



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution #10-298 Council District:

For Meeting of June 7, 2010

(Adoption Date)

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY) FOR M & M's LEAPING LIZARDS, L.L.C. D/B/A LA IGUANA RESTAURANT TO BE LOCATED AT 139 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve or disapprove a waiver of the church/school distance restriction before a public hearing about the issuance of a Restaurant Liquor License (Beer & Wine On-Premise Consumption only) for La Iguana Restaurant.

| | | | | | |
|--|--------------------|-----------------------------|------------------------|---------------------------|--------------|
| Name of Drafter: Monica Campbell <i>mc</i> | | Department: Legal | | Phone: 541-2128 | |
| Department | Signature | Phone | Department | Signature | Phone |
| Originating Department | | 541-2128 | Budget | <i>[Signature]</i> | 541-2107 |
| | | | Assistant City Manager | <i>[Signature]</i> | 541-2271 |
| Legal | <i>[Signature]</i> | 541-2128 | City Manager | <i>[Signature]</i> | 541-2076 |

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to state law, no license for the sale of alcoholic beverages shall be issued to a premises that is within 300 feet of a church or school unless the governing body of the local option district grants a waiver of the distance restriction.

A waiver is required prior to the issuance of a Restaurant Liquor License because the property line of La Iguana Restaurant is located approximately 278 feet from the property line of Casa de Alabanza church.

The property owners within 300 feet of 139 North Main Street were notified via U. S. Mail of the City Council meeting to approve or disapprove the waiver and issuance of the license.

The approval or disapproval of the issuance of the Restaurant Liquor License is presented as a separate agenda item and its approval is contingent upon approval of a waiver of the distance restriction. Granting a waiver of the church/school distance restriction will allow La Iguana Restaurant to proceed to the next step of the application process.

SUPPORT INFORMATION:

| Fund Name / Account Number | Amount of Expenditure | Budget Amount |
|-----------------------------------|------------------------------|----------------------|
| N/A | N/A | N/A |

1. Exhibit "A" - Resolution with Alcohol and Gaming's conditional preliminary approval with the application attached.
2. Attachments "1" and "2" - Notices of Intent to Issue Waiver.
3. Attachment "3" - Map showing the distance between the property at 139 North Main Street and Casa de Alabanza; and
4. Attachment "4" - List of property owners within 300 feet of 139 North Main Street and form of letter sent to the property owners.

OPTIONS / ALTERNATIVES:

1. Approve the resolution and consent to the waiver of the church/school distance restriction. Approval will allow M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant to proceed with the application process.
2. Not approve the resolution. If Council does not approve the waiver, Alcohol & Gaming will be notified of the reason(s) the waiver was not approved and the Director of Alcohol & Gaming shall not approve the issuance of the Restaurant Liquor License.
3. Not approve or disapprove the Resolution, which will result in the matter being submitted to Alcohol & Gaming for further proceedings.

(Continue on additional sheets as required)

RESOLUTION NO. 10- 298

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY) FOR M & M's LEAPING LIZARDS, L.L.C. D/B/A LA IGUANA RESTAURANT TO BE LOCATED AT 139 NORTH MAIN STREET, LAS CRUCES, NEW MEXICO.

The City Council is informed that:

WHEREAS, according to NMSA 1978, Section 60-6B-10, no license shall be issued for the sale of alcoholic beverages at a licensed premises that is within 300 feet of a church or school; however, in 1997, Section 60-6B-10 was amended to allow for the granting of a waiver of the distance restriction by the local option district governing body for the proposed licensed premises; and

WHEREAS, the approximate distance from the property line of 139 North Main Street to the property line at Casa de Alabanza church is approximately 278 feet; and

WHEREAS, a waiver of the distance restriction is required prior to the approval of the transfer of the liquor license; and

WHEREAS, approving this Resolution will allow the applicant to proceed to the next step of the application process.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS CRUCES:

(I)

THAT the issuance of a waiver of the church/school distance restriction to M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant, to be located at 139 North Main Street, Las Cruces, New Mexico, is hereby approved.

(II)

THAT a copy of this Resolution shall be conveyed to the Director of the Alcohol and Gaming Division of the Regulation and Licensing Department, Post Office Box 25101, Santa Fe, New Mexico 87504-5101.

(III)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution.

