

CLERK'S OFFICE

APPROVED

Date:

5-24-11

Submitted by: ASSEMBLY CHAIR OSSIANDER,
VICE-CHAIR HALL, AND ASSEMBLY
PUBLIC SAFETY
COMMITTEE CHAIR HONEMAN

Prepared by: Municipal Clerk

For reading: May 24, 2011

ANCHORAGE, ALASKA

AR NO. 2011-147

**A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
PROTEST REGARDING A TRANSFER OF LOCATION FOR A PACKAGE STORE
LIQUOR LICENSE #4669 FOR WAL-MART STORES, INC. dba WAL-MART
SUPERCENTER 2070, LOCATED AT 3101 A STREET, AND AUTHORIZING THE
MUNICIPAL CLERK TO TAKE CERTAIN ACTION.**

WHEREAS, Wal-Mart Stores, Inc. has made an application with the Alcoholic Beverage Control (ABC) Board and has paid the required fee for a Transfer of Location for a Package Store Liquor License #4669, to be used for Wal-Mart Supercenter 2070, located at 3101 A Street, Anchorage, Alaska; and

WHEREAS, the Assembly must enter any protest to the ABC Board within 60 days following receipt of the application; and

WHEREAS, the Anchorage Municipal Clerk received a copy of this application on April 7, 2011 and has determined that the last day for the Assembly to file a protest is June 6, 2011 and

WHEREAS, the Assembly Meeting on May 24, 2011 is the last scheduled regular meeting of the Anchorage Assembly prior to the expiration of the protest period; and

WHEREAS, the Municipal Clerk reports the following status concerning this location:

1. No ABC Board violations and/or incidents that would lead to an ABC Board violation;
2. No taxes owing to the Municipality of Anchorage;
3. Anchorage Health & Human Services approval was received on **April 11, 2011**;
4. Conditional Use Permit required by AMC 21.50.160; has **not** been approved;
5. Approvals from the Anchorage Fire and Building Safety Departments **have not been received**; and

WHEREAS, protest by the Assembly is in order pending Municipal Clerk confirmation that outstanding items required for this location have been completed;

NOW, THEREFORE, THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. The Anchorage Assembly hereby enters its PROTEST for a Transfer of Location for a Package Store Liquor License #4669 until these conditions are met:

- Successful completion of the Conditional Use Permit under AMC 21.50.160 is confirmed by the Municipal Clerk.
- Approvals from Anchorage Fire and Building Safety Department received and confirmed by the Municipal Clerk.

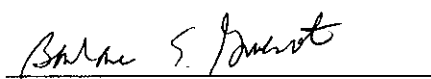
Section 2. A copy of this Assembly Resolution may be presented to the Alcoholic Beverage Control Board as proof that the Anchorage Assembly, as the local governing body, has stated its protest in order to allow the Director of the Alcoholic Beverage Control Board to hold processing of a Package Store Liquor License #4669 under local protest, until receipt by the Director of confirmation from the Municipal Clerk that the conditions in Section 1 have been met, and this protest is lifted as authorized by this Assembly Resolution.

Section 3. The Anchorage Assembly hereby authorizes the Municipal Clerk, upon Municipal Clerk confirmation that all conditions in Section 1 have been met, to provide written notification to the Alcoholic Beverage Control Board that this protest by the Anchorage Assembly is lifted, without further action by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 24th day of May, 2011.


Chair

ATTEST:


Municipal Clerk



State of Alaska
Department of Public Safety
Alcoholic Beverage Control Board

Sean Parnell, Governor
Joseph A. Masters, Commissioner

April 7, 2011

Municipality of Anchorage, Midtown Community Council
Attn: Amanda Moser, Don Pohland, President
VIA EMAIL: moserak@muni.org; MuniLicenses@muni.org; donp@jlproperties.com
Re: **Wal-Mart Supercenter #2070 – License #4669**

☐ Transfer of Ownership ☒ Name Change ☐ Restaurant Designation Permit
☒ Transfer of Location ☐ New Application Old License # (if changed):

We have received the enclosed liquor license application within the **Municipality of Anchorage**. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance have been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

/s/ Leighanne D. Atwood
Leighanne D. Atwood
Business Registration Examiner

Alcoholic Beverage Control Board
5848 E. Tudor Road - Anchorage, AK 99507 - Voice (907) 269-0350 - Fax (907) 272-9412

Liquor License

Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.			
Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): Wal-Mart Stores, Inc.		Telephone Number: (479) 204-2188	Fax Number: (479) 204-9864
Corporate Mailing Address: 702 S.W. 8th Street	City: Bentonville	State: AR	Zip Code: 72716-0500
Name, Mailing Address and Telephone Number of Registered Agent: CT Corporation Systems, 801 W. 10th St., Suite 300, Juneau, AK 99801		Date of Incorporation OR Certification with DCED: 1/29/99	State of Incorporation: Alaska
Is the Entity in compliance with the reporting requirements of Title 10 of the Alaska Statutes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, attach written explanation. Your entity must be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)					
Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
See attached officer list.					
NOTE: On a separate sheet provide information on ownership other organized entities that are shareholders of the licensee.					

Individual Licensees/Affiliates (The ABC Board defines an "Affiliate" as the spouse or significant other of a licensee. Each Affiliate must be listed.)			
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
	Date of Birth:	Home Phone: Work Phone:	Date of Birth:
Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>	Name: Address: Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/> Date of Birth:
	Date of Birth:	Home Phone: Work Phone:	Date of Birth:

Declaration
<ul style="list-style-type: none"> I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations. I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued. I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business. I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature <i>Amy Thrasher</i>	Signature <i>Amy Thrasher</i>
Signature	Signature
Name & Title (Please Print) Amy Thrasher, Assistant Secretary	Name & Title (Please Print) Amy Thrasher, Assistant Secretary
Subscribed and sworn to before me this 1 st day of MARCH, 2011	Subscribed and sworn to before me this 1 st day of MARCH, 2011
Notary Public in and for the State of Alaska <i>Arkansas</i>	Notary Public in and for the State of Alaska
<i>Arnold Hele</i>	<i>Arnold Hele</i>
My commission expires: 7/28/2020	My commission expires: 7/28/2020

Transfer Liquor License

PAGE 1 OF 2

(907) 269-0350

Fax: (907) 272-9412

www.dps.state.ak.us/abc

This application is for:

- ☐ Seasonal – Two 6-month periods in each year of the biennial period beginning _____ and ending _____
Mo/Day Mo/Day
- ☒ Full 2-year period

SECTION A - LICENSE INFORMATION. Must be completed for all types of applications.			FEES
License Year:	License Type:	Statute Reference	License Fee: \$
License #: 4669	Package Store	Sec. 04.11. 150	Filing Fee: \$100.00
Local Governing Body: (City, Borough or Unorganized)	Community Council Name(s) & Mailing Address:		Fingerprint: (\$54.25 per person)
Municipality of Anchorage	<i>Midtown Community Council</i>		Total Submitted: \$
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership):	Doing Business As (Business Name):	Business Telephone Number:	
Wal-Mart Stores, Inc.	Wal-Mart Supercenter # 2070	(479) 277-8015	
Mailing Address:	Street Address or Location of Premise:	Fax Number:	
702 Southwest 8th Street	3101 A Street	(479) 204-9864	
City, State, Zip:	Anchorage, AK 99503	Email Address:	
Bentonville, AR 72716-0500		louis.knapp@wal-mart.com	

SECTION B - TRANSFER INFORMATION.	
<input checked="" type="checkbox"/> Regular Transfer	Name and Mailing Address of <i>CURRENT</i> Licensee:
<input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application (15 AAC 104.107). Real or personal property conveyed with this transfer must be described. Provide security interest documents.	Wal-Mart Stores, Inc.
<input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.	Business Name (dba) <i>BEFORE</i> transfer:
	Wal-Mart Supercenter # 3813
	Street Address or Location <i>BEFORE</i> transfer:
	No premise

SECTION C - PREMISES TO BE LICENSED. Must be completed for RELOCATION applications.		
Closest school grounds:	Distance measured under:	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
.45 miles	<input type="checkbox"/> AS 04.11.410 OR	<input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality.
Closest church:	<input checked="" type="checkbox"/> Local ordinance No.	<input checked="" type="checkbox"/> Not applicable
.55 miles	Distance measured under:	
	<input type="checkbox"/> AS 04.11.410 OR	
	<input checked="" type="checkbox"/> Local ordinance No.	
Premises to be licensed is:	<input type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings)	
<input type="checkbox"/> Proposed building	<input checked="" type="checkbox"/> Diagram of premises attached	
<input checked="" type="checkbox"/> Existing facility		
<input type="checkbox"/> New building		

Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

☒ Yes ☐ No If Yes, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
See attached list				

Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

☒ Yes ☐ No If Yes, attach written explanation. See attached list

Office use only	
Date Approved	Director's Signature

Content ID: 010227**Type:** AR_AllOther - All Other Resolutions

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY STATING ITS
 PROTEST REGARDING A TRANSFER OF LOCATION FOR A PACKAGE
 STORE LIQUOR LICENSE #4669 FOR WAL-MART STORES, INC. dba WAL-

Title: MART SUPERCENTER 2070, LOCATED AT 3101 A STREET, AND
 AUTHORIZING THE MUNICIPAL CLERK TO TAKE CERTAIN ACTION. Assembly
 Chair Ossiander, Vice-Chair Hall and Assembly Public Safety Chair Honeman.

Author: moserak**Initiating**
Dept: Muni_Clk**Date** 5/13/11 10:43 AM**Prepared:****Assembly**
Meeting 5/24/11**Date:**

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	5/13/11 10:58 AM	Exit	Amanda Moser	Public	010227
AllOtherARWorkflow	5/13/11 10:58 AM	Checkin	Amanda Moser	Public	010227