



City of New Albany, Indiana
Jeff M. Gahan
Mayor

A Message from the City of New Albany

Welcome to the City of New Albany! We thank you for choosing our River City to open your business.

In order to obtain a Riverfront Alcohol License/Permit, the enclosed packet is what you need to get started. First and foremost, you must be a business in good standing. Please understand that these are licenses permitted within a geographical area and it is imperative that the business be run so as to not violate local, state, and/or federal laws. Being a good corporate citizen will make this process go a lot smoother and quicker. These licenses are reviewed yearly by the local Alcohol & Tobacco Commission Board. The city also takes an active role in the renewal process if violations or complaints regarding the operations of the business are reported. We look forward to your business success and growth.

Below is a list of what you need to do.

- Request a packet from the city
- Complete the packet
- Email the completed application to tfischer@cityofnewalbany.com
- In the email above, tell us how many employees you have, how many you will be adding, and how much of an investment you've made in the business
- A letter from the mayor of New Albany will be provided to you supporting your request for a Riverfront Liquor License
- After receiving your letter from the mayor, mail it, the completed application and a \$1,000 check (for a list of accepted check types, see the following page from the ATC). Their address is on page 6 of the application.
- Normal voting and processing times for applications are eight to twelve weeks. You will be notified by the State of Indiana Alcohol & Tobacco Commission. Please be aware that a condition of the permit is food that must be available to be served at the location.
- **Rule 20. Food Requirements**
905 IAC 1-20-1 Minimum menu requirements
Authority: IC 7.1-2-3-7; IC 7.1-3-24-1
Affected: IC 7.1-3-20-9
Sec. 1. Under the qualification requiring that a retail permittee to sell alcoholic beverages by the drink for consumption on the premises must be the proprietor of a restaurant located, and being operated, on the premises described in the application of the permittee; and under the definition of a "restaurant" as "any establishment provided with special space and accommodations where, in consideration of payment, food without lodging is habitually furnished to travelers,"—and "wherein at least twenty-five (25) persons may be served at one time;" the Commission will,

hereafter, require that the retail permittee be prepared to serve a food menu to consist of not less than the following:

Hot soups.

Hot sandwiches.

Coffee and milk.

Soft drinks.

Hereafter, retail permittees will be equipped and prepared to serve the foregoing foods or more in a sanitary manner as required by law. (Alcohol and Tobacco Commission; Reg 36; filed Jun 27, 1947, 3:00 pm; Rules and Regs. 1948, p. 58; readopted filed Oct 4, 2001, 3:15 p.m.: 25 IR 941; re-adopted filed Sep 18, 2007, 3:42 p.m.: 20071010-IR-905070191RFA; readopted filed Oct 29, 2013, 3:39 p.m.: 20131127-IR-905130360RFA; readopted filed Oct 29, 2019, 11:50 a.m.: 20191127-IR-905190418RFA)



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204
Telephone 317 / 232-2430
Fax 317 / 233-6114
www.IN.gov/atc

A Message from the Alcohol and Tobacco Commission (ATC)

Welcome to the ATC! The staff of the Commission is interested in making this application process as easy for you as possible. Many of the laws pertaining to alcoholic beverages are complicated and can be confusing. First and foremost, if you have questions or need assistance, call us at 317-232-2430, visit our website at www.IN.gov/atc or you may seek the advice of a professional in this area.

If you are interested in acquiring a permit – either a new permit from the ATC or a transfer of a permit from a previous permittee – you must complete an Application for a New or Transfer Permit. If you are acquiring a new permit, you must call the ATC **prior** to completing the application to ensure that the type of permit you wish to acquire is available. Some permit types are under a quota system established by the legislature and the staff at the ATC will provide this information to you. I also encourage you to call the ATC to discuss the type of permit you wish to acquire. There are over 70 different types of permits available. We will make sure that you apply for the permit that is appropriate for you or your organization.

The entire application process may take as long as twelve weeks. After you have submitted the required forms and fees, the ATC will advertise the request in two local newspapers. If you are applying for a retailer or dealer permit, you must comply with all notice requirements pursuant to IC 7.1-3-1-28, IC 7.1-3-1-5.6 (e) and 905 IAC 1-52. (See Notice Requirements section.) Your application will be heard by the local board in your area and you must appear at that hearing. The public is invited to participate in this process as well. The local board will make a recommendation to the ATC. The ATC meets on the first and third Tuesday of every month. Prior to the issuance of a permit, a final inspection by the State Excise Police is mandatory.

If you are purchasing an existing permit and/or transferring the location of an existing permit, you will need to complete the Application for a New or Transfer Permit. If you are purchasing an existing permit, you must submit a Consent to Transfer form with your application. An applicant for a New or Transfer permit must also submit a completed Form 1 by the applicant stating that all sales and property taxes due and owing at the time have been paid in full. An applicant for a New or Transfer permit must also submit the County Verification of Business Location (state form 44184).

You must submit the original application and one (1) copy to the ATC office. You must also submit the appropriate fees. The ATC will accept a certified check, a cashier's check, a money order or a business check. **No personal checks will be accepted.** You must submit four (4) copies of your floor plans, dated and signed by the applicant. If you are a business entity, you must also attach proof that you have filed the appropriate documentation with the Indiana Secretary of State.

NOTICE REQUIREMENT BY POSTED SIGN: Pursuant to IC 7.1-3-1-28, IC 7.1-3-1-5.6(e) and 905 IAC 1-52, all applicants for initial issuance, transfer of location or transfer of ownership of an Alcohol and Tobacco Commission (ATC) retailer or dealer permit, shall post a sign to indicate to the public that the applicant is seeking said issuance. Exceptions to this requirement, which apply only to Marion County, are outlined below.

The sign must either be prepared by the Commission or approved by the Commission. The ATC charges a fee of two-dollars (\$2.00) for the sign. You may request a sign in person at the ATC Indianapolis office or by sending a separate business check or money order for \$2.00. Please indicate the address where you want the sign sent.



The sign must be posted at least ten (10) days prior to the applicant's scheduled Local Board hearing date. The applicant is responsible for knowing when the Local Board is scheduled to hear his/her permit and the applicant must attend. The sign must be posted in a manner that it is visible from the nearest and largest public thoroughfare in the vicinity of the applicant's premises or proposed premises. If a building or structure does not exist yet, the sign must be posted at the premises in a manner sufficient to secure it.

AT THE TIME OF THE HEARING, THE APPLICANT SHALL COMPLETE, SIGN AND FILE WITH THE LOCAL BOARD THE AFFIDAVIT OF COMPLIANCE. The ATC will send the Affidavit to you with the sign. Failure to comply with these requirements will result in applicants not receiving a Local Board hearing until they come into compliance. If you have any questions, please contact your local district excise office, your processor or call the ATC at 317-232-2430.

In Marion County only, the following requirements apply:

1. If the application is for any retailer's permit or any dealer's permit EXCEPT a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), the applicant may choose to post sign notice as delineated above, or comply with the mail notice requirements of IC 7.1-3-1-5.5 (new issuance, transfer of location or transfer of ownership); or, IC 7.1-3-1-5.6 (renewal).
2. An applicant for new issuance, transfer of location or transfer of ownership of a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), shall continue to comply with the mail notice requirements of IC 7.1-3-1-5.5.
3. If the application is for renewal of a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), the applicant shall continue to comply with the mail notice requirements of IC 7.1-3-1-5.6.

The following numbers may be helpful in completing this application:

Alcohol, Tobacco & Firearms 317-248-4002

Indiana Secretary of State 317-232-6532 or www.IN.gov/sos

Indiana Department of Revenue 317-232-5977 or www.IN.gov/dor

The application process can be **easy** if you have the necessary information at your disposal. Please do not hesitate to contact us.



APPLICATION FOR NEW OR TRANSFER PERMIT – RETAILER OR DEALER

State Form 51189 (R10 / 7-25)

FOR OFFICE USE ONLY	
Date received (mm/dd/yyyy)	
Permit number	
Permit type	
Base fee receipt number	
Catering receipt number	
Processor	
Jurisdiction	

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 additional documentation as indicated throughout the application.
8. For a list of permit fees, please visit www.in.gov/atc/files/Complete-ATC-Fee-Schedule.pdf.
9. To apply online, please visit www.in.gov/atc/alcohol-permit-resources/alcohol-permit-applications-and-forms/.

* 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. Application type:		
<input type="checkbox"/> New	<input type="checkbox"/> Transfer of location (\$250 fee)	<input type="checkbox"/> Transfer of ownership and location (\$500 fee)
<input type="checkbox"/> Transfer of ownership (\$250 fee)		
1.2. Permit type for which you are applying:		
1.3. Please briefly describe how the applicant qualifies for this permit type:		1.4. Permit number (Transfers only)
1.5. Name of applicant (individual or business entity)		
1.6. Doing business as (d/b/a)		
1.7. The applicant is a: (Check one)		
<input type="checkbox"/> Sole Owner	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Government Entity
<input type="checkbox"/> Club Association	<input type="checkbox"/> Corporation	<input type="checkbox"/> Limited Liability Company
<input type="checkbox"/> Simple Partnership	<input type="checkbox"/> Limited Liability Partnership	<input type="checkbox"/> Club Corporation
1.8. Premises address <input type="checkbox"/> Location pending		
Street name and number		Suite number (if applicable)
City / Town	State	ZIP code
E-mail address		Telephone number of premises
1.9. Mailing address <input type="checkbox"/> Same as above		
NOTE: Notices from the ATC will be sent to the mailing address and/or e-mail address provided this form. It is your responsibility to notify the ATC of any change in mailing address.		
Street name and number		
City / Town	State	ZIP code
E-mail address		Telephone number of applicant
1.10. What county is the proposed permit premises located in?		
1.11. Is the proposed permit premises located inside the corporate limits of a city / town?		<input type="checkbox"/> Yes <input type="checkbox"/> No
1.12. If yes, please name the incorporated city / town.		
1.13. Is there at least 200 feet between the proposed permit premises and any church or school?		<input type="checkbox"/> Yes <input type="checkbox"/> No

