

★ Roll Call Number

12-0698

Agenda Item Number

26

Date May 7, 2012

RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL FOR RELIEF FROM MORATORIUM BY TONY DASSAN TO ALLOW SALE OF ALCOHOLIC LIQUOR FOR OFF-PREMISES CONSUMPTION AT THE BP SERVICE STATION AT SE 14th AND MAURY STREETS

WHEREAS, on April 9, 2012, by Roll Call No. 12-0572, the City Council established a temporary moratorium extending until June 26, 2012, on the commencement of any new business and on the conversion of any existing business to one selling alcoholic liquor for off-premises consumption, from any business premises which is operated as a Limited Food Sales Establishment, Limited Retail Sales Establishment, Gas Station/Convenience Store or Liquor Store; and,

WHEREAS, Roll Call No. 12-0572 further provides that any party may, by written application to the City Clerk request relief from the effect of the moratorium where necessary to avoid undue hardship; and,

WHEREAS, on April 23, 2012, Tony Dassan, through counsel, filed an application with the City Clerk seeking relief from the moratorium to allow the PB Service Station at SE 14th and Maury Street to engage in the business of selling alcoholic liquor for off-premises consumption.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. The City Council shall consider the application from Tony Dassan seeking relief from the moratorium at a public hearing to be held on May 21, 2012, at 5:00 p.m., in the Council Chambers, at which time the City Council will hear both those who favor and those who oppose granting the requested relief.
2. The City Clerk is hereby authorized and directed to cause public notice of the hearing in the accompanying form to be given by publication in the Des Moines Register on May 10, 2012, and by transmitting a copy of this resolution and of the notice to Alfredo Parrish, as attorney for Mr. Dassan.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL. All 'YEAS' boxes are checked.

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Signature of T. M. Franklin, Mayor

Signature of Diane Rauh, City Clerk