

**RESOLUTION NO. 040129-47**

**WHEREAS**, Mr. Luis Jimenez, on behalf of Truman's Bar, 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**, Truman's Bar, located at 121 East 5<sup>th</sup> Street, Austin, Texas, is within 300 feet of American Youth Works, a public school located at 216 East 4<sup>th</sup> Street; and

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

**WHEREAS**, a public hearing concerning this proposed waiver was held by the City Council on January 29, 2004, in accordance with the provisions of Section 25-1-132 of the City Code; and

**WHEREAS**, American Youth Works has provided written consent to the waiver; and

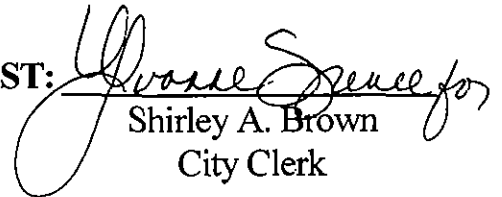
**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE**,

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

That Truman's Bar be granted a waiver from Section 4-9-4(A) of the City Code and be allowed to sell alcoholic beverages at 121 East 5<sup>th</sup> Street, Austin, Texas; and that the waiver shall expire on the sale or transfer of the business to any other individual, whether by lease or any other arrangement, on cessation of the business, or on revocation of the alcoholic beverage permits granted to the Truman's Bar for this site.

**ADOPTED:** January 29, 2004

**ATTEST:**

  
Shirley A. Brown  
City Clerk