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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary
 Item # 5 Resolution #11-204 Council District: 2

For Meeting of April 4, 2011
 (Adoption Date)

TITLE: A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A GOVERNMENTAL LIQUOR LICENSE FOR THE CITY OF LAS CRUCES, FOR ITS USE AT THE LAS CRUCES CONVENTION CENTER, LOCATED AT 680 EAST UNIVERSITY AVENUE, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve or disapprove a waiver of the church/school distance restriction prior to a public hearing to consider the issuance of a Governmental Liquor License.

Drafter and Staff Contact: Monica Campbell <i>mc</i>		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Department Director			Budget	<i>[Signature]</i>	541-2107
Other			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 Governmental Liquor License to the City, for its use at the Las Cruces Convention Center, because the property line of the Las Cruces Convention Center is within 300 feet of New Mexico State University.

The property owners within 300 feet of 680 East University Avenue were notified via U. S. Mail of the City Council meeting to approve or disapprove the waiver and issuance of the liquor license.

The approval or disapproval of the issuance of the Governmental 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 the City to proceed to the next step of the application process.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A" - Alcohol and Gaming's letter of conditional preliminary approval with the application attached.
3. Attachments "1" and "2" – Notices of Intent to Issue Waiver.
4. Attachment "3" – Map showing the distance between the property line at 680 East University Avenue and New Mexico State University.
5. Attachment "4" – List of property owners within 300 feet of 680 East University Avenue.
6. Attachment "5" – Form of letter sent to the property owners.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the <u>N/A</u> Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: <u>N/A</u> in the amount of \$ _____ for FY ____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by This action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes". This will approve of and consent to the issuance of a waiver of the church/school distance restrictions. Approval will allow the City to proceed with the application process.
2. Vote "No". 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 Governmental Liquor License.
3. "Amendment" is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4. If the church/school distance restriction is not approved, Council must disapprove the issuance of the Governmental Liquor License.
4. "Tabling" is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4. If the church/school distance restriction is not approved, Council must disapprove the issuance of the Governmental Liquor License.

REFERENCE INFORMATION

None.

RESOLUTION NO. 11- 204

A RESOLUTION APPROVING THE ISSUANCE OF A WAIVER OF THE CHURCH/SCHOOL DISTANCE RESTRICTION FOR A GOVERNMENTAL LIQUOR LICENSE FOR THE CITY OF LAS CRUCES, FOR ITS USE AT THE LAS CRUCES CONVENTION CENTER, LOCATED AT 680 EAST UNIVERSITY AVENUE, 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 property line of the Las Cruces Convention Center is within 300 feet of New Mexico State University; and

WHEREAS, a waiver of the distance restriction is required prior to the approval of the issuance of the Governmental Liquor License; and

WHEREAS, approving this Resolution will allow the City 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 the City of Las Cruces, for its Governmental Liquor License for use at its Las Cruces Convention Center, located at 680 East University Avenue, 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 4 day of April 2011.

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



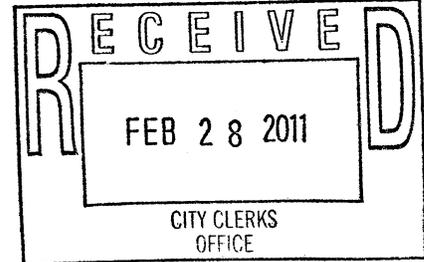
Susana Martinez
GOVERNOR

J. Dee Dennis, Jr.
SUPERINTENDENT

Gary J. Tomada
DIRECTOR

February 23, 2011

Certified Mail No.: 7009 1680 0000 1945 8738



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

Re: License / App. No.: Application #A-652805
Applicant Name: City of Las Cruces
Doing Business As: Las Cruces Convention Center
Proposed Location: 680 East University Avenue, Las Cruces, NM 88001

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

Greetings:

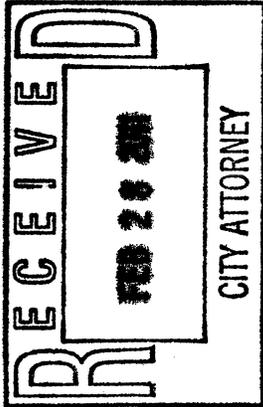
The Director of the Alcohol and Gaming Division has reviewed the referenced Application for **Conditional Preliminary Review** and is being forwarded to you in accordance with Section 60-6B-4 NMSA of the Liquor Control Act.

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 GOVERNMENTAL LIQUOR LICENSE. 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 SCHOOL, NEW MEXICO STATE UNIVERSITY.

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

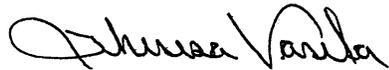
the proposed location is ⁸¹within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 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,

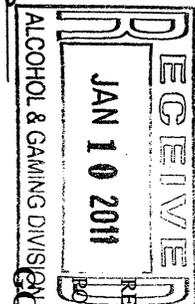


Theresa Varela
Administrative Law Judge

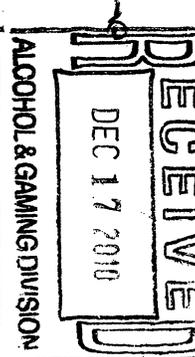
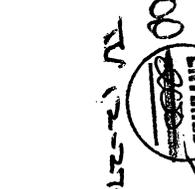
ENCLOSURES

1. **Original Page 1 of the Application with attachment (must be signed and returned).**
2. **Copy of Page 2 of the Application.**
3. **Copy of Zoning Statement.**
4. **Copy of Floor Plan (no outdoor areas).**
5. **Copy of Page 4 of the Application.**

AMENDED PAGE



STATE OF NEW MEXICO
REGULATION & LICENSING DEPARTMENT
ALCOHOL & GAMING DIVISION
PO BOX 25101 SANTA FE, NEW MEXICO 87504-5101
(505) 476-4875 Fax (505) 476-4595
GOVERNMENTAL APPLICATION



State Liquor License # _____

Application Number 652805

Local option (AGD use) Las Cruces

Application Fee - \$200.00 Non Refundable

Name of Governmental Entity: City of Las Cruces

Pursuant to NMSA 1978, 60-6A-10E (1), "Governmental Entity" means a municipality, a county, a state fair that is held for less than 10 days per year, the state fair commission, a state museum or a state university. Please check one below:

Type: Municipal County Fair State University State Museum

Department of Entity Which Will Administer Use of License: Global Spectrum
Contact Name: David Hicks, General Manager Telephone Number: 575-526-0100

D/B/A Name to be used: Las Cruces Convention Center Phone number for licensed premise: 575-526-0100

Physical Location where license is to be used: 680 East University Avenue, Las Cruces, Dona Ana County, NM 88001

Mailing Address: PO Box 20000, Attn: Legal Dept., Las Cruces, NM 88004
Include: Street number / Highway Number / State Road, City, County, State & Zip

Are alcoholic beverages currently being dispensed at the proposed location? If Yes, give license number and type: (none)
Will License be Operated By Employees of the Governmental Entity? Yes No

NOTE: If license is not to be operated by employees of the governmental entity, the lessee-operator must file a separate lease application. Any operation of the license by unauthorized persons may result in revocation of the license.

I, (print name) Terrence Moore, as (title) City Manager, being first duly sworn upon oath deposes and says: that he/she represents or is authorized by the applicant to make this application; that he/she has read the same, knows the contents thereof, and all statements 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.

Signature of Applicant/Representative [Signature] Date 12/14/10

SUBSCRIBED AND SWORN TO before me this 14 day of December, 2010 by Terrence Moore
Notary Public Use Only

Notary Public Monica Campbell My Commission Expires July 6, 2013
OFFICIAL SEAL
MONICA CAMPBELL
NOTARY PUBLIC STATE OF NEW MEXICO
My Commission Expires 7/6/2013

Local Governing Body of _____ (City or County). Hearing held on _____ 20____.

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

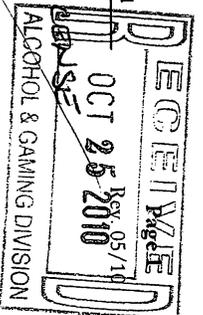
AGD Use Only

Approved _____ Disapproved _____ Director Approval _____ Date _____

WARRANT REQUIRED



New Mexico Regulation and Licensing Department • Alcohol and Gaming Division
 P. O. Box 25101 • Santa Fe, New Mexico 87504-5101 • (505) 476-4875 • Fax (505) 476-4595 • www.rld.state.nm.us/agd



State Liquor License # 652885

Application Number Las Cruces

Local option (AGD use) Las Cruces

Amador Alillipal

Record Owner of Existing License N/A

Current D/B/A Name N/A

Current Premises Address N/A

Application is for: Change of Stock Change of Officers/Directors Transfer Ownership of Existing License Transfer Ownership and Location Transfer Location Other

Issue New License Type of License being applied for GOVERNMENTAL

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

NAME OF APPLICANT (company or individual) CITY OF LAS CRUCES ADDRESS (including city, state, zip) PO BOX 20000 LAS CRUCES NM 88001 TELEPHONE NUMBER 575-541-2000

CITY OF LAS CRUCES

D/B/A name to be used: CITY OF LAS CRUCES Phone number for licensed premises: _____

Physical location where license is to be used: 1080 E. UNIVERSITY AVE. LAS CRUCES, DOÑA ANA, NM 88001
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: 700 N. MAIN ST., LAS CRUCES, NM 88001

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

I, (print name) _____, as (title) CITY MANAGER 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 CITY OF LAS CRUCES BY Date 10/21/10

SUBSCRIBED AND SWORN TO before me this 21 day of October 2010 by Terrence Moore City Manager

Notary Public Monica Campbell My Commission Expires July 6, 2013



MONICA CAMPBELL
 NOTARY PUBLIC STATE OF NEW MEXICO
 My commission expires 7-6-2013

Local Governing Body of: _____ (City or County). Hearing held on _____ 20____

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

For Alcohol and Gaming Division Use Only

Approved Disapproved Director Approval _____ Date _____

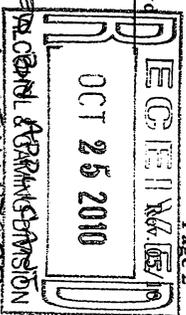
"WARRANT REQUIRED"

APPROVED AS TO FORM:
[Signature]
 City Attorney



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) BUILDING OWNED BY CENTRAL AIR FORCE DIVISION - LAND LEASED FROM NEW MEXICO STATE UNIVERSITY (NMSU) SEE EXHIBIT A

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

A. Owner(s) Regents of New Mexico State University (NMSU) TX 11-23-10

B. Date and term of lease MARCH 12, 2007 - 45 YEARS WITH 125-YEAR RENEWAL OPTION TX 11-23-10

3. Premises location is zoned (example C-1) ~~INDUSTRIAL ZONE~~ UN-CZ (University District - Convention Zone)
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 TX 11-23-10 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).
570 ft of a mile, see posting. St. James Episcopal Church, see posting. Address unavailable, see posting. TX 12-27-10
Miles/feet 1.4402 Name of church ST. JAMES EPISCOPAL Address/location of church 102 ST. JAMES AVE, LAS CRUCES, NM 88005

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
125 Feet, see posting. Las Cruces State University, see posting. Address unavailable, see posting. TX 12-27-10
Miles/feet 0.0 Name of school NMSU Address/location of school 1780 E. UNIVERSITY AVE, LAS CRUCES, NM 88003

6. Distance from military installation *(Property line of military installation to licensed premises—shortest distance.)

Miles 22.1 Name of Military Installation, circle one: White Sands Missile Range (Las Cruces)
Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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: Governmental TX 11-23-10

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



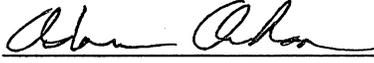
STATEMENT OF ZONING

The property located at 680 E. University Avenue in Las Cruces, New Mexico, and having a Map Code Number or Parcel Identification Number of 03-07122 is zoned as follows:

UD-CZ (University District-Convention Zone)

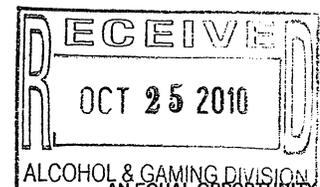
The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

June 8, 2010
Date


Adam Ochoa
Acting Planner

Comments: The UD-CZ is assigned to land suitable for development that, by its intrinsic size, function, or configuration, may not conform to the descriptions and standards for one of the other zones. The development types include convention and exhibition hall, hotel, and ancillary uses such as restaurant and specialty retail. A convention center with a dispenser's liquor license is a permitted use within the UD-CZ, 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.





GOVERNMENT
 ENTITY

CORPORATION GOVERNMENTAL ENTITY
 SS 60-6B-2

Name of Corporation: CITY OF LAS CRUCES, A NEW MEXICO GOVERNMENTAL ENTITY (ART X, SEC 6) AND ORGANIZED PURSUANT TO ITS STATUTES (ART 1978, (Corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a certified copy of its New Mexico Certificate of Incorporation.)

Date of Incorporation: JANUARY 1, 1970 In what State? NEW MEXICO

Mailing Address of Corporate Office: PO BOX 20000 City LAS CRUCES State NM Zip 88004 Phone 575-541-2128

Provide complete names and addresses of all officers and directors of the Corporation, also the names and addresses of all stockholders of 10% or more of the stock in the Corporation. If a stockholder of 10% or more of the stock is any other legal entity, complete the appropriate disclosure page for the stockholding entity.

Name and Title of Officers, Directors and Stockholders	Complete Address	% Stock Held
<u>KEN HIRAGISHIMA, MAYOR</u>	<u>PO BOX 20000, LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>MIGUEL SILVA, COUNCILOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>DOLORES CONNOR, COUNCILOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>OLEGA PEDREZA, COUNCILOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>MARTIN SMALL, COUNCILOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>GILL SOREN, COUNCILOR</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>
<u>STARRON THOMAS, MAYOR PRO-TEM</u>	<u>PO BOX 20000 LAS CRUCES, NM 88004</u>	<u>N/A</u>

USE ADDITIONAL PAGES IF NECESSARY.

Has this Corporation ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Corporation been denied the issuance of a liquor license? No Yes If Yes, provide details:

N/A

List every liquor license in which the Corporation holds any interest, direct or indirect: NONE

Has this Corporation ever been convicted of a felony? No Yes If Yes, provide details:

N/A

**** Note:** For each individual applicant, partner, officer, director, and stockholder of 10% or more of stock in corporation, complete the Personal Data Information Form (page 6) and attach two completed sets of fingerprint 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).



AD FORM
LAS CRUCES SUN NEWS
LEGAL CLASSIFIED

City contact: Monica Campbell; 541-2014 / 541-2128

Account No. 26484 (Bill to City Clerk, PO Box 20000, Las Cruces, NM 88004)

Dates to Publish: March 13 and 20, 2011

Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss the issuance of a waiver of the church/school distance restriction for a Governmental Liquor License for the City of Las Cruces at its Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, April 4, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve issuance of the license.

Witness my hand and seal of the City of Las Cruces on this the 2nd day of March 2011.



 Esther Martinez, CMC, City Clerk



AD FORM
LAS CRUCES BULLETIN
LEGAL CLASSIFIED

City contact: Monica Campbell; 541-2014 / 541-2128

Proof of publication/bill to: City Clerk, PO Box 20000, Las Cruces, NM 88004

Dates to Publish: March 11 and 18, 2011

Copy to publish:

NOTICE OF INTENT TO ISSUE WAIVER

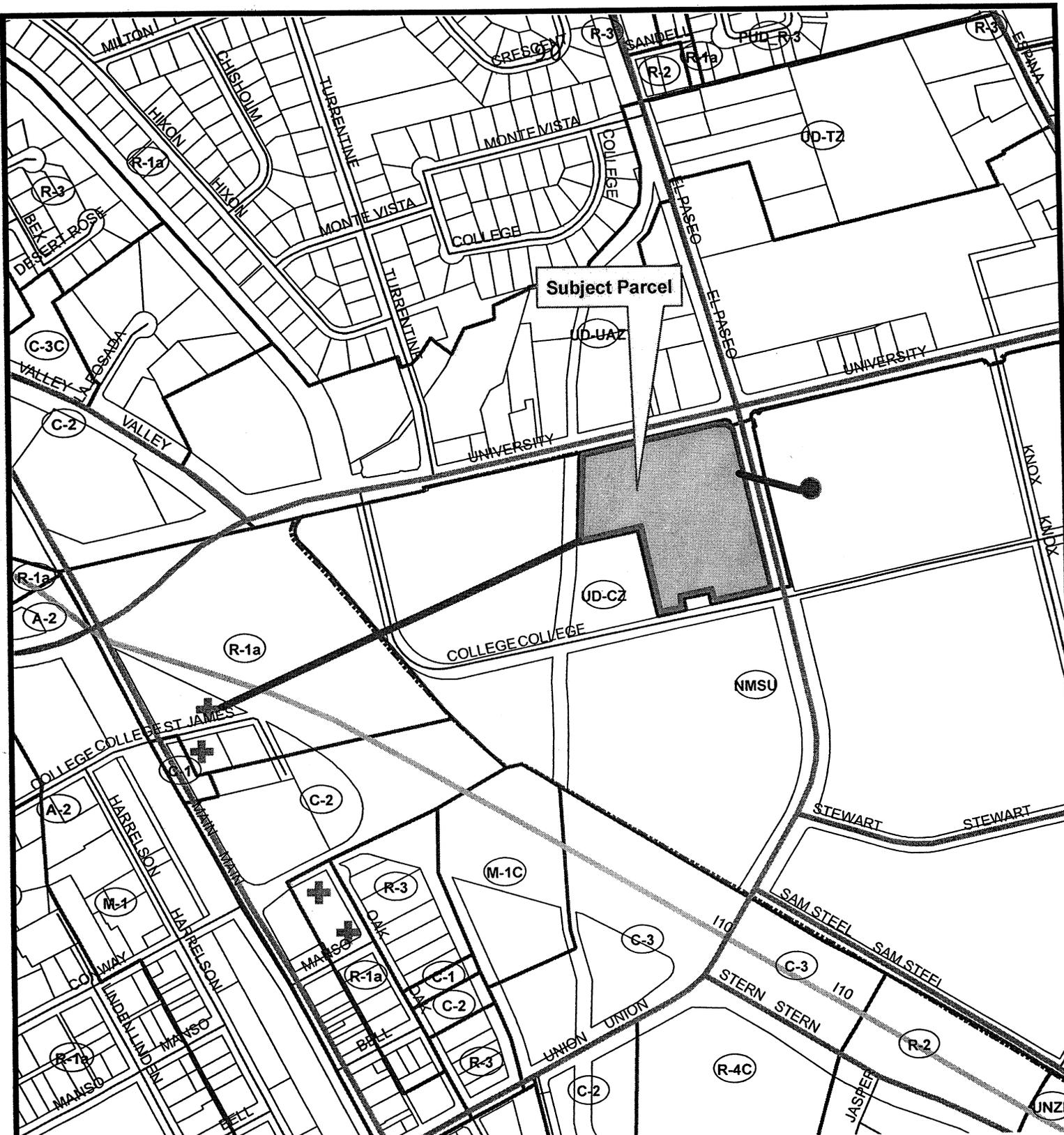
Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss the issuance of a waiver of the church/school distance restriction for a Governmental Liquor License for the City of Las Cruces at its Las Cruces Convention Center, located at 680 East University Avenue, Las Cruces, New Mexico.

The Public Hearing will be held in conjunction with the regular meeting of the Las Cruces City Council to be held on Monday, April 4, 2011, at 1:00 p.m. in the City Council Chambers, 700 North Main Street, City Hall. If passed, the State of New Mexico Regulation & Licensing Department, Alcohol and Gaming Division, may approve issuance of the license.

Witness my hand and seal of the City of Las Cruces on this the 2nd day of March 2011.



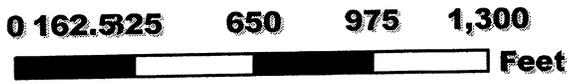
Esther Martinez, CMC, City Clerk



VICINITY MAP

680 E UNIVERSITY AVENUE
PARCEL: 03-07122
ZONING: UD-CZ
DISTANCE TO NEAREST SCHOOL: ~155 FEET
DISTANCE TO NEAREST CHURCH: ~1,535 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.



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ANDERSON T J TRUSTEE
917 RALEIGH RD
LAS CRUCES, NM. 88005

CASA BANDERA INVESTORS LLC ET AL
1443 E WASHINGTON BLVD STE 820
PASADENA, CA. 91104

CUTTER PROPERTIES LLC
2640 EL PASEO RD
LAS CRUCES, NM. 88001-6002

FORTK1 LLC
PO BOX 16650
LAS CRUCES, NM. 88004

HOFFMAN JOHN I
PO BOX 961597
EL PASO, TX. 79996-1597

J & L HOSPITALITY LLC
301 E UNIVERSITY AVE
LAS CRUCES, NM. 88005

JURADO ARTURO & MARIA E REV TR &
300 S MOTEL BLVD
LAS CRUCES, NM. 88007

MESILLA VALLEY IMPROVEMENT INC
1501 DON ROSER
LAS CRUCES, NM. 88011-4538

NEW MEXICO STATE UNIVERSITY
PO BOX 30001
LAS CRUCES, NM. 880038001

PAUL ASHER & RECHELLE R
LIEBERMAN
4401 E WINCHESTER RD
LAS CRUCES, NM. 88011-7555

PIONEER BANK
PO BOX 130
ROSWELL, NM. 88202

SALVADOR SIAS & FRANCISCO O
HOLGUIN
224 HOLGUIN RD
VADO, NM. 88074

TIRRE CYNTHIA
425 UNIVERSITY AVE
LAS CRUCES, NM. 88005

TRES PROPERTIES II LLC
23223 NORTH PADARO COURT
SUN CITY WEST, AZ. 85375

VCC ALAMEDA LLC
55 S LAKE AVE STE 850
PASADENA, CA. 91101

WELCOM PROPERTIES 201 LLC
201 E UNIVERSITY AVE
LAS CRUCES, NM. 88005

WIMBERLY HERB & CARLEENE
JOHNSON
615 UNIVERSITY
LAS CRUCES, NM. 88005-3336

Bruce R. Kite, General Counsel
New Mexico State University
MSC 3UGC
PO Box 30001
Las Cruces, NM 88003-8001

Benjamin E. Woods, Sr. VP
New Mexico State University
MSC SVP
PO Box 30001
Las Cruces, NM 88003-8001

Attachment 4



March 18, 2011

Dear Property Owner:

The City of Las Cruces ("the applicant") 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 Governmental Liquor License to be used at its Las Cruces Convention Center, located at 680 East University Avenue. As part of the approval process, the Liquor Control Act ("LCA") requires the applicant to obtain approval for the issuance of the Governmental Liquor License from the governing body of the City of Las Cruces.

A public hearing to approve or disapprove the Governmental Liquor License is scheduled to be held before the City Council during its regular meeting which begins at 1:00 p.m. on Monday, April 4, 2011. The meeting will be held in the City Council Chambers located in City Hall, 700 North Main Street, Las Cruces, New Mexico.

The Las Cruces Convention Center is within 300 feet of New Mexico State University. 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 April 4, 2011 City Council meeting before the public hearing about the Governmental Liquor License.

If you wish to share your views concerning the impact of the City's Governmental Liquor License at the Las Cruces Convention Center, 680 East University Avenue, you may attend the City Council meeting on April 4, 2011, or you may submit your views in writing to the City Attorney's Office, 700 North Main Street, Suite 3200, PO Box 20000, Las Cruces, New Mexico 88004. Letters must be received by 5:00 p.m. on Thursday, March 31, 2011.

If you have any questions or need additional information, please contact Monica Campbell at 575-541-2128.

Sincerely,


Harry S. (Pete) Connelly
Interim City Attorney

Attachment 5