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3
4 CITY OF CUYAHOGA FALLS, OHIO

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6 RESOLUTION NO. 25 - 2012

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9 A RESOLUTION MAKING CERTAIN FINDINGS
10 RELATIVE TO THE TRANSFER OF A TYPE D-2^{perm}
11 LIQUOR PERMIT TO RISER FOODS COMPANY dba
12 GIANT EAGLE, 230 HOWE AVENUE, AND DECLARING
13 AN EMERGENCY.
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15 WHEREAS, Riser Foods Company dba Giant Eagle is seeking the transfer of a
16 Type D-2^{perm} liquor permit to its location at 230 Howe Avenue, Cuyahoga Falls; and
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18 WHEREAS, the Ohio Revised Code ("R.C.") prohibits the issuance of certain D-
19 series liquor permits beyond a maximum specified by a formula contained in R.C.
20 §4303.29(B)(2)(a), unless the transfer is to an economic development project; and
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22 WHEREAS, R.C. §4303.29 specifies that the Superintendent of Liquor Control
23 shall determine whether the proposed recipient of the liquor permit is an economic
24 development project based upon several factors including, but not limited to
25 whether the local municipal corporation acknowledges that the transfer of the
26 liquor permit will be to an economic development project,
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28 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga
29 Falls, State of Ohio, that:

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31 Section 1. This Council finds and determines that the proposed transfer of a
32 Type D-2^{perm} liquor permit to Riser Foods Company dba Giant Eagle, at the store
33 located at 230 Howe Avenue, Cuyahoga Falls, is a transfer to an economic
34 development project within the meaning of R.C. §4303.29(B)(2).
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36 Section 2. The Clerk of Council shall provide a certified copy of this Resolution
37 to the Superintendent of Liquor Control.
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39 Section 3. It is found and determined that all formal actions of this Council
40 concerning and relating to the adoption of this resolution were adopted in an open
41 meeting of this Council and that all deliberations of this Council and of any of its
42 committees that resulted in such formal action were in meetings open to the
43 public, in compliance with all legal requirements, to the extent applicable,
44 including Chapter 107 of the Codified Ordinances.
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46 Section 4. This resolution is hereby declared to be an emergency measure
47 necessary for the preservation of the public peace, health, safety, convenience and
48 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
49 received the affirmative vote of two-thirds of the members elected or appointed to

50 Council, it shall take effect and be in force immediately upon its passage and
51 approval by the Mayor; otherwise it shall take effect and be in force at the earliest
52 period allowed by law.

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Passed: 12/10/12



President of Council

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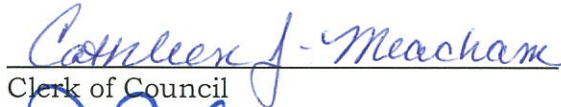
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Approved: 12/19/12



Clerk of Council

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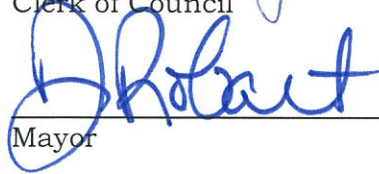
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11/26/12

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Mayor