If no, please check the exception that applies:

- Church or school has provided a written statement pursuant to IC 7.1-3-21-11, and the applicant is applying for a grocery store, drug store, restaurant, hotel, or catering hall permit. *(Must attach a copy of written statement(s) from church and/or school to application.)*
- Wall of the proposed premises and wall of the church and/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 applicant is applying for a retail restaurant permit located in a facility on the National Register of Historic Places. *(Must include documentation of the historic designation.)*
- The applicant is applying for a retail restaurant permit located within the boundaries of an historic district established in accordance with IC 36-7-11-7. *(Must include documentation of the historic designation and a map of the historic district which indicates the location of the proposed permit premises within the historic district.)*
- The applicant is applying for one of the following permit types:
 - a) Mall (IC 7.1-3-20-24.4);
 - b) City market (IC 7.1-3-20-25);
 - c) Historic railway station (IC 7.1-3-20-16(e)(1));
 - d) Renovation (IC 7.1-3-20-16(e)(2)); or
 - e) Food hall master (IC 7.1-3-20-29) or food hall vendor (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 and/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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.15.	If issued a permit, will you manage the licensed premises? <i>If no, please complete Section 7, Manager's Questionnaire.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
1.16.	Do you sell tobacco products? <i>If yes, please provide the Tobacco Sales Certificate number.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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>	<input type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.	Do all individuals with an interest in this application have lawful status in the United States as defined by IC 9-13-2-92.3?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.3.	Have any individuals with an interest in this permit been convicted of a felony or a misdemeanor? <i>(If yes, please attach a letter with conviction, court, date, and sentence information.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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? <i>(If yes, please attach a letter detailing the conviction and/or violation, including permit number.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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? <i>(If yes, please provide the permit number(s) and an explanation.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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)?	<input type="checkbox"/> Yes <input type="checkbox"/> 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? <i>If yes, list permits below. (Attach additional sheet if necessary.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Permit number(s)	
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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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 five percent (5%) 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	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.2. Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.3. Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.4. Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.5 Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.6 Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

3.7 Complete name	Social Security number *	Date of birth (mm/dd/yyyy)	Lawful Status in United States <input type="checkbox"/> Yes <input type="checkbox"/> No
Address (number and street, city, state, and ZIP code)		Title	
<input type="checkbox"/> Sole Owner <input type="checkbox"/> Stockholder <input type="checkbox"/> Partner <input type="checkbox"/> Member <input type="checkbox"/> Club Officer <input type="checkbox"/> Corporate Officer			Ownership percent (%)

Check here if you have disclosed less than 100% of the permit ownership and the remaining undisclosed owners hold less than a 5% ownership interest.

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, (i.e., 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?

(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

Retail permit holders, other than those completing *and* qualifying under the exception below, must maintain during the permit term a liquor liability insurance policy or a liquor liability endorsement to a general liability insurance policy. Evidence of compliant insurance coverage should include the legal entity name and address of the insured party where the permit is or will be issued, coverage amount, policy effective date, and policy expiration date. Acceptable evidence includes certificate of liability insurance, policy declaration page, or any other official documentation provided by the insurance provider containing the name of the insured, coverage amount, policy term, and statement that the policy includes liquor liability endorsement. Evidence of insurance coverage must originate from the insurance provider; an affidavit or other self-certified statement of compliance is not acceptable.

(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.)

5.1.1. Is the establishment operating at this location expected to have less than \$25,000 in gross sales from alcoholic beverages annually?

If yes, you qualify for an exception to the liquor liability insurance requirement. If your gross sales of alcoholic beverages exceed \$25,000, you must obtain the required liquor liability insurance. If you answer no, you must attach proof of required liquor liability insurance.

Yes No

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.)

- | | |
|--|---|
| <input type="checkbox"/> Civic center | <input type="checkbox"/> Convention center |
| <input type="checkbox"/> Sports arena | <input type="checkbox"/> Fraternal club (IC 7.1-3-20-7) |
| <input type="checkbox"/> Social club (IC 7.1-3-20-1) | <input type="checkbox"/> Boat |
| <input type="checkbox"/> Dining car | <input type="checkbox"/> Horse racetrack facility (IC 4-31-5) |
| <input type="checkbox"/> Satellite facility (IC 4-31-2-20.5) | <input type="checkbox"/> Private catering hall that is not open to the public (IC 7.1-3-20-24) |
| <input type="checkbox"/> Entertainment complex (IC 7.1-1-3-16.5) | <input type="checkbox"/> Indoor golf facility |
| <input type="checkbox"/> Automobile racetrack | |
| <input type="checkbox"/> Indoor theater (IC 7.1-3-20-26) | <input type="checkbox"/> Licensed premises owned or operated by a postsecondary educational institution (IC 21-17-6-1) |
| <input type="checkbox"/> Senior residence facility campus (IC 7.1-3-1-29) | <input type="checkbox"/> Food hall master permit (IC 7.1-3-20-29) or food hall vendor permit (IC 7.1-3-20-30) |
| <input type="checkbox"/> Recreational facility (i.e., a golf course, bowling center, or similar facility whose principal business is recreational activity and not the sale of food and beverages) | <input type="checkbox"/> A hotel (other than a part of the hotel that is in a room of a restaurant in which a bar ¹ is located) (IC 7.1-3-20-18) |
| <input type="checkbox"/> No alcoholic beverages are served across a bar ¹ and service is accomplished by an employee | <input type="checkbox"/> A restaurant with full separation** between the barroom and family dining room |
| <input type="checkbox"/> A restaurant with limited separation*** between the barroom and family dining room that is subject to the minimum food sales requirement set forth in 905 IAC 1-41-2. | <input type="checkbox"/> A restaurant operated by the holder of an artisan distiller, small brewer, and/or farm winery permit with limited separation*** between the barroom and family dining room that is <u>not</u> subject to the minimum food sales requirement set forth in 905 IAC 1-41-2. |

¹ For purposes of this section, a "bar" refers to a counter over which alcoholic beverages are sold or dispensed by the drink to consumers. Full** or limited*** separation is required for any bar located in a restaurant if minors are allowed on the restaurant premises and no applicable exception applies.

** Full separation is a nontransparent wall at least seventy-two (72) inches in height with a doorway or open archway of no more than five (5) feet in width which separates 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 which separates the barroom and the family dining room. Under 905 IAC 1-41-2, in order to qualify for limited separation, a permittee or applicant must have minimum food sales or projected food sales of at least \$200,000 per year or 60% of gross food and alcoholic beverage sales (not including carryout or catering sales) must be in the sale of food.

5.4. BEER, WINE, AND LIQUOR RETAILER RESTAURANT (209) IN UNINCORPORATED AREA

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 catering hall permit to sell alcoholic beverages for consumption on the licensed premises with accommodations for at least 250 people which may only be used for private catered events? Yes No

5.8. CLUBS

5.8.1. If you are applying for a club permit, please select the appropriate club type: Fraternal Club Social 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 IC 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 DEVELOPMENT AREA, MOTOR SPORTS DISTRICT, RAILWAY STATION, REDEVELOPMENT DISTRICT, RENOVATION PROJECT, RIVERFRONT DISTRICT

<p>5.11.1. Please specify the type of permit for which you are applying:</p>	
<p>5.11.1. Do you meet the statutory requirements for the designated permit identified above?</p> <p><i>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></p> <p><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></p> <p><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></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

5.12. EXCURSION BOAT	
<p>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?</p> <p>5.12.2. Are you requesting a jumbo boat designation? <i>(If yes, please attach a copy of the United States Coast Guard certification)</i></p> <p>5.12.3. If yes, is the boat at least 135 feet long and 35 feet wide?</p> <p>5.12.4. If yes, will the boat dock in more than one county? <i>If yes, please list each county:</i></p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

5.13. HORSE TRACK FACILITY / SATELLITE		
<p>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?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Permit number of recognized meeting	Date of issuance (mm/dd/yyyy)	Date of expiration (mm/dd/yyyy)
<p>5.13.2. Are you applying for a satellite permit?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
License number of satellite facility	Date of issuance (mm/dd/yyyy)	Date of expiration (mm/dd/yyyy)

5.14. CIVIC CENTER, MALL, MARKET	
<p>5.14.1. Please check the permit type for which you are applying:</p> <p><input type="checkbox"/> 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.</p> <p><input type="checkbox"/> An entertainment complex that qualifies for a permit under IC 7.1-3-1-25(e).</p> <p><input type="checkbox"/> Retail space in a mall pursuant to IC 7.1-3-20-24.4.</p> <p><input type="checkbox"/> Retail space in a city market pursuant to IC 7.1-3-20-25.</p>	

5.15 INDOOR THEATER	
<p>5.15.1. Do you meet the requirements set forth in IC 7.1-3-20-26(b)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

5.16. FOOD HALL MASTER	
<p>5.16.1. Do you meet the requirements set forth in IC 7.1-3-20-29?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

5.17. FOOD HALL VENDOR

5.17.1. Are you applying for a one-way, two-way, or three-way permit? One-way Two-way Three-way

5.17.2. List the permit number for the master food hall permit where the premises is located: _____

5.17.3. What is the size of your vending space? Less than 1,000 square feet At least 1,000 square feet

5.18. GAMING SITE

5.18.1. 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)

5.19. DINING CAR

5.19.1. Do you own a railroad as a public carrier or cars which are operated as part of railroad train? Yes No

5.20. RACE TRACK

5.20.1. 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)

7.2. Social Security number *

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

7.4. Employee permit number

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

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

7.7.	Do you have lawful status in the United States as defined by IC 9-13-2-92.3?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.8.	Are you at least twenty-one (21) years old?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.11.	Have you ever been convicted of a felony or misdemeanor? <i>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.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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? <i>If yes, please attach a letter detailing the conviction(s) and/or violation(s), including any permit number(s).</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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? <i>If yes, please provide the permit number(s) and an explanation.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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)? <i>If yes, please attach an explanation.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.15.	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? <i>If yes, please list the permit number(s) below.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Permit number(s)		
Signature of manager		Date (mm/dd/yyyy)

SECTION 8: FLOOR PLAN

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 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/isep/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	Date signed (mm/dd/yyyy)
Printed name of applicant	Title of applicant

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.

Indiana Alcohol and Tobacco Commission
302 West Washington Street, Room E-114
Indianapolis, IN 46204
(317) 232-2430
www.in.gov/atc



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204
Telephone (317) 232-2430
Fax (317) 233-6114
www.IN.gov/atc

NOTICE RE: LIQUOR LIABILITY INSURANCE

Effective July 1, 2024, all retailer permittees and craft manufacturer (small brewers, farm wineries, artisan distillers) permittees located in Indiana must maintain during the permit term:

- (1) a liquor liability insurance policy that has total coverage of at least five hundred thousand dollars (\$500,000); or
- (2) a liquor liability endorsement to a general liability insurance policy that has total coverage of at least five hundred thousand dollars (\$500,000).

All applicants must submit proof of liquor liability insurance along with any applicable permit application submitted on or after July 1st. All applicants who submitted an applicable permit application prior to July 1st and/or renewed an applicable permit prior to July 1st will have until December 31, 2024 to submit proof of liquor liability insurance to the Commission. (*Note: For permits that are deposited into escrow, proof of liquor liability insurance must be submitted to the Commission prior to the permit being made active.*)

Proof of liquor liability insurance must be submitted to the Commission in the form of a certificate of insurance (COI) or policy declaration page 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.

To submit proof of insurance, please send any supporting documents identified above to your facility permit processor or upload documentation online using [MyLicenseOne](#) (Once logged in, locate the "Actions" tool next to the appropriate permit number on your dashboard and select "Upload Additional Documentation." On the next screen, select "Additional ATC Documentation" and a new screen will appear. On the new screen, click the box for "Evidence of Liquor Liability Insurance" and a box will auto-populate to upload files).

If you do not already hold liquor liability insurance and need to obtain it, please contact your local independent insurance agent or visit the following sites for more information:

- Professional Insurance Agents (www.PIA.org)
- Independent Insurance Agents of Indiana (www.BigI.org)

Failure to comply with the liquor liability insurance requirement may result in the suspension and/or revocation of a permit as set forth in IC 7.1-3-1-6.4.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/31/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Knapp-Miller-Brown Insurance Services, Inc PO Box 368 Salem IN 47187		CONTACT NAME: Jonathan Spaulding PHONE (A/C, No, Ext): (812) 883-4700 FAX (A/C, No): (812) 883-4938 E-MAIL ADDRESS: jspaulding@kmbis.com	
INSURED Platform Dining and Lounge LLC 145 E Main St New Albany IN 47150		INSURER(S) AFFORDING COVERAGE INSURER A: Specialty Risk of America INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** CL251311809 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			CPP1034049	06/17/2024	06/17/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Liquor Liability \$ 1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in IN) <input type="checkbox"/> Y/N #/A						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability Coverage			CPP1034049	05/17/2024	06/17/2025	LL Each Common Cause \$1,000,000 LL Aggregate Limit \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER State of Indiana Alcohol and Tobacco Commission 302 W Washington St IGCS Room E114 Indianapolis IN 46204	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ADDITIONAL COVERAGES

Ref #	Description Motor Vehicle Accident Sublimit	Coverage Code	Form No.	Edition Date
Limit 1 250,000	Limit 2 500,000	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Assault & Battery Sublimit	Coverage Code	Form No.	Edition Date
Limit 1 300,000	Limit 2 300,000	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				



COUNTY VERIFICATION OF BUSINESS LOCATION

State Form 44184 (R4/12-11)

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

TO THE INDIANA ALCOHOL AND TOBACCO COMMISSION:

I verify that _____
(Address)

ALL COUNTIES EXCEPT MARION COUNTY

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

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

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

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

MARION COUNTY ONLY

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

Signature of County Surveyor

Date (month, date, year)



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

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

ATC permit number
Expiration date (month, day, year)

Name of individual or company	
If transfer, give former name of business	
Mailing Address (street and number of rural route)	
City	ZIP Code
State	
Doing business as (DBA)	
Permit location (street address)	
City	ZIP Code
State	

TYPE (Check all that apply)
<input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer (Check all that apply) <input type="checkbox"/> Ownership <input type="checkbox"/> Location <input type="checkbox"/> Stock

STATUS
<input type="checkbox"/> Permit escrow <input type="checkbox"/> DBA change

I, Treasurer of _____ County, hereby certify that the person or company named above has paid all property taxes in 20____ (for 20____ assessment) and property taxes for all prior years, or is exempt from property tax by reason of _____

Signature of County Treasurer _____

Date (month, day, year) _____



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

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

ATC permit number
Expiration date (month, day, year)

Name of individual or company	
If transfer, give former name of business	
Mailing Address (street and number of rural route)	
City	ZIP Code
State	
Doing business as (DBA)	
Permit location (street address)	
City	ZIP Code
State	

TYPE (Check all that apply)
<input type="checkbox"/> New <input type="checkbox"/> Renewal <input type="checkbox"/> Transfer (Check all that apply) <input type="checkbox"/> Ownership <input type="checkbox"/> Location <input type="checkbox"/> Stock

STATUS
<input type="checkbox"/> Permit escrow <input type="checkbox"/> DBA change

I, Treasurer of _____ County, hereby certify that the person or company named above has paid all property taxes in 20____ (for 20____ assessment) and property taxes for all prior years, or is exempt from property tax by reason of _____

Signature of County Treasurer _____

Date (month, day, year) _____



AFFIDAVIT OF COMPLIANCE REGARDING NOTICE POSTING

State Form 51188 (12-02)

INSTRUCTIONS:

1. Type or print legibly.
2. Complete all sections before returning.

STEP 1. GENERAL INFORMATION	
Permit number	Permit type
Name of applicant	
Address of premise (number and street, city, state, ZIP code)	
Type of application: <input type="checkbox"/> New Application <input type="checkbox"/> Transfer of Ownership <input type="checkbox"/> Transfer of Location <input type="checkbox"/> Transfer of Stock	

STEP 2. SIGNATURES	
The undersigned applicant(s) for a permit concerning alcoholic beverages, swears or affirms that a Public Notice of Application has been continuously and conspicuously posted on the premises for which the license is applied, the manner prescribed by the Alcohol and Tobacco Commission, for no less than ten (10) days prior to the scheduled Local Board hearing.	
The sign was first posted on (month, day, year)	
Signature (Sole Owner, President, or Partner **)	Date (month, day, year)
Signature (Secretary or Partner **)	Date (month, day, year)
The foregoing statements are provided under penalty of perjury, IC 7.1-3-1-28 and ATC rules. This affidavit must be submitted at the Local Board hearing. The Public Notice of Application must be posted for no less than ten (10) days prior to the scheduled Local Board hearing.	
** The same person or persons who signed the actual application or notice must execute this affidavit. If the applicant is a corporation, the corporate president and secretary who signed the application of notice shall execute this affidavit by affixing the same signatures and titles.	



STATE OF INDIANA

ALCOHOL AND TOBACCO COMMISSION

302 West Washington Street
IGCS Room E114
Indianapolis, IN 46204

Telephone 317 / 232-2430
Fax 317 / 233-6114
www.IN.gov/atc

NOTICE REQUIREMENT BY POSTED SIGN

Pursuant to IC 7.1-3-1-28, IC 7.1-3-1-5.6(e) and 905 IAC 1-52, all applicants for initial issuance, transfer of location or transfer of ownership of an Alcohol and Tobacco Commission (ATC) retailer or dealer permit, shall post a sign to indicate to the public that the applicant is seeking said issuance. Exceptions to this requirement, which apply only to Marion County, are outlined below.

The sign must either be prepared by the Commission or approved by the Commission. The ATC charges a fee of two-dollars (\$2.00) for the sign.

The sign must be posted at least ten (10) days prior to the applicant's scheduled Local Board hearing date. The applicant is responsible for knowing when the Local Board is scheduled to hear his/her permit. The sign must be posted in a manner that it is visible from the nearest and largest public thoroughfare in the vicinity of the applicant's premises or proposed premises. If a building or structure does not exist yet, the sign must be posted at the premises in a manner sufficient to secure it.

AT THE TIME OF THE HEARING, THE APPLICANT SHALL COMPLETE, SIGN AND FILE WITH THE LOCAL BOARD [THE AFFIDAVIT OF COMPLIANCE](#) CONTAINED IN THE APPLICATION PACKET.

Failure to comply with these requirements will result in applicants not receiving a Local Board hearing until they come into compliance. If you have any questions, please contact your local district excise office, your processor or call the ATC at 317-232-2430.

In **Marion County only**, the following requirements apply:

1. If the application is for any retailer's permit or any dealer's permit EXCEPT a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), the applicant may choose to post sign notice as delineated above, or comply with the mail notice requirements of IC 7.1-3-1-5.5 (new issuance, transfer of location or transfer of ownership); or, IC 7.1-3-1-5.6 (renewal).
2. An applicant for new issuance, transfer of location or transfer of ownership of a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), shall continue to comply with the mail notice requirements of IC 7.1-3-1-5.5.
3. If the application is for renewal of a liquor dealer's permit within the boundaries of the special fire service district (as determined in conformity with IC 7.1-3-22-8), the applicant shall continue to comply with the mail notice requirements of IC 7.1-3-1-5.6.

Bill No. G-06-10

Ordinance No. G-06-15

**ORDINANCE
AMENDING THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA
TITLE XI CHAPTER 111
RIVERFRONT DEVELOPMENT PROJECT AREA**

BE IT ORDAINED by the Common Council of the City of New Albany, Indiana under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

Section 1. The New Albany ("Redevelopment Commission ("Commission") did on August 14, 1996, adopt a declaratory resolution ("State Street Declaratory Resolution") establishing the State Street Parking Garage Economic Development Area ("State Street Area") as an economic development area within the corporation boundaries of the City under IC 36-7-14 and IC 36-7-25 and confirmed the State Street Declaratory Resolution on September 11, 1996, after conducting a public hearing;

The Commission did on August 14, 2002, adopt a declaratory resolution ("Main Center Declaratory Resolution") establishing the Main Center Redevelopment Area ("Main Center Area") as a redevelopment area within the corporate boundaries of the City of New Albany ("City") under IC 36-7-14 and IC 36-7-25 and confirmed the Main Center Declaratory Resolution on September 11, 2002, after conducting a public hearing;

The Commission did on May 9, 2002, adopt a resolution authorizing the submission of a map for a proposed historic preservation district ("Preservation District") to the Common Council of the City and the Common Council did on July 2, 2002, adopt an ordinance approving the establishment of the Preservation District;

Section 2. IC 7.1-3-20-16 authorizes the Indiana Alcohol and Tobacco Commission ("ATC") to issue certain permits to sell alcoholic beverages for on-premises consumption to three proprietors of one or more restaurants ("Premises") located within a municipal riverfront development project funded in part with State and city money;

Pursuant to IC 7.1-3-20-16.1 the City may designate as a riverfront development project area an area the boundaries of which must border on at least one side of a river;

Section 3. The Premises to be permitted may not be located more than one thousand five hundred feet or three city blocks from the river, whichever is greater, unless the area adjacent to the river is incapable of being developed because the area is in a floodplain, or for any other reason that prevents the area from being developed, in which case, the maximum distances are measured from the city blocks located nearest to the river that are capable of being developed;

Section 4. The Premises must be located in (a) an economic development area established under IC 36-7-14 or IC 36-7-15.1; (b) a blighted area established under IC 36-7-14 or IC 36-7-15.1; (c) an urban renewal area established under IC 36-7-14 or IC 36-7-15.1; (d) a redevelopment area established under IC 36-7-14 or IC 36-7-15.1; (e) an economic development project district under IC 36-7-15.2 or IC 36-7-26; or (f) a community revitalization enhancement district designated under IC 36-7-13-12.1;

In order to encourage the redevelopment of the Area, the City desires to designate the Main Center Area, the State Street Area and the Preservation District collectively as a riverfront development project area;

The City has selected an area comprising the Main Center Area, the State Street Area and the Preservation District for designation as a riverfront development project area (collectively, "Project Area"), the boundaries of which Project Area are described in Exhibit A;

Section 5. The City designates the Project Area as a riverfront development project area as provided in IC 7.1-3-20-16.1. A map of the Project Area is attached as Exhibit B.

The riverfront development project to be undertaken in the Project Area has been or will be funded in part with City and State funds, as set forth in Exhibit C attached hereto.

A. Premises located within the Project Area may apply for a permit as authorized under IC 7.1-3-20-16.

B. The establishment of the Project Area benefits the public health, safety, morals and welfare of the citizens of the City;

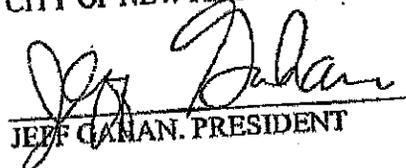
C. The establishment of the Project Area is for a public purpose and will further the redevelopment of the Project Area.

D. The applicant satisfies all other requirements of IC 7.1-3-20-16(d) and IC 7.1-3-20-16.1, and any regulations promulgated thereunder.

This resolution shall be effective from and after passage.

PASSED AND ADOPTED by the Common Council of the City of New Albany,
Indiana, this 1 day of May, 2006.

COMMON COUNCIL
CITY OF NEW ALBANY, INDIANA.


JEFF CANAN, PRESIDENT

ATTEST:

Marcey J. Wisman
MARCEY WISMAN, CITY CLERK

PRESENTED by me to the Mayor of the City of New Albany this 4 day of
May, 2006.

Marcey J. Wisman
MARCEY J. WISMAN, CITY CLERK

ACCEPTED AND APPROVED BY ME THIS 4 DAY OF
May, 2006.

James E. Garner, Sr.
JAMES E. GARNER, SR., MAYOR
CITY OF NEW ALBANY, INDIANA

ATTEST: Marcey J. Wisman
MARCEY J. WISMAN, CITY CLERK

RESOLUTION NO. RC- 15 -22

CONFIRMATORY RESOLUTION OF THE NEW ALBANY REDEVELOPMENT COMMISSION CONFIRMING AND AMENDING A DECLARATORY RESOLUTION OF THE COMMISSION APPROVING AN AMENDMENT TO THE STATE STREET PARKING GARAGE ECONOMIC DEVELOPMENT AREA AND ECONOMIC DEVELOPMENT PLAN

WHEREAS, the City of New Albany Redevelopment Commission (the "Commission") has previously established and expanded the State Street Parking Garage Economic Development Area (the "EDA Area") pursuant to various Declaratory and Confirmatory Resolutions adopted from time to time; and

WHEREAS, on the 14th day of June, 2022, the Commission adopted Resolution No. RC-13-22 (the "Declaratory Resolution") in the form attached hereto and incorporated herein as Exhibit A to: (i) make certain findings; (ii) amend and enlarge the boundaries of the EDA Area; and (iii) amend the Economic Development Plan for the EDA Area (the "Plan"), all pursuant to and in accordance with the provisions of Indiana Code 36-7-14 and all acts supplemental and amendatory thereto (the "Act"); and

WHEREAS, the Commission submitted the Declaratory Resolution to the Plan Commission of the City of New Albany, Indiana (the "City") for approval, and the Plan Commission adopted its Order No. PCR-22-02 on June 21, 2022 (the "Plan Commission Order") approving, ratifying, and confirming the Declaratory Resolution in all respects without amendment or modification; and

WHEREAS, the Common Council of the City adopted Resolution No. R-22-07 (the "Council Resolution") on July 8, 2022 approving the Plan Commission Order in all respects except making said approval contingent on the Commission adding parcels listed in Exhibit 2 of the Council Resolution to the EDA Area in the Commission's Confirmatory Resolution; and

WHEREAS, the Commission published notice of the adoption and substance of the Declaratory Resolution (the "Notice"), which also gave notice of a public hearing to be held by the Commission to receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the Declaratory Resolution; and

WHEREAS, a copy of the Notice was filed with the City's Plan Commission, Board of Zoning Appeals, Board of Public Works, Parks Board, Drainage Board, Building Commissioner, Street Department, and any other departments, bodies, or officers of the City having to do with planning, variances from zoning ordinances, land use, or issuing building permits and a copy of the Notice was provided to the affected property owners of the properties to be included in the proposed enlarged areas described in the Declaratory Resolution; and

WHEREAS, the Commission conducted a public hearing (the "Public Hearing") at which the Commission received and heard remonstrances and objections from persons interested in or affected by the proceedings pertaining to the Declaratory Resolution; and

WHEREAS, the Commission has considered the evidence presented at the Public Hearing, and now desires to take final action determining the public utility and benefit contained in the Declaratory Resolution and confirm and amend the Declaratory Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW ALBANY REDEVELOPMENT COMMISSION, THAT:

1. After considering the evidence presented at the Public Hearing and the contents of the Council Resolution, the Commission hereby: (i) confirms the findings and determinations of the Declaratory Resolution and all other findings, determinations, and designations and approving and adopting actions contained in the Declaratory Resolution and the attachments thereto and (ii) finds that the Declaratory Resolution should be amended to add the additional parcels provided for in the Council Resolution. The EDA Area, as defined in the Declaratory Resolution, is hereby amended to include the parcels of real property as described in and depicted on Exhibit B, which is attached hereto and incorporated herein by reference. The Declaratory Resolution, as amended, is, therefore, confirmed, affirmed, and finally approved in the form attached hereto.

2. This Resolution constitutes final action by the Commission determining the public utility and benefit of the proposed projects and confirming the Declaratory Resolution.

3. This Resolution shall take effect immediately upon its adoption by the Commission.

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ADOPTED this 26th day of July, 2022.

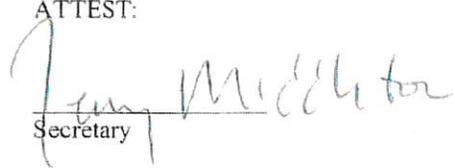
NEW ALBANY REDEVELOPMENT COMMISSION

By:



President

ATTEST:



Secretary

EXHIBIT A

Declaratory Resolution

(attach)

RESOLUTION NO. RC- 13 -22

**DECLARATORY RESOLUTION OF THE NEW ALBANY
REDEVELOPMENT COMMISSION APPROVING AN AMENDMENT TO THE STATE
STREET PARKING GARAGE ECONOMIC DEVELOPMENT AREA AND
ECONOMIC DEVELOPMENT PLAN**

WHEREAS, the City of New Albany Redevelopment Commission (the "Commission"), as the governing body for the Department of Redevelopment of the City of New Albany (the "City"), pursuant to I.C. 36-7-14, as amended (the "Act") previously adopted a declaratory resolution on August 14, 1996 (the "Declaratory Resolution") designating certain property within the jurisdiction of the City as the "State Street Parking Garage Economic Development Area" (the "Original Area"), as depicted on Exhibit A attached hereto, pursuant to the Act; and

WHEREAS, the Original Area was subsequently amended by the Commission on January 22, 1997, January 9, 2002, and June 24, 2008, which added certain parcels of real property to the Original Area (together with the Original Area, collectively, the "Consolidated Area"), as depicted on Exhibit A attached hereto, pursuant to the Act; and