DONE AND APPROVED on this 7 day of June 2010.

Mayor

ATTEST:

City Clerk

{SEAL}

Moved by: _____

Seconded by: _____

| | |
|---------------------|-------|
| Mayor Miyagishima: | _____ |
| Councillor Silva: | _____ |
| Councillor Connor: | _____ |
| Councillor Pedroza: | _____ |
| Councillor Small: | _____ |
| Councillor Sorg: | _____ |
| Councillor Thomas: | _____ |

APPROVED AS TO FORM:



Interim City Attorney



New Mexico Regulation and Licensing Department

ALCOHOL AND GAMING DIVISION

Toney Anaya Building ▪ 2550 Cerrillos Road ▪ Santa Fe, New Mexico 87505
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/agd

Bill Richardson
GOVERNOR

April 29, 2010

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Certified Mail No.: 7006 3450 0001 4339 6218

Julie Ann Meade
DEPUTY
SUPERINTENDENT

City of Las Cruces
Attn: Esther Martinez, Clerk
P.O. Box 20000
Las Cruces, NM 88004-0000

Randall Cherry
CHIEF GENERAL
COUNSEL

Re: License / App. No.: Application #A-631500
Applicant Name: M & M's Leaping Lizards, L.L.C.
Doing Business As: La Iguana Restaurant
Proposed Location: 139 N. Main Street, Las Cruces, NM 88001

Gary J. Tomada
DIRECTOR

ATTENTION: Department or person responsible for conducting or preparing the public hearing for liquor license transfers or issuance of new liquor licenses.

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application for Conditional Preliminary Approval and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

Within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer. Notice of the Public Hearing required by the Liquor Control Act shall be given by the governing body by publishing a notice of the date, time, and place of the hearing at least once a week for two consecutive weeks in a newspaper of general circulation within the territorial limits of the governing body, which requires that two weeks of publication must be satisfied before a hearing can be conducted. The notice shall include: (A) Name and address of the Applicant/Licensee; (B) The action proposed to be taken by the Alcohol and Gaming Division; and (C) The location of the licensed premises. The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record shall be made of the hearing.

THE APPLICANT IS SEEKING A RESTAURANT LIQUOR LICENSE (BEER & WINE ON-PREMISE CONSUMPTION ONLY). THE APPLICANT IS ALSO SEEKING AN APPROVED WAIVER FROM THE CITY OF LAS CRUCES SINCE THE PROPOSED LIQUOR-LICENSED PREMISES ARE WITHIN 300 FEET FROM THE NEAREST CHURCH, CASA DE ALABANZA.

The governing body may disapprove the issuance or transfer of the license if:
1) The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico. (The governing body may disapprove if

- Alcohol and Gaming Division (505) 476-4875
Boards and Commissions Division (505) 476-4600
Construction Industries Division (505) 476-4700
Financial Institutions Division (505) 476-4885
Manufactured Housing Division (505) 476-4770
Securities Division (505) 476-4580
Administrative Services Division (505) 476-4800

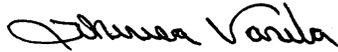
the proposed location ^{is} ~~is~~ within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 2) The issuance or transfer would be in violation of a zoning or other ordinance of the governing body. The governing body may disapprove if the proposed location is not properly zoned. Because this office is in receipt of a Zoning Statement from the governing body, this is not a basis for disapproval. Attached is a copy of a Zoning Statement from the local governing body.
- 3) The issuance would be detrimental to the public health, safety, or morals of the residents of the Local Option District. Disapproval by the governing body on public health, safety, or morals must be based on and supported by substantial evidence pertaining to the specific prospective transferee or location and a copy of the record must be submitted to the Alcohol and Gaming Division.

Within thirty (30) days after the Public Hearing, the governing body **shall** notify the Alcohol and Gaming Division as to whether the local governing body has approved or disapproved the issuance of transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notice of publication(s). If the governing body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may give Final Approval to the issuance or transfer of the license.

If the governing body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the notice of disapproval (Page 1 of the Application page noting disapproval).

Sincerely,



Theresa Varela
Administrative Law Judge

ENCLOSURES

1. **Original Page 1 of the Application (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan (including outdoor patio).**
5. **Copy of Limited Liability Company Page of the Application.**



3-12-10
 1000000



LIQUOR LICENSE APPLICATION

Application fee - \$200.00 Fees are non-refundable.

