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City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 17 Ordinance/Resolution# 10- 141 Council District:

For Meeting of November 16, 2009
 (Adoption Date)

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 2537 FROM SHACHRISKA, LLC, TO GMRI, INC. D/B/A THE OLIVE GARDEN ITALIAN RESTAURANT, TO BE LOCATED AT 100 NORTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

PURPOSE(S) OF ACTION: To approve, disapprove, or not approve the transfer of ownership and location of Liquor License No. 2537 to GMRI, Inc. d/b/a The Olive Garden Italian 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, the application for transfer of ownership and location of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing.

GMRI, Inc. d/b/a The Olive Garden Italian Restaurant applied to the Alcohol & Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming) for a transfer of ownership and location of Liquor License No. 2537 to 100 North Telshor Boulevard, Las Cruces, New Mexico. Alcohol and Gaming granted preliminary approval on October 20, 2009.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval from Alcohol and Gaming. A public hearing to review this issue is scheduled for Monday, November 16, 2009, beginning at 1:00 p.m., in the City Council Chambers, City Hall, 200 North Church Street, Las Cruces, New Mexico. Notice of this public hearing was published in the *Las Cruces Sun-News* on November 1 and 8, 2009, and in the *Las Cruces Bulletin* on October 30 and November 6, 2009.

Council may approve or disapprove the transfer. However, Council's disapproval must be based on substantial evidence that the transfer of ownership and location of the license

(Continue on additional sheets as required)

would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces. Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of Alcohol and Gaming may give final approval of this license.

SUPPORT INFORMATION:

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

1. Resolution with Alcohol and Gaming's preliminary approval with the application attached as Exhibit "A".
2. Notices of Intent to Adopt, Attachments "1" and "2".
3. Traffic Impact Report from the Traffic Engineering Section, Attachment "3".
4. Liquor License Impact Report (zoning) from the Community Development Department, Attachment "4".
5. Liquor License Impact Report (registration and permits) from the Economic Development Department, Attachment "5".
6. Criminal Activity Report from the Las Cruces Police Department, Attachment "6".
7. Fire and Safety Compliance Report from the Las Cruces Fire Department, Attachment "7".

OPTIONS / ALTERNATIVES:

1. Approve the resolution and consent to the transfer of ownership and location of Liquor License No. 2537 to GMRI, Inc. d/b/a The Olive Garden Italian Restaurant. Approval will allow Alcohol and Gaming to continue with its application process.
2. Disapprove the resolution. Council's disapproval must be based on substantial evidence that the transfer of ownership and location of the liquor license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.
3. Not approve or disapprove the Resolution. If the Council fails to either approve or disapprove the transfer of ownership and location of the liquor license, the Director of Alcohol and Gaming may give final approval to said transfer.

(Continue on additional sheets as required)

RESOLUTION NO. 10-141

A RESOLUTION APPROVING THE TRANSFER OF OWNERSHIP AND LOCATION OF LIQUOR LICENSE NO. 2537 FROM SHACHRISKA, LLC, TO GMRI, INC. D/B/A THE OLIVE GARDEN ITALIAN RESTAURANT, TO BE LOCATED AT 100 NORTH TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

The City Council of the City of Las Cruces is informed that:

WHEREAS, GMRI, Inc. d/b/a The Olive Garden Italian Restaurant applied to the Alcohol and Gaming Division of the Regulation and Licensing Department of the State of New Mexico ("Alcohol and Gaming") for a transfer of ownership and location of Liquor License No. 2537 to 100 North Telshor Boulevard, Las Cruces, New Mexico; and

WHEREAS, on October 20, 2009, Alcohol and Gaming granted preliminary approval for the transfer of ownership and location, as evidenced by their letter with the application attached; and

WHEREAS, pursuant to law, the application for transfer of ownership and location of a liquor license must be accompanied by a resolution of the City Council approving of and consenting to the transfer after a public hearing upon reasonable public notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable public notice setting forth the appropriate information concerning the public hearing. The City Council has considered the transfer of ownership and location of the liquor license and it has determined that the approval of said transfer is not detrimental to the public health, safety or welfare of the City of Las Cruces.

