

RESOLUTION #08-1212-05:

Whereas, the Liberty Township Board of Trustees has been petitioned by the attorneys for Buffalo Wild Wings Bar and Grille for a letter related to the Transfer of Liquor Licenses within the state for an economic development and job creation effort, and

Whereas, since there are no available liquor licenses in Liberty Township in the D category the applicant has requested the Township Board authorize a letter on their behalf which would help them "TRES" a liquor license as was completed on behalf of another applicant recently, and

Whereas, the restaurant would locate in the new development near SR 750 and Sawmill Road, Liberty


NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO: authorize the staff to prepare a letter to the Division of Liquor Control which states the board "not opposed to the transfer of a class D liquor permit to Blazin' Wings, Inc. for an economic development project."

Motion made by Sybert and seconded by Mann.

Vote: yes Ms. Guzzo yes Mr. Mann yes Mr. Sybert

This Resolution shall be in force and become effective immediately upon its execution.

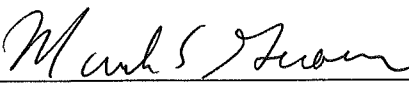
12-15-08
Date


Curtis J. Sybert, Trustee


Robert Mann, Trustee


Peggy Guzzo, Trustee

CERTIFIED BY:


Mark S. Gerber, Fiscal Officer

CHESTER WILLCOX & SAXBE LLP

Attorneys and Counselors at Law

CRAIG B. PAYNTER

DIRECT DIAL 614-334-6135
cpaynter@cwslaw.com

R#08-1215-05

December 2, 2008

David Anderson
Administrator of Liberty Township
Liberty Township Government Offices
10104 Brewster Lane, Suite 125
Powell, OH 43065

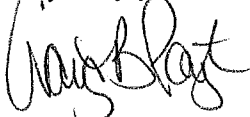
RE: TREX

Dear Dave:

Enclosed please find a hard copy of the letter I received from Scott Simon concerning Buffalo Wild Wings. I had forwarded this letter to you by email and have not heard anything from you. If you need any assistance with any of these matters, please let me know. I believe this would involve one of the newly available transfers for economic development that are available under the liquor laws.

Thank you for your consideration.

Very truly yours,



Craig B. Paynter

CBP/cdf
(11618-23012)

Enclosure

ND: 4848-7984-2051, v. 1

WILLIAM SCOTT SIMON*

ATTORNEY-AT-LAW

37 West Broad Street, Suite 710 · Columbus, Ohio 43215
614.227.0091 or 614.221.5212 Fax 614.221.6944

Via Facsimile Hand Delivery

November 11, 2008

Craig Painter, Law Director
Chester, Wilcox & Saxbe
65 East State Street, Suite 1000
Columbus, Ohio 43215

RE: TREX (Transfer Exempt)
Blazin Wings, Inc.
Attucks Drive
Liberty Township
Powell, Ohio 43065

Dear Craig,

I represent Blazin Wings, Inc. dba Buffalo Wild Wings Bar & Grille based out of Minneapolis, Minnesota. I am writing to you to explain the liquor license quota issue in Liberty Township, Ohio. My client Blazin Wings, Inc. dba Buffalo Wild Wings plans to open a restaurant in Liberty Township in the current development just north of Attucks Drive in 2009. The restaurant will be over 5,000 square feet. The problem in Liberty Township is that the quota relating to the issuance of liquor permits is full. There are no D1 (beer only), D2 (wine & mixed beverages) or D3 (spirituous liquor by the drink for on premises consumption only) liquor permits available in Liberty Township. By statute, the Ohio Division of Liquor Control can issue 7 D1, 7 D2, 7 D3 liquor permits, however all seven (7) are issued and there are 2-3 applicants on the waiting list. There are no D5 (beer, wine, mixed beverages and spirituous liquor) liquor permits available as well. As far as I can know I cannot find any liquor permits available in Liberty Township, Ohio. Unfortunately, because the issuance of liquor permits is based upon a quota based upon the population of every city or township in Ohio, there are no openings for any D class liquor permits in Liberty Township, Ohio. All seven (7) D1 liquor permits are issued in Liberty Township, Ohio. The only other way to potentially obtain a liquor permit is to "trex" or transfer a liquor permit from an overissued political subdivision into Liberty Township, Ohio for an economic development project. In order for the Ohio Division of Liquor Control to even accept and review such a transfer application when trexing a liquor permit the Ohio Division of Liquor Control requires as follows:

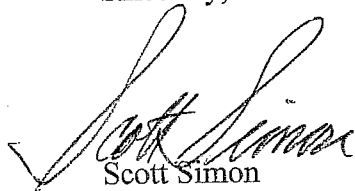
Substitute H.B. 371 requires a letter or resolution from the municipal corporation or township trustees to specifically now include language that says the transfer of the liquor permits (to Blazin Wings, Inc.) **"will be for an economic development project."** I would need a letter or resolution from the Liberty Township Trustees stating that it is **"not opposed to the transfer of a D class liquor permit to Blazin Wings, Inc. for an economic development project."** The statute requires as follows in H.B. 371:

“...but the transfer of location or transfer of ownership and location of the permit may occur only if the applicant notifies the municipal corporation or township to which the location of the permit will be transferred regarding the transfer and that municipal corporation or township acknowledges in writing to the division of liquor control, at the time the application for the transfer of location or transfer of ownership and location of the permit is filed, that the transfer will be to an **economic development project...**” (Ohio Revised Code Section 4303.29(B)(3)(b)(i))

I am respectfully requesting a letter or resolution that includes the language to an economic development project. Again, the resolution or letter from the Liberty Township Trustees would only need to state that “ it does not oppose the transfer of a D class liquor permit to Blazin Wings, Inc. in Liberty Township, Ohio for an **economic development project.**”

My direct dial is (614) 227-0091. If you need any further information to clarify anything, please call me. I also have attached for your convenience a site map (highlighted) showing where Buffalo Wild Wings is located. I appreciate your assistance in this matter. Please let me know if you would like for me to meet with you and the Liberty Township Trustees to further discuss or answer any questions you or they may have. Once the Liberty Township Trustees provide a letter or resolution not opposing the transfer, I can then proceed to search and then file a liquor permit transfer with the Ohio Division of Liquor Control. After the filing, the Liberty Township clerk will then receive formal notification from the Ohio Division of Liquor Control that a liquor permit transfer is on file. Thank you for your time and the Liberty Township Trustees consideration as well.

Sincerely,


Scott Simon

Cc: Lisa Munson, Buffalo Wild Wings, Via Facsimile Only (952) 818-3674

