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APR 21 2011

LANCASTER COUNTY
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AN APPLICATION FOR)
A CLASS I (BEER, WINE & DISTILLED)
SPIRITS, ON SALE ONLY), LIQUOR LICENSE)
FOR SANDBAR LLC, dba BRANCHED OAK)
MARINA SANDBAR & GRILL, AND A)
CORPORATE MANAGER LIQUOR LICENSE)
APPLICATION FOR DAVID WARNEKE, IN)
CONNECTION WITH THE CLASS I LIQUOR)
LICENSE FOR BRANCHED OAK MARINA)
SANDBAR & GRILL, LOCATED AT 10001)
WEST DAVEY ROAD, RAYMOND,)
LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. R-11-0029

WHEREAS, Neb. Rev. Stat. § 53-134 (Reissue 2004), provides, in part, that:

[T]he local governing body of any county with respect to licenses not within the corporate limits of any city or village but within the county shall have the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses
(7) upon receipt from the commission of the notice and copy of application as provided in section 53-131, to fix a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission and, after such hearing, the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such city, village or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice . . . ;

and

WHEREAS, on or about March 28, 2011, the Lancaster County Clerk received from the Nebraska Liquor Control Commission notice and a copy of the Application of Sandbar LLC for a Class I (Beer, Wine & Distilled Spirits, On Sale Only) liquor license, for the premises located at 10001 West Davey Road, Raymond, Lancaster County, Nebraska; and

WHEREAS, on or about March 28, 2011, the Lancaster County Clerk received from the Nebraska Liquor Control Commission notice and a copy of the Application for Corporate Manager of David Warneke, in connection with a Class I (Beer, Wine & Distilled Spirits, On Sale Only) liquor license, for the premises located at 10001 West Davey Road, Raymond, Lancaster County, Nebraska; and

WHEREAS, pursuant to the requirements of Neb. Rev. Stat. § 53-134, the Board of County Commissioners of Lancaster County set a time and place for a public hearing on said application, and published in the Lincoln Journal Star, notice of said public hearing as required by law; and

WHEREAS, within forty-five days of receipt of said application from the Nebraska Liquor Control commission, public hearings were held on April 19, 2011 and April 26, 2011; and

WHEREAS on April 26, 2011, the County Board voted to recommend approval of said Application for a Class I liquor license and corporate manager.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that pursuant to the provisions of Neb. Rev. Stat. § 53-134, it hereby recommends to the Nebraska Liquor Control Commission that said application for a Class I (Beer, Wine & Distilled Spirits, On Sale Only) liquor license and a Corporate Manager liquor license are hereby approved for the above stated location.

AND, BE IT FURTHER RESOLVED, that the Lancaster County Clerk is hereby directed

to mail a copy of this resolution to the Nebraska Liquor Control Commission by United States

First Class Mail, postage prepaid, this 26 day of April, 2011.

DATED this 26 day of April, 2011.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 26 day of
April, 2011.

Battagay Behrens
for JOE KELLY
Lancaster County Attorney

James Hoffmann
Reggie New
James Hurlin
Ed Schorr
Schorr Absent