

RESOLUTION NO. 24-13

A RESOLUTION OF THE CITY OF ANDOVER, KANSAS AUTHORIZING A SPECIAL EVENT ON CITY PROPERTY IN CONNECTION WITH THE MAY 5, 2024 CELEBRATION, INCLUDING THE SALE AND SERVICE OF ALCOHOLIC LIQUOR AND CEREAL MALT LIQUOR WITHIN THE CITY LIMITS AND STREET CLOSING.

WHEREAS, K.S.A. 41-1202 authorizes the Director of the Kansas Department of Revenue - Alcoholic Beverage Control Division (the "ABC Director") to issue a temporary permit (the "Temporary Permit") to any one or more persons or organizations to offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption on unlicensed premises, which may be open to the public; and

WHEREAS, K.S.A. 41-2643 authorizes licensed caterers to offer for sale, sell and serve alcoholic liquor or cereal malt beverages for consumption on unlicensed premises, which may be open to the public; and

WHEREAS, the developers of Heritage Park in Andover have requested the City to designate a "Special Event" to allow the offer for sale and service of alcoholic liquor and cereal malt beverages on Sunday, May 5, 2024 from 7:00 a.m. to 2:00 p.m. in the designated area consisting of Heritage Park, including the Plaza at Heritage Park, Heritage Square and the Skylofts and on Founder's Parkway (from Sunset Drive to Homestead Road) and on Heritage Way (from Willowbrook Street to its southern terminus) (the "Special Event Premises"); and

WHEREAS, the Special Event Premises is located entirely within the corporate limits of the City; and

WHEREAS, the Special Event Premises includes public property owned by the City (including the designated portion of Heritage Park, including the Plaza at Heritage Park, Heritage Square and the Skylofts and Founder's Parkway from Sunset Drive to Homestead Road and Heritage Way from Willowbrook Street to its southern terminus), such that the designation of a "Special Event" by the City is required in order to allow the sale and consumption of alcoholic beverages pursuant to the Code of the City of Andover, Kansas (the "Code").

WHEREAS, the Code and State law make provision for the issuance of temporary permits, special events and licensed caterers but does not normally allow the consumption of any alcoholic liquor or cereal malt beverage on public property within the City, except during "Special Events" of a specified time, place, and duration, upon approval by the governing body of the City; and

WHEREAS, the governing body desires to approve a "Special Event" and authorizes any lawfully licensed permit holder to offer for sale, sell and serve alcoholic liquor and cereal malt beverages, on the Special Event Premises, as provided for by State Law for the sale of alcoholic liquor, as, if and when approved by the ABC Director.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Authorization of Special Event. The City authorizes a “Special Event” on Sunday, May 5, 2024, where all proper licensees are authorized to offer for sale, sell and serve alcoholic liquor and enhanced cereal malt beverages from 7:00 a.m. to 2:00 p.m., within the Special Event Premises, provided each licensee complies with all other requirements of Kansas and local law at all times (the “Special Event”).

SECTION 2. Street Closure. Founder’s Parkway (from Sunset Drive to Homestead Road) and Heritage Way (from Willowbrook Street to its southern terminus) shall be closed to vehicular and through traffic from at least Sunday, May 5, 2024 from 7:00 a.m. to 2:00 p.m. in connection with the Special Event herein authorized. City Staff is hereby authorized and ordered to take such action as reasonable and necessary in connection herewith.

SECTION 3. Display of License. This Resolution and any Temporary Permits and Kansas Liquor Licenses (including Caterer’s Licenses) shall be placed conspicuously at the service point in the Special Event Premises by Temporary Permit holders, Caterers, and adjacent drinking establishments seeking to extend their licensed premises during the Special Event.

SECTION 4. Governing Law and Effective Date. This Resolution shall be governed by and construed in accordance with the applicable laws of the State of Kansas and shall take effect from and after its adoption and approval, provided that the ABC Director and City staff issue Temporary Permits or other liquor licenses valid for the same time, location and duration as said Special Event.

*[Remainder of Page Intentionally Left Blank]*

RESOLVED, APPROVED AND ISSUED by the governing body of the City of Andover, Kansas on the 30th day of April, 2024.


[seal]



CITY OF ANDOVER, KANSAS

By   
Ronnie Price, Mayor

ATTEST:

By   
Dana Engstrom, City Clerk