

RESOLUTION NO. 040610-54

WHEREAS, Kyle Gubernator as representative of the owner of Baja Fresh, J. P. Morgan Chase Bank, has filed an application for a waiver of Section 4-9-4 of the City Code which prohibits the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital; and

WHEREAS, Baja Fresh, located at 2100 Guadalupe Street, Austin, Texas, is within 300 feet of St. Austin's Catholic Parish, a church located at 2026 Guadalupe Street; and

WHEREAS, Baja Fresh desires to sell alcoholic beverages; and

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

WHEREAS, a public hearing concerning this proposed waiver was held by the City Council on June 10, 2004, in accordance with the provisions of Section 25-1-132 of the City Code; and

WHEREAS, St. Austin's Catholic Parish 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:

Baja Fresh be granted a waiver from Section 4-9-4 of the City Code and be allowed to sell alcoholic beverages at 2100 Guadalupe Street, Austin, Texas. The waiver expires on the sale or transfer of the business to another individual or entity, whether by lease or other arrangement, on cessation of the business, or on revocation of the alcoholic beverage permits granted to Baja Fresh for this site.

ADOPTED: June 10, 2004

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk