

## **RESOLUTION NO.**

**WHEREAS**, Marcus Schwartz, on behalf of Walgreen Company, 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**, Walgreens Store #06189, located at 12550 Metric Boulevard, Austin, Texas, is within 300 feet of Parmer Lane Elementary School, located at 1806 West Parmer Lane, and Westview Middle School, located at 1805 Scofield Lane; 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 June 10, 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 Carol Fletcher, Board President of Pflugerville Independent School District; 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:**

Walgreens Store #06189 is granted a waiver from Section 4-9-4 of the City Code and is allowed to sell alcoholic beverages at 12550 Metric 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 Walgreens Store #06189 for this site.

**ADOPTED:** \_\_\_\_\_, 2010    **ATTEST:** \_\_\_\_\_  
Shirley A. Gentry  
City Clerk