

## **RESOLUTION NO.**

**WHEREAS**, Pomeroy Investment Corporation, owner of Brazos Place, 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**, Brazos Place, located at 800 Brazos Street, Austin, Texas, is within 300 feet of the Central Presbyterian Church, located at 200 East 8<sup>th</sup> Street; 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 May 24, 2007, in accordance with the provisions of Section 25-1-132 of the City Code; and

**WHEREAS**, a written agreement in favor of granting this waiver, provided that any business(es) at this location obtain a Food and Beverage permit in addition to any alcohol permit, has been received from the Central Presbyterian Church; 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:**

Brazos Place is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 800 Brazos Street, 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 Brazos Place for this site; and

**BE IT FURTHER RESOLVED:**

Any business(es) at this location must obtain a Food and Beverage permit in addition to any alcohol permit.

**ADOPTED:** \_\_\_\_\_, 2007    **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk