



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney *LG* *PN*  
 Christopher J. Forsyth, Assistant City Attorney *CJF*  
**DATE:** July 31, 2007  
**SUBJECT:** Kroger's SDM License Applications

Consistent with past practice, the Troy City Council will have an opportunity to review Kroger's requests to transfer the SDM (off-premises beer and wine) liquor licenses that were previously held by Farmer Jack at the three stores that were located in the City of Troy. As you are aware, Kroger has purchased several of the now closed Farmer Jack stores, including all three of the stores in Troy. Although most of the sales transaction has already occurred (and some of the new Kroger stores have already opened), Kroger is prohibited from selling any alcohol at any of these stores unless and until the Michigan Liquor Control Commission (MLCC) approves the request to transfer the liquor licenses for each location. Kroger simultaneously filed license transfer applications for each Farmer Jack store in the State of Michigan that previously held a liquor license. According to Kroger, the liquor license transfer requests for all stores in the State of Michigan have been held in abeyance until Troy has had an opportunity to review the matter. In an effort to expedite the process as much as possible, a special meeting of the Liquor Advisory Committee was called, and a recommendation made, so that Council could act on the transfer request at the August 6, 2007 City Council meeting.

At the Liquor Advisory Committee meeting, Troy Community Coalition Executive Director Ann Comiskey voiced some concerns about the requested transfer. These concerns have also been forwarded to the members of City Council in an e-mail letter dated July 27, 2007, which is attached for your convenience. Specifically, Ms. Comiskey requests that the Council recommends approval of the transfer of the liquor licenses only if Kroger moves the location of beer and wine away from the main entrance/exit at their stores.

In Michigan, off- premises liquor licenses (stores selling liquor to be consumed off the premises) are treated differently than the on-premises liquor licenses (restaurants where the liquor is consumed on the premises). Local municipalities have much greater discretion with on-premises liquor licenses. The MLCC has the ultimate approval authority for off-premises licenses, such as the Kroger transfer requests. Under Michigan law, the MLCC has the ability to impose conditions upon the issuance of a liquor license. (*Bundo v. Walled Lake*, 395 Mich 679 (1976)). MLCC Administrative Rule 436.1105 requires the MLCC to consider several factors in reviewing applications for licenses, including the opinion of the local legislative body. If the Troy City Council wanted to make a recommendation to the MLCC that any approval of Kroger's transfer requests be approved only on the condition that the location of beer and wine must be moved away from the main entrance and exit at each store, then a resolution should be passed and forwarded to the MLCC for its consideration.

If you have any questions concerning the above please let us know.

RECEIVED

AUG 31 2007

CITY OF TROY  
CITY MANAGER'S OFFICE



July 27, 2007

Dear Mayor and Members of Council:

As the Executive Director of the Troy Community Coalition I asked to speak to the Troy Liquor Advisory Board prior to them making a recommendation regarding the transfer of the SDM liquor licenses from the three Farmer Jack stores in Troy to Kroger, Inc. Sgt. Cantlon of the Troy Police Department was kind enough to forward the meeting announcement and agenda to us and I attended the special meeting held on July 24, 2007.

The concern we voiced involved Kroger's plans for beer and wine placement in the stores they purchased. Four years ago the Farmer Jack store on John R, north of Big Beaver changed the location of their beer and wine, moving it closer to the main entrance/exit of the store. At that time, I spoke to the store manager and wrote to Borman Foods about their decision. The Coalition's concern was twofold. (1) this configuration would make it easier for youth to shoplift due to the proximity to the exit and (2) the image of beer and wine so prominently displayed detracted from them as "grocery" stores. The manager told me that this new layout was a corporate decision he could not change. Borman Foods wrote me that this configuration was a way of adding uniformity to all Farmer Jack stores. I stopped shopping at Farmer Jacks after that letting my purchasing decisions speak for me. (Please note that I cannot take credit for any of the Farmer Jack closings or decline in sales.)

When Kroger purchased three of the Farmer Jacks in Troy the Coalition saw this as an opportunity to make a change in the community environment. We were hopeful that the Kroger representative, Mr. Chris Rogers, would take our suggestion to move the beer and wine to a more secure location in the new stores to heart. The Kroger at Long Lake and Livernois has both of these in a corner with no exits near by. Mr. Rogers said that for the time being all three stores would place their beer and wine products exactly where they had been so as not to confuse customers. When the three stores are remodeled, Kroger would consider our concerns but would not make any commitment at this time.

