

STATE OF TEXAS §

COUNTY OF FORT BEND §

**Resolution and Order Granting a Variance to the December 2, 1997 Order Regulating the Distance Between the Sale of Alcoholic Beverages and the Nearest Public Schools, Churches, and Public Hospitals, Day Care Centers and Child Care Facilities
On Behalf of New York Pizzeria**

On this the 24 day of May 2011 at a regular meeting of Commissioners Court of Fort Bend County, Texas (the "County") upon motion of Comm. Morrison seconded by Comm. Prestage, duly put and carried:

WHEREAS, the Commissioners Court of Fort Bend County enacted a order on December 2, 1997 regulating the sale of alcoholic beverage outside of an incorporated city or town by a dealer whose place of business is within 300 feet of a public school as authorized pursuant to Section 109.33 Texas Alcoholic Beverage Code; and

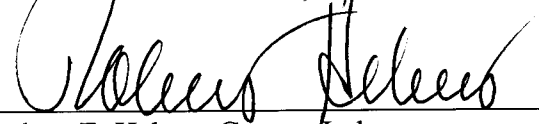
WHEREAS, the Commissioners Court of a County that has enacted a regulation under Section 109.33 of the Texas Alcoholic Beverage Code may also allow variances to the regulation if the Commissioners Court determines that enforcement of the regulation in a particular instance is not in the best interest of the public; and

WHEREAS, the Commissioners Court of Fort Bend County does wish to grant a variance to New York Pizzeria, located at 6560 Greatwood Parkway, Suite 900, Sugar Land, Texas 77479, of whose retail of on-premise consumption is less than fifty percent of the gross receipts for the premises; and

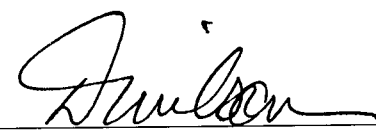
WHEREAS, denial of this Beer and Wine Retailer's permit would constitute waste of inefficient use of land or resources, creates an undue hardship on an applicant for a license, does not serve its intended purpose and is not in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners Court of Fort Bend County, Texas hereby grants a variance for a Beer and Wine Retailer's Permit to New York Pizzeria, at 6560 Greatwood Parkway, Suite 900, Sugar Land, Texas 77479 as authorized under Section 109.33 (e) of the Texas Alcoholic Beverage Code.

FORT BEND COUNTY, TEXAS


Robert E. Hebert, County Judge

ATTEST:


Dianne Wilson, County Clerk

