

RESOLUTION NO.

WHEREAS, Kyle Hill, on behalf of Mr. Gatti's Pizza, 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, Mr. Gatti's Pizza, located at 3720 Far West Boulevard, Austin, Texas, is within 300 feet of Murchison Middle School, located at 3700 North Hills Drive; 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 July 29, 2010, in accordance with the provisions of Section 25-1-132 of the City Code; and

WHEREAS, written support to the granting of the waiver has been received from Kimiko Cartwright, Principal of Murchison Middle School; 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:

Mr. Gatti's Pizza is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 3720 Far West 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 Mr. Gatti's Pizza for this site.

ADOPTED: _____, 2010 **ATTEST:** _____

Shirley A. Gentry
City Clerk

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