

JUL 18 2014

LANCASTER COUNTY CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AN APPLICATION FOR)
ADDITION TO THE CLASS IB LIQUOR)
LICENSE FOR MERLES FOOD AND DRINK)
LOCATED AT 8250 WEST O STREET,)
LINCOLN, LANCASTER COUNTY, NEBRASKA)

R - 14 - 0040

RESOLUTION NO. _____

WHEREAS, Neb. Rev. Stat. § 53-134 (Reissue 2010), 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 February 24, 2014, the Lancaster County Clerk received from the Nebraska Liquor Control Commission notice and a copy of the Application for Addition to Liquor License for the Class IB Liquor License held by Merles Food and Drink, for the premises

located at 8250 West O Street, Lincoln, Lancaster County Nebraska; and

WHEREAS, on or about March 7, 2014, the Lancaster County Clerk was notified by the applicant that additional time was needed by the applicant to procure permits and the applicant requested that the County postpone the public hearing on the addition to the liquor license; and

WHEREAS, the County agreed to postpone the public hearing on the addition to the liquor license until notified by the applicant; 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, a public hearing was held on July 22, 2014; and

WHEREAS on July 22, 2014, the County Board voted to recommend approval of said Application for Addition to Liquor License for the above stated location.

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 Addition to Liquor License in connection with the Class IB 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 22 day of July, 2014

DATED this 22 day of July, 2014.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this 22 day of July, 2014.


for JOE KELLY
Lancaster County Attorney