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

(I)

THAT the transfer of ownership and location of Liquor License No. 2537 to GMRI, Inc. d/b/a The Olive Garden Italian Restaurant, to be located at 100 North Telshor Boulevard, 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 16 day of November 2009.

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:

City Attorney



Bill Richardson
GOVERNOR

Kelly O'Donnell, Ph.D.
SUPERINTENDENT

Julie Ann Meade
DEPUTY
SUPERINTENDENT

Randall Cherry
CHIEF GENERAL
COUNSEL

Gary J. Tomada
DIRECTOR

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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

October 20, 2009

Certified Mail No.: 7006 3450 0001 4339 5785

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

Re: License / App. No.: License #2537 / Application #A-610640
Applicant Name: GMRI, Inc.
Doing Business As: The Olive Garden Italian Restaurant
Proposed Location: 100 N. Telshor Boulevard, Las Cruces, NM 88011

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 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 TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LIQUOR LICENSE #2537 **FROM** SHACHRISKA, LLC, LOCATED AT 3501 ZAFARANO DRIVE, SUITE A-14A, SANTA FE, NEW MEXICO **TO** GMRI, INC., LOCATED AT 100 N. TELSHOR BOULEVARD, LAS CRUCES, NEW MEXICO.

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

EXHIBIT A

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

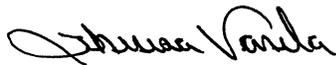
the proposed location ~~675~~ within 300 feet of a church or school unless the license has been located at this location prior to 1981 or unless the Applicant/Licensee has obtained a waiver from the Local Option District governing body for the proposed licensed premises).

- 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 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 patios).**
5. **Copy of Page 4 of the Application with attachments.**
6. **Copy of Page 4 of the Application.**



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

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LIQUOR LICENSE APPLICATION

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

State Liquor License # 2537

Application Number 610640
 Local option (AGD use) City of Las Cruces

Record Owner of Existing License SHACHRISKA, LLC

Current D/B/A Name Osaka Grill & Seafood Suite A-11A
 Current Premises Address 3501 Zafarano Dr., Santa Fe, NM 87505

Application is for: Change of Stock _____ Change of Officers/Directors _____ Transfer Ownership of Existing License _____ Transfer Ownership and Location _____ Other _____
 Issue New License _____ Type of License being applied for Inter-Local Dispenser

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

NAME OF APPLICANT (company or individual) GMRI, Inc. ADDRESS (including city, state, zip) 5900 Lake Ellenor Dr., Orlando, FL 32809
 TELEPHONE NUMBER (407) 245-5795

D/B/A name to be used: The Olive Garden Italian Restaurant Phone number for licensed premises: To follow

Physical location where license is to be used: 100 N. Telshor Blvd., Las Cruces, NM 88011
 (Include street number / highway number / state road, city and county, state, and zip code)

Mailing address: P. O. Box 593330., Orlando, FL 32859 Attn: Dir. of Licensing And a copy to: H. Davidson & Associates, Inc., 124 Tenth St. NW, Alb., NM 87102

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

I, (print name) E. Charlene Abney as (title) Notary Public 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.

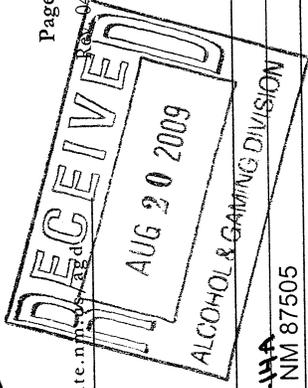
You must sign and date this form in the presence of a notary public.
 Signature of Applicant E. Charlene Abney Date 8/11/09

SUBSCRIBED AND SWORN TO before me this 11th day of August, 2009 by E. Charlene Abney
 Notary Public Shawnee Soto Commission Expires 4/30/2012

Notary Public Shawnee Soto Comm# DD0784434 Expires 4/30/2012
 Florida Notary Assn., Inc

Local Governing Body of: _____ City/County Official _____
 Check one: Approved _____ Disapproved _____ Hearing held on _____ (City or County). Hearing held on _____ 20____
 (Signature & Title)

For Alcohol and Gaming Division Use Only
 Approved _____ Disapproved _____ Director Approval _____ Date _____



AFFIDAVIT

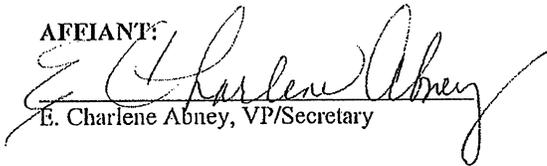
COMES NOW the Affiant, E. Charlene Abney, ("Affiant") does state after being duly sworn, as follows:

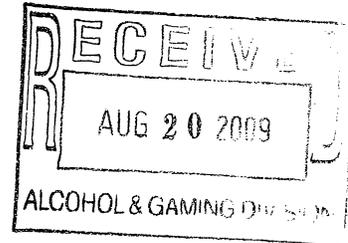
- (i) That Affiant is over the age of eighteen (18) years old.
- (ii) That, Affiant is the Vice President/Secretary of GMRI, Inc., a Florida corporation ("Corporation"), and authorized to act on behalf of the Corporation.
- (iii) That, the Corporation is applicant to the New Mexico Alcohol & Gaming Division of the Regulation & Licensing Department for the Purchase of Liquor License No. 2537 (the "License").
- (iv) That, H. Davidson & Associates, Inc. is the authorized representative of the Corporation to complete any and all requirements of the Alcohol and Gaming Division of the Regulation and Licensing Department, the New Mexico Taxation and Revenue Department, the New Mexico Liquor Wholesalers, and any other government agency in completing the Lease.
- (v) That, the contact information for Affiant and Agent is listed below, as follows:

Applicant:
 GMRI, Inc.
 Attn: E. Charlene Abney
 5900 Lake Ellenor Dr.
 Orlando, FL 32809
 Phone: (407)245-5795
 Fax: (407)872-3795
 Email: cabney@darden.com
 cc: Marjorie Untalan, Licensing Dept.
 Phone: (407)245-5795
 Fax: (407)872-3795
 Email: muntalan@darden.com

Agent:
 H. Davidson & Associates, Inc.
 Attn: H. Hil Davidson
 124 Tenth Street NW
 Albuquerque, NM 87102
 Phone: (505)247-4455
 Fax: (505)247-2396
 Email: hil@hdanm.com

FURTHER AFFIANT SAYETH NOT.

AFFIANT:

 E. Charlene Abney, VP/Secretary



ACKNOWLEDGMENT

STATE OF FLORIDA)
) ss.
 COUNTY OF ORANGE)

This instrument was acknowledged to before me this 12 day of August, 2009, by E. Charlene Abney.

Notary Public: Sharlene Soto My Commission Expires: 4/30/2012

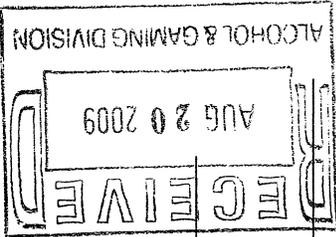




LL No. 2537

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) X - Applicant purchasing the property

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

A. Owner(s) _____

B. Date and term of lease _____

Attach a hand drawn map, zoning map, or other map showing the location of the proposed premises and the main adjacent streets, roads or closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premises location is zoned (example C-1) C-3C (Commercial High Intensity-Conditional)

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).
8 tenths of a mile away, per posting. Abundant Life Assembly of God, per posting.
 Approx. 1584 feet Sierra Vista Community Church Address/location of church _____

5. Distance from nearest school *(Property line of school to licensed premises—shortest distance).
8 tenths of a mile away, per posting. Lynn Middle School, per posting.
 Miles/feet Approx. 4752 feet Desert Hills Elementary Address/location of school _____

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

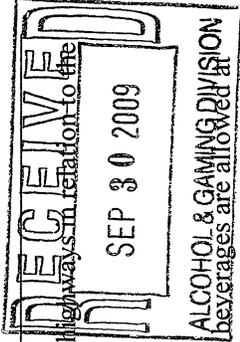
Miles Approx. 15 miles Name of Military Installation, circle one: Kirtland Air Force Base (Albuquerque), White Sands Missile Range (Las Cruces), Holloman Air Force Base (Alamogordo), Cannon Air Force Base (Clovis).

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:

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



678

Address unavailable, per posting. TV 10-08-09
 514 N. Teishor Blvd., Las Cruces, NM 88011

Address unavailable, per posting. TV 10-08-09
 280 N. Roadrunner Pkwy., Las Cruces, NM 88011



STATEMENT OF ZONING

The property located at 100 N. Tishor Boulevard, and having a Map Code Number or Parcel ID Number of 02-13442, in Las Cruces, New Mexico, is zoned as follows:

C-3C (Commercial High Intensity – Conditional)

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.

August 11, 2009
Date


Adam Ochoa
Associate Planner

Comments: The C-3 zoning district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000. Conditions for this zoning designation are listed on Ordinance 2275, passed February 27, 2006. Food and beverage establishments with a dispenser's liquor license are permitted uses within the C-3 zoning district, providing that all requirements prescribed by the State of New Mexico are met.

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.





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

CORPORATION
 SS 60-6B-2

Name of Corporation: GMRI, Inc.

(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 authority.)

Date of Incorporation: 3/27/68

In what State? Florida

Mailing Address of Corporate Office: 5900 Lake Ellenor Drive

City Orlando State FL Zip 32809 Phone 407-245-4000

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

William R. White, III, President/Treasurer/Director

4035 Gilder Rose Place, Winter Park, Florida 32792

0%

E. Charlene Abney, ~~President~~ Secretary

245 Golf Course Parkway, Davenport, Florida 33837

0%

Colleen M. Hunter, Asst. Secretary

11920 Delfina Lane, Orlando, FL 32827

0%

Darden Restaurants, Inc.

P.O. Box 593330, Orlando, FL 32859-3330

100%

Darden Restaurants, Inc. is the parent corporation and 100% stock owner of GMRI, Inc. Darden Restaurants, Inc. is a publicly traded company on the New York Stock Exchange.

USE ADDITIONAL PAGES IF NECESSARY.

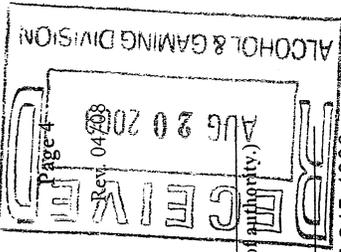
Has this Corporation ever had a liquor license in which it held any interest in any State suspended or revoked, or has the Corporation been denied the issuance of a liquor license? No ___ Yes If Yes, provide details: Please see attached list.

List every liquor license in which the Corporation holds any interest, direct or indirect: GMRI, Inc. and its affiliates, operate over 1700 restaurants, of which all hold alcoholic beverage licenses. A full list of locations is available upon request.

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

**** 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).

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



GMRI, INC.
RECORD OF LICENSE SUSPENSIONS
 [updated 12/08]

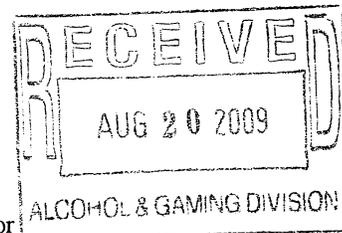
GMRI, Inc. owns and operates approximately 1,400 restaurants in 49 states.

GMRI, Inc. d/b/a The Olive Garden Italian Restaurant

<u>Rest. #</u>	<u>City, State</u>	<u>Occurrence</u>
#1096	Downers Grove, IL	License suspended for 1 day (6/26/89) for sale to minor.
#1156	West Dundee, IL	Suspended for 1 day (8/2790) for sale to minor.
#1200	Maplewood, MN	2 day suspension (9/2-3/92) - failure to register the new general manager (also the local license holder)
#1096	Downers Grove, IL	License suspended for 1 day (7/13/95) for sale to minor.
#1411	Boulder, CO	License suspended for 1 day (1/28/96) for sale to minor.
#1289	Johnson City, TN	City beer permit suspended for 6 days (3/8 - 3/13/99) for sale to minor.
#1056	Independence, MO	License suspended for 1 day (8/4/99) for sale to minor.
#1388	Orange, CT	License suspended for 3 days (6/5, 6 & 7/00) for sale to minor.
#1306	Salt Lake City, UT	License suspended for 5 days 1/28 - 2/1/01 for sale to minor.
#1411	Boulder, CO	License suspended for 4 days 2/1-2/4/02 for sale to minor.
#1444	Concord, NH	License suspended for 3 days beginning 10/21/02 for sale to minor.
#1399	Salt Lake City, UT	License suspended for 5 days beginning 11/25/02 for improper dispensing.
#1104	Chattanooga, TN	City beer permit suspended for sale to minor (1/16-1/20/03)
#1249	Chino, CA	License suspended for 25 days beginning 5/13/04 for sale to minor.
#1536	Gurnee, IL	License suspended for 1 day (7/26/04) for sale to minor.
#1289	Johnson City, TN	City beer permit suspended for 5 days (11/2/04 - 11/7/04) for sale to minor.
#1511	Framingham, MA	License suspended 9/28/05 for non-sale to minor violations
#1154	Arlington Heights, IL	License suspended for one day 1/3/06 for sale to minor
#1729	Rome, GA	City license suspended for four days 12/5/07 - 12/8/07 for sale to minor.
#1729	Rome, GA	City license suspended for six days 8/5/08 - 8/10/08 for sale to minor violation.

GMRI, Inc. d/b/a Red Lobster

<u>Rest #</u>	<u>City, State</u>	<u>Occurrence</u>
#612	Gainesville, GA	License suspended for 4 days for a sale to minor (11/2, 3, 4, & 5/97).
#285	Chattanooga, TN	Suspension of city beer license for 30 days beginning 12/26/00 for sale to minor.
#60	Independence, MO	License suspended for 1 day 3/26/01 for sale to a minor.
#273	Rome, GA	License suspended for 4 days 11/07 -11/10/01 for sale to minor.
#285	Chattanooga, TN	City beer permit suspended for 30 days beginning 6/24/02 for sale to minor.
#36	Athens, GA	Suspended for 10 days beginning 11/5/02 for sale to minor.
#235	Alexandria, VA	License suspended for 5 days (3/26 - 3/30/03) for sale to minor.
#641	Grand Forks, ND	License suspended for 1 day (6/9/03) for sale to minor
#6215	Lone Tree, CO	License suspended for 3 days (1/23-25, 2006) for sale to minor
#0328	Northglenn, CO	License suspended for 3 days (4/28, 29 & 30, 2006) for sale to minor
#6215	Lone Tree, CO	License suspended for 6 days (8/27-9/1, 2006) for sale to minor
#0157	Golden Valley, MN	License suspended for 1 day (11/20/06) for sale to minor
#6244	Orem, UT	License suspended for 6 days (1/8/07-1/13/07) for allowing guest to leave premises with an alcoholic

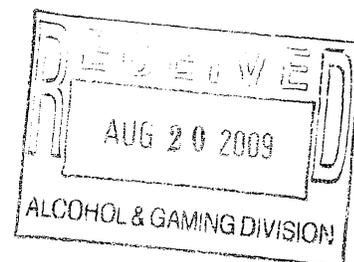


beverage

#0433	Kennesaw, GA	License suspended for 14 days (3/14/07-3/28/07) for sale to minor
#0211	Richmond, VA	License suspended for 3 days (9/28/08 – 10/1/08) for sale to minor
#6215	Lone Tree, CO	License suspended for 1 day (11/28/08) for sale to minor
#6251	Maple Grove, MN	License suspended for 2 days (1/26 - 1/27/09) for sale to minor

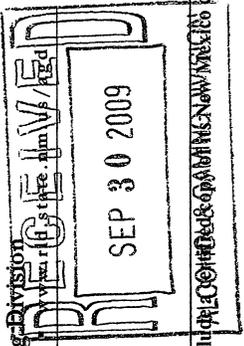
GMRI, Inc. d/b/a Smokey Bones Barbeque and Grill

<u>Rest #</u>	<u>City, State</u>	<u>Occurrence</u>
#7544	Gainesville, GA	License suspended for 7 days (4/15/04) for sale to minor.





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



CORPORATION

SS 60-6B-2

Name of Corporation: Darden Restaurants, Inc.

(Corporations must attach certified copy of its Certificate of Incorporation and Articles of Incorporation. Foreign corporations must also include a Certificate of Authority.)

Date of Incorporation: 3/30/95 In what State? Florida

Mailing Address of Corporate Office: 5900 Lake Ellenor Drive City Orlando State FL Zip 32809 Phone 407-245-4000

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

% Stock Held

Darden Restaurants, Inc. Complete Address P.O. Box 593330, Orlando, FL 32859-3330 100%

** Darden Restaurants, Inc. is the parent corporation and

100% stock owner of GMRI, Inc.--Darden Restaurants, Inc.

is publicly traded on the New York Stock Exchange as DRI.

There are no stockholders which hold more than 10% of

the voting stock.

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:

List every liquor license in which the Corporation holds any interest, direct or indirect:

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

**** 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	
CLASSIFIED LEGAL AD	
DATES TO PUBLISH: 11/01/09 & 11/08/09	Account No. 720680
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 ADOPT

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of the Transfer of Ownership and Location of Liquor License No. 2537 from Shachriska, LLC to GMRI, Inc. d/b/a The Olive Garden Italian Restaurant, to be located at 100 North Telshor Boulevard, 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, November 16, 2009, at 1:00 p.m. in the City Council Chambers, 200 North Church, City Hall. If passed, the State of New Mexico Regulation & Licensing Department may approve the transfer.

Witness my hand and seal of the City of Las Cruces on this the 23rd day of October 2009.



 Esther Martinez, CMC, City Clerk



AD FORM

LAS CRUCES BULLETIN	
CLASSIFIED LEGAL AD	
DATES TO PUBLISH: 10/30/09 & 11/06/09	
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.	

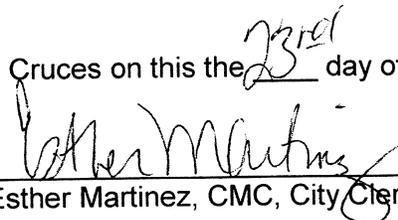
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 Esther Martinez, CMC, City Clerk



City of Las Cruces
PEOPLE HELPING PEOPLE

**INTER-DEPARTMENTAL
MEMORANDUM**

=====

TO: Fermin A. Rubio, City Attorney

FROM: Dan Soriano, Traffic Engineer, Public Works 

SUBJECT: Traffic Investigation Report

DATE: October 27, 2009

=====

As requested, Traffic Engineering has completed a traffic investigation for Olive Garden, 100 N. Telshor Blvd, Las Cruces., New Mexico. The following information is submitted for review:

- Telshor Boulevard at this location carries approximately 17,000 vehicles per day.
- Telshor Boulevard is operated as a two lane roadway with continuous left turn lane serving primarily office and commercial property in this area.
- Access to the property in question is off of Telshor Boulevard. No potential sight distance or operational problems exist.
- The speed limit on Telsor Boulevard is posted at 35 mph.

The approval of a Liquor License Transfer at this location does not appear it will adversely impact traffic operations along this segment of roadway.

Should any additional information be needed, please contact me.

OCT 30 2009

City of Las Cruces
Community Development Department

LIQUOR LICENSE IMPACT REPORT

Transfer of Ownership and Location for Liquor License No. 2537

100 N. Telshor Boulevard
Olive Garden

October 26, 2009

**LIQUOR LICENSE IMPACT REPORT
Transfer of Ownership and Location**

**Olive Garden
100 N. Telshor Boulevard**

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

PROPERTY INFORMATION:

Location: 100 N. Telshor Boulevard
Applicant: GMRI, Inc.
Business Name: Olive Garden

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: C-3C (Commercial High Intensity – Conditional)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-3C	Commercial
South	M-1/M-2	Commercial
East	C-3C/M-1/M-2	Commercial
West	Interstate 25	

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
Greater than 300 feet to a church: YES
Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: Telshor Boulevard
Classification: Minor Arterial
Number of Lanes: 4
Site Access: 2
Nearest Intersections: Telshor Boulevard & Lohman Avenue

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires restaurants to provide one (1) automobile parking space for every 2-5 seats and one (1) bicycle parking space per one thousand (1,000) square feet of gross floor area. Parking requirements will be met when construction is concluded.

IMPACT ANALYSIS:

The subject property is located off of Telshor Boulevard which is designated as a minor arterial roadway and is designed to accommodate moderate to heavy traffic and land uses such as of a restaurant and uses related to it. The subject property is zoned C-3C (Commercial High Intensity – Conditional) which permits this use and uses related to it. The applicant is requesting a transfer of ownership and location of a liquor license for this location. In terms of a transportation and land use perspective, this seems to be an appropriate location and request.

**STATEMENT OF ZONING**

The property located at 100 N. Telshor Boulevard, and having a Map Code Number or Parcel ID Number of 02-13442, in Las Cruces, New Mexico, is zoned as follows:

C-3C (Commercial High Intensity – Conditional)

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.

October 30, 2009
Date


Adam Ochoa
Acting Planner

Comments: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market and whose use generally serves a population of over 15,000. Conditions for this zoning designation is listed on Ordinance 2275, passed February 27, 2006. Food and beverage establishments with a dispenser's liquor license are permitted uses within this zoning district, providing that all requirements prescribed for liquor establishments by the State of New Mexico are met.

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.

From: Christine Logan
Subject: RE: Review of 2 liquor license applications

Olive Garden has not completed construction and so no liquor license is required yet.

From: Monica Campbell
Sent: Thursday, October 22, 2009 10:57 AM
To: Christine Logan
Cc: Vicki Montez
Subject: Review of 2 liquor license applications

Attached are Alcohol & Gaming's letters and applications for:

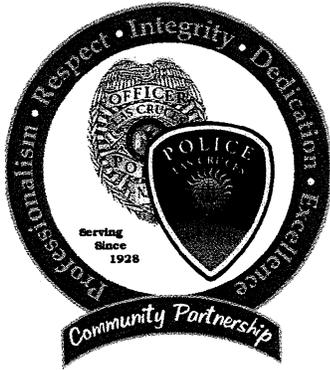
Japanese Kitchen, 141 Roadrunner Parkway, Suite 115 – Restaurant License
Olive Garden, 100 N. Telshor Blvd. – Transfer of Ownership and Location for Dispenser License

Please review the applications and report on the business license and permits, if applicable, for each business.

In order to meet the time limits and publication deadlines imposed by law, I would appreciate it if you would submit your report no later than **October 30, 2009**.

Monica Campbell
City Attorney's Office
541-2128

Confidentiality Notice. This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.



LAS CRUCES POLICE DEPARTMENT
PO BOX 20000
217 E. Picacho
Las Cruces, New Mexico 88004

DATE: *November 3, 2009*

TO: *Fermin A. Rubio, City Attorney*

From: *Harry Romero, Chief of Police*

Subject: *The Olive Garden Italian Restaurant*

I have reviewed all available statistical information obtained from the Las Cruces Police Department Crime Analyst in reference to the attached liquor license application for The Olive Garden Italian Restaurant located at 100 N. Telshor Boulevard, Las Cruces, NM 88011.

No anomalies were found that would warrant denial of this license; therefore, I recommend the liquor license application for The Olive Garden Italian Restaurant to be approved.

Harry Romero
Chief of Police



Interdepartmental Memorandum

TO: Fermin A. Rubio, City Attorney
FROM: Travis A. Brown, Deputy Chief *TAB*
SUBJECT: Liquor License Review
DATE: October 30, 2009 **FILE #:** _____

Our department has reviewed the liquor license application for GMRI, Inc. d/b/a The Olive Garden Italian Restaurant, located at 100 N. Telshor Boulevard, Las Cruces, New Mexico.

This facility is not yet constructed, but a building permit has been issued. The construction plans were reviewed and found to be in compliance with the 2006 International Fire Code (IFC) for a facility that serves alcoholic beverages.

Please contact me if you have questions or desire additional information.

Attachment 7

CELEBRATING A
CENTURY
of SERVICE

