

**RESOLUTION NO. 17, 2012**

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, RECOMMENDING ISSUANCE OF A DOWNTOWN ALCOHOLIC BEVERAGE PERMIT PURSUANT TO I.C. 7.1-3-20-16(g)**

WHEREAS, during the 2005 legislative session, the Indiana General Assembly enacted and the Indiana Governor signed Senate Enrolled Act 282, which is codified at I.C. 7.1-3-20-16(g); and

WHEREAS, the aforementioned legislation provided that after June 30, 2005, the Indiana Alcohol & Tobacco Commission may issue not more than ten (10) new three-way, two-way or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from the district, that meets the statutorily created boundaries and which are approximately described as "downtown" Valparaiso; and

WHEREAS, on August 22, 2005, the Common Council of the City of Valparaiso, Indiana, adopted Resolution No. 15 which established objectives and criteria for the issuance of Valparaiso Downtown Alcoholic Beverage Permits; and

WHEREAS, in 2011 the Indiana General Assembly amended I.C. 7.1-3-20-16(g) in order to permit the Indiana Alcohol & Tobacco Commission to issue the aforementioned permits to restaurants not more than seven hundred (700) feet from the above-referenced district; and

WHEREAS, the Valparaiso Downtown Alcoholic Beverage Licensing Committee has accepted and reviewed applications for Downtown Alcoholic Beverage permits and has recommended issuance of a permit to **157 South Franklin, LLC, d/b/a Casa Del Mar Restaurant**; and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Valparaiso, Indiana, that **157 South Franklin, LLC, d/b/a Casa Del Mar Restaurant**, should be, and is, hereby recommended for a Valparaiso Downtown Alcoholic Beverage Permit. Such recommendation being conditioned upon full compliance with the objectives and criteria contained in Resolution 15, and pursuant to I.C. 7.1-3-20-16(g)

NOW THEREFORE BE IT FURTHER RESOLVED by the Common Council of the City of Valparaiso, Indiana, that upon written request by either the Valparaiso Downtown Alcoholic Beverage License Committee or the City Council, representatives from **157 South Franklin, LLC, d/b/a Casa Del Mar Restaurant**, shall appear and provide a report as to its activities and answer questions relating to any complaints/problems.

STATE OF NEW YORK

IN SENATE, January 11, 1911.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE, IN ANSWER TO A RESOLUTION PASSED BY THE SENATE, APRIL 11, 1907.

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D. Joey Larr  
Joey Larr

[Signature]  
Michael Baird

[Signature]  
John Bowker

[Signature]  
Tim Daly

absent  
Deb Butterfield

[Signature]  
Bob Taylor

[Signature]  
Jan Dick

[Signature]  
Jon Costas, Mayor

ATTEST:

[Signature]  
Sharon Swihart, Clerk-Treasurer

## **COMPLIANCE AGREEMENT**

This Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, by and between the CITY OF VALPARAISO, by and through its COMMON COUNCIL, and 157 South Franklin, LLC, d/b/a Casa Del Mar Restaurant, an applicant for Downtown Alcoholic Beverage Permit pursuant to I.C. 7.1-3-20-16(g). The purpose and intent of this agreement is to memorialize and document certain understandings and commitments entered into between these parties as related to the applicant's request that the Common Council recommend to the Alcohol and Tobacco Commission issuance to the applicant of a Valparaiso Downtown Alcoholic Beverage Permit pursuant to I.C.7.1-3-20-16(g). As a condition precedent to a favorable recommendation by the Common Council, the Valparaiso Downtown Alcoholic Beverage Permit Applicant makes the following commitments, representations and agreements:

1. That all of the data, information and documentation provided to the Valparaiso Downtown Alcoholic Beverage License Committee is accurate and true to the best knowledge, information and belief of the applicant.
2. That the applicant agrees to all of the terms and conditions contained in the Valparaiso Downtown Alcoholic Beverage License Committee objectives and criteria for license allocation document as such was originally adopted by the Common Council as Resolution 15-2005 and as may be subsequently amended by the Common Council. The current version of that document having been attached hereto and make a part hereof as Exhibit A.
3. That the applicant agrees to comply with the provisions of I.C. 7.1-3-20-16(g).
4. That the applicant agrees to operate its establishment in full and complete compliance with the laws of the State of Indiana including the Indiana alcoholic beverage laws and in so doing remain in good standing with the Alcoholic and Tobacco Commission.
5. That the applicant agrees to operate its establishment in full and complete compliance with Valparaiso City Ordinances and in so doing allow a designated representative from the City of Valparaiso access to the establishment upon reasonable notice.
6. Upon written request by either the Valparaiso Downtown Alcoholic Beverage License Committee or the City Council, the applicant shall appear and provide a report as to its activities and answer questions relating to any complaints/problems.

ALL OF THIS HAVING BEEN AGREED TO by the parties on the date first indicated  
above and memorialized by the signatures contained herein.

VALPARAISO COMMON COUNCIL

By: 

157 SOUTH FRANKLIN, LLC, D/B/A CASA  
DEL MAR RESTAURANT

By: \_\_\_\_\_  
Its: \_\_\_\_\_