

**RESOLUTION NO. 2011-027**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ON-SALE LIQUOR ESTABLISHMENT FOR M.G. OIL (GROWTH MANAGEMENT FILE 09UR019) PURSUANT TO A WRIT OF MANDAMUS.**

WHEREAS, M.G. Oil applied for a conditional use permit to allow an on-sale liquor establishment to be located in a strip mall at 1565 N. Haines Ave. in Rapid City; and

WHEREAS, the Common Council of the City of Rapid City denied the requested conditional use on September 8, 2009; and

WHEREAS, M.G. Oil filed a Verified Petition requesting the Circuit Court for the Seventh Judicial Circuit issue a Writ of Mandamus compelling the Common Council to approve the conditional use; and

WHEREAS, the Hon. John Delaney entered a Judgment and Writ of Mandamus on March 30, 2010, which ordered the Common Council to approve M.G. Oil's conditional use permit; and

WHEREAS, The City of Rapid City appealed the judge's decision to the South Dakota Supreme Court; and

WHEREAS, the South Dakota Supreme Court issued a memorandum decision on January 26, 2011, affirming Judge Delaney's decision.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that pursuant to the Writ of Mandamus which compels them to do so, the Common Council of the City of Rapid City hereby approves M.G. Oil's application for a conditional use permit for an on-sale liquor establishment (Growth Management file #09UR019) to be located in the strip mall at 1565 N. Haines Ave., Rapid City, South Dakota.

BE IT FURTHER RESOLVED, that this conditional use permit is subject to all stipulations imposed by the Rapid City Planning Commission in conjunction with its approval of the application on July 23, 2009.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF RAPID CITY

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Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer  
(SEAL)