C OF C 125-174

Resolution No. 122-2023

By Council Member Santana

AN EMERGENCY RESOLUTION
Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3022 West 25th Street.

FOR ADOPTION
January 23, 2023

WHEREAS, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from HRS Enterprises, LLC, DBA Rite Shop Food Mart, 3022 West 25th Street, Cleveland, Ohio 44113, Permit No. 3472884 to Jai Maa, LLC, DBA Rite Shop Food Mart, 3022 West 25th Street, Cleveland, Ohio 44113, Permit No. 4223022; 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 ownership of a C2 and C2X Liquor Permit from HRS Enterprises, LLC, DBA Rite Shop Food Mart, 3022 West 25th Street, Cleveland, Ohio 44113, Permit No. 3472884 to Jai Maa, LLC, DBA Rite Shop Food Mart, 3022 West 25th Street, Cleveland, Ohio 44113, Permit No. 4223022; 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 has returned to the Ohio Division of Liquor Control the *Notice to Legislative Authority* with respect to this transfer of ownership and has requested that a hearing on the advisability of issuing the permit 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.

/cmb
For: Councilmember Santana
January 23, 2023

Res. No. 122-2023

REPORT
after second Reading

By Council Member Santana

AN EMERGENCY RESOLUTION

Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3022 West 25th Street.

READ FIRST TIME **REPORTS**
and referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JANUARY 23, 2023

PRESIDENT

CITY CLERK

APPROVED

MAYOR

READ FIRST, SECOND AND THIRD TIME

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