

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

IN THE MATTER OF AMENDING THE)
RECOMMENDATION FOR A CLASS E (BEER,)
OFF SALE ONLY) AND A CLASS K (WINE)
ONLY) LIQUOR LICENSE FOR) RESOLUTION NO. R-18-0033
SHOEMAKER’S SOUTH TRUCK STOP,)
LOCATED AT 1200 SALTILLO ROAD, IN)
ROCA, LANCASTER COUNTY, NEBRASKA)

WHEREAS, Neb. Rev. Stat. § 53-134 (2016 Supp.), provides, in part, that:

The local governing body of any city or village with respect to licenses within its corporate limits and the local governing body of any county with respect to licenses not within the corporate limits of any city or village but within the county shall have the following powers, functions, and duties with respect to retail, craft brewery, microdistillery, and entertainment district licenses . . . (7) Upon receipt from the commission of the notice and copy of application as provided in section 53-131, to fix a time and place for a hearing at which the local governing body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in such city, village, or county one time not less than seven and not more than fourteen days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local governing body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five days after the date of receipt of the notice from the commission, and after such hearing the local governing body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The clerk of such city, village, or county shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

WHEREAS, on or about February 18, 1999, the Lancaster County Clerk received from

the Nebraska Liquor Control Commission (“the Commission”) notice and a copy of the Application of Shoemaker’s South Truck Stop, for a Class E (Beer, Off Sale Only) and a Class K (Wine Only) liquor license (D-043253) for the premises located at 1200 Saltillo Road, In Roca, Lancaster County, Nebraska;

WHEREAS, pursuant to the requirements of Neb. Rev. Stat. § 53-134, the Board of County Commissioners of Lancaster County (“the Board”) held a public hearing on March 9, 1999;

WHEREAS, at the public hearing, the Board recommended approval of the Class E and Class K liquor license and recommended the Commission place the following condition on the licensed premises:

1. Single cans and/or bottles of beer and/or malt liquor of less than thirty-two ounces shall not be sold on the licensed premises.

WHEREAS, the original applicant and owner of Shoemaker’s South Truck Stop, David Shoemaker, would now like the condition lifted from his Class E and Class K liquor license;

WHEREAS, on or about May 2, 2018, the Lancaster County Clerk received from David Shoemaker, the Commission’s request for a letter from the Board recommending removal of the condition on the liquor license;

WHEREAS, pursuant to the requirements of Neb. Rev. Stat. § 53-134, the Board set a time and place for a public hearing on said recommendation request, and published in the Lincoln Journal Star, notice of said public hearing as required by law;

WHEREAS, within forty-five days of receipt of said request from the Commission, a public hearing was held on May 29, 2018; and

WHEREAS on May 29, 2018, the County Board voted to recommend _____ of

removing said condition on the liquor license;

NOW, THEREFORE, BE IT RESOLVED, by the Board, that pursuant to the provisions of Neb. Rev. Stat. § 53-134, it should and hereby does recommend to the Commission that removing said condition be _____ for the above stated location;

AND, BE IT FURTHER RESOLVED, that the Lancaster County Clerk is hereby directed to mail a copy of this Resolution to the Commission by United States First Class Mail, postage prepaid, this 29th day of May, 2018.

DATED this ____ day of _____, 2018.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

APPROVED AS TO FORM
this ____ day of
_____, 2018.

Deputy County Attorney
for PATRICK CONDON
Lancaster County Attorney