Record Owner of Existing License

Current D/B/A Name

Current Premises Address

RECEIVED
 MAR 5 0 2010
 ALCOHOL & GAMING DIVISION
 RECEIVED
 MAR 0 9 2010
 ALCOHOL & GAMING DIVISION

State Liquor License # 603/500
 Application Number 603/500
 Local option (AGD use) Las Cruces

Application is for: Change of Stock Change of Officers/Directors Transfer Ownership of Existing License Beer/Wine Restaurant TV 03-23-10
 Issue New License Type of License being applied for

Applicant is: Individual Corporation Partnership (General or Limited) Limited Liability Company

NAME OF APPLICANT (company or individual) Michael LeBlanc ADDRESS (including city, state, zip) 420 McQuinn Parkway, El Paso, TX 79905 TELEPHONE NUMBER 575-520-6260
Michael LeBlanc, LLC 420 McQuinn Parkway, El Paso, TX 79905 575-520-6260

D/B/A name to be used: LA Tiquana Restaurant Phone number for licensed premises: 575-520-6260

Physical location where license is to be used: 139 N. Main St Las Cruces, NM 88001 Doña Ana County
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 139 N. Main St Las Cruces, NM, Doña Ana County, 88001

Are alcoholic beverages currently being dispensed at the proposed location? Yes No If yes, give license number and type

I, (print name) Michael LeBlanc as (title) Registered Agent being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant Michael LeBlanc Date 3-8-10

SUBSCRIBED AND SWORN TO before me this 8th day of March Notary Public Use Only 2010 by Michael LeBlanc

Notary Public [Signature] My Commission Expires 01-28-13

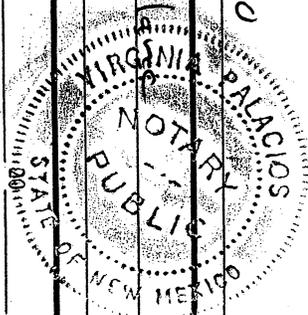
Local Governing Body of: _____ (City or County). Hearing held on _____

Check one: Approved Disapproved City/County Official _____ (Signature & Title)

For Alcohol and Gaming Division Use Only

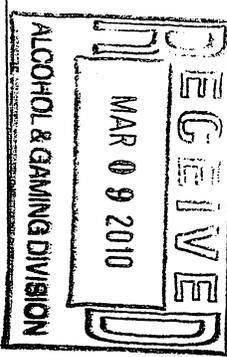
Approved Disapproved Director Approval _____ Date _____

"CONDITIONAL" - DRIVER REQUIRED. TV





PREMISES LOCATION, OWNERSHIP, AND DESCRIPTION
SS-60-6B-10



1. The land and building which is proposed to be the licensed premises is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (provide details) _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s) Richard Rosen, Inc

B. Date and term of lease 60 months 3/4/10 with 3 3-year renewal options. TN 03-23-10

3. Premises location is zoned (example C-1) CBD Central Business District and Main Street Plaza Overlay
If the premises is zoned, attach zoning statement from local government giving location address and type of zone, stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises-shortest distance). Address unavailable, per Postings. TN 04-13-10
2 Feet of 1/2 mile East, per Postings. 3 Calvary United Methodist Church, per Postings.

5. Distance from nearest school *(Property line of school to licensed premises-shortest distance). Address unavailable, per Postings. TN 04-13-10
2 Miles of 1/2 mile East, per Postings. Carroll Elementary School, per Postings.

6. Distance from military installation *(Property line of military installation to licensed premises-shortest distance.)
Miles 0.14 7600 Name of school Las Montañas School Address/location of school 201 E. Sherman Ave

Name of Military Installation, circle one: White Sands Missile Range (Las Cruces),
Holloman Air Force Base (Albuquerque), Cannon Air Force Base (Clovis),
Holloman Air Force Base (Alamogordo).

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premises. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Grocery _____ Racetrack _____ Hotel _____ Other (specify) _____

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.



City of Las Cruces®

STATEMENT OF ZONING

The property located at 139 N. Main Street, and having a Map Code Number or Parcel ID Number of 02-05997, in Las Cruces, New Mexico, is zoned as follows:

CBD (Central Business District and Main Street Plaza Overlay)

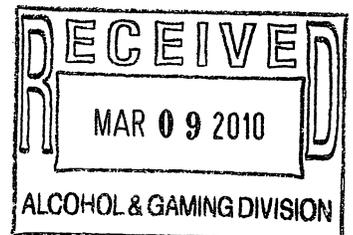
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

February 12, 2010
Date

Adam Ochoa
Associate Planner

Comments: The purpose of this district is to accommodate government facilities, retail, office, residential, and other similar uses in the central business area of the City with appropriate height, yard, and intensity standards to allow for a higher density of development. Furthermore, the properties described within the "Main Street Plaza" Overlay Zone are identified as a special area within the Central Business District (CBD) to encourage revitalization through incentives and clearly defined development standards. A restaurant with a liquor dispenser's license is a permitted use in the CBD, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met (as per Section 38-44.C.4a 2001 Las Cruces Zoning Code as amended).

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

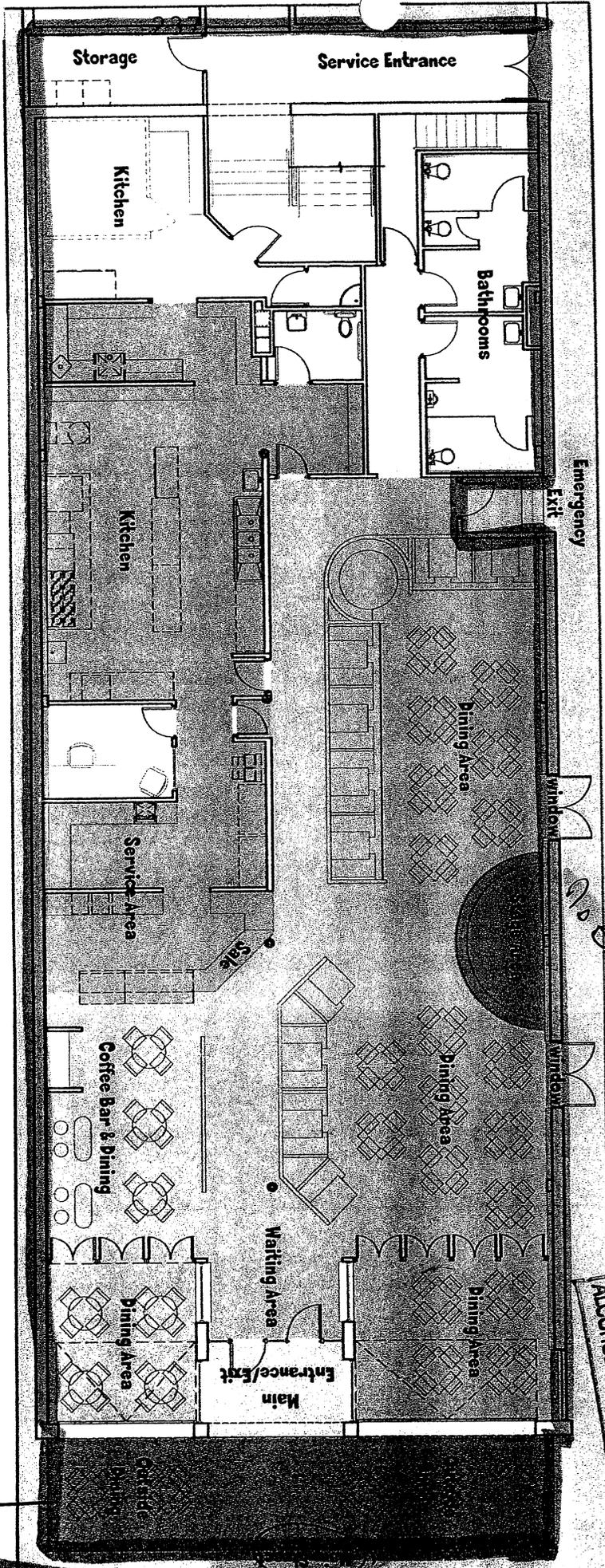
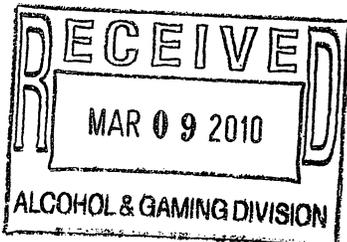
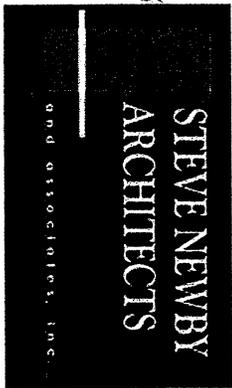




