

RESOLUTION NO. 1-91

DECISION ON APPLICATION BY
THIRD AND ROOD CORPORATION, INC.,
TO TRANSFER THE LOCATION OF ITS RETAIL LIQUOR STORE LICENSE
FROM 141 N. 3RD STREET TO 504 28 1/4 ROAD,
GRAND JUNCTION, COLORADO

A public hearing was held April 17, 1991, and continued to May 1, 1991, at the request of Mr. Joe Hambright, Attorney, for the applicant, on the application by Third and Rood Corporation doing business as The Fair Wine and Spirits, to transfer the location of its Retail Liquor Store License from 141 N. 3rd Street to 504 28 1/4 Road, and the Local Licensing Authority, having considered the evidence adduced at said hearing, FINDS:

1. The hearing held on April 17, and May 1, 1991, on the said application was held after proper notice thereof under C.R.S. 12-47-101, et seq.

2. The survey of the neighborhood from 23rd Street on the west, Orchard Avenue on the north, 28 3/4 Road on the east, to the I-70 By-Pass on the south conducted by the City revealed that 291 persons believed the reasonable requirements of the neighborhood were already being met by other existing retail liquor store outlets, while 160 believed the reasonable requirements of the neighborhood were not being met by existing outlets. Of those who were adult inhabitants of the neighborhood described above, 269 desired that the license be transferred to the new location and 201 were opposed to the license location transfer. There are two (2) similar-type outlets within the survey area and three (3) within one mile.

3. The Local Licensing Authority, acknowledges that Mr. Hambright, on behalf of the applicant, submitted seven (7) exhibits:

- Exhibit No. 1 - Video of Store Products;
- Exhibit No. 2 - Petitions attempting to clarify the City's survey questions circulated within the above-described neighborhood;
- Exhibit No. 3 - Petitions with Applicant's survey questions circulated by the applicant within the above-described neighborhood;
- Exhibit No. 4 - Map;
- Exhibit No. 5 - Petition circulated outside the City's above-described neighborhood which revealed that 426 persons were in favor of the license location transfer while 49 were against the license location transfer;
- Exhibit No. 6 - Catalogue and newsletter;
- Exhibit No. 7 - Letter from JoAnn McRobbie, residence address not listed.

4. Four (4) individuals appeared at the hearing to speak for the license location transfer:

a. Ken Grant, 1316 Poplar, No. 2, a retired Presbyterian minister who enjoys fine wines;

b. Steve Bryant, Manager of Wienerschnitzel, residence address 1812 White Avenue, Unit A;

c. Ross Harrell, Manager, The Fair Wine and Spirits;

d. Pamela Hambright, 100% Stockholder, Third and Rood Corporation, Inc.

5. Four (4) individuals appeared at the hearing stating opposition to the application:

a. Dale Mitchell, representing Crown Liquor Store, 1851 1/2 North Avenue. Mr. Mitchell stated that although the presentation was for a specialty shop, it would not remain a specialty shop. He also stated that a petition circulated by a proponent or an opponent is very much a sales pitch. He believed the reasonable requirements of the neighborhood were being met. His store is located within the City's survey area.

b. On April 17, 1991, John Henson appeared. Mr. Henson owns the House of Spirits, 1560 North Avenue. He stated that the needs of the neighborhood were being well met.

c. On May 1, 1991, Sylvia Henson, representing House of Spirits, 1560 North Avenue, stated the reasonable requirements of the neighborhood were being met.

d. Bob Crigger, Teller Arms Liquor, 2353 Belford Avenue, opposed because he believed the needs of the neighborhood were being met. Mr. Crigger's store is located within the City's survey area.

6. The evidence, though somewhat inconclusive, supports a determination that the reasonable requirements of the neighborhood are not being met by other outlets. A majority of the adult inhabitants within the described neighborhood desire that the license be transferred to the new location. The petition submitted by the applicant from the market area also supports the conclusion that a majority of adults favor the license being transferred to the new location.

7. The building where the license is sought to be transferred is located more than 500 feet from any public or parochial school or the principal campus of any college, university, or seminary,

NOW, THEREFORE, BE IT RESOLVED BY THE LOCAL LICENSING AUTHORITY OF THE CITY OF GRAND JUNCTION:

That the application by Third and Rood Corporation, Inc., to transfer the location of its retail liquor store license from 141 N. 3rd Street to 504 28 1/4 Road, Grand Junction, Colorado, is hereby approved.

PASSED and ADOPTED this 15th day of May, 1991.

Attest:

Philip Coebergh

Philip Coebergh
LOCAL LICENSING AUTHORITY
FOR THE CITY OF GRAND JUNCTION

Neva B. Lockhart
Neva B. Lockhart, CMC
City Clerk

Fair Wine & Spirits Reso of Decision

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1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Pamela Hambricht dba
Fair Wine & Spirits
141 N. 3rd Street
Grand Junction CO 81501

4. Article Number:
P 359 706 731

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Address
X

6. Signature — Agent
X *P. Hambricht*

7. Date of Delivery
5-16-91

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PS Form 3800, June 1985

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Pamela Hambricht

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141 N. 3rd Street

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