WHEREAS, on September 11, 1996, the Commission approved an Economic Development Plan for the Original Area originally dated August 14, 1996, as updated with a final adoption date of June 24, 2008, a copy of which is attached hereto as Exhibit B (the "Plan"); and

WHEREAS, the Act authorizes the Commission to amend the Declaratory Resolution and Plan, after conducting a public hearing, if it finds that:

1. The amendment is reasonable and appropriate when considered in relation to the Declaratory Resolution and Plan and the purposes of the Act; and
2. The Declaratory Resolution and Plan, with the proposed amendment, conform to the comprehensive plan for the City;

WHEREAS, the Commission now desires to amend the Declaratory Resolution and Plan to alter the boundaries of the Consolidated Area by adding certain parcels of real property, as depicted on Exhibit A (the parcels being added to the Consolidated Area are hereinafter referred to as the "2022 Area") and adding additional projects to the projects list of the Plan; and

WHEREAS, while prior resolutions of the Commission established and amended an allocation area in accordance with I.C. 36-7-14-39 for the purpose of capturing property taxes generated from the incremental assessed value of real property located in the Consolidated Area, the Commission does not intend at this time to either expand said allocation area to the 2022 Area or establish any allocation areas in the 2022 Area; and

WHEREAS, the Commission has previously caused to be prepared maps and plats showing the boundaries of the 2022 Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning and

redevelopment of the 2022-Area and the portions thereof that are to be devoted to public ways and other public purposes, lists of the owners of various parcels of property to be acquired, and an estimate of the cost of acquisition and development; and

WHEREAS, the Commission has caused to be prepared a factual report in support of the findings contained in this Resolution (the "Factual Report"), which report is attached hereto as Exhibit C.

NOW THEREFORE, BE IT RESOLVED BY THE NEW ALBANY REDEVELOPMENT COMMISSION THAT:

1. The Declaratory Resolution and the Plan are hereby amended to alter the boundaries of the Consolidated Area as depicted on Exhibit A attached hereto (the 2022 Area with the Consolidated Area, are hereinafter referred to as the "Amended Area"). To the extent any parcels contained within the Consolidated Area are inadvertently not included in the maps contained within Exhibit A, said parcels shall remain part of the Consolidated Area.

2. The Declaratory Resolution and the Plan are hereby amended to add the following projects to the projects list of the Plan, each of which serve or benefit the Amended Area, or are located on property physically connected to the Amended Area;

- a) Construction/improvements of roadways, bridges, sidewalks, and curbs;
- b) Construction of transportation and parking facilities, buildings, and improvements;
- c) Stormwater and drainage improvements;
- d) Establishment of development plans and standards and land use requirements;
- e) Construction of underground fiber optic cable and other similar telecommunication infrastructure improvements;
- f) Streetscape, landscape, signage, and similar aesthetic improvements;
- g) Incentives to potential and existing business enterprises;
- h) Enhance employment opportunities through workforce development and educational programming measures; and
- i) Any other valid purpose under Indiana law that serves or benefits the Amended Area or property physically connected to the Amended Area.

3. In support of the amendments to the Declaratory Resolution and Plan contained in this resolution (the "Amendment"), the Commission hereby makes, ratifies, and confirms all of the findings required by the Act and previously made and supported by the Commission in the Declaratory Resolution and the Plan and all such findings and supporting information is incorporated herein by reference. In addition, the Commission makes the following findings and declarations:

- a. the public health and welfare will be benefited by the Amendment and the Amendment will be of public utility and benefit;
- b. the Amendment is reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan and the purposes of the Act, and the Amendment conforms to the comprehensive plan for the City; and
- c. any additional area of real property to be acquired under the Amendment is designated as part of the Amended Area for purposes of the Act.

4. In support of the findings and determinations set forth in this resolution, the Commission hereby adopts, ratifies, and confirms all of the findings and supporting information previously set forth by the Commission in the Declaratory Resolution and the Plan, including any reports and studies incorporated therein by reference, and all such findings and supporting information is incorporated herein by reference. In addition, the Commission has prepared the Factual Report, attached hereto as Exhibit C, in support of the findings as they relate specifically to the addition of the 2022 Area.

5. The Commission has no present intention of acquiring any interest in real property within the boundaries of the Amended Area.

6. The Commission finds that no residents of the Amended Area will be displaced by any project resulting from the Amendment, and therefore, the Commission finds that it is not necessary to consider transitional and permanent provisions for adequate housing for the residents of the Amended Area.

7. The presiding officer of the Commission is hereby authorized and directed to submit this resolution and any additional supporting materials to the City Plan Commission (the "Plan Commission") and the Common Council of the City (the "Council") for their respective approvals.

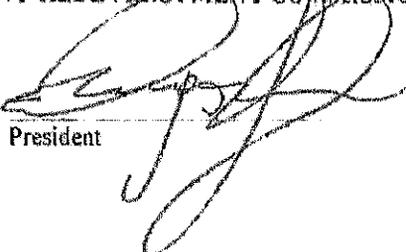
8. The Commission also directs the presiding officer, upon receipt of the written Order of approval of the Plan Commission and the approval of the Plan Commission's Order by the Council, to publish notice of the adoption and substance of this resolution in accordance with I.C. 8-3-1-4 and to file notice with the Plan Commission, the Board of Zoning Appeals, the Parks Board, the Building Commissioner and any other departments or agents of the City concerned with planning, zoning, variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's Department of Redevelopment and must establish a date when the Commission will conduct a

public hearing and receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the Amendment and will determine the public utility and benefit of the Amendment

9 This Resolution shall take effect immediately upon its adoption by the Commission

ADOPTED this 14th day of June, 2022

NEW ALBANY REDEVELOPMENT COMMISSION

By 
President

ATTEST

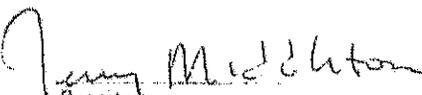

Secretary

Exhibit A

[attach map of Original Area and Amended Area]

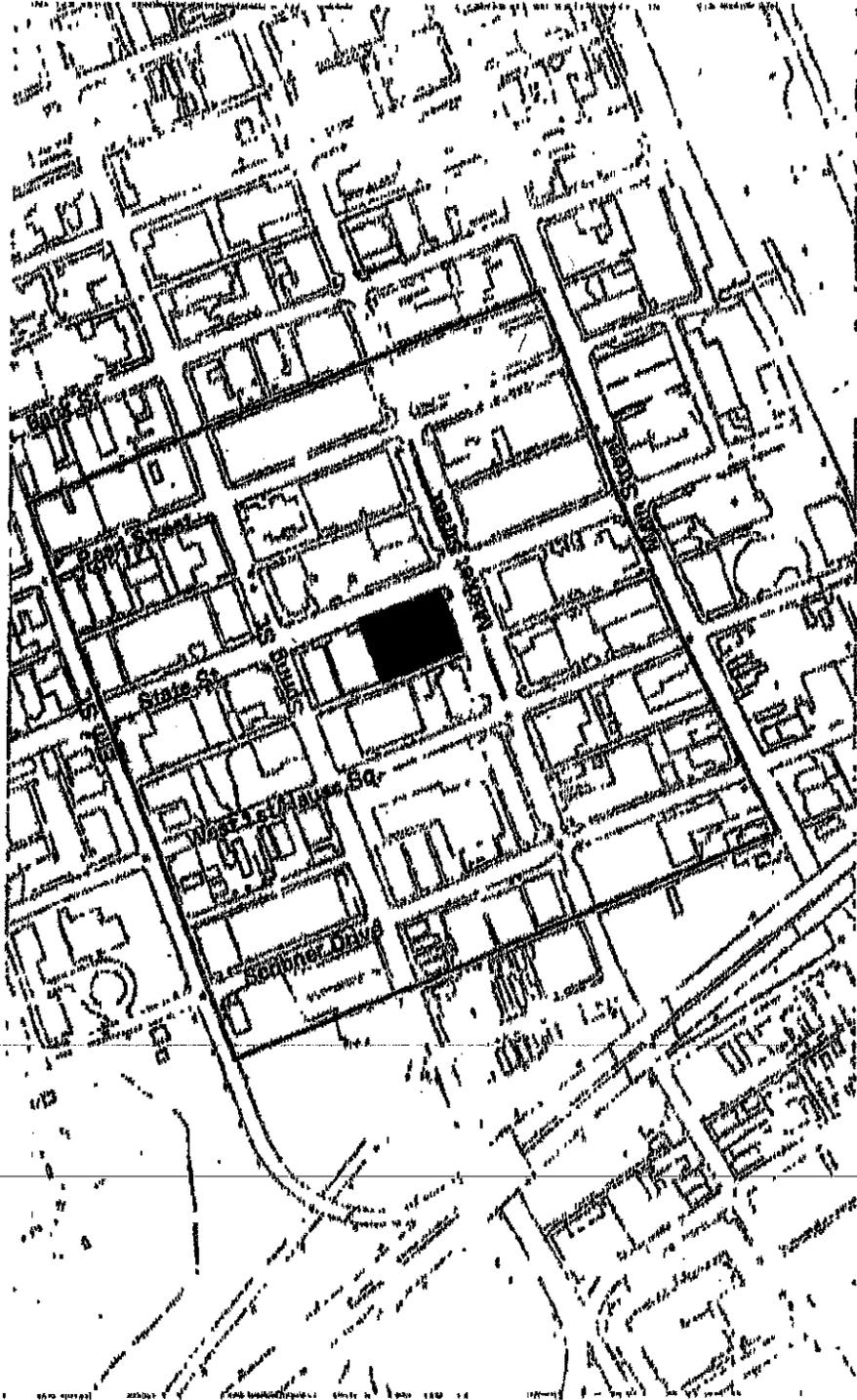
[attach legal description of 2022 Area]

Map of Original Area

(attach)

Map 1

State Street Parking Garage Service Area



1 inch = 300 feet
North

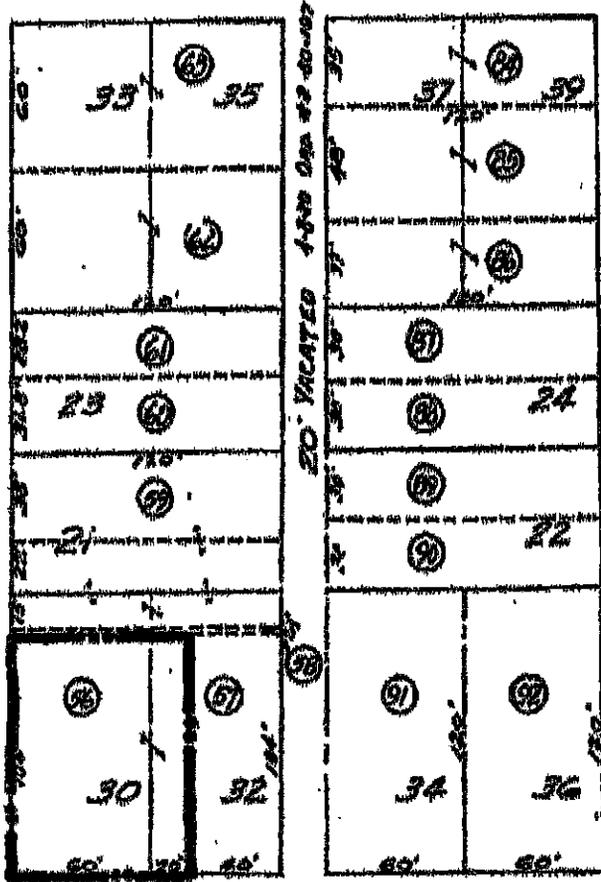
Map of 2002 Area

(attached)

EXHIBIT A

E. Elm Street

E. 4th Street



E. 5th Street

E. Spring Street



Detail: Plat N° 98, Sheet 2

Page 1190, Floyd County Records

DOB-71900-06 DR. 2000 Pg. 6900 pt. lts 00, 02

(2A-05-00-200-155,000-000)



11 11



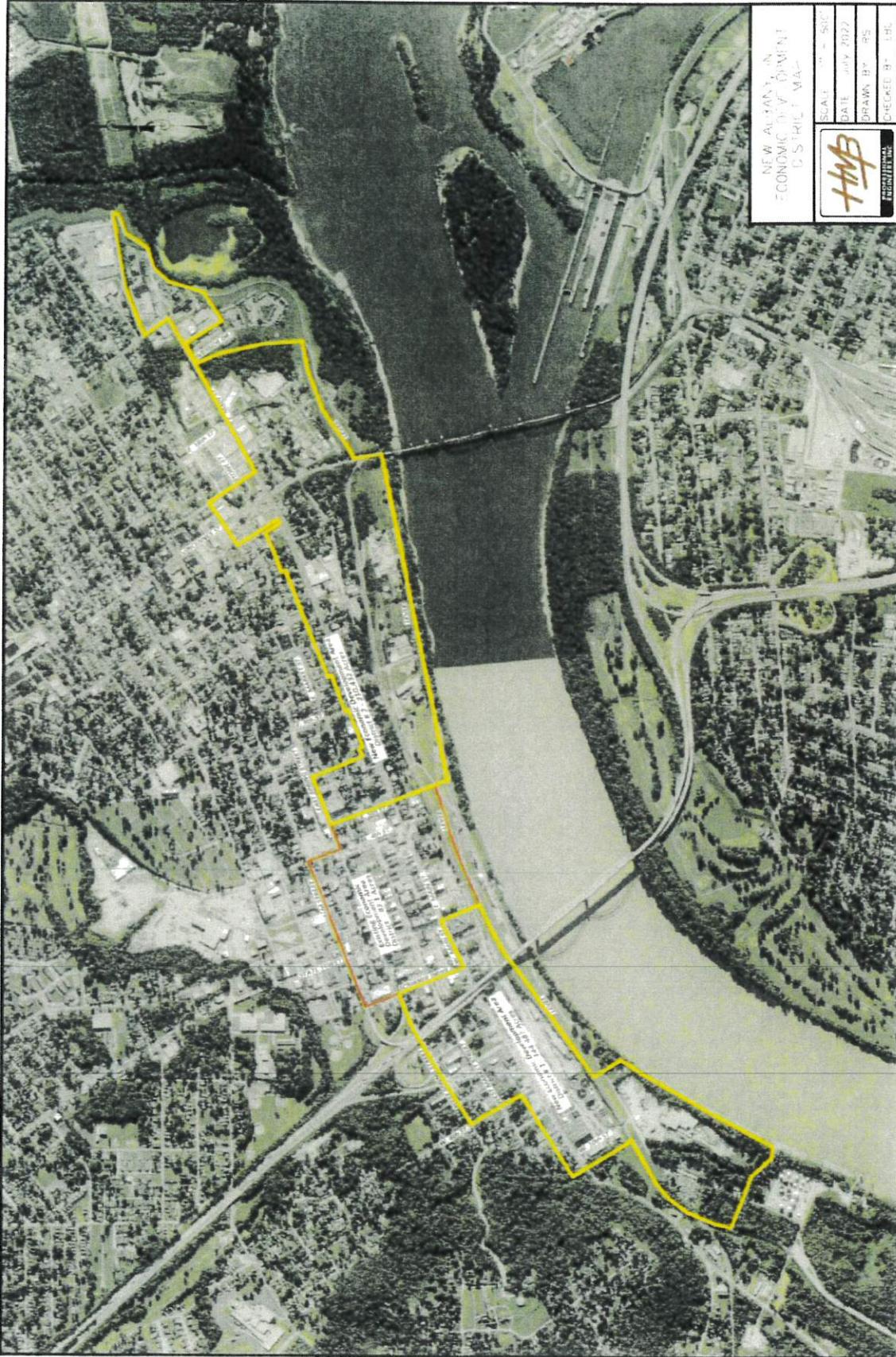
SOUTH STREET PARKING
GARAGE ALLOCATION AREA
EXPANSION

CITY HALL

CITY SQUARE

Map of Amended Area (2022 Area with Consolidated Area)

(attach)



Legal Description of 2022 Area

Beginning at a point in the eastern boundary of the existing Riverfront Development District, said point being in the center of East Fifth Street and mid-block between East Market Street and Ohio River Scenic Byway and the POINT OF BEGINNING; thence leaving East Fifth Street crossing East Sixth and Seventh Streets N 67°47'13" E, 774.33 feet, to a point in the west right of way of Holy Trinity Court, thence with the west right of way S 19°31'36" E, 49.59 feet, to a point in the west right of way, thence crossing Holy Trinity Court N 68°26'29" E, 498.19 feet, to the center of East Ninth Street, thence with East Ninth Street N 21°09'17" W, 51.91 feet, to a point in West Ninth Street, thence leaving East Ninth Street crossing East Tenth Street to the west side of an alley running parallel between East Tenth and Eleventh Streets N 69°23'19" E, 482.04 feet, thence with the alley N 21°42'02" W, 54.52 feet, to a point in the alley, thence with the centerline of an alley running between East Eleventh Street and East Fifteenth Street N 68°02'57" E, 1442.01 feet, to the center of East Fifteenth Street, thence with East Fifteenth Street N 20°27'12" W, 47.83 feet to the center of an alley, thence with the alley for two calls, N 69°41'13" E, 283.62 feet, thence N 64°04'13" E, 303.97 feet, to the west right of way of Caval Street, thence with Caval Street N 32°27'13" W, 386.16 feet, to the center of East Market Street, thence with East Market Street N 53°13'44" E, 644.93 feet, to the center of Chitt Street, thence with Chitt Street S 24°02'28" E, 706.13 feet, to the center of East Main Street, thence with East Main Street for two calls N 60°01'04" E, 1668.42 feet, thence N 58°42'47" E, 537.45 feet, to the intersection of Silver Street, thence with Silver Street N 35°21'01" W, 372.13 feet, to the intersection with a private entrance, thence with the entrance the next three calls N 68°01'41" E, 629.67 feet, N 79°10'04" E, 233.89 feet, N 79°20'23" E, 707.75 feet, to the center of the river levee, thence with the levee the next six calls S 5°58'12" W, 72.23 feet, thence S 60°32'17" W, 72.74 feet, thence S 70°37'23" W, 182.13 feet, thence S 32°30'35" W, 168.30 feet, thence S 34°45'53" W, 169.43 feet, thence S 70°39'37" W, 270.07 feet, thence S 41°38'12" W, 253.32 feet, thence S 16°17'57" W, 446.01 feet, thence leaving the levee S 36°04'31" W, 431.93 feet, thence N 31°44'58" W, 541.99 feet, to the south right of way of East Main Street, thence with the south right of way S 58°31'12" W, 289.42 feet, thence leaving East Main Street the next three calls S 23°31'46" E, 316.04 feet, thence S 12°14'56" E, 570.54 feet, thence S 4°24'04" E, 430.07 feet, to the center of the river levee, thence with the levee the next four calls S 78°42'02" W, 383.14 feet, thence S 69°07'56" W, 520.78 feet, thence S 34°31'22" W, 571.63 feet, thence S 59°36'51" W, 154.46 feet, to the center of the railroad, thence with the railroad S 19°36'35" E, 348.40 feet, to the intersection with the East Water Street, thence with East Water Street S 78°17'06" W, 4191.90 feet, thence leaving East Water Street crossing the railroad tracks with the centerline of East Fifth Street N 21°14'46" W, 882.03 feet, to a point in the center of East Fifth Street, and the POINT OF BEGINNING. Containing 260.443 acres, more or less.

Beginning at a point in the western boundary of the existing Riverfront Development District, said point being the intersection of the south right of way of West Spring Street and the centerline of Scribner Drive, and the POINT OF BEGINNING; thence along Scribner Drive S 22°14'31" E, 877.60 feet, to a point being the intersection with the centerline of West Main Street, thence with West Main Street N 64°06'46" E, 649.31 feet, to a point being the intersection of West Main Street and the east right of way of State Street, thence with State Street S 23°01'11" E, 517.87 feet, to a point on top of the river levee, thence with the river levee the next four calls S 64°12'32" W, 437.87 feet, thence S 61°02'02" W, 243.07 feet, thence S 53°00'55" W, 421.28 feet, thence S 64°33'06" W, 1497.56 feet, to a point on top of the levee also being in the center of the railroad, thence leaving the levee S 33°32'02" E, 401.34 feet, to a point on the bank of the Ohio River, thence with the bank of the river the next two calls, S 32°40'37" W, 307.82 feet, thence S 29°02'10" W, 1908.65 feet, to a point being the intersection of the Ohio River bank and the center of the mouth of Fall Run, a small tributary stream to the Ohio River, thence with the centerline of Fall Run the next two calls, N 82°13'50" W, 143.01 feet, thence N 41°18'50" W, 231.36 feet, to a point in the centerline of Fall Run, thence leaving Fall Run crossing Floyd Street N 68°43'53" W, 701.29 feet, to a point in an abandoned railroad bed also being used as a gravel walking trail, thence with the abandoned railroad bed and trail the next five calls, N 14°07'36" E, 231.12 feet, thence N 23°01'02" E, 352.48 feet,

thence N 35°19'35" E, 285.22 feet, thence N 49°39'24" E, 267.36 feet, thence N 60°08'34" E, 613.66 feet, to a point in the railroad bed, thence leaving the railroad bed N 31°41'41" W, 868.99 feet, to a point being in the center of Fall Run, thence leaving Fall Run crossing West Ninth and West Eighth Streets N 57°39'41" E, 1210.66 feet, to a point in the centerline of West Seventh Street, thence with the centerline of West Seventh Street N 30°57'57" W, 723.40 feet, to a point in the centerline of West Spring Street, thence with the centerline of West Spring Street N 58°40'53" E, 1393.98 feet, to a point in the centerline of West Spring Street, thence with West Spring Street N 67°45'29" E, 488.27 feet to a point in the south right of way of West Spring Street and the centerline of Scribner Street and the POINT OF BEGINNING; Containing 144.487 acres, more or less.

Exhibit B

attach State Street Parking Garage Economic Development Plan, as amended.

**ECONOMIC DEVELOPMENT PLAN
FOR THE STATE STREET PARKING GARAGE ECONOMIC DEVELOPMENT AREA**

NEW ALBANY REDEVELOPMENT COMMISSION

Purpose and Introduction.

This document is the Economic Development Plan ("Plan") for the State Street Parking Garage Economic Development Area ("Economic Development Area") for the City of New Albany, Indiana ("City"), to be implemented by the New Albany Redevelopment Authority ("Redevelopment Authority") and the New Albany Redevelopment Commission ("Redevelopment Commission"). It is intended for approval by the New Albany Common Council, the New Albany City Plan Commission and the Redevelopment Commission in conformance with IC 36-7-14.

Project Objectives.

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the City; to increase the economic well-being of the City and the State of Indiana; and to serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to promote significant opportunities for the gainful employment of citizens of the City, to retain or expand existing significant business enterprises in the City, provide for local public improvements in the Economic Development Area, attract and retain permanent jobs, increase the property tax base, and improve the diversity of the economic base of the City.

The factual report attached to this Plan contains the supporting data for the above-declared purposes of the Plan.

Description of Project Area.

The Economic Development Area is located in the City and is described as that area contained in Map 1 attached to this Plan. The general description of the area is as follows:

The area bounded by Elm Street (both East and West), the alley between E.245 and Sadler Drive/West 2nd Street (bounded up to Elm Street), Main Street (both East and West), and the alley between Pearl and East Streets.

Project Description.

The project involves the construction of a parking garage on the northwest corner of the intersection of State and Market Streets. The garage is estimated to have a capacity for 355 cars. The estimated construction cost of the garage is \$2,100,000.

The proposed parking garage will be located in New Albany's Downtown. The service area of the garage consists of a reasonable walking distance (400 feet, more or less) from the garage. Three financial institutions (with a fourth one soon to be built; see below) exist in the service area, in the vicinity of the intersection of State and Spring Streets, as does a large office building with several law offices. Two government buildings, one federal and one municipal/county, are in the service area. Numerous retail and office uses exist within the service area along Pearl Street and E. Market Street, including a retail-based small

business incubator, the White House Centre. Two furniture/appliances stores exist along E. Main Street and State Street.

The New Albany Redevelopment Authority will be responsible for obtaining site control, providing financing for the project (see "Financing of the Project", below), and construction of the parking garage. The facility will be leased to the New Albany Redevelopment Commission.

Anticipated Future Development.

Community Bank, a local financial institution with main offices currently located at the corner of Bank and E. Spring Streets, intends to build new main offices on the southwest corner of State and Spring Streets, adjacent to the site of the proposed parking garage.

Several publicly- and privately-owned parking lots exist within the service area, some of which are in deteriorating condition, for which the proposed parking garage may make redevelopment possible. A vacant lot exists in the 0-100 block of East Main Street, where a fire destroyed a building four years ago. Several other underutilized parcels exist within the service area, including buildings along E. Market, Pearl, and State Streets that have vacant upper floors or are completely vacant. Several buildings in the service area are in substandard condition, and are particularly concentrated along E. Market and Pearl Streets.

Acquisition of Property.

In order to accomplish the project, the Redevelopment Authority will acquire, without the use of eminent domain by the Redevelopment Authority, all of the parcels between State Street and the alley to the west, between Spring and Market Streets, other than those parcels to be used by Community Bank for its main offices. All of these parcels are currently owned by Community Bank, and are listed as follows (using parcel numbers recorded in the office of the Floyd County Surveyor; see Attachment A):

008-78201-09
008-78201-10
008-78201-11
008-78201-12
008-78201-13
008-78201-14
008-78201-15
008-78201-16
008-78201-17 (may be a partial acquisition)
008-78201-18 (may or may not be an acquisition; if so, partial acquisition only)
008-78201-46

Procedures with respect to the Project.

In accomplishing the Project, the Redevelopment Authority may proceed with the Project before the acquisition of all interests in land in the Economic Development Area.

All contracts for material or labor in the accomplishment of the Project shall be let under IC 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services, the Redevelopment Authority shall proceed in the same manner as

private owners of the property. The Redevelopment Authority may negotiate with the proper officers and agencies of the City to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Project may be carried out by the appropriate municipal department or agency. The Redevelopment Authority may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Redevelopment Authority.

The Redevelopment Authority may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Project or may agree to pay these assessments in installments as provided by statute for the case of private owners.

None of the real property acquired for the Project may be set aside and dedicated for public ways, parking facilities, reservoirs, levees, parks, or other public purposes until the Redevelopment Authority has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Disposal of Property.

The Redevelopment Authority may dispose of real property acquired by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Department of Redevelopment. The Redevelopment Authority will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 5-3-1. The Redevelopment Authority will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired.

Financing of the Project.

It is the intention of the Redevelopment Authority to issue bonds for the construction of the parking garage. The amount of these bonds may not exceed the total, as estimated by the Redevelopment Authority, of all expenses reasonably incurred in connection with the Project, including the following:

- (1) The total cost of all land, rights-of-way, and other property to be acquired and developed;
- (2) All reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Project or the issuance of bonds;
- (3) Interest (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Redevelopment Authority determines that a reserve is reasonably required; and
- (4) Expenses that the Redevelopment Authority is required or permitted to pay under IC-9-23-17.

In the issuance of bonds the Redevelopment Authority will comply with IC-36-7-14-25.2 and 25.3, as well as IC-36-7-14.5.

In conjunction with the issuance of bonds, the Redevelopment Authority will enter into a lease with the Redevelopment Commission. The lease shall be payable from incremental ad valorem property taxes allocated under IC 36-7-14-39. The lease is subject to the provisions of IC 36-7-14-29.2 and IC 36-7-14-29.3.

Details on the proposed financing arrangements and the breakdown of potential costs may be found in the attached letter from H.J. Umbaugh and Associates to New Albany Mayor Douglas B. England, dated June 4, 1994.

Amendment of the Plan.

By following the procedures specified in IC 36-7-14-17.5, the Redevelopment Commission may amend the Plan for the Economic Development Area. However, any enlargement of the boundaries of the Economic Development Area must be approved by the Common Council.

**NEW ALBANY REDEVELOPMENT COMMISSION
AMENDED AND RESTATED
ECONOMIC DEVELOPMENT PLAN
FOR THE CONSOLIDATED AREA**

Purpose and Introduction

This document is the Economic Development Plan ("Plan") for the Consolidated Area ("Area") for the City of New Albany ("City") supplementing and amending the plan for the Area approved on August 14, 1996. It is intended for approval by the Common Council, the New Albany Area Plan Commission and the New Albany Redevelopment Commission ("Commission") in conformance with IC 36-7-14. This Plan amends the economic development plan approved by the Declaratory Resolution approved by the Commission on August 14, 1996 and confirmed on September 11, 1996.

Project Objectives

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to: (i) promote significant opportunities for the gainful employment of citizens of the City; (ii) attract a major new business enterprise to the City; (iii) retain or expand existing significant business enterprises to the City; (iv) provide for local public improvements in the Area; (v) remove improvements or conditions that lower the value of the land in the Area below that of nearby land; (vi) resolve problems associated with multiple ownership of land; (vii) attract and retain permanent jobs; (viii) increase the property tax base; and (ix) improve the diversity of the economic base of the City.

The factual report attached to this Plan contains the supporting data for the above declared purposes of the Plan.

Description of Project Area

The Consolidated Area is located in the City and is described as that area contained in the maps and plats attached in the Amending Declaratory Resolution as Exhibit A-2. The general description of the Area is as follows:

Project Description

The economic development of the Consolidated Area will proceed in _____ phases, described as follows ("Projects"):

Phase I:

Phase II:

Phase III:

Future Development:

All Projects are in, serving or benefiting the Area.

Yes

Acquisition of Property:

The Commission has no current plans to acquire interests in property in the Consolidated Area. If the Commission desires to acquire property in the future, the Commission shall amend this Plan and the Commission shall follow procedures in IC 36-7-14-19 in the acquisition of any future

acquisition of property. The Commission may not exercise the power of eminent domain in an economic development area.

Procedures with respect to the Projects.

All contracts for material or labor in the accomplishment of the Projects shall be let under IC 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the City to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Projects may be carried out by the appropriate municipal or county department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

None of the real property acquired for the Projects may be set aside and dedicated for public ways, parking facilities, lawns, levees, parks, or other public purposes until the Commission has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Disposal of Property.

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Department of Redevelopment. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 36-1. The Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired.

Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 in order to raise money for (property acquisition and) completion of the Projects in the Consolidated Area. The amount of these bonds may not exceed the

total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

- (1) The total cost of all land, rights-of-way, and other property to be (acquired and) developed;
- (2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;
- (3) Interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and
- (4) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to the issuance of bonds or in conjunction with it, the Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. This lease is subject to the provisions of IC 36-7-14-25.2 and IC 36-7-14-25.3.

Amendment of the Plan.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Plan for the Consolidated Area. However, any enlargement of the boundaries of the Consolidated Area must be approved by the Common Council.

Exhibit C

**FACTUAL REPORT
IN SUPPORT OF FINDINGS CONTAINED IN:**

**DECLARATORY RESOLUTION OF THE NEW ALBANY
REDEVELOPMENT COMMISSION APPROVING AN AMENDMENT TO THE STATE
STREET PARKING GARAGE ECONOMIC DEVELOPMENT AREA AND
ECONOMIC DEVELOPMENT PLAN**

This report is intended to supplement all previous facts, findings, documents, charts, and related information previously put forth by the City of New Albany Redevelopment Commission (the "Commission") in support of the findings contained in the original Declaratory Resolution, adopted on August 14, 1996, establishing the State Street Parking Garage Economic Development Area (the "Area") and the Economic Development Plan for the Area originally dated September 11, 1996, as updated with a final adoption date of June 24, 2008 (the "Plan").

1. The public health and welfare will be benefited by the Amendment and the Amendment will be of public utility and benefit. The Plan for the Amended Area will promote significant opportunities for the gainful employment of citizens of the City by attracting major new business enterprises in the Amended Area. The Plan for the Amended Area will encourage additional tourism in the Amended Area, which is anticipated to increase the property tax base of the City.
2. The Amendment is reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan and the purposes of the Act, and the Amendment conforms to the comprehensive plan for the City. The Plan for the Amended Area will further expand economic development and tourism along the riverfront areas of the City, which is a key component of the City's comprehensive plan.
3. The planning, redevelopment, development, and redevelopment of the Amended Area will benefit the public health, safety, morals, and welfare; increase the economic well-being of the City and the State of Indiana ("State"); and protect and increase property values in the City and the State.
4. The Plan for the Amended Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise without resort to Indiana Code 36-7-14 because of the lack of local public improvements; existence of conditions that lower the value of the land below that of nearby land; and multiple ownership of land.

EXHIBIT B

Legal Description and Map of Amended State Street Parking Garage Economic Development Area

East Expansion Area -

Beginning at a point in the eastern boundary of the existing Riverfront Development District, said point being at the intersection of East Spring Street and East Fifth Street and the POINT OF BEGINNING; thence leaving East Fifth Street and crossing East Sixth Street N 68°15'15" E, 645.99 feet, to a point in the intersection of East Spring Street and East Seventh Street, thence with the East Seventh Street S 22°12'47" E, 684.93 feet, to a point along East Seventh Street, thence leaving East Seventh Street N 67°47'13" E, 116.73 feet, to a point in the west right of way of Holy Trinity Court, thence with the west right of way S 19°51'56" E, 49.59 feet, thence crossing Holy Trinity Court N 68°36'29" E, 498.15 feet, to the center of East Ninth Street, thence with East Ninth Street N 21°09'17" W, 51.91 feet, to a point in West Ninth Street, thence leaving East Ninth Street crossing East Tenth Street to the west side of an alley running parallel between East Tenth and Eleventh Streets N 69°23'19" E, 482.04 feet, thence with the alley N 21°42'02" W, 54.52 feet, to a point in the alley, thence with the centerline of an alley running between East Eleventh Street and East Fifteenth Street N 68°02'57" E, 1442.01 feet, to the center of East Fifteenth Street, thence with East Fifteenth Street N 20°27'12" W, 47.83 feet to the center of an alley, thence with the alley for two calls, N 69°41'15" E, 283.62 feet, thence N 64°04'13" E, 244.07 feet, thence S 32°27'13" E, 219.00 feet, to the north right of way of East Main Street, thence with the East Main Street N 64°04'13" E, 59.91 feet to the west right of way of Canal Street, thence with Canal Street N 32°27'13" W, 605.16 feet, to the center of East Market Street, thence with East Market Street N 55°15'44" E, 644.95 feet, to the center of Galt Street, thence with Galt Street S 34°02'20" E, 706.13 feet, to the center of East Main Street, thence with East Main Street for two calls N 60°01'04" E, 1668.42 feet, thence N 58°42'47" E, 537.43 feet, to the intersection of Silver Street, thence with Silver Street N 35°21'01" W, 372.13 feet, to the intersection with a private entrance, thence with the entrance the next three calls N 68°01'41" E, 629.67 feet, N 79°10'04" E, 253.89 feet, N 79°20'22" E, 707.75 feet, to the center of the river levee, thence with the levee the next six calls S 5°58'12" W, 72.23 feet, thence S 60°32'17" W, 72.74 feet, thence S 70°37'23" W, 182.15 feet, thence S 32°30'55" W, 168.30 feet, thence S 34°45'53" W, 169.43 feet, thence S 70°59'57" W, 270.07 feet, thence S 41°38'18" W, 253.32 feet, thence S 16°17'57" W, 446.01 feet, thence leaving the levee S 56°04'31" W, 431.93 feet, thence N 31°44'55" W, 541.99 feet, to the south right of way of East Main Street, thence with the south right of way S 58°31'12" W, 289.42 feet, thence leaving East Main Street the next three calls S 23°31'46" E, 316.04 feet, thence S 12°14'56" E, 570.54 feet, thence S 4°24'04" E, 480.07 feet, to the center of the river levee, thence with the levee the next four calls S 78°42'02" W, 383.14 feet, thence S 69°07'56" W, 520.74 feet, thence S 54°31'22" W, 571.63 feet, thence S 59°36'51" W, 154.46 feet, to the center of the railroad, thence with the railroad S 10°56'35" E, 348.40 feet, to the intersection with the East Water Street, thence with East Water Street S 78°17'06" W, 4191.91 feet, thence leaving East Water Street crossing the railroad tracks with the centerline of East Fifth Street N 21°14'46" W, 1372.33 feet, to a point in the center of East Fifth Street, and the POINT OF BEGINNING; Containing 210.432 acres, more or less.

West Expansion Area -

Beginning at a point in the western boundary of the existing Riverfront Development District, said point being the intersection of the south right of way of West Spring Street and the centerline of Scribner Drive, and the POINT OF BEGINNING; thence along Scribner Drive S 22°14'31" E, 877.60 feet, to a point being the intersection with the centerline of West Main Street, thence with West Main Street N 64°06'46" E, 649.51 feet, to a point being the intersection of West Main Street and the east right of way of State Street, thence with State Street S 23°01'11" E, 517.87 feet, to a point on top of the river levee, thence with the river levee the next four calls S 64°12'32" W, 437.87 feet, thence S 61°02'02" W, 243.07 feet, thence S 53°00'55" W, 421.28 feet, thence S 54°33'06" W, 1497.56 feet, to a point on top of the levee also being in the center of the railroad, thence leaving the levee S 33°32'02" E, 401.34 feet, to a point on the bank of the Ohio River, thence with the bank of the river the next two calls, S 32°40'37" W, 307.82 feet, thence S 29°02'10" W, 1908.65 feet, to a point being the intersection of the Ohio River bank and the center of the mouth of Fall Run, a small tributary stream to the

Ohio River, thence with the centerline of Fall Run the next two calls, N 82°15'50" W, 143.01 feet, thence N 41°18'50" W, 331.36 feet, to a point in the centerline of Fall Run, thence leaving Fall Run crossing Floyd Street N 68°43'53" W, 701.29 feet, to a point in an abandoned railroad bed also being used as a gravel walking trail, thence with the abandoned railroad bed and trail the next five calls, N 14°07'35" E, 231.12 feet, thence N 23°01'02" E, 352.48 feet, thence N 35°19'35" E, 285.22 feet, thence N 49°38'24" E, 267.36 feet, thence N 60°08'34" E, 613.66 feet, to a point in the railroad bed, thence leaving the railroad bed N 31°41'41" W, 868.99 feet, to a point being in the center of Fall Run, thence leaving Fall Run crossing West Ninth and West Eighth Streets N 57°39'41" E, 1210.66 feet, to a point in the centerline of West Seventh Street, thence with the centerline of West Seventh Street N 30°57'57" W, 723.40 feet, to a point in the centerline of West Spring Street, thence with the centerline of West Spring Street N 38°40'53" E, 1393.98 feet, to a point in the centerline of West Spring Street, thence with West Spring Street N 67°45'29" E, 485.27 feet to a point in the south right of way of West Spring Street and the centerline of Scribner Street and the POINT OF BEGINNING; Containing 144.487 acres, more or less.

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