

VILLAGE OF ARLINGTON HEIGHTS

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE USE OF VILLAGE RIGHT-OF-WAY
BY A CLASS J ALCOHOLIC LIQUOR LICENSEE DURING THE 2021 CALENDAR YEAR

WHEREAS, Section 13-501(m) of the Municipal Code of Arlington Heights, Illinois, 1995, as amended ("*Village Code*"), establishes the "Class J" liquor license, which may be issued and retained only by an indoor not-for-profit live theater, and permits the sale of alcoholic beverages on the premises where sold only one-half hour prior to and during intermission of any live theatrical performance; and

WHEREAS, Section 13-501(m) of the Village Code provides that, during the 2021 calendar year only, the premises on which a holder of a "Class J" alcoholic liquor license may conduct the retail sale of alcoholic liquor may include portions of Village-owned rights-of-way authorized by resolution of the Village President and Board of Trustees; and

WHEREAS, Performing Arts at Metropolis, an Illinois not-for-profit corporation ("*Metropolis*"), is a current "Class J" license holder and desires to include within its licensed premises, for the purposes of conducting performances and related licensed retail sales of alcoholic liquor during the 2021 calendar year, those portions of Village-owned rights-of-way designated and depicted in Exhibit A to this Ordinance ("*Designated Rights-of-Way*"); and

WHEREAS, the President and Board of Trustees have determined that it is in the best interest of the Village and its residents to authorize the Licensee to utilize the Designated Rights-of-Way for the sale of alcoholic beverages by Metropolis during the 2021 calendar year, pursuant to Section 13-501(m) of the Village Code and subject to the conditions set forth in this Resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: AUTHORIZATION TO USE DESIGNATED RIGHTS-OF-WAY. Subject to the conditions set forth in Section 3 of this Resolution, Metropolis is hereby authorized, from the date of this Resolution through and including September 6, 2021, to use the Designated Rights-of-Way depicted in Exhibit A of this Resolution to conduct the licensed retail sale of alcoholic liquor pursuant to Section 13-501(m) of the Village Code.

SECTION 3: CONDITIONS OF AUTHORIZATION.

A. License Agreement. Prior to commencing use of the Designated Rights-of-Way as authorized by this Resolution, Metropolis must execute and deliver to the Village Manager or his designee a license agreement for the use of the Designated Rights-of-Way, in a form approved by the Village Manager and the Village Attorney. The Village Manager is hereby authorized, but not obligated, to execute the license agreement, upon his determination that the provisions and restrictions set forth in the license agreement will sufficiently protect the Village's rights-of-way and the public health, safety, and welfare.

B. Maintenance of Valid Class J License. Metropolis must maintain at all times a current and valid Class J License in order to use the Designated Rights-of-Way as provided in this Resolution. Upon

the expiration, revocation, or other termination of Metropolis' state- or Village-issued alcoholic liquor license, the approvals in this Resolution, including, without limitation, the authorization to use the Designated Rights-of-Way, will immediately be considered void and of no further force or effect without further action of the Village President and Board of Trustees.

C. Compliance with Laws. Metropolis' use of the Designated Rights-of-Way must comply at all times with all applicable laws, codes, ordinances, and resolutions, whether of the Village or any other governmental entity having jurisdiction over or rights to access and use any portion of the Designated Rights-of-Way, including, without limitation, the terms and conditions of this Resolution.

SECTION 4: EFFECTIVE DATE. This Resolution will be in full force and effect upon its passage and approval as provided by law.

AYES:

NAYS:

PASSED AND APPROVED THIS ___ day of _____, 20__

Village President

ATTEST:

Village Clerk

EXHIBIT A
DESIGNATED RIGHTS-OF-WAY