional experience behind Mitchell's Downtown Sports Bar & Neighborhood Grill and Retro Rewind, both located at 1216 N. Harrison Street, Fort Wayne, Indiana.

Owner & Operator Experience

I, Todd Smith, have over 30 years of hands-on experience as an owner and operator in the hospitality, entertainment, and event-planning industries. My background includes the direct ownership, development, and daily operation of restaurants, sports bars, nightlife venues, and large-scale entertainment concepts.

Throughout my career, I have been actively involved in all aspects of business operations, including concept development, staffing, training, financial oversight, vendor relations, event planning, marketing, and day-to-day management. My experience also includes the successful planning and execution of private events, public entertainment programming, and high-volume service operations.

Operational Control & Management Structure

Both Mitchell's Downtown and Retro Rewind will be 100% owner-operated and controlled under my direct leadership. I will retain full authority and responsibility for all business decisions, financial management, compliance, and daily operations.

I will be supported by a General Manager / Operations Manager with 18 years of proven experience, who has worked alongside me in senior operational roles. This management team brings long-term continuity, institutional knowledge, and a track record of consistent, compliant, and professional venue operations.

Commitment to Operations

- Full owner involvement in daily operations
- Experienced, long-tenured management leadership
- Strong focus on compliance, safety, and professionalism
- Commitment to quality service, scratch-made food, and responsible entertainment programming
- Long-term investment in downtown Fort Wayne and the surrounding community

This ownership and management structure ensures stability, accountability, and hands-on leadership for both concepts from opening and throughout ongoing operations.

Sincerely,

Todd Smith
Owner & Operator
Mitchell's Downtown Sports Bar & Neighborhood Grill
Retro Rewind
1216 N. Harrison Street
Fort Wayne, Indiana

Food, Entertainment & Community Programming Commitment

This statement is provided to outline the operational model, entertainment programming, and community involvement commitments for Mitchell's Downtown Sports Bar & Neighborhood Grill and Retro Rewind, both located at 1216 N. Harrison Street, Fort Wayne, Indiana.

Operational Revenue Model

Both Mitchell's Downtown and Retro Rewind will operate under a food-forward business model, with approximately 70% of revenue driven by food sales and 30% driven by entertainment and related programming. While entertainment is a key component of the guest experience, the foundation of each concept is a high-quality, scratch-made food program.

Food & Beverage Focus

- Scratch-made food using quality ingredients
- Full-service dining as the primary revenue driver
- Menus designed to support family dining, group gatherings, and event traffic
- Late-evening food options aligned with entertainment programming

Entertainment & Event Programming

Entertainment will be curated to complement dining operations and community engagement, including:

- Broadcasting all major sporting events
- Hosting away-game watch parties for the Fort Wayne TinCaps and Fort Wayne Komets
- Showing Ultimate Fighting Championship events
- Karaoke programming on designated off-nights
- DJ-hosted and themed entertainment aligned with each concept's demographic

Community & Charitable Commitment

Mitchell's Downtown and Retro Rewind are committed to being active contributors to the Fort Wayne community. The operations will regularly host and support:

- Fundraising events for local charities and nonprofit organizations
- Community-based events and partnerships
- Team, school, and organization fundraisers
- Local engagement initiatives supporting downtown Fort Wayne

Concept Alignment

- Mitchell's Downtown will operate as a family-friendly sports bar and neighborhood grill
- Retro Rewind will provide curated entertainment for the 30-and-older audience
- Entertainment programming is structured to support food sales, guest safety, and responsible operations

This balanced operational approach ensures sustainable business performance, strong community integration, and a high-quality guest experience centered on food, entertainment, and responsible hospitality.

Sincerely,

Todd Smith
Owner & Operator
Mitchell's Downtown Sports Bar & Neighborhood Grill
Retro Rewind
1216 N. Harrison Street
Fort Wayne, Indiana

Operator Experience & Community Reference Statement

This statement is provided for reference purposes to document the professional background, operational experience, and community involvement of Todd Smith, owner and operator of hospitality and entertainment businesses in Fort Wayne, Indiana.

Professional Experience Overview

Todd Smith has more than 30 years of continuous experience in the hospitality, food service, entertainment, and event-planning industries. His career began in 1987 at Willie's Family Restaurant, a family-owned restaurant operated by his grandfather. This early experience established a foundation in restaurant operations, food service, and guest relations.

In 1988, Mr. Smith began working at Pierre's Entertainment Center, where he remained for over 25 years. During this time, he advanced through operational and leadership roles within a large-scale, hospitality-driven entertainment facility. His tenure concluded in 2014, when he served as Chief Executive Officer, overseeing complex operations, staffing, compliance, and large public entertainment events.

Ownership & Operator History

In 2010, Mr. Smith opened his first Mitchell's location, beginning his transition into independent ownership and operation of hospitality concepts. In 2016, he expanded the Mitchell's brand by opening the Mitchell's Southwest location, which continues in active operation to this day.

In addition to Mitchell's, Mr. Smith has owned and operated multiple restaurants and entertainment venues in Fort Wayne, including downtown dining and nightlife establishments. His ownership history includes long-term operation of several venues for 17 years or more, demonstrating sustained compliance, operational stability, and consistent management.

Across all concepts, Mr. Smith has maintained direct involvement in day-to-day operations, including staffing, training, financial oversight, food and beverage programs, entertainment programming, and regulatory compliance.

Community Involvement

In addition to business operations, Mr. Smith continues to give back to the Fort Wayne community through ongoing support of local initiatives, community events, and charitable contributions. His professional relationships within the city span multiple decades and reflect long-standing engagement with the local community.