La Iguana Floor Plan

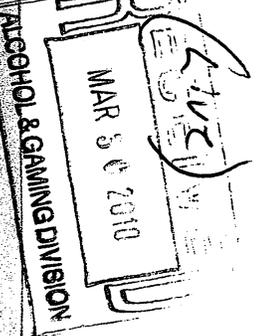
Total Square Footage: 5,800 sq. feet

← NORTH



Stage is for Dinner Music

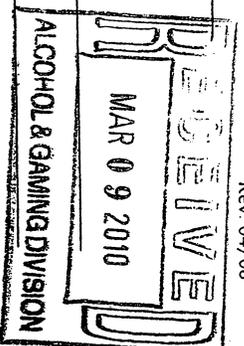
No Bands / DJ 03-21-10





LIMITED LIABILITY COMPANY

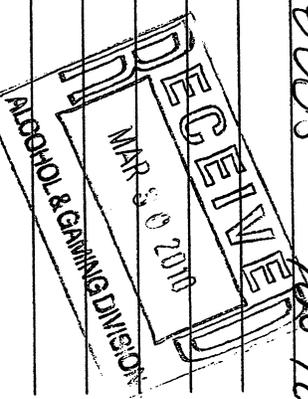
SS 60-6B-24



- Name of Limited Liability Company W & M's Hearing Services, LLC ¹²⁻¹⁰ SS 60-6B-24
- Date company formed (attach copy of Operating Agreement) 11/17/2009 04-05-10
- Date company registered (attach copy of certificate and Article of Organization) 11/17/2009
- Mailing Address: Street 420 McClure Rd City Las Lunas State NM Zip 88005 Phone 575-520-6260
- Names and addresses of all Members – full disclosure is required. If a Member is a corporation, Trust, Limited Liability Company, General or Limited Partnership, complete the appropriate entity information page.

LIST ALL MEMBERS AND MANAGERS

| Name | Title | Address | % of interest/contribution |
|------------------------|------------------------|---|----------------------------|
| <u>Michael LeBlanc</u> | <u>Managing Member</u> | <u>420 McClure Rd Las Lunas, NM 88005</u> | <u>100%</u> |
| | | | |
| | | | |



- Has this Limited Liability Company ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Limited Liability Company been denied the issuance of a liquor license? No Yes If Yes, provide details: _____
- List every liquor license in which this Limited Liability Company owns any interest, direct or indirect: NA

NOTE: For each Member who is an individual, complete the Personal Data Information Form (page 6), and for each person attach two (2) completed fingerprints cards (available from the Alcohol and Gaming Division) along with fees and supporting documentation. Fingerprints must be taken by City Police, State Police or Sheriff (any state).

Return this form to the Alcohol and Gaming Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, if using overnight delivery.



AD FORM

| | |
|--|---|
| LAS CRUCES SUN NEWS | |
| CLASSIFIED LEGAL AD | Acct # 26484 |
| DATE TO PUBLISH: MAY 16 AND 23, 2010 | |
| CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017 | BILL TO: CITY CLERK P O Box 20000 LAS CRUCES, NM 88004 |
| PROOF OF PUBLICATION REQUIRED. | |

COPY TO PUBLISH:

NOTICE OF INTENT TO ISSUE WAIVER

Notice is hereby given that the Las Cruces City Council will consider a resolution to approve or disapprove a **Waiver of the Church/School Distance Restriction for a Restaurant Liquor License (Beer & Wine On-Premise Consumption Only)** for M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant to be located at 139 North Main Street, Las Cruces, New Mexico.

The Resolution will be heard in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, June 7, 2010, at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance of a Restaurant Liquor License.

Witness my hand and seal of the City of Las Cruces on this the 7th day of May 2010.

Esther Martinez
Esther Martinez, CMC, City Clerk



AD FORM

| | |
|--|--|
| LAS CRUCES BULLETIN | |
| CLASSIFIED LEGAL AD | |
| DATE TO PUBLISH: MAY 14 AND 21, 2010 | |
| CITY CONTACT & PHONE NUMBER: MONICA CAMPBELL 541-2128 FAX: 541-2017 | BILL TO: <u>CITY CLERK</u> P O Box 20000 LAS CRUCES, NM 88004 |
| PROOF OF PUBLICATION REQUIRED. | |

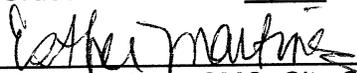
COPY TO PUBLISH:

NOTICE OF INTENT TO ISSUE WAIVER

Notice is hereby given that the Las Cruces City Council will consider a resolution to approve or disapprove a **Waiver of the Church/School Distance Restriction for a Restaurant Liquor License (Beer & Wine On-Premise Consumption Only) for M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant to be located at 139 North Main Street, Las Cruces, New Mexico.**

The Resolution will be heard in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, June 7, 2010, at 1:00 p.m. in the City Council Chambers, City Hall, 700 North Main Street, Las Cruces. If passed, the State of New Mexico Regulation & Licensing Department may approve the issuance of a Restaurant Liquor License.

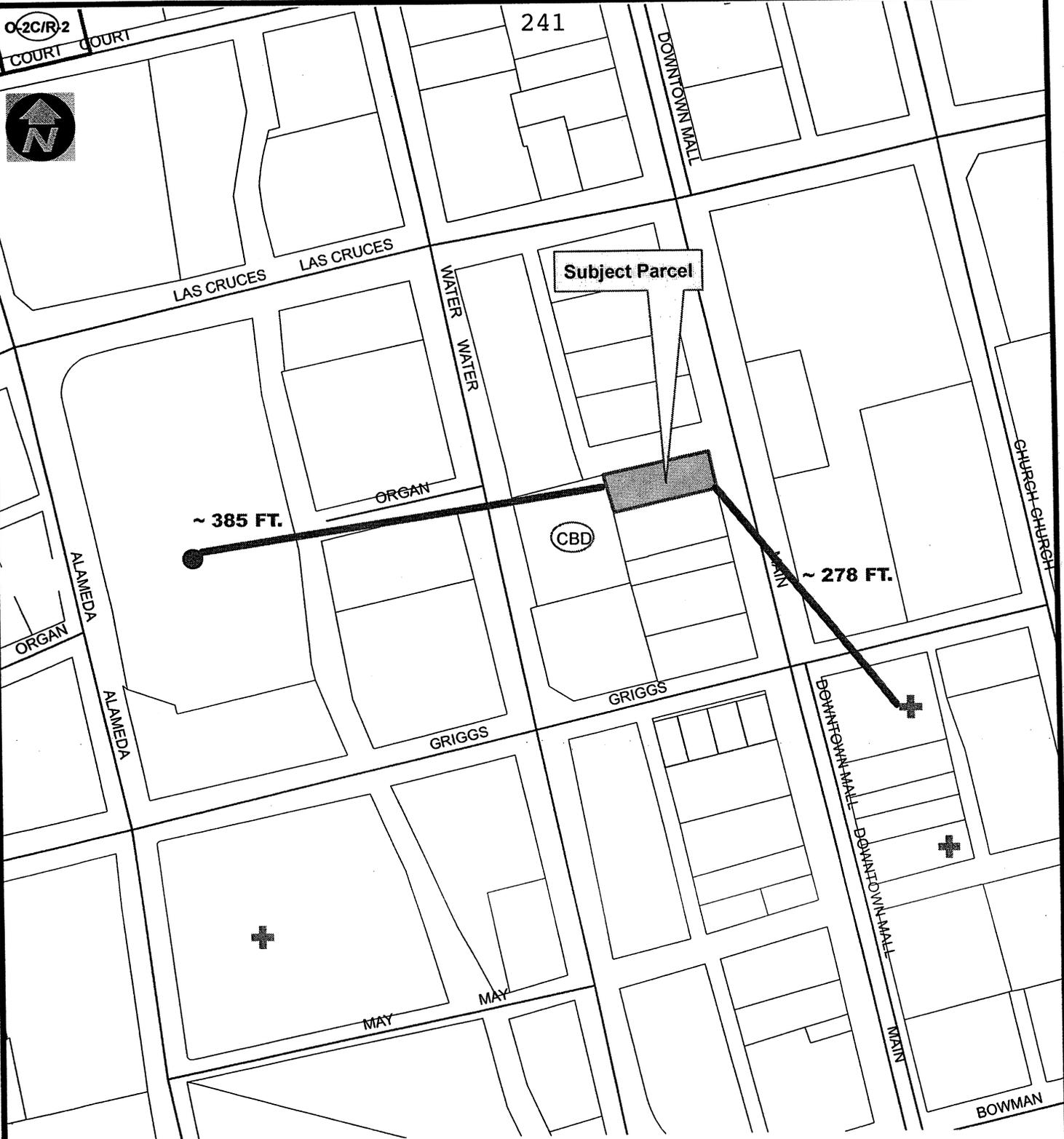
Witness my hand and seal of the City of Las Cruces on this the 7th day of May 2010.


 Esther Martinez, CMC, City Clerk

O-2C/R-2

COURT COURT

241



ZONING/VICINITY MAP

139 N. MAIN STREET

PARCEL: 02-05997

ZONING: CBD

DISTANCE TO NEAREST SCHOOL: ~ 385 FEET

DISTANCE TO NEAREST CHURCH: ~ 278 FEET

-  ZONING
-  CHURCH
-  SCHOOL



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

Community Development Department
 575 S Alameda Blvd.
 Las Cruces, NM 88001
 (505) 528-3222



BANK OF THE WEST
1450 TREAT BLVD NC TRE 02 G
WALNUT CREEK, CA. 94596

242
CORONADO JOSE R & RUBEN
CORONADO
705 N ALAMEDA
LAS CRUCES, NM. 88004

EL PASO ELECTRIC COMPANY
PO BOX 910
LAS CRUCES, NM. 88001

HAMIL FRANCES ET AL
306 E OVERLAND
EL PASO, TX. 79901

HOUSE OF PRAISE INC
PO BOX 2527
LAS CRUCES, NM. 88004-252

LOPEZ EDGAR & MARY
125 W GRIGGS
LAS CRUCES, NM. 88001

POPULAR DRY GOODS COMPANY
306 E OVERLAND
EL PASO, TX. 79901

ROSS JEANNE S REV TR
1405 DIANA MAURA
LAS CRUCES, NM. 88001

SOUTHERN RIO GRANDE MENTAL
HEALTH
100 W GRIGGS
LAS CRUCES, NM. 88001

SOUTHERN RIO GRANDE MENTAL
HEALTH
125 W GRIGGS
LAS CRUCES, NM. 88001

ST GENEVIEVE PARISH INC
1280 MED PARK DR
LAS CRUCES, NM. 88005

STATE OF NEW MEXICO
715 ALTA VISTA
SANTA FE, NM. 87502

Z K S STERN
4054 LA PURISIMA DR
LAS CRUCES, NM. 88011

Attachment 4



May 13, 2010

Dear Property Owner:

M & M's Leaping Lizards, L.L.C. d/b/a La Iguana Restaurant ("the applicant") to be located at 139 North Main Street, Las Cruces, New Mexico, has applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico for the issuance of a Restaurant Liquor License (Beer & Wine On-Premise Consumption Only). As part of the approval process, the Liquor Control Act ("LCA") requires the applicant to obtain approval for the issuance of the Restaurant Liquor License from the governing body of the City of Las Cruces.

A public hearing to approve or disapprove the Restaurant Liquor License is scheduled before the City Council during its meeting on Monday, June 7, 2010 which begins at 1:00 p.m. The meeting will be held in the City Council Chambers located in City Hall, 700 North Main Street, Las Cruces, New Mexico.

The proposed location of La Iguana Restaurant is approximately 278 feet from Casa de Alabanza church. The LCA prohibits the sale and consumption of alcoholic beverages within 300 feet of a church or school unless a waiver has been granted to the applicant. A waiver of the church/school distance restriction will be considered at the June 7, 2010 City Council meeting before the public hearing about the Restaurant Liquor License.

If you wish to share your views concerning the impact of the Restaurant Liquor License at 139 North Main Street, please attend the City Council meeting on June 7, 2010, or you may submit your views in writing to the City Attorney's Office, PO Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, June 3, 2010.

If you have any questions or need additional information, please contact Monica Campbell at 541-2128.

Sincerely,


Harry S. (Peter) Connelly
Interim City Attorney