

**RESOLUTION NO. 20070405-053**

**WHEREAS**, Minh Duc Lu, owner of Hong Duc Supermarket, has filed an application for a waiver of Section 4-9-4(A) of the City Code which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital; and

**WHEREAS**, Hong Duc Supermarket, located at 11220 North Lamar Boulevard, Austin, Texas, is within 300 feet of the McBee Elementary School, located at 1001 West Braker Lane; and

**WHEREAS**, notice of the application and hearing for the waiver was provided in accordance with Section 4-9-5 of the City Code; and

**WHEREAS**, a public hearing concerning this proposed waiver was held by the City Council on April 5, 2007, in accordance with the provisions of Section 25-1-132 of the City Code; and

**WHEREAS**, McBee Elementary School has submitted written objections to the waiver; and

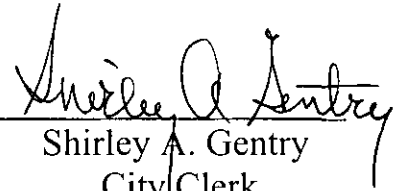
**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Hong Duc Supermarket is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 11200 North Lamar Boulevard, Austin, Texas; and the waiver shall expire on the sale or transfer of the business to any other individual or entity, whether by lease or any other arrangement, on cessation of the business, or on revocation of the alcoholic beverage permits granted to Hong Duc Supermarket for this site.

**ADOPTED:** April 5, 2007

**ATTEST:**

  
Shirley A. Gentry  
City Clerk