Conclusion

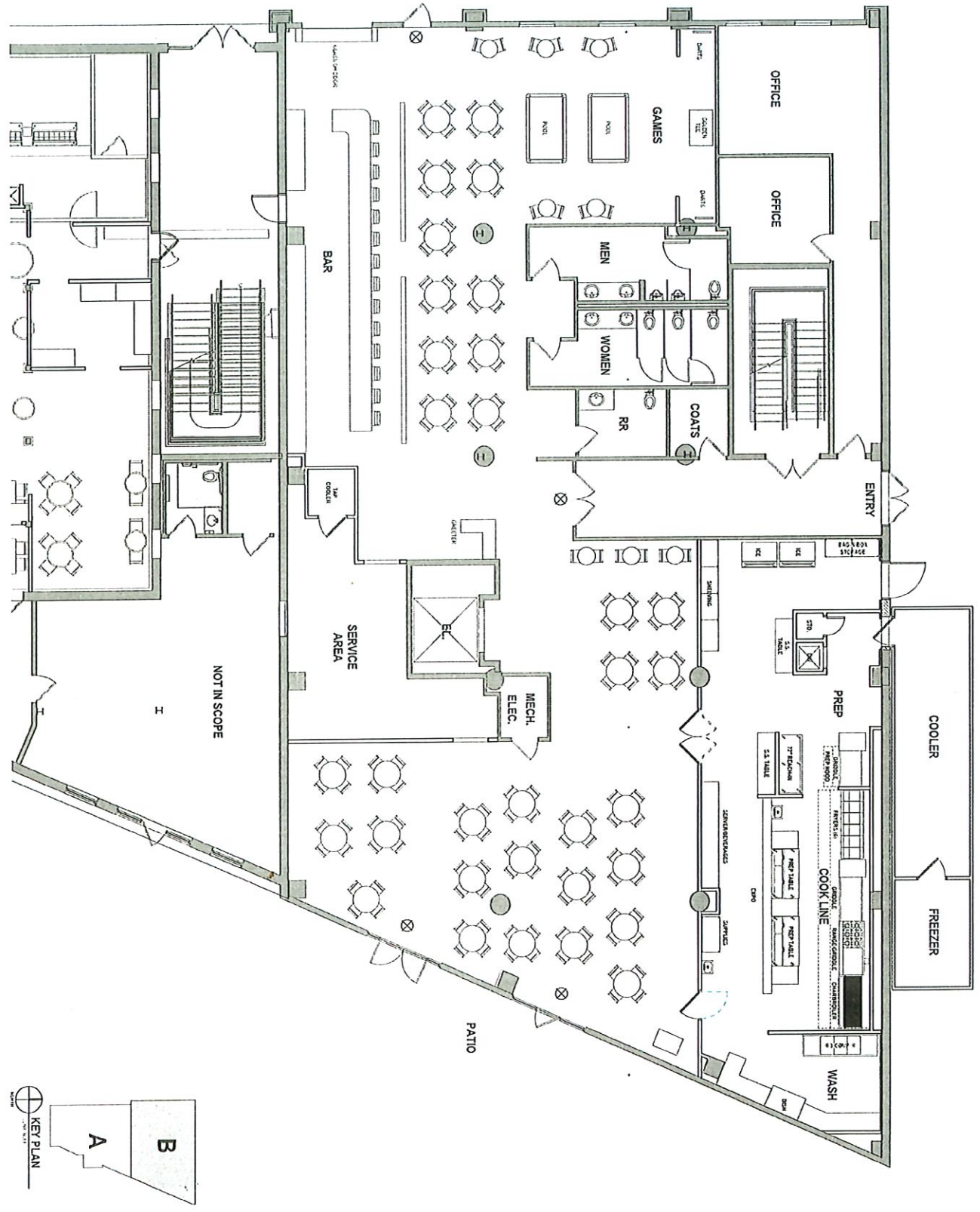
With more than three decades of hands-on ownership and operational experience, Todd Smith brings proven leadership, accountability, and local knowledge to his hospitality and entertainment ventures. His background reflects a commitment to professionally operated establishments that contribute positively to downtown Fort Wayne through quality food service, responsible entertainment, and consistent management oversight.

This statement is submitted for reference and review by the City of Fort Wayne.

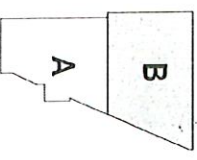
Respectfully submitted,

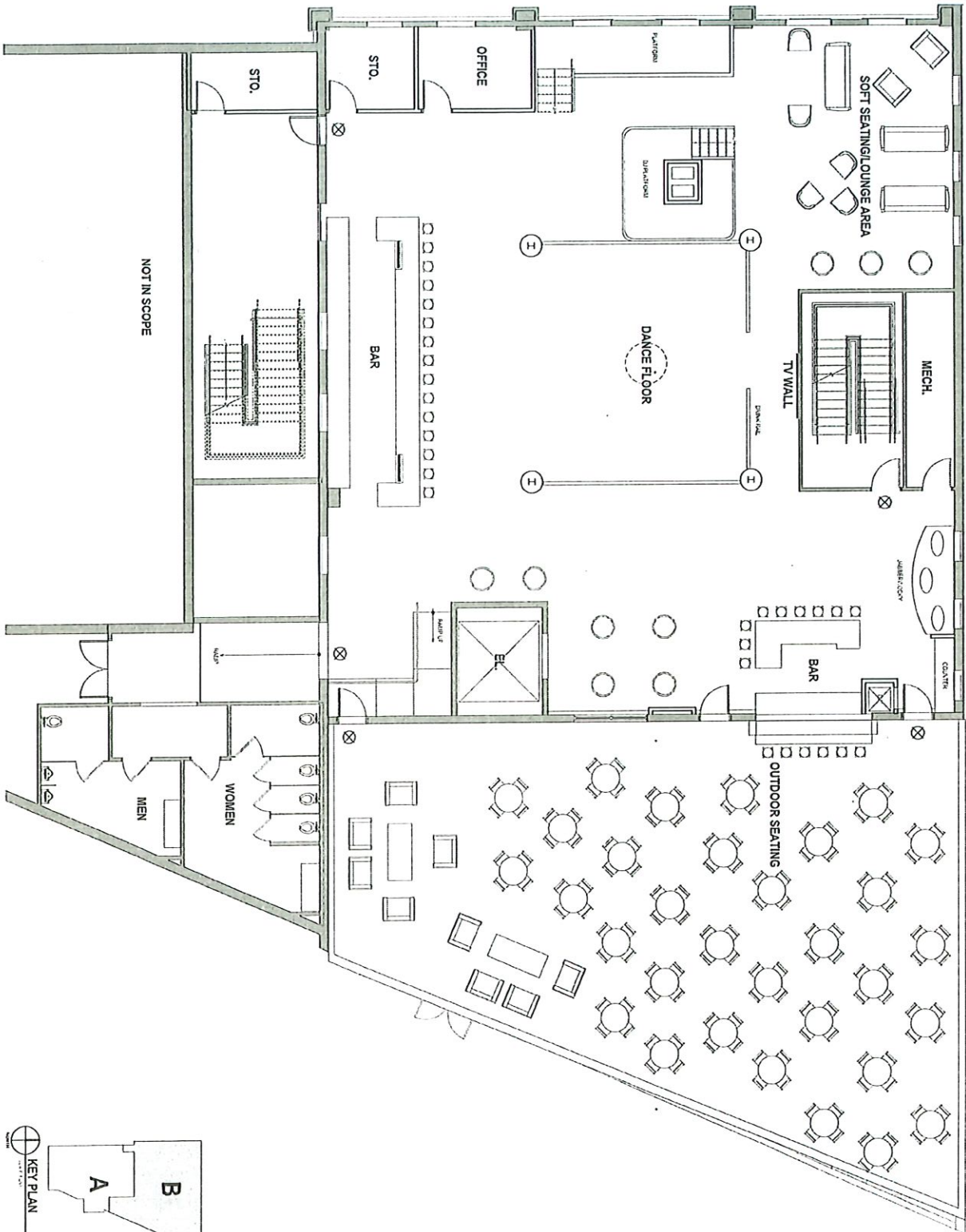
Todd Smith
Owner & Operator
Fort Wayne, Indiana

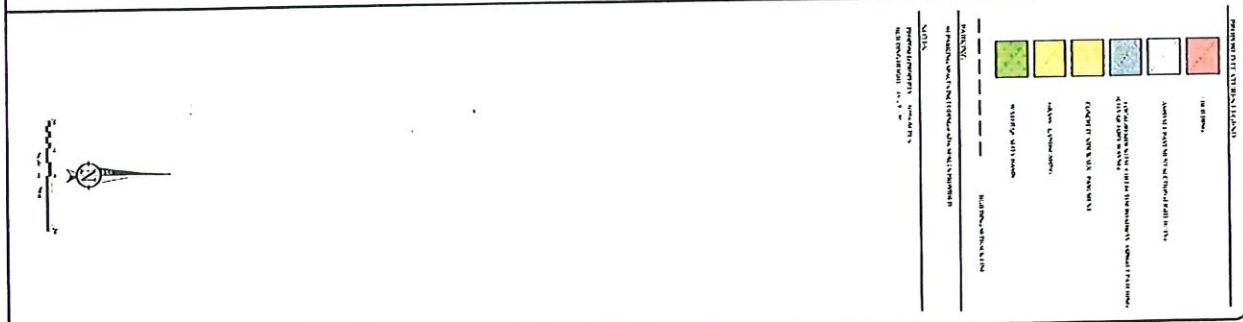
FLOOR PLAN - MAIN LEVEL

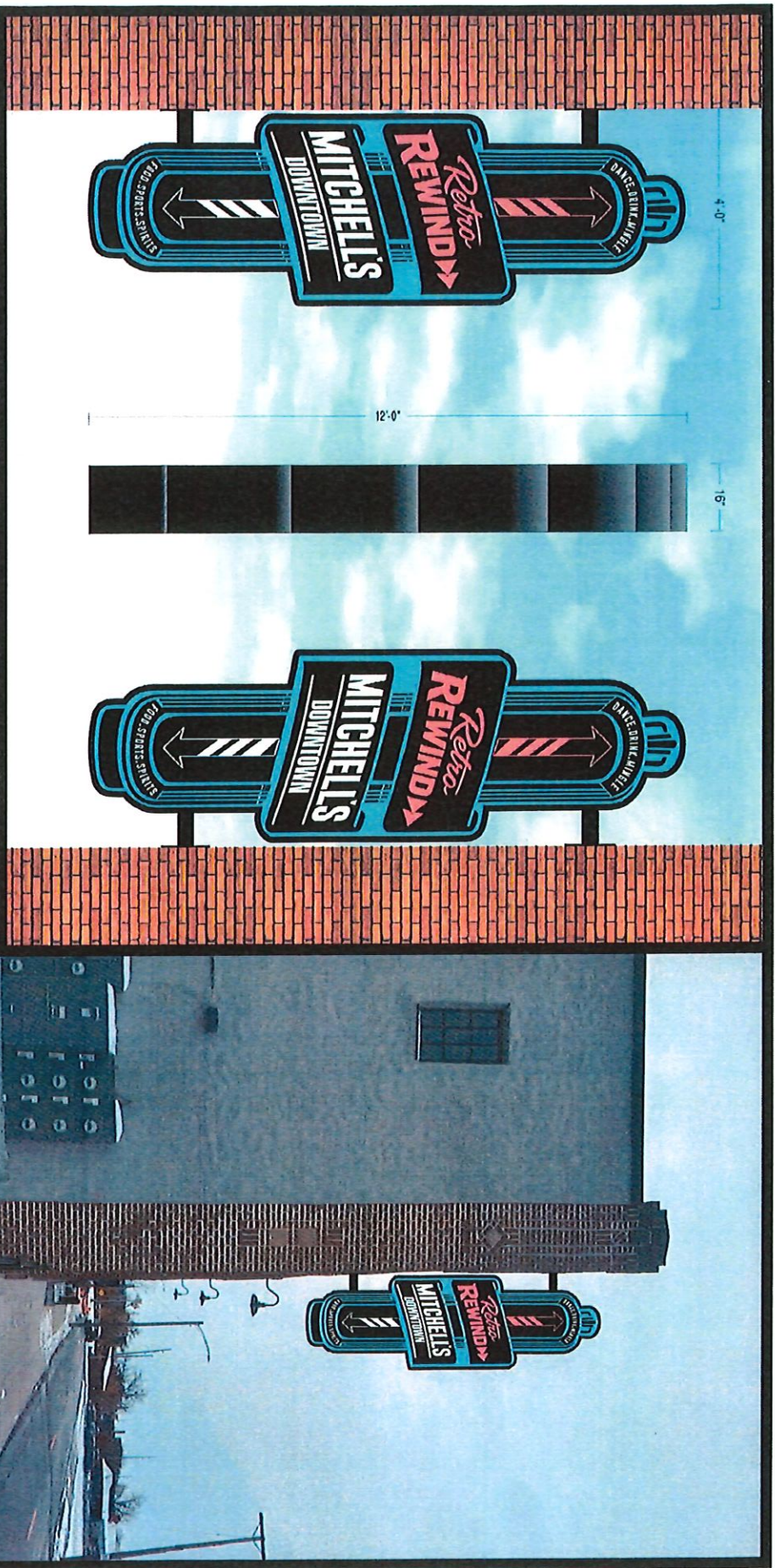


KEY PLAN





[illegible]



MANUFACTURE AND INSTALL NEW D/F ILLUMINATED MARQUEE SIGN.

SPECIFICATIONS:

New aluminum fabricated custom shaped cabinet with 2" retainers painted Satin Black. White plastic faces with 1st surface vinyl graphics applied.

White LED illumination.

(2) New 4" square tube steel tube mounting structure with plates painted Satin Black.

COMMERCIAL — SIGNS —

444 East Main Street • Fort Wayne, IN 46805
Contact Number: 260-742-5270

Client: Redback

Date: 11/14/2016

Sketch: FAD01002KAT

Approval: _____

This is an original unaltered drawing created by COMMERCIAL SIGNS INC. It is submitted for your personal use in connection with a project being planned by you. COMMERCIAL SIGNS INC. is not to be responsible for any reproduction of this drawing without written permission. Reproduction, copying or purchase in any fashion, VALUE _____



**APPLICATION FOR NEW OR TRANSFER PERMIT –
RETAILER OR DEALER**
State Form 51189 (R9 / 7-24)

INSTRUCTIONS:

1. Type or print legibly.
2. Include payment.
3. Do not complete shaded areas.
4. If there is no opening for this applied permit or there is an omission, this application will be returned.
5. Please attach a completed Property Tax Clearance – Form 1 (State Form 1462), if applicable.
6. Please attach a completed County Verification of Business Location form (State Form 44184), if applicable.
7. Please attach a Certificate of Existence from the Indiana Secretary of State. (Not applicable for sole proprietorships and simple partnerships.)

FOR OFFICE USE ONLY

Date received (mm/dd/yy)

Permit number

Permit type

Base fee receipt number

Catering receipt number

Processor

Jurisdiction

* 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.

SECTION 1: GENERAL INFORMATION

1.1. Permit type for which you are applying (See Section 12 for list of permit types.)

210

1.2. Permit briefly describe how the applicant qualifies for this permit type

Hospitality

1.3. Permit number (Required for transfers.)

1.4. Application type

- ☒ New (fee schedule in Section 11)
☐ Transfer of ownership (\$250 transfer fee)

- ☐ Transfer of location (\$250 transfer fee)
☐ Transfer of ownership and location (\$500 transfer fee)

1.5. Name of applicant (individual or business entity)

TKDS, Inc

1.6. Doing business as (d/b/a)

Mitchells Downtown / Retro Rewind

1.7. The applicant is a: (Check one)

- ☐ Sole Owner ☐ Limited Partnership ☐ Municipality ☐ Simple Partnership ☐ Limited Liability Partnership
☐ Club Association ☐ Corporation ☒ Limited Liability Company ☐ Club Corporation

1.8. Premises address

Street name and number

1216 N Harrison St

City / Town

Ft. Wayne

State

IN

ZIP code

46808

E-mail address

addsmith@FW@gmail.com

Telephone number of premises

1.9. Mailing address ☐ Same as above

NOTE: Notices from the ATC will be sent to the mailing address provided on this form. It is your responsibility to notify the ATC of any changes in mailing address.

Street name and number

3902 Eggeman Rd

City / Town

Ft. Wayne

State

IN

ZIP code

46814

E-mail address

parrkm01@gmail.com

Telephone number of applicant

1.10. What county is the proposed permit premises located in?

Allen

1.11. Is the proposed permit premises located inside the corporate limits of a city / town?

☒ Yes ☐ No

1.12. If yes, please name the incorporated city / town.

Ft. Wayne

1.13. Is there at least 200 feet between the proposed permit premises and any church or school?

☒ Yes ☐ No

If no, please check the exception that applies:

- ☐ Church or school provided a written statement pursuant to IC 7.1-3-21-11 (Applies only to grocery store, drug store, restaurant, hotel, or catering hall.) (Copy of written statement must be attached to application.)

- ☐ Wall of the premises and wall of the church or school are separated by at least eighty-five (85) feet, including a two-lane road of at least thirty (30) feet in width.
- ☐ The application is for a retail restaurant permit located in a facility on the National Register of Historic Places *(Include documentation of the historic designation.)*
- ☐ The application is for a retail restaurant permit located within the bounds of an historic district established by ordinance pursuant to IC 36-7-11-7. *(Include documentation of the historic designation and a district map indicating the location of the premises within the historic district.)*
- ☐ The application is for one of the following permit types:
- a) Mall under IC 7.1-3-20-24.4;
 - b) City market under IC 7.1-3-20-25;
 - c) Historic railway station under IC 7.1-3-20-16(e)(1);
 - d) Renovation under IC 7.1-3-20-16(e)(2); or
 - e) Food hall master under IC 7.1-3-20-29 or food hall vendor under IC 7.1-3-20-30.
- ☐ An alcoholic beverage permit premises has continuously operated at the location since prior to the opening of the church or school.

1.14.	Do any individuals, corporations, limited liability companies, limited liability partnerships, or stock owners, members, or partners of any 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
1.15.	As owner, do you manage the premises? <i>If no, please complete Section 7, Manager's Questionnaire.</i>	☒ Yes ☐ No
1.16.	Do you sell tobacco products? <i>If yes, please provide the Tobacco Sales Certificate number.</i>	☐ Yes ☒ No
1.17.	Do you consent for the duration of the permit to inspection and search by an enforcement officer, without a warrant or other process, of your licensed premises and vehicles to determine compliance with the provisions of Indiana Code 7.1? <i>Answering "No" to this question will result in the denial of this application.</i>	☒ Yes ☐ No
1.18.	Do you have a legal right to possess the permit premises for the term of the permit (ownership or a bona fide lease)?	☒ Yes ☐ No

SECTION 2: QUALIFICATIONS

THE FOLLOWING QUESTIONS PERTAIN TO ALL INDIVIDUALS WITH AN INTEREST IN THE PERMIT BEING APPLIED FOR.

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

- 2.1. Are all individuals with an interest in this application citizens of the United States? ☒ Yes ☐ No
- 2.2. Are all individuals with an interest in this application of sound mind and good repute in the community in which they reside? ☒ Yes ☐ No
- 2.3. Have any individuals with an interest in this permit been convicted of a felony or a misdemeanor?
(If yes, please attach a letter with conviction, court, date, and sentence information.) ☐ Yes ☒ No
- 2.4. Have any individuals with an interest in this application ever been convicted of and/or found to have committed a violation of the Indiana Alcoholic Beverage laws, rules, regulations, or orders of the ATC?
(If yes, please attach a letter detailing the conviction and/or violation, including permit number(s).) ☐ Yes ☐ No
- 2.5. Are any individuals with an interest in this application a law enforcement officer, a non-elected officer of a municipal corporation or government subdivision, or an officer of the state of Indiana, charged with any duty or function in the enforcement of Title 7.1 of the Indiana Code? ☐ Yes ☒ No
- 2.6. Have any individuals with an interest in this application held a permit under Title 7.1 of the Indiana Code and had the permit 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
- 2.7. Have any individuals with an interest in this application made an application for an alcoholic beverage 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
- 2.8. 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 registrations of any kind issued under Title 7.1 of the Indiana Code 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)

RR0232168

- 2.9. 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 on the premises or used in connection with the premises? ☐ Yes ☒ No

SECTION 3: OWNERSHIP INFORMATION

IC 7.1-3-21-8 requires the disclosure of each person or entity that holds (directly or indirectly) at least a two percent (2%) interest in the permit or the business conducted under it. When disclosing a publicly traded corporation, please provide the name and address of the corporate officers and members of the board of directors.

3.1. Complete name TOOD Mitchell Smith		Date of birth (mm/dd/yyyy) 6/21/1968	Citizen of United States ☒ Yes ☐ No
Address (number and street, city, state, and ZIP code) 3902 Wagoner Rd Ft. Wayne IN 46814			
☒ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership 100%
3.2. Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.3. Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.4. Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.5 Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.6 Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.7 Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership
3.8 Complete name		Social Security number *	Date of birth (mm/dd/yyyy)
Address (number and street, city, state, and ZIP code)		Citizen of United States ☐ Yes ☐ No	
☐ Sole Owner ☐ Stockholder ☐ Partner ☐ Member ☐ Club Officer ☐ Corporate Officer			Percent of ownership

SECTION 4: ESCROW REQUEST

The permit application and issuance process can take up to ninety (90) days or more, including application review, newspaper publication notice, orange sign posting, local alcoholic beverage board hearing, commission approval, and final floor plan approval by the Indiana State Excise Police. If your application is approved and you will not be immediately ready to open to the public upon issuance of the permit, the permit will need to be placed in escrow, a non-operational status pursuant to IC 7.1-3-1.1. All applicants must answer the following questions:

4.1.1 When will the permit premises for which you are applying be ready to open for business?

7-1-2026
(mm/dd/yyyy)

4.1.2 If you will not be ready to open to the public within ninety (90) days of permit issuance, please explain the steps you are taking to make the proposed permit operational and provide an estimated timeframe for when the permit will be operational. (Please attach additional sheets as needed).

SECTION 5: RETAILER PERMIT QUESTIONS (Skip to next section if you are not applying for a retailer permit.)

5.1. LIQUOR LIABILITY INSURANCE

All retailer permit holders must maintain liquor liability insurance that has total coverage of at least five hundred thousand dollars (\$500,000) or a liquor liability endorsement to a general liability insurance policy that has total coverage of at least five hundred thousand dollars (\$500,000) during the permit term.

Please attach proof of liquor liability insurance in the form of a certificate of insurance or policy declaration that clearly identifies the coverage amount and contains the following information: (1) the name of the insured/permit holder; (2) the address(es) of the permit location(s) for which the insurance coverage applies; and (3) the effective date and expiration date of the policy.

(NOTE: For permits that are or will be deposited in escrow, proof of liquor liability insurance must be provided prior to the permit being made active.)

5.2. MINORS

5.2.1 Will minors be present on the permit premises? (If no, skip to next applicable section.)

☒ Yes ☐ No

5.2.2 Please select the exception below that allows minors on the permit premises: (See IC 7.1-5-7-11 for additional information.)

- | | |
|---|---|
| <ul style="list-style-type: none"> ☐ Civic center ☐ Sports arena ☐ Bona fide club ☐ Dining car ☐ Satellite facility (IC 4-31-2-20.5) ☐ Entertainment complex (IC 7.1-1-3-16.5) ☐ Indoor theater (IC 7.1-3-20-26) ☐ Senior residence facility campus (IC 7.1-3-1-29(c)) ☐ Recreational facility (such as a golf course, bowling center, or similar facility) whose principal business is recreational activity and not the sale of food and beverages ☐ No alcoholic beverages are served across a bar and service is accomplished by an employee ☐ A restaurant that has limited*** separation between bar room and family room and has minimum gross food sales of \$200,000 per year or 60% percent of gross food and alcoholic beverage sales (905 IAC 1-41-2) | <ul style="list-style-type: none"> ☐ Convention center ☐ Bowling center ☐ Boat ☐ Horse racetrack facility (holding a permit under IC 4-31-5) ☐ Catering hall that is not open to the public (IC 7.1-3-20-24) ☐ Indoor golf facility ☐ Licensed premises owned or operated by a postsecondary educational institution as described in IC 21-17-6-1. ☐ Food hall master permit (IC 7.1-3-20-29) or food hall vendor permit (IC 7.1-3-20-30) ☐ A hotel other than a part of a hotel that is a room in a restaurant in which a bar is located over which alcoholic beverages are sold or dispensed by the drink* ☒ A restaurant with full** separation between bar room and family room ☐ A restaurant that has limited separation*** but is not subject to the minimum gross food sales set forth in 905 IAC 1-41-2 (artisan distiller, small brewer, or farm winery) |
|---|---|

* Please note that you will be required to have full** or limited*** separation at any bar that is located in a room in a restaurant if minors may be present in the restaurant and no other exception applies.

** Full separation is a nontransparent wall at least seventy-two (72) inches high with a doorway or an open archway of no more than five (5) feet in width separating the barroom and the family dining room.

*** Limited separation is a structure or barrier that reasonably deters free access and egress without requirement for doors or gates separating the barroom and the family dining room.

5.4. BEER, WINE, AND LIQUOR RETAILER RESTAURANT (209) IN UNINCORPORATED AREA (Excluding recreational facilities such as golf courses and tennis clubs)

5.4.1. If you are seeking a beer, wine, and liquor retailer permit in an unincorporated area (type 209 permit), do you project that annual gross food sales at the location will reach \$200,000 by the end of the first two (2) years and that annual gross food sales will be at least \$100,000 each year thereafter? ☒ Yes ☐ No

5.5. LIQUOR RETAILER IN INCORPORATED AREA (Does not include beer only, wine only, or beer and wine retailers.)

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

5.5.2. 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

5.6. CARRYOUT OF ALCOHOLIC BEVERAGES

5.6.1. Do you wish to sell alcoholic beverages for carryout?
(If yes, please attach State Form 56312, Carry-out Supplement.) ☒ Yes ☐ No

5.7. CATERING HALL

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

5.8. CLUBS

5.8.1. If you are applying for a club permit, please select the appropriate club type: ☐ Social Club ☐ Fraternal Club

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

5.8.3. 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

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

5.9. HOTEL / RESORT HOTEL

5.9.1. If you are seeking a hotel permit, do you meet the general requirements of IC 7.1-3-20-18? ☐ Yes ☒ No

5.9.2. If you are seeking a resort hotel permit, do you meet the requirements of 7.1-3-20-21? ☐ Yes ☒ No

5.10. HISTORIC DISTRICT

5.10.1. If you are seeking a historic district permit, is the premises a restaurant located in a district that is on the National Register of Historic Places which includes a county courthouse, historic opera house, and historic jail and sheriff's house in accordance with IC 7.1-3-20-16(g)? ☐ Yes ☒ No

If yes, you must submit the appropriate documentation, 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.

5.11. AIRPORT, ECONOMIC REDEVELOPMENT, RIVERFRONT, RAILWAY STATION, MOTOR SPORTS DISTRICT, LAKE FRONT, DEVELOPMENT DISTRICT, RENOVATION PROJECT

5.11.1. 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

5.11.2. Please specify the type of permit for which you are applying: 210
(Please see Section 11 for a list of permit types)

NOTE: If you are applying for a municipal riverfront/lakefront 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), redevelopment permit (IC 7.1-3-20-16.8), or renovation project (IC 7.1-3-20-16(e)(2)), 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.

<i>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.</i> <i>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.</i>		
5.12. EXCURSION BOAT		
5.12.1. If you are applying for an excursion boat permit, do you engage in regular passenger service which makes regular runs in seasonal weather between established locations? 5.12.2. Are you requesting designation as a jumbo boat? (If yes, please attach a copy of the United States Coast Guard certification) 5.12.3. For jumbo boat designation, is the boat at least 135 feet long and 35 feet wide? 5.12.4. For jumbo boat designation, will the boat dock in more than one county? <i>If yes, please list each county.</i>		☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No ☐ Yes ☒ No
5.13. HORSE TRACK FACILITY / SATELLITE		
5.13.1. If you are applying for a horse track permit, 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 (mm/dd/yyyy)	Date of expiration (mm/dd/yyyy)
5.13.2. Are you applying for a satellite permit?		☐ Yes ☒ No
License number of satellite facility	Date of issuance (mm/dd/yyyy)	Date of expiration (mm/dd/yyyy)
5.14. CIVIC CENTER, MALL, MARKET		
5.14.1. Please check the permit type for which you are applying: ☐ Public facility of a stadium, exhibition hall, auditorium, theater, convention center, or civic center that qualifies for a permit under IC 7.1-3-1-25. ☐ An entertainment complex that qualifies for a permit under IC 7.1-3-1-25(e). ☐ Retail space in a mall pursuant to IC 7.1-3-20-24.4. ☐ Retail space in a city market pursuant to IC 7.1-3-20-25.		
5.15. FOOD HALL MASTER		
5.15.1 Do you meet the requirements set forth in IC 7.1-3-20-29?		☐ Yes ☒ No
5.16. FOOD HALL VENDOR		
5.16.1. Are you applying for a one-way, two-way, or three-way permit? ☐ One-way ☐ Two-way ☐ Three-way 5.16.2. List the permit number for the master food hall permit where the premises is located: _____ 5.16.3. What is the size of your vending space? ☐ Less than 1,000 square feet ☐ At least 1,000 square feet		
5.17. GAMING SITE		
5.17.1. If you are applying for a gaming site permit, do you hold a valid riverboat license under IC 4-33-6, an operating agent contract under IC 4-33-6.5, or a gambling game license under IC 7.1-25?		☐ Yes ☒ No
License number of gaming site	Date of issuance (mm/dd/yyyy)	Date of expiration (mm/dd/yyyy)
5.18. DINING CAR		
5.18.1. Do you own a railroad as a public carrier or cars which are operated as part of railroad train?		☐ Yes ☒ No
5.19. RACE TRACK		
5.19.1. Do you operate an outdoor facility with the main purpose and function being organized sporting competition that does not include a facility to which IC 7.1-3-1-25(a) applies or a tract located in a county containing a consolidated city that contains a premises used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing?		☐ Yes ☒ No

SECTION 6: DEALER PERMIT QUESTIONS
(Skip to next section if you are not applying for a dealer permit.)

6.1. GROCERY STORE

6.1.1. If you are applying for a beer and/or wine grocery store permit, please select the appropriate category below: (Please refer to IC 7.1-1-3-18.5 for more information on what qualifies as a grocery store.)

- ☐ A supermarket, grocery store, or delicatessen that is primarily engaged in the retail sale of a general food line, including (a) canned and frozen foods; (b) fresh fruits and vegetables; and (c) fresh and prepared meats, fish, and poultry.
- ☐ A convenience store or food mart primarily engaged in:
a) the retail sale of a line of goods, including milk, bread, soda, and snacks; or
b) the retail sale of automotive fuels and the retail sale of a line of goods including milk, bread, soda, and snacks; and
c) the sale of alcoholic beverages represents 25% or less of annual gross sales, excluding gasoline and automotive oil products.
- ☐ A warehouse club, superstore, supercenter, or general merchandise store that is primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general lines of new merchandise, which may include apparel, furniture, and appliances.
- ☐ A specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, not including: (a) meat, fish, and seafood; (b) fruits and vegetables; (c) confections, nuts, and popcorn; and (d) baked goods.

6.2. PACKAGE LIQUOR STORE

6.2.1. Does your business meet the definition of a package liquor store under IC 7.1-1-3-28? ☐ Yes ☒ No

6.3. BEER, WINE, AND LIQUOR DRUG STORE PERMITS

6.3.1. If you are applying for a beer, wine, and liquor drug store permit, do you hold a valid permit issued by the State Board of Pharmacy? ☐ Yes ☒ No

Permit number of pharmacy

Date of issuance (mm/dd/yyyy)

Date of expiration (mm/dd/yyyy)

SECTION 7: MANAGER QUESTIONNAIRE

7.1. Name of manager (last, first, middle initial)

SAMANTHA LYNN CARTER

7.2. Social Security number *

7.3. Date of birth (mm/dd/yyyy)

10-16-85

7.4. Employee permit number of manager

BE 1655009

7.5. Date of expiration (mm/dd/yyyy)

~~10-16-2025~~ 10-08-2028

7.6. Home address (number and street, city, state, and ZIP code)

1407 Three Rivers North Fort. Wayne IN 46802

7.7. Are you a citizen of the United States?

☒ Yes ☐ No

7.8. Are you at least twenty-one (21) years old?

☒ Yes ☐ No

7.9. Are you an officer or employee of a non-resident of the state of Indiana that is engaged in the alcoholic beverage traffic or engaged in carrying on any phase of the manufacture of, traffic in, or transportation of alcoholic beverages without a permit under Title 7.1 of the Indiana Code?

☐ Yes ☒ No

7.10. Are you a law enforcement officer, a non-elected officer of a municipal corporation or governmental subdivision, or an officer of the state of Indiana charged with any duty or function in the enforcement of Title 7.1 of the Indiana Code?

☐ Yes ☒ No

7.11. Have you ever been convicted of a felony or misdemeanor?
If yes, please attach a letter with conviction, court, date, and sentence information. Do not include convictions that have been expunged under IC 35-38-9.

☐ Yes ☒ No

7.12. Have you ever been found to have committed a violation of the Indiana alcoholic beverage laws, rules, regulations, or orders of the Commission? If yes, please attach a letter detailing the conviction(s) and/or violation(s), including any permit number(s).

☐ Yes ☒ No

7.13. Have you held an alcoholic beverage permit under Title 7.1 of the Indiana Code and had the permit 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

7.14. Have you made an application for an alcoholic beverage permit of any type which was denied less than one (1) year to the date of this application (unless the application was denied by reason of a procedural or technical defect)? If yes, please attach an explanation.

☐ Yes ☒ No

7.15. Have you made an application for an alcoholic beverage permit of any type which was denied less than one (1) year to the date of this application (unless the application was denied by reason of a procedural or technical defect)? If yes, please attach an explanation.

☐ Yes ☒ No

7.16. Do you have an interest, either directly or indirectly, in any other permits or registrations of any kind issued under Title 7.1 of the Indiana Code connected with, but not limited to, the production, distribution, transportation, or sale of alcoholic beverages? If yes, please list the permit number(s) below.	☐ Yes ☒ No
Permit number(s) <u>220232103 - 220232104</u>	
Signature of manager _____	Date (mm/dd/yyyy) <u>10-09-2028</u>

SECTION 8: FLOOR PLAN

INSTRUCTIONS: All applicants must submit a floor plan drawing on letter size (8½" x 11") paper attached to this application. The drawing must show dimensions and identifications of any existing family room(s), seating arrangement(s), ballroom(s), bar(s), dance floor area(s), kitchen area(s), restrooms, storage and office areas, entrances/exits, patios, beer gardens, service windows, and alcoholic beverage display areas for all types of permits. Please sign and date the drawing.

NOTE: A floor plan of the licensed premises must be approved by the ATC before a permit is issued. If you have any questions regarding floor plans, please contact the appropriate Indiana State Excise Police district office: www.in.gov/atc/lsep/contact-us/.