We made the suggestion that the Liquor Advisory Board grant the liquor license transfer "**with conditions**". The condition being that Kroger would change the current placement and work with city management to determine the safest product placement for beer and wine products in all three of the new stores. We offered the "closed shelving" ordinance

as an example of how we require alcohol of 21% volume or above to be placed in a secure and monitored environment. Unfortunately this suggestion was voted down since the Coalition could not provide "evidence" that the change in product placement four years ago had contributed to increased shoplifting or shrinkage rates. Common sense would indicate that if you make a product easy to steal the result will be more theft, unfortunately common sense did not prevail last Tuesday night.

We believe the Liquor Advisory Board missed an opportunity to be proactive in protecting our youth from unnecessary risk, temptation and exposure to alcohol in our community. We are now asking that Troy City Council consider doing what the Liquor Advisory Board failed to do. Grant the transfer of the SDM liquor licenses to Kroger, but with conditions. We are confident that the Troy Police Department of legal staff could assist Kroger, particularly their loss prevention personnel, in this regard if given the opportunity. The City of Troy, and you, have this opportunity to take the lead in putting our youth first. We do not believe this would be an undue burden to the Kroger stores but it could make a world of difference for our youth and community.

Thank you for considering our request and the concerns of the Troy Community Coalition. We would be happy to meet with you individually if you have questions in this regard. Please feel free to contact us at 248 823-5055 at your convenience.

Sincerely,

Ann M. Comiskey  
Executive Director  
Troy Community Coalition  
4420 Livernois  
Troy, MI 48098



## CITY COUNCIL ACTION REPORT

July 25, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft  
Captain Gary Mayer  
Sergeant Robert Cantlon

SUBJECT: Application for Transfer of SDM License for Kroger Co. of Michigan.

### Background:

- The Kroger Co of Michigan request transfer ownership 2007 SDM licensed business located at 1237 N. Coolidge, Troy, MI 48084, Oakland County from Borman's Inc. {MLCC req #421565}
- On July 24, 2007, Chris Rodgers of Kroger Co., answered question for the Liquor Advisory Committee.
- Mr. Rodgers indicated the business would operate in the same manner as the existing Kroger store in Troy.
- The Liquor Advisory Committee approved this request by a 3-2 vote.

### Financial Considerations:

- There are no financial considerations for the city.

### Legal Considerations:

- The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- City Council approval is required for the Michigan Liquor Control Commission to approve the transfer.

### Policy Considerations:

- City goal III: "Retain and attract investment while encouraging redevelopment".

### Options:

- The City Council can approve or deny the transfer.

C: Tonni L. Bartholomew, City Clerk agreement (original)



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**

7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

June 22, 2007

Troy Police Department  
Chief Charles J. Craft  
500 W Big Beaver Road  
Troy, MI 48084-5285

Request ID #:421565

Applicant: THE KROGER CO. OF MICHIGAN REQUEST TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS LOCATED AT 1237 N COOLIDGE, TROY, MI 48084, OAKLAND COUNTY FROM BORMAN'S, INC.

CONTACT: Celeste R. McCrary  
Kroger - Store Operations  
4111 Executive Parkway  
Westerville, Ohio 43081  
614-898-3248 phone  
614-898-3514 fax

**Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.**

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

LC-1972(Rev. 09/05)  
Authority: MCL 436.1201(4)  
Completion: Mandatory  
Penalty: No License

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

**FOR MLCC USE ONLY**  
 Request ID # 421565  
 Business ID # 197459

**POLICE INVESTIGATION REPORT**  
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

THE KROGER CO. OF MICHIGAN 1237 N COOLIDGE, TROY, MI 48084, OAKLAND COUNTY  
 REQUEST: TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS FROM BORMAN'S, INC.

**Section 1. APPLICANT INFORMATION**

APPLICANT #1: CHAIN APPLICANT	APPLICANT #2:
DATE FINGERPRINTED: NO FINGERPRINTS REQUIRED	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*	DATE OF BIRTH: Is the applicant a U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No*
*Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No*	*Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No*
*Does the applicant have a Visa? Enter status:	*Does the applicant have a Visa? Enter status:

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4. RECOMMENDATION**

From your investigation:

- Is this applicant qualified to conduct this business if licensed?  Yes  No
- Is the proposed location satisfactory for this business?  Yes  No
- Should the Commission grant this request?  Yes  No
- If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) \_\_\_\_\_ Date \_\_\_\_\_  
 TROY POLICE DEPARTMENT

## AGREEMENT REGARDING LIQUOR LICENSE REQUEST

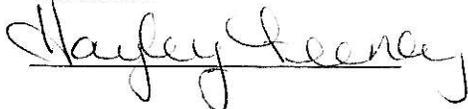
This Agreement, made this 10 day of July, 2007, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and THE KROGER CO. OF MICHIGAN, whose address is 1237 N. Coolidge, Troy, MI 48084, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the transfer of ownership of 2007 SDM licensed business located at 1237 N. Coolidge, Troy, MI 48084, Oakland County, to THE KROGER CO. OF MICHIGAN. [MLCC REF# 421565]
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
  - a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
  - c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

  
Authorized Representative

THE KROGER CO. OF MICHIGAN

Witnesses:



\_\_\_\_\_

Subscribed and sworn to before me  
this 10<sup>th</sup> day of July, 2007



DONITA FRANCES FEE  
Notary Public, State of Ohio  
My Commission Expires  
October 4, 2009

Notary Public, Donita Frances Fee  
County, Franklin  
My commission expires: Oct. 4, 2009

CITY OF TROY

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

\_\_\_\_\_

Notary Public, Oakland  
County, Michigan  
My commission expires:



# CITY COUNCIL ACTION REPORT

RECEIVED

July 25, 2007

JUL 25 2007

TO: Phillip L. Nelson, City Manager <sup>RLN</sup>

CITY OF TROY  
CITY MANAGER'S OFFICE

FROM: Chief Charles Craft <sup>CC</sup>  
Captain Gary Mayer <sup>GM</sup>  
Sergeant Robert Cantlon <sup>RC</sup>

SUBJECT: Application for Transfer of SDM License for Kroger Co. of Michigan.

## Background:

- The Kroger Co of Michigan request transfer ownership 2007 SDM licensed business located at 3125 John R, Troy, MI 48083, Oakland County from Borman's Inc. {MLCC req #421588}
- On July 24, 2007, Chris Rodgers of Kroger Co., answered question for the Liquor Advisory Committee.
- Mr. Rodgers indicated the business would operate in the same manner as the existing Kroger store in Troy.
- The Liquor Advisory Committee approved this request by a 3-2 vote.

## Financial Considerations:

- There are no financial considerations for the city.

## Legal Considerations:

- The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- City Council approval is required for the Michigan Liquor Control Commission to approve the transfer.

## Policy Considerations:

- City goal III: "Retain and attract investment while encouraging redevelopment".

## Options:

- The City Council can approve or deny the transfer.

C: Tonni L. Bartholomew, City Clerk agreement (original)



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**

7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**

[Authorized by MCL 436.1201(4)]

June 22, 2007

Troy Police Department  
Chief Charles J. Craft  
500 W Big Beaver Road  
Troy, MI 48084-5285

Request ID #:421588

Applicant: THE KROGER CO. OF MICHIGAN REQUEST TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS LOCATED AT 3125 JOHN R, TROY, MI 48083, OAKLAND COUNTY FROM BORMAN'S, INC.

CONTACT: Celeste R. McCrary  
Kroger - Store Operations  
4111 Executive Parkway  
Westerville, Ohio 43081  
614-898-3248 phone  
614-898-3514 fax

**Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.**

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.



Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REPORT**

[Authorized by MCL 436.1217 and R 436.1105; MAC]

<b>FOR MLCC USE ONLY</b>
Request ID # <u>421588</u>
Business ID # <u>197467</u>

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

THE KROGER CO. OF MICHIGAN 3125 JOHN R, TROY 48083, OAKLAND COUNTY  
 REQUEST: TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS FROM BORMAN'S, INC.

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Signature (Sheriff or Chief of Police)  
 TROY POLICE DEPARTMENT

Date

## AGREEMENT REGARDING LIQUOR LICENSE REQUEST

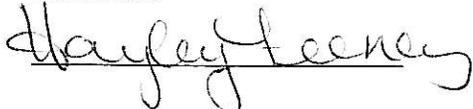
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Authorized Representative

THE KROGER CO. OF MICHIGAN

Witnesses:



Subscribed and sworn to before me  
this 10<sup>th</sup> day of July, 2007



BONITA FRANCES FEE  
Notary Public, State of Ohio  
My Commission Expires  
October 4, 2009

Notary Public, Bonita Frances Fee  
County, Franklin  
My commission expires: Oct. 4, 2009

CITY OF TROY

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

Notary Public, Oakland  
County, Michigan  
My commission expires:



## CITY COUNCIL ACTION REPORT

July 25, 2007

RECEIVED

JUL 25 2007

TO: <sup>PN</sup> Phillip L. Nelson, City Manager

FROM: Chief Charles Craft <sup>CC</sup>  
Captain Gary Mayer <sup>GM</sup>  
Sergeant Robert Cantlon <sup>RC</sup>

CITY OF TROY  
CITY MANAGER'S OFFICE

SUBJECT: Application for Transfer of SDM License for Kroger Co. of Michigan.

### Background:

- The Kroger Co of Michigan request transfer ownership 2007 SDM licensed business located at 2105 W. South, Troy, MI 48098, Oakland County from Borman's Inc. {MLCC req #421608}
- On July 24, 2007, Chris Rodgers of Kroger Co., answered question for the Liquor Advisory Committee.
- Mr. Rodgers indicated the business would operate in the same manner as the existing Kroger store in Troy.
- The Liquor Advisory Committee approved this request by a 3-2 vote.

### Financial Considerations:

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- City goal III: "Retain and attract investment while encouraging redevelopment".

### Options:

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Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
7150 Harris Drive, P.O. Box 30005  
Lansing, Michigan 48909-7505

**POLICE INVESTIGATION REQUEST**  
[Authorized by MCL 436.1201(4)]

June 22, 2007

Troy Police Department  
Chief Charles J. Craft  
500 W Big Beaver Road  
Troy, MI 48084-5285

Request ID #:421608

Applicant: THE KROGER CO. OF MICHIGAN REQUEST TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS LOCATED AT 2105 W SOUTH, TROY, MI 48098, OAKLAND COUNTY FROM BORMAN'S, INC.

CONTACT: Celeste R. McCrary  
Kroger - Store Operations  
4111 Executive Parkway  
Westerville, Ohio 43081  
614-898-3248 phone  
614-898-3514 fax

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Michigan Department of Labor & Economic Growth  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive, P.O. Box 30005  
 Lansing, Michigan 48909-7505

**FOR MLCC USE ONLY**  
 Request ID # 421608  
 Business ID # 197493

**POLICE INVESTIGATION REPORT**  
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

THE KROGER CO. OF MICHIGAN 2105 W SOUTH, TROY, MI 48098, OAKLAND COUNTY  
 REQUEST: TRANSFER OWNERSHIP 2007 SDM LICENSED BUSINESS FROM BORMAN'S, INC.

**Section 1. APPLICANT INFORMATION**

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*Does the applicant have a Visa? Enter status:	*Does the applicant have a Visa? Enter status:

\*\*Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission\*\*

<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	<b>ARREST RECORD:</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
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**Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED**

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?  
 No  Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent?  No  Yes, explain relationship:

**Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS**

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted?  Yes  No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

**Section 4. RECOMMENDATION**

From your investigation:

- Is this applicant qualified to conduct this business if licensed?  Yes  No
- Is the proposed location satisfactory for this business?  Yes  No
- Should the Commission grant this request?  Yes  No
- If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) \_\_\_\_\_ Date \_\_\_\_\_  
 TROY POLICE DEPARTMENT

## AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 10 day of July, 2007, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and THE KROGER CO. OF MICHIGAN, whose address is 2105 W. South, Troy, MI 48098, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the transfer of ownership of 2007 SDM licensed business located at 2105 W. South, Troy, MI 48098, Oakland County, to THE KROGER CO. OF MICHIGAN. [MLCC REF# 421608]
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
  - a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
  - c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

  
Authorized Representative

THE KROGER CO. OF MICHIGAN

Witnesses:



\_\_\_\_\_

Subscribed and sworn to before me  
this 10<sup>th</sup> day of July, 2007



BONITA FRANCES FEE  
Notary Public, State of Ohio  
My Commission Expires  
October 4, 2009

Notary Public, Bonita Frances Fee  
County, Franklin  
My commission expires: Oct. 4, 2009

CITY OF TROY

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

\_\_\_\_\_

Notary Public, Oakland  
County, Michigan  
My commission expires: