

A.14

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE APPLICATION FOR ADDITION TO THE CLASS C LIQUOR LICENSE FOR BEYOND GOLF LLC DBA BEYOND GOLF, LA VISTA, NEBRASKA.

WHEREAS, Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their Class C Liquor License to add a sidewalk café, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the application for the addition to the Class C Liquor License submitted by Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Nebraska.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER. 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Mandy Garrod

From: Bob Lausten
Sent: Friday, September 06, 2013 1:29 PM
To: Mandy Garrod
Subject: RE: BEYOND GOLF ADDITION

No objection

Robert S. Lausten
Chief of Police
La Vista Police Department
7701 S. 96th St.
La Vista, Nebraska 68128
(402) 331-1582 FAX: (402) 331-7210

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From: Mandy Garrod
Sent: Friday, September 06, 2013 1:28 PM
To: Bob Lausten
Subject: FW: BEYOND GOLF ADDITION

Do you have any objections to this addition on the liquor license of Beyond Golf?

Thank You!

Mandy

Mandy Garrod
Deputy City Clerk/ Office Manager
City Of La Vista
www.cityoflavista.org



From: Seybert, Randy [mailto:Randy.Seybert@nebraska.gov]
Sent: Friday, September 06, 2013 1:24 PM
To: Pam Buethe
Cc: Mandy Garrod
Subject: BEYOND GOLF ADDITION

Randy Seybert
Licensing Division
Nebraska Liquor Control Commission
402-471-4885 FAX 402-471-2814
randy.seybert@nebraska.gov

STATE OF NEBRASKA

Dave Heineman
Governor

NEBRASKA LIQUOR CONTROL COMMISSION
Hobert B. Rupe Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7352 (TTY)

September 6, 2013

LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128 2198

Dear Clerk,

Please present this request to you city/village/county board and send us a copy of their recommendation. If recommendation of denial or no recommendation is made the Commission has no alternative but to cease processing this request.

RE: ADDITION

LICENSE #: C-082199
LICENSEE NAME: BEYOND GOLF LLC
TRADE NAME: BEYOND GOLF
ADDRESS: 12040 MCDERMOTT PLAZA STE 330
CITY/COUNTY: LA VISTA/SARPHY
PREMISE PHONE: 402-916-4727
CURRENT DESCRIPTION: ONE STORY BUILDING APPROX 50' X 75' INCLUDING SIDEWALK CAFE APPROX 18' X 25'
NEW DESCRIPTION: ONE STORY BUILDING APPROX 50' X 75' INCLUDING OUTDOOR AREAS APPROX 18' X 25' TO THE SOUTH AND 11' X 23' TO THE NORTH

Randy Seybert
Licensing Division
Nebraska Liquor Control Commission

rs
cc: file

Janice Wiebusch
Commissioner

Bob Batt
Chairman

William Austin
Commissioner

An Equal Opportunity/Affirmative Action Employer

**APPLICATION FOR ADDITION
TO LIQUOR LICENSE**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.licc.ne.gov

Office Use

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NEBRASKA LIQUOR
CONTROL COMMISSION

Application:

- Must include processing fee of \$45.00 made payable to Nebraska Liquor Control Commission
- Must include a copy of the lease or deed showing ownership of area to be added
 - This is still required even if it's the same as on file with our office
- Must include simple sketch showing existing licensed area and area to be added, must include outside dimensions in feet (not square feet), direction north. No blue prints.
- May include a letter of explanation

RS

LIQUOR LICENSE # 82199-C

LICENSEE NAME BEYOND GOLF LLC

TRADE NAME BEYOND GOLF SPORTS & SPIRITS

PREMISE ADDRESS 12040 McDERMOTT PLAZA STE 330

CITY LA VISTA, NE 68128

CONTACT PERSON JOHN GALVIN

PHONE NUMBER OF CONTACT PERSON 402-716-4727

Complete the following questions:

1) Are you adding on to your building? Yes No

- Include a sketch of the area to be added showing:
 - existing building
 - outside dimensions (in feet)
 - direction north

2) Are you adding an outdoor area? Yes No

If an outdoor area (check one of the following)

012.07 "Beer garden" shall mean an outdoor area included in licensed premises, which is used for the service and consumption of alcoholic liquors, and which is contained by a fence or wall preventing the uncontrolled entrance or exit of persons from the premises, and preventing the passing of alcoholic liquors to persons outside the premises. (examples may include, but are not restricted to sand volleyball, horseshoe pits...)

CR # 2591
\$45-mm



1300019361

bpa

012.08 "Sidewalk cafe" shall mean an outdoor area included in licensed premises, which is used by a restaurant or hotel with a restaurant license, for the service of meals as well as alcoholic liquors, and which is contained by a permanent fence, wall, railing, rope or chain, defining the licensed area, provided that one open entrance not to exceed eight (8) feet shall be allowed.

What type of permanent fencing will you be using? 54" TALL ORNAMENTAL ALUMINUM

BLAUL ASHBURY FENCING

- Include a sketch of the area to be added showing:
 - existing building
 - outside dimensions (in feet)
 - direction north

Josh Gavin

Print Name of Signature

Signature of Licensee or Officer

State of Nebraska

NE H12342750

County of

Sarpy

The forgoing instrument was acknowledge before
me this

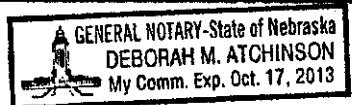
July 9, 2013
Date

August

Deborah M. Atchinson

Notary Public Signature

Affix Seal Here



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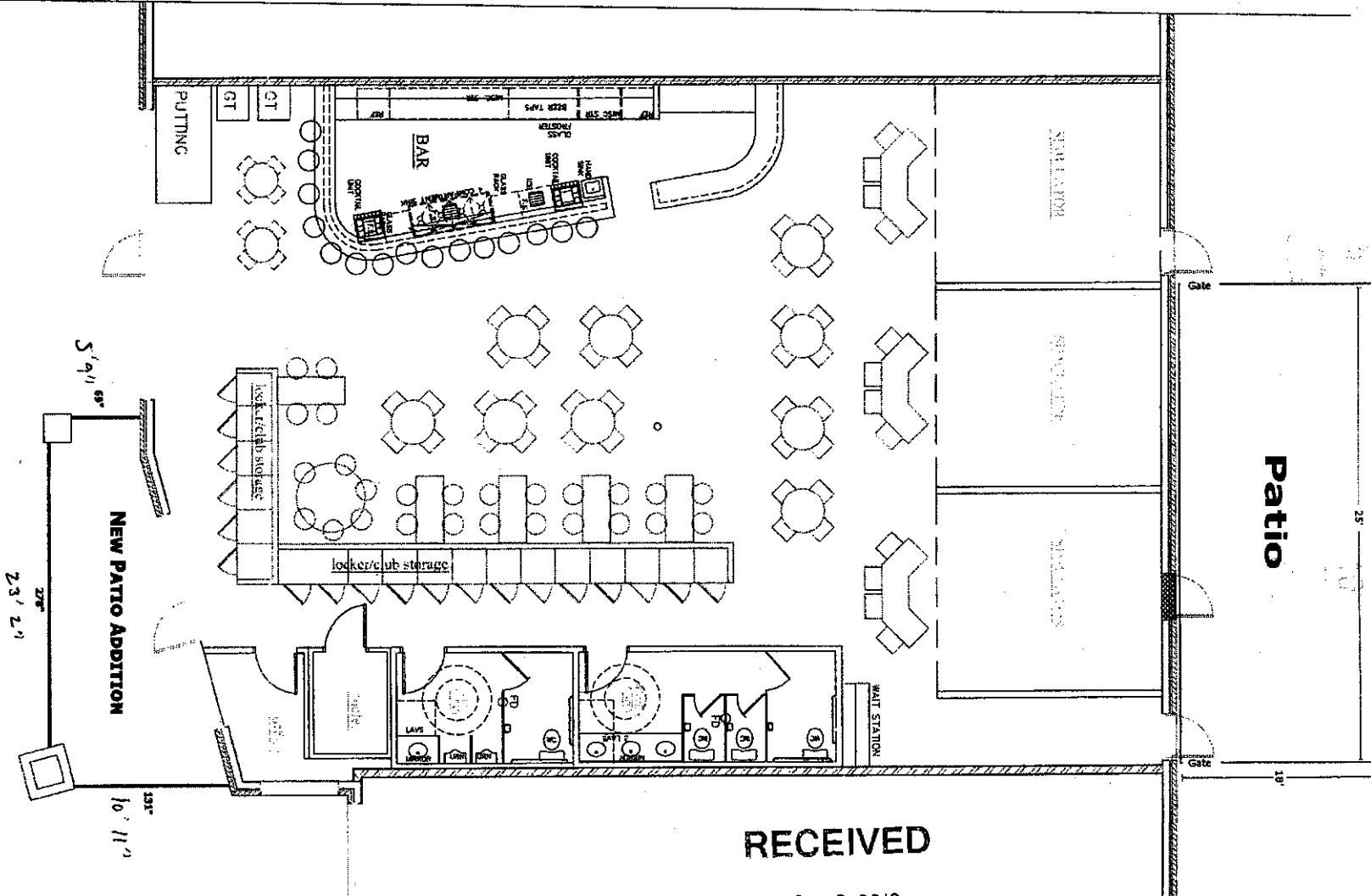
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▼ BAY 9 & 10 PLAN

0 10' 20' 30'

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LEASE EXTENSION & AMENDMENT NEBRASKA LIQUOR
CONTROL COMMISSION

REFERENCE is made to that certain Lease dated 30th of June, 2008, by and between John L. Hoich, successors and/or assigns ("Landlord") and Beyond Golf, LLC, a limited liability company, ("Tenant"), for premises located at 12040 McDermott Plaza, Suite 330 & 340 Omaha, NE 68128.

WHEREAS it is the desire of the tenant to extend the lease terms for an additional (seven) 7 years and amend the existing lease as follows:

Tenant Improvement: Upon execution of this extension, the landlord agrees to allow tenant "Beyond Golf, LLC" to install and maintain a small patio area in front of their space at the sole cost of tenant. The landlord has approved the plan to install the patio with included plan. The landlord also restates that the patio must meet all city codes and ordinances.

Article 1 Fundamental Lease Provisions: (n.)

Permitted Use of Premises:

- i. Tenant shall derive less than sixty percent (60%) of its total sales at the premises from alcoholic beverages and will be required to submit quarterly sales reports to the property manager for verification.
 - a. Tenant agrees to keep at the Premises or at Tenant's Address or in such other locations as Tenant shall designate (by not less than thirty (30) days' prior notice to Landlord) in the continental United States true and correct records of, and information as to, all Tenant's Gross Sales during the Term and to submit to, and make such records and information and all other records and information relevant to a determination of Gross Sales available to, Landlord or its representatives for inspection and audit thereof at the Premises, Tenant's Address, Landlord's Address, or such other location as Landlord may from time to time direct and to permit such inspections and audits. Such records and information shall include tax returns, sales tax returns, records of purchases, cash register tapes, and other records from which Tenant's Gross Sales may be determined. Tenant shall install and maintain on the Premises cash registers having a sealed, permanent, cumulative record of all sales reflected on such cash registers, and Tenant shall, in fact, record all of the Gross Sales on such registers. In connection with any such inspection and audit, Landlord shall have the right to inspect Tenant's records and information relating to Gross Sales made by Tenant or any subsidiary or affiliate of Tenant from any other premises operated by any such entity, but only in the event such inspection shall, in Landlord's opinion, be necessary or appropriate to determine the Gross Sales. In the event of any failure by Tenant at any time to keep such records or other information and to make same available to Landlord and its representatives, as required by the provisions of this paragraph with respect to the determination of alcohol sales percentage will result in default of the lease and the tenant shall be subject to legal remedies to pursue required information.

Additional Provisions:

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CONTROL COMMISSION

1. Tenant and Landlord both acknowledge and emphasize article VII, VIII, & IX wherein both landlord and tenant maintain due diligence on operating expenses for the center.
2. Landlord has agreed that in lieu of the existing personal guarantee, landlord will accept the financial statements of Beyond Golf including prior tax returns and income statement.
3. Landlord and Tenant acknowledge that the alcohol percentage restriction referenced in Article I Permitted Use of Premises would terminate should the existing tenant "Houston's Lounge" space located at 12040 McDermott Plaza #100 & 110 becomes available for lease prior to September 30, 2020. If the existing tenant sells the business or assigns the existing lease to another party, the alcohol percentage restriction would still be in full effect.

NOW, THEREFORE, based upon the mutual agreements of the parties hereto, the aforementioned Lease is modified as follows:

1. Term: 7 year renewal term, including amendments as shown above.
2. Base Rent: The Base Rent per month will be in accordance to the following schedule.

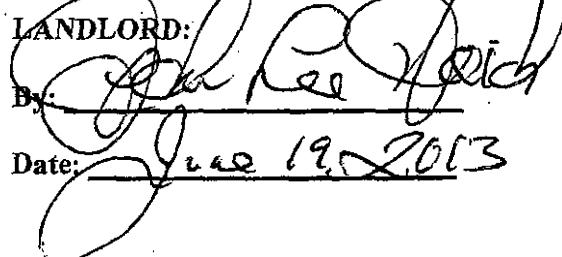
From	October 1, 2013	To	September 30, 2014	=	\$5,050.38	Per month
From	October 1, 2014	to	September 30, 2015	=	\$5,201.89	Per month
From	October 1, 2015	to	September 30, 2016	=	\$5,357.95	Per month
From	October 1, 2016	to	September 30, 2017	=	\$5,518.69	Per month
From	October 1, 2017	to	September 30, 2018	=	\$5,684.25	Per month
From	October 1, 2018	to	September 30, 2019	=	\$5,854.78	Per month
From	October 1, 2019	to	September 30, 2020	=	\$6,030.42	Per month

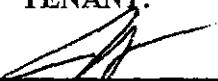
3. All other terms and conditions of the Lease will remain in full force and effect.

This Amendment shall bind the heirs, executors, administrators and assigns of the respective parties.

ACCEPTED AND AGREED TO THIS 19 DAY OF June, 2013.

Witness: _____

LANDLORD:
By: 
Date: June 19, 2013

TENANT:
By: 

Witness: _____

Date: 6/9/13

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