SECTION 9: CERTIFICATION OF APPLICANT	
I certify that this application was completed by myself or by the preparer identified below. 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 UNDER LAW 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 <u>Todd M Smith</u>	Date signed (mm/dd/yyyy) <u>3-25-26</u>
Printed name of applicant <u>Todd M Smith</u>	Title of applicant <u>CEO / owner</u>

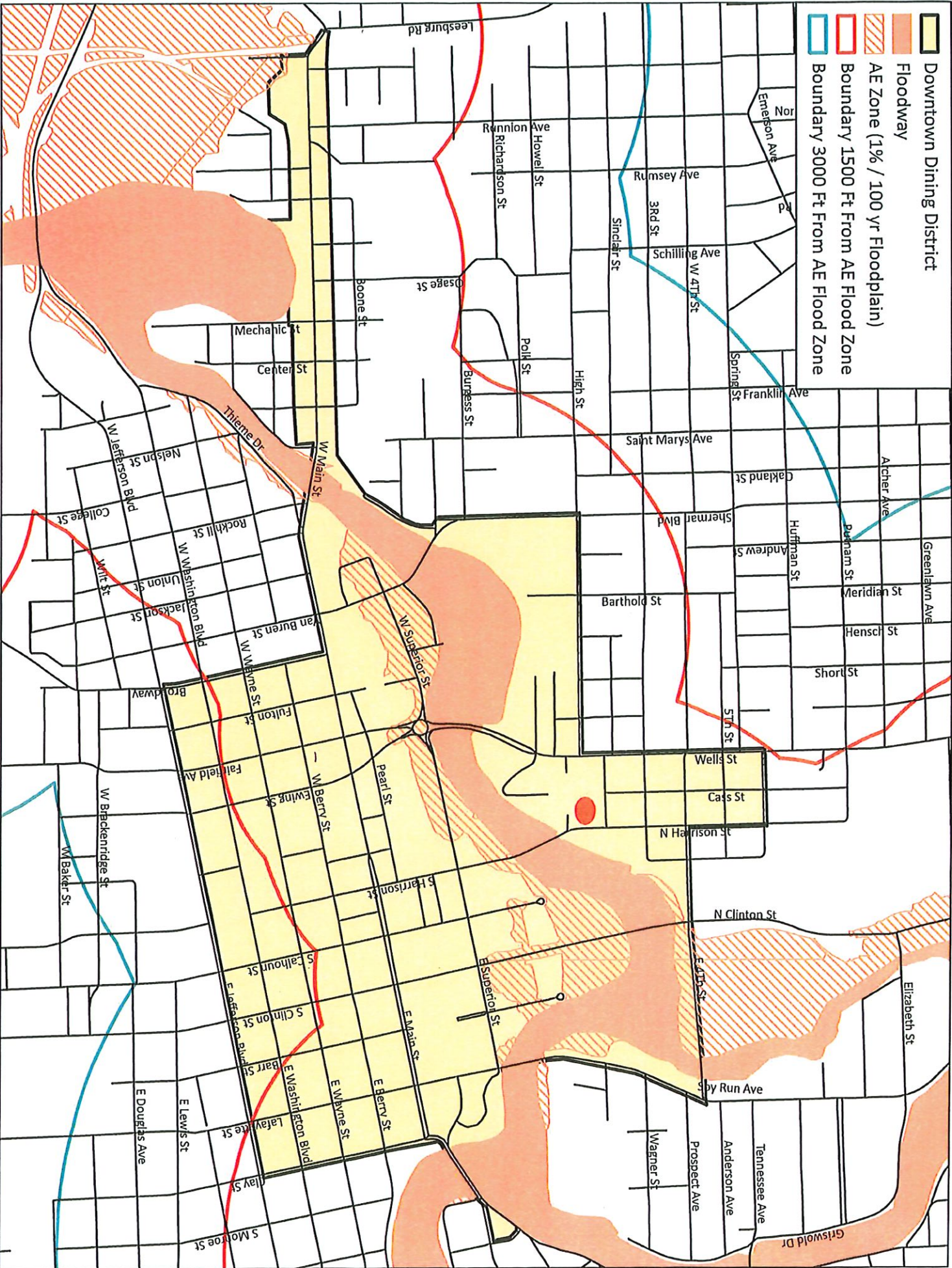
SECTION 10: CERTIFICATION OF PREPARER (If applicable)	
I certify that I have examined this application and the accompanying documents, and to the best of my knowledge and belief, they are true, correct, and complete. I certify that the applicant reviewed the completed form prior to signing.	
Signature of preparer _____	Date signed (mm/dd/yyyy) _____
Printed name of preparer _____	Telephone number _____

SECTION 11: PAYMENT AND CONTACT INFORMATION	
Payment must be in the form of a business check, certified check, or money order made payable to the Indiana Alcohol and Tobacco Commission. Applications without payment will be returned. (See attached fee schedule.)	MAIL TO: Indiana Alcohol and Tobacco Commission 302 West Washington Street, Room E-114 Indianapolis, IN 46204 (317) 232-2430 www.in.gov/atc

SECTION 12. PERMIT TYPES

Permit Type			Fee	Fee Statute
Dealer Permits	Drug store (IC 7.1-1-3-15)	Beer	\$500	IC 7.1-4-4.1-12
		Beer and wine	\$750	IC 7.1-4-4.1-12
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-12
	Grocery store (IC 7.1-1-3-18.5)	Beer	\$500	IC 7.1-4-4.1-12
		Beer and wine	\$750	IC 7.1-4-4.1-12
	Package liquor store (IC 7.1-3-10-4)	Beer, wine and liquor	\$1,000	IC 7.1-4-4.1-12
Retailer Permits	Restaurant (IC 7.1-3-20-9)	Beer or wine	\$500	IC 7.1-4-4.1-9
		Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine and liquor – unincorporated area (209)	\$1,000	IC 7.1-4-4.1-9
		Beer, wine, and liquor – incorporated area (210)	\$1,000	IC 7.1-4-4.1-9
		Beer, wine and liquor – incorporated area small city (210-1)	\$1,000	IC 7.1-4-4.1-9
	Social club (IC 7.1-3-20-1)	Beer	\$500	IC 7.1-4-4.1-9
		Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Civic center (IC 7.1-3-1-25) Mall (IC 7.1-3-20-24.4) Market (IC 7.1-3-20-25)	Beer	\$500	IC 7.1-4-4.1-9
		Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Fraternal club	Beer	\$250	IC 7.4-4-4.1-10
		Beer and wine	\$250	IC 7.4-4-4.1-10
		Beer, wine, and liquor	\$250	IC 7.4-4-4.1-10
	Historic district (IC 7.1-3-20-16(g))	Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Economic redevelopment (IC 7.1-3-20-16(h) & (i))	Beer, wine, and liquor – Jeffersonville or Clarksville (IC 7.1-3-20-16(h))	\$1,350	IC 7.1-3-20-16(h)
		Beer, wine, and liquor – Portage (IC 7.1-3-20-16(i))	\$1,000	IC 7.1-4-4.1-9
	Hotel (IC 7.1-3-20-18)	Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Motor sports district (IC 7.1-3-20-16(k) and (l))	Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Airport / railway (IC 7.1-30-20-16(b), (c), and (e))	Beer, wine, and liquor	\$1,000	IC 7.4-4-4.1-9
	State park	Beer, wine, and liquor	\$250	IC 7.1-4-4.1-9(d)
	Dining car (IC 7.1-3-6-6, IC 7.1-3-16-1, IC 7.1-3-11-1)	Wine	\$500	IC 7.1-4-4.1-11
		Beer, wine, and liquor	\$500	IC 7.1-4-4.1-11
	Race track (IC 7.1-3-6-16, IC 7.1-3-14-6)	Beer	\$500	IC 7.1-4-4.1-9
		Beer and wine	\$750	IC 7.1-4-4.1-9
	Excursion boat (IC 7.1-3-11-9, IC 7.1-3-6-11, IC 7.1-3-16-3)	Beer, wine, and liquor	\$500	IC 7.1-4-4.1-11
	Gaming site (IC 7.1-3-17.5)	Beer, wine, and liquor	\$25,000	905 IAC 1-43.1-2
	State fair (IC 7.1-3-21-14)	Beer, wine, and liquor	\$0	IC 7.1-3-21-14
	Catering hall (IC 7.1-3-20-24)	Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9

	Horse track (IC 7.1-3-17.7)	Beer, wine, and liquor	\$4,000	905 IAC 1-39-1
	Horse track satellite facility (IC 7.1-3-17.7)	Beer, wine, and liquor	\$2,000	905 IAC 1-39-1
	Development district (IC 7.1-3-20-16.8)	Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Riverfront (IC 7.1-3-20-16(d)) and lakefront (IC 7.1-3-20-16(j))	Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9
	Food hall (IC 7.1-3-20-29 to 30)	Food hall master	\$50,000	IC 7.1-4-4.1-20
		Food hall vendor (less than 1,000 sq ft)	\$2,500	IC 7.1-4-4.1-21
		Food hall vendor (1000 to 2000 sq ft)	\$5,000	IC 7.1-4-4.1-21
	Renovation (IC 7.1-3-20-16(e)(2))	Beer	\$500	IC 7.1-4-4.1-9
		Beer and wine	\$750	IC 7.1-4-4.1-9
		Beer, wine, and liquor	\$1,000	IC 7.1-4-4.1-9



**CITY OF FORT WAYNE
AGREEMENT
WITH MITCHELL'S DOWNTOWN SPORTS BAR & NEIGHBORHOOD GRILL
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, Mitchell's Downtown Sports Bar & Neighborhood Grill ("Applicant") (the City and Applicant being collectively referred to herein as the "Parties"), regarding the establishment proposed at 1216 Harrison Street, Fort Wayne, IN 46808. 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 December 5, 2025, 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 25%.
- b. The licensed establishment will be actively open for business and fully operational a minimum of 210 days per year.
- 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 Three Thousand Five Hundred Dollars (\$3500.00).

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:

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

To Mitchell's Downtown Sports Bar & Neighborhood Grill:

Mitchell's Downtown Sports Bar & Neighborhood Grill
Todd M. Smith
1216 N. Harrison
Fort Wayne, IN 46808
PH: 260-445-3292
e-mail: toddsmithfw@gmail.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____
Sharon Tucker - Mayor

Mitchell's Downtown Sports Bar & Neighborhood Grill

By: _____ Date: _____, 20____



CITY OF FORT WAYNE

SHARON TUCKER, MAYOR

February 20, 2026

Indiana Alcohol Beverage Commission
Indianapolis, Indiana

Dear Indiana Alcohol Beverage Commission:

The City of Fort Wayne approved the establishment of a Riverfront Dining District, as outlined in the included map and Resolution S-17-16.

The Municipal Riverfront Development Project was funded in part with state and city money.

I am writing to recommend Mitchell's Sports Bar and Neighborhood Grill, located at 1216 N. Harrison Street, Fort Wayne, Indiana 46808 receive a Riverfront Liquor license from the Indiana Alcohol and Tobacco Commission.

Should you have any questions, please feel free to contact me at 260-427-1111.

Sincerely,

A handwritten signature in blue ink, appearing to be "S. Tucker", is written over the word "Sincerely,".

Sharon Tucker
Mayor

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DIGEST SHEET

TITLE OF RESOLUTION: A Resolution Approving a Downtown Dining District Liquor License and Formal Written Commitment for **Mitchell's Downtown Sports Bar and Neighborhood Grill**.

DEPARTMENT REQUESTING RESOLUTION: Economic Development

SYNOPSIS OF RESOLUTION: This resolution requests approval of a Downtown Dining District Liquor License and associated Formal Written Commitment for Mitchell's Sports Bar and Neighborhood Grill, located within the boundaries of the Downtown Dining District. The license will allow the service and consumption of alcoholic beverages in accordance with Downtown Dining District regulations and applicable state and local laws, supporting programming, events, and visitor experience at the venue.

EFFECT OF PASSAGE: Approval will authorize Mitchell's Sports Bar and Neighborhood Grill to operate under a Downtown Dining District Liquor License, subject to the terms of the Formal Written Commitment and all applicable Downtown Dining District rules, enabling expanded beverage service during approved events and operating hours.

EFFECT OF NON-PASSAGE: Mitchell's Sports Bar and Neighborhood Grill will not be authorized to operate under a Downtown Dining District Liquor License and will remain subject to existing alcohol service limitations and thus limiting their plans to launch a second location at the newly renovated Schaab Building.

ASSIGNED TO COMMITTEE:

MEMORANDUM

TO: Fort Wayne City Council

FROM: Andrea R Robinson, PhD; Economic Development

DATE: April 23, 2026

RE: Request for Approval of a Downtown Dining District Liquor License and Formal Written Commitment – Mitchell's Downtown Sports Bar & Neighborhood Grill

BACKGROUND

Project Description

Mitchell's Downtown Sports Bar and Neighborhood Grill proposes to operate as a neighborhood-oriented dining and gathering space offering:

- Full-service food and beverage operations
- Indoor dining and bar service
- Televised sporting events and community gathering space
- Extended evening hours consistent with downtown hospitality uses

The business model is designed to complement existing downtown amenities while contributing to increased activity along the riverfront and surrounding commercial corridors.

The applicant has indicated an intent to operate as a neighborhood-focused establishment emphasizing food service alongside beverage sales. Standard regulatory requirements related to alcohol service, safety, and occupancy will remain under the jurisdiction of the Indiana Alcohol & Tobacco Commission and local enforcement agencies.

REQUEST

The request seeks City Council approval to authorize Mitchell's Downtown Sports Bar and Neighborhood Grill to operate under a Downtown Dining District Liquor License. Approval would allow for the service and consumption of alcoholic beverages in accordance with Downtown Dining District regulations, the terms of the Formal Written Commitment, and all applicable state and local laws.

The license would be limited to approved times, events, and areas, consistent with Downtown Dining District standards.

COMPLIANCE AND OVERSIGHT

Mitchell's Sports Bar and Neighborhood Grill will be required to comply with:

- All Downtown Dining District rules and regulations
- The approved Formal Written Commitment
- Applicable Indiana Alcohol and Tobacco Commission requirements
- All local ordinances governing alcohol service and public safety

Failure to comply with these requirements may result in enforcement action or revocation of authorization, consistent with City policy.

RECOMMENDATION: Approval of the resolution authorizing a Downtown Dining District Liquor License and Formal Written Commitment for Mitchell's Sports Bar and Neighborhood Grill, finding the request to be consistent with Downtown Dining District goals, existing policy, and public benefit considerations.