

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION GRANTING PERMISSION FOR THE CONSUMPTION OF
ALCOHOLIC LIQUOR AT WERNER PARK

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Neb. Rev. Stat. §23-2901 to 2905 (Reissue 2007), confers the power to counties, for the benefits of its citizens, to acquire facilities for social, athletic, and recreational purposes; and,

WHEREAS, on March 17, 2009, Sarpy County entered into a Stadium Lease and Use Agreement with the Omaha Royals Limited Partnership (a/k/a Omaha Storm Chasers) which, among other things, granted to the Omaha Royals Limited Partnership the exclusive right to use, manage and operate the Sarpy County Stadium (a/k/a Werner Park) for all purposes allowable under the terms of said Agreement, including the sale of alcoholic beverages; and,

WHEREAS, Neb. Rev. Stat. §53-186 (Reissue 2004) prohibits the consumption of alcoholic liquor upon publicly owned property unless consent is given by the governing body with jurisdiction over said property; and,

WHEREAS, the intent of the Stadium Lease and Use Agreement is to allow the sale and consumption of alcoholic beverages in an appropriate fashion in conjunction with the use of the Sarpy County Stadium.

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT pursuant to Neb. Rev. Stat. §53-186 (Reissue 2004) permission is hereby given to the Omaha Royals Limited Partnership, a/k/a Omaha Storm Chasers, their agents, assigns, subcontractors, and invitees, to consume alcoholic liquor upon the property owned and under the jurisdiction of Sarpy County consisting of the Sarpy County Stadium, a/k/a Werner Park and associated areas of the Stadium site, including that parcel legally described as Lot 1 Schewe Farms, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

BE IT FURTHER RESOLVED that the permission granted hereto is subject to such other laws and regulations as may be otherwise applicable to the sale and consumption of alcoholic liquor.

DATED this 1st day of March 2010.

Moved by Rusty Hike, seconded by Jim Warren, that the above Resolution be adopted. Carried.

YEAS:

Rusty Hike

NAYS:

none

ABSENT:

none

Jim Warren

Jim Hays

Jim Hays

Tom Richard

ABSTAIN:

none



Derra L. Noughtaling
County Clerk

Approved as to form:

Deputy County Attorney



Office of the County Attorney

Hall of Justice · 1210 Golden Gate Drive · Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 · FAX: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

February 24, 2011

Sarpy County Board of Commissioners

RE: Resolution Granting Permission the Consumption of Alcoholic Liquor at Werner Park

Commissioners:

The concession vendor for the Royals/Storm Chasers has applied for a liquor license, and a concern arose about the effects of Neb. Rev. Stat. §53-186 (Reissue 2004). I have attached a copy of that statute.

The Stadium site is owned by the County, but the Stadium Use and Lease Agreement gives control of the site to the Royals/Storm Chasers and clearly contemplates the sale of alcohol. While that ordinarily would seem to be sufficient, it only seems prudent to expressly grant the required permission and pass the proposed resolution.

Sincerely,

Michael A. Smith
Deputy County Attorney

cc: Lee Polikov
Mark Wayne
Marty Cordaro

Nebraska

Chapter 53. Liquors

Article 1. Nebraska Liquor Control Act

(i). Prohibited Acts

Current through the 2010 legislative session

§ 53-186. Consumption of liquor on public property; forbidden; exceptions; license authorized

(1) Except as provided in subsection (2) of this section, it shall be unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

(2) The commission may issue licenses for the sale of alcoholic liquor at retail (a) on lands owned by public power districts, public power and irrigation districts, the Bureau of Reclamation, or the Corps of Army Engineers or (b) for locations within or on structures on land owned by the state, cities, or villages or on lands controlled by airport authorities. The issuance of a license under this subsection shall be subject to the consent of the local governing body having jurisdiction over the site for which the license is requested as provided in the Nebraska Liquor Control Act.

Source:

Laws 1935, c. 116, § 44, p. 402; C.S.Supp.,1941, § 53-344; R.S.1943, § 53-186; Laws 1953, c. 182, § 5, p. 576; Laws 1967, c. 332, § 12, p. 891; Laws 1993, LB 235, § 45; Laws 1999, LB 585, § 1.