

1 **RESOLUTION NO. 9375**

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3 A RESOLUTION introduced by Stephen Wade, City Manager, requesting the Director
4 of Alcoholic Beverage Control to convene a hearing regarding the
5 drinking establishment license of 45th Street to determine whether to
6 revoke the license and to notify the City of Topeka if a license
7 renewal application is received
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9 WHEREAS, K.S.A. 41-2651 requires that the Director of Alcoholic Beverage
10 Control (“Director”) notify the Governing Body of an application for renewal of licensure as
11 a drinking establishment; and

12 WHEREAS, K.S.A. 41-2651 allows a City governing body to request that the
13 Director hold a hearing on whether a drinking establishment license should be revoked or
14 whether to grant or renew a license application; and

15 WHEREAS, 45th Street - located at 4601 SW Topeka Blvd. - is licensed as a
16 drinking establishment (License No. 9267) which license expires on March 31, 2023; and

17 WHEREAS, crimes of violence, as defined at K.A.R. 14-21-22, have occurred at
18 45th Street, specifically four shootings in 2021 and 2022, the most recent on November 4,
19 2022 which resulted in a homicide; and

20 WHEREAS, between the establishment’s opening for business in 2019 and
21 November 4, 2022, law enforcement has been dispatched numerous times for assaults,
22 fights and general disturbances resulting in a drain on public resources; and

23 WHEREAS, 45th Street is a threat to public health, safety and welfare.

24 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
25 CITY OF TOPEKA, KANSAS, that:

26 1. The Governing Body requests of the Director that the City Manager be notified
27 of any application to renew the drinking establishment license of 45th Street – License No.

28 9267 – which license expires on March 31, 2023 and that no renewal be granted until a
29 hearing is held pursuant to K.S.A. 41-2651.

30 2. The Governing Body requests that the Director hold a hearing to revoke the
31 license based upon evidence that crimes of violence have occurred, the licensed premises
32 constitute an unreasonable drain on public resources to protect the safety of patrons, and
33 the licensed premises are a threat to the public’s health, safety and welfare.

34 ADOPTED and APPROVED by the Governing Body December 6, 2022.

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CITY OF TOPEKA, KANSAS

Michael A. Padilla, Mayor

ATTEST:

Brenda Younger, City Clerk