

**RESOLUTION NO. 040624-68**

**WHEREAS**, Sally Matsumae, on behalf of Asahi Imports, 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**, Asahi Imports, located at 6105 Burnet Road, Austin, Texas, is within 300 feet of Lamar Middle School, a public school located at 6201 Wynona Avenue; and

**WHEREAS**, notice of the application and hearing for the waiver was provided in accordance with Section 4-9-5 of the Austin City Code; and

**WHEREAS**, a public hearing concerning this proposed waiver was held by the City Council on June 24, 2004, in accordance with the provisions of Section 25-1-132 of the City Code; and

**WHEREAS**, Lamar Middle School has provided written consent to the waiver; and

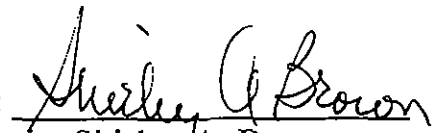
**WHEREAS**, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, has determined that the waiver request is in the best interest of the community; **NOW, THEREFORE**,

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

That Asahi Imports be granted a waiver from Section 4-9-4 of the City Code and be allowed to sell alcoholic beverages at 6105 Burnet Road, 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 Asahi Imports for this site.

**ADOPTED:** June 24, 2004

**ATTEST:**

  
Shirley A. Brown  
City Clerk