

# Resolution No. 1055-17

## **AN EMERGENCY RESOLUTION**

Objecting to the transfer of location of a D5 Liquor Permit to 12501 Lorain Avenue.

Council Member Brady

**FOR ADOPTION**  
**September 18, 2017**

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WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D5 Liquor Permit from Ray Por, Inc., DBA Eastwood Inn & Patio, 10008 Buckeye Avenue, Cleveland, Ohio 44104, Permit Number 72245520007 to Tapatias Food, LLC, DBA Tapatias Tequeria, 12501 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 8798595; and

WHEREAS, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

WHEREAS, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

WHEREAS, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

WHEREAS, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of Liquor Control are prevented reasonable access to the establishment; and

WHEREAS, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

WHEREAS, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

WHEREAS, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND**

**Section 1.** That Council does hereby record its objection to the transfer of location of a D5 Liquor Permit from Ray Por, Inc., DBA Eastwood Inn & Patio, 10008 Buckeye Avenue, Cleveland, Ohio 44104, Permit Number 72245520007 to Tapatias Food, LLC, DBA Tapatias Tequeria, 12501 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 8798595; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

/s/f  
For: Council Member Dona Brady, Ward 11  
September 18, 2017

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**REPORT  
after second Reading**

**Council Member Brady**

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**READ FIRST, SECOND AND THIRD TIME**

at referred

**READ FIRST TIME**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on SEPTEMBER 18, 2017**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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