

ORDINANCE NO. 2023 - 062

AN ORDINANCE AUTHORIZING THE TRANSFER OF A TREX LIQUOR LICENSE INTO THE CITY OF KENT BY FAST MEX, LLC, AN OHIO LIMITED LIABILITY COMPANY, CONDITIONED UPON THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF KENT, OHIO AND FAST MEX, LLC, AND DECLARING AN EMERGENCY.

WHEREAS, Fast Mex, LLC has proposed the redevelopment of a portion of 164 East Main Street, Unit B, Kent, Ohio, to expand its food service offerings to allow for the on-premise consumption and limited retail distribution of beer, wine and spirituous liquor; and

WHEREAS, Fast Mex, LLC has asked Kent City Council to allow the transfer of a liquor license from outside of Kent, into the City, by the TREX process, for use at 164 East Main Street, Unit B, Kent, Ohio; and

WHEREAS, the City of Kent, Ohio requires the approval of City Council to allow the transfer of a liquor license from outside of the City limits, for use within the City limits; and

WHEREAS, the City of Kent Council requires that certain economic development criteria be met and that a Development Agreement be executed, before Kent City Council will authorize the transfer of a liquor license into the City by the TREX process; and

WHEREAS, Fast Mex, LLC has indicated in its application to the City for the TREX liquor license transfer approval that it will do the following:

- a) It will spend a minimum of \$175.00 per square foot for the redevelopment of 164 East Main Street, Unit B, Kent, Ohio, consisting of approximately 1,500 square feet of space, which includes leasehold improvements; and
- b) It will sell wine, beer and spirituous liquor (Class D-5) as well as other non-alcoholic beverages; and
- c) That it will not transfer the liquor license or licenses within the City without prior approval from Kent City Council.

WHEREAS, the City of Kent may approve the transfer of a liquor license into the City if the redevelopment of properties that are currently blighted, deteriorated or underdevelopment/underused will occur; and

WHEREAS, the City of Kent, Ohio will only approve the transfer of a TREX liquor license into the City of Kent, Ohio if City Council retains the right to approve the future transfer of said liquor license to a new location within the City and/or to a new owner at the same or new location within the City. Fast Mex, LLC may move the liquor license outside of the City limits without City Council's approval; and

WHEREAS, the Kent City Council also looks at the character of the principals of the applicant in making its decision to approve a TREX, as the City Council does not want applicants who will cause problems for the City in the future, negatively affecting economic development within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio:

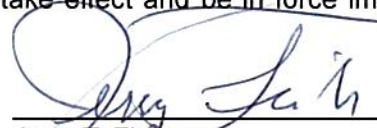
SECTION 1. That Kent City Council hereby approves the Development Agreement with Fast Mex, LLC, and the City Manager is hereby authorized to execute the Development Agreement on behalf of the City in substantial conformity with a copy of which is marked as Exhibit "A", attached hereto and incorporated herein.

SECTION 2. That Conditioned upon the execution of the Development Agreement attached hereto, the Kent City Council hereby approves the transfer of the D-5 liquor license into the City of Kent, Ohio via the TREX process, to be used by Fast Mex, LLC at 164 East Main Street, Unit B, Kent, Ohio.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

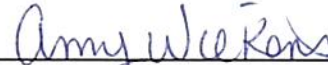
SECTION 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: September 20, 2023
Date



Jerry T. Fiala
Mayor and President of Council

EFFECTIVE: September 20, 2023
Date

ATTEST: 

Amy Wilkens, CMC
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2023-062, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON September 20, 2023.

(SEAL)



AMY WILKENS, CMC
CLERK OF COUNCIL