



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

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## Finance Office

300 Sixth Street

Telephone: (605) 394-4143

FAX: (605) 394-2232

Web: [www.rcgov.org](http://www.rcgov.org)

TO: Mayor Kooiker and City Council Members

FROM: Pauline Sumption, Finance Officer

RE: Staff Recommendation – Safeway Store 3166  
Package (off-sale) Liquor License Application  
No. CC031912-04.1

DATE: April 2, 2012

Safeway, Inc. has submitted the Package (off-sale) Liquor license application for the future Safeway 3166 store to be located at the northeast corner of the intersection of Elk Vale Road and Concourse Drive. Due to the limited availability of this class of license, the application has been submitted to insure that the Safeway Corporation secures a Package (off-sale) Liquor license for the Safeway Store 3166 site.

Safeway, Inc. has provided a letter outlining the items that must be addressed prior to the South Dakota Department of Revenue issuing the license. City staff and Safeway have reviewed these issues with the Department of Revenue and Safeway has elected to proceed with the application with the understanding that the following stipulations of approval must be met prior to the State issuing the license. Issuance of the license will be held by the Department of Revenue pending compliance with the following stipulations.

### **Staff Recommendation:**

Staff recommends approval of Safeway Store 46, Inc. DBA Safeway #3166, NE Corner of Elk Vale Road and Concourse Drive for a Package (off-sale) Liquor license with the following stipulations:

1. The applicant shall provide proof of ownership upon property closing;
2. The applicant shall provide a correct legal description for the store site (legal description of current site encompasses 37+ acres);
3. The applicant shall continually maintain conformance with the adopted International Fire Code;
4. The applicant shall provide the Store Manager name and background information upon appointment of the position;
5. The State Sales Tax Number for Store 3166 shall be provided upon issuance by the State of South Dakota;
6. Should the store not open by January 1, 2013, the applicant shall renew the unissued license in accordance with annual renewal requirements; and,
7. The applicant shall not provide any alcohol stock to Store 3166 until such time as all stipulations have been met.



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

March 2, 2012

City Finance Office  
300 Sixth Street  
Rapid City, SD 57701

To Whom It May Concern:

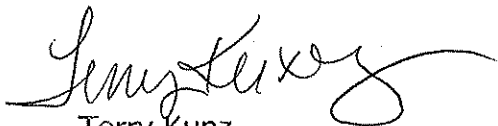
Reference: Safeway #3166 Liquor Application

Please be advised Safeway Store 46, Inc is under contract to purchase vacant ground (approximately 12 acres) at the NEC Elk Vale Road and Concourse Drive in Rapid City. Currently we are in the due diligence stages with a closing date scheduled in June 2012. I will send proof of ownership upon closing of property.

Safeway intends to build a new grocery store (Safeway #3166) in 2013. The Store Manager for this location has not been appointed. I will immediately notify the City of this information once a decision has been made.

The contact person for any questions or concerns regarding Safeway #3166 Liquor Application will be Terry Kunz at 303-843-7561. Thank you.

Sincerely,



Terry Kunz  
Real Estate Representative

Date Received \_\_\_\_\_  
Date Issued \_\_\_\_\_

License No. \_\_\_\_\_

### Uniform Alcoholic Beverage License Application

Mail this copy to: Department of Revenue, Special Tax Division 445 East Capitol Ave Pierre, SD 57501-3100.

<p><b>A. Owner Name and Address</b></p> <p>Safeway Store 46, Inc. c/o: Safeway Inc. 5918 Stoneridge Mall Road, Pleasanton, CA 94588</p> <p>Owner's Telephone #: <u>(925) 226-5234</u></p>	<p><b>B. Business Name and Address</b></p> <p>Safeway #3166 NEC Elk Vale Road &amp; Concourse Drive Rapid City, SD 57703</p> <p>Business Telephone #: <u>(303) 843-7561</u></p>
<p><b>C. Indicate the class of license being applied for</b> (submit separate application for each class of license).</p> <p><input type="checkbox"/> Retail (on-sale) Liquor  <input type="checkbox"/> Retail (on-sale) Liquor - Restaurant  <input type="checkbox"/> Retail (on-off sale) Wine  <input checked="" type="checkbox"/> Package (off-sale) Liquor  <input type="checkbox"/> Retail (on-off sale) Malt Beverage  <input type="checