



**A RESOLUTION OF NEWTOWN TOWNSHIP,
DELAWARE COUNTY, PENNSYLVANIA,
APPROVING INTER- MUNICIPAL TRANSFER OF RESTAURANT LIQUOR LICENSE
R-61 INTO NEWTOWN TOWNSHIP FROM ANOTHER LOCATION
IN DELAWARE COUNTY, PENNSYLVANIA**

Resolution No. 2018 - 32

WHEREAS, Act PL-90, art. IV, section 461 (“the Act”), as amended, (47 P.S. §4-461, et seq.), which amends the Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code provided sales of liquor, malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the applicant to obtain from the receiving municipality a resolution approving the inter-municipal transfer of the liquor license prior to an applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, the Liquor Code stipulates that, prior to adoption of a resolution by the receiving municipality, at least one public hearing be held for the purpose of permitting individuals residing within the municipality to make comments and recommendations regarding applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of a liquor license into the municipality; and

WHEREAS, Whole Foods Market Group, Inc. has requested the approval of the Board of Supervisors of Newtown Township for the proposed transfer of Pennsylvania restaurant liquor license no. R-61 from Kelly’s II, Inc., 700 Lloyd Street, Chester, Delaware County, Pennsylvania to Whole Foods Market Group, Inc., at its premises located at 3737 West Chester Pike, Newtown Township, Delaware County, Pennsylvania with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board.

NOW THEREFORE, the Board of Supervisors of Newtown Township does hereby resolve as follows:

1. That the Board of Supervisors held a public hearing on September 24, 2018 and received comments and recommendations of interested individuals residing within the Township concerning the proposed liquor license transfer;
2. That the Board of Board of Supervisors of Newtown Township following the public hearing, by this Resolution, hereby approves the transfer of Liquor License no. R-61 from Kelly's II, Inc., 700 Lloyd Street, Chester, Delaware County, Pennsylvania to Whole Foods Market Group, Inc., at its premises located at 3737 West Chester Pike, Newtown Square, Newtown Township, Delaware County, Pennsylvania with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; a
3. That the proposed license transfer is subject to further approval by the Pennsylvania Liquor Control Board.

RESOLVED, this 24th day of September, 2018.



**BOARD OF SUPERVISORS
NEWTOWN TOWNSHIP**

By: _____
John Nawn, Chairman

ATTEST:

Stephen M Nease
Stephen Nease, Secretary

I hereby certify that I am the Secretary of Newtown Township and that the foregoing is a true and correct copy of the original resolution adopted by the Board of Supervisors of Newtown Township on September 24, 2018.

Stephen M Nease
Stephen Nease, Secretary
Newtown Township