

Submitted by: Chairman of the Assembly
Prepared by: Department of Law
For reading: May 5, 1998

ANCHORAGE, ALASKA
AR NO. 98- 164

A RESOLUTION REVOKING THE CONDITIONAL USE PERMIT ALLOWING THE RETAIL SALE AND DISPENSING OF ALCOHOLIC BEVERAGES AT 6119 OLD SEWARD HIGHWAY, FORMERLY KNOWN AS THE SAWMILL CLUB AND CURRENTLY KNOWN AS KLONDIKE KATE'S BARE TRAP SALOON.

WHEREAS, the Anchorage Municipal Assembly, after notice to the permittee, a hearing before the Assembly and consideration of the evidence and information presented, finds:

1. That the owner and operator of the property and premises located at 6119 Old Seward Highway, formerly known as the Sawmill Club and the Sawmill Club Basement, has failed to comply with the terms of the conditional use approval for the retail sale and dispensing of alcoholic beverages at these premises granted by this Assembly on January 8, 1995; in particular, the owner and operator of these premises have violated the condition requiring them to have some type of food service made available during all operating hours of the enterprise located in these premises; and

2. That the owner and operator of premises located at 6119 Old Seward Highway, formerly known as the Sawmill Club and the Sawmill Club Basement, have also violated the condition authorizing operation of a not to exceed 5,000 square foot facility at 6119 Old Seward Highway and the condition requiring the Municipal Assembly's advance approval of any structural development of the premises at 6119 Old Seward Highway after January 8, 1985; and

WHEREAS, the Anchorage Municipal Assembly, based on its findings above noted, does hereby conclude:

1. That under AMC 21.50.160.D, the Municipal Assembly is authorized to attach any conditions to conditional use approval authorizing the retail sale and dispensing of alcoholic beverages which the Municipal Assembly finds to be in the public's interest.

2. That pursuant to AMC 21.50.160.D, the Municipal Assembly is authorized to revoke the conditional use approval allowing retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway based upon the failure of the owner and operator of the premises there located to comply with the terms and conditions of the existing conditional use approval.

3. That the conditions set in the conditional use approval authorizing retail sales and dispensing of alcoholic beverages at 6119 Old Seward Highway were necessary for the Municipal Assembly to find that issuance of conditional use approval of retail sales and dispensing of alcoholic beverages at this location was in the public's interest, and therefore violation of these conditions justifies revocation of this conditional use approval.

4. That upon revocation of this conditional use permit, retail sales and dispensing of alcoholic beverages at 6119 Old Seward Highway is prohibited under AMC 21.50.160.A; now therefore,

THE ANCHORAGE ASSEMBLY RESOLVES

Section 1: That the conditional use permit authorizing the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway is hereby revoked, and AM 1184-84 plus AM 38-85 are hereby repealed.

Section 2. That the Municipal Clerk is hereby directed to notify the State of Alaska, Alcoholic Beverage Control Board that conditional use approval for the retail sale and dispensing of alcoholic beverages at 6119 Old Seward Highway under license numbers 2024 (Klondike Kate's Bare Trap Saloon) and 2456 (Rock U) has been revoked by the Municipality.

Section 3. This resolution shall become effective immediately upon passage and approval by the Assembly and shall be promptly delivered by the Municipal Clerk by certified mail, return receipt requested, to the permittee Westfork, Inc.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 1998.

Chair of the Assembly

ATTEST:

Municipal Clerk