

RESOLUTION NO. 20080228-117

WHEREAS, Scott Talkington, owner of House Pizzeria, 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, House Pizzeria, located at 5111 Airport Boulevard, Austin, Texas, is within 300 feet of Ridgetop Elementary School, located at 5005 Caswell Avenue; 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

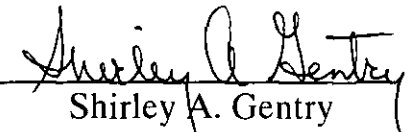
WHEREAS, a public hearing concerning this proposed waiver was held by the City Council on February 28, 2008, in accordance with the provisions of Section 25-1-132 of the City Code; and

WHEREAS, Ridgetop Elementary School has provided written consent 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:

House Pizzeria is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 5111 Airport 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 House Pizzeria for this site.

ADOPTED: February 28, 2008 **ATTEST:** 
Shirley A. Gentry
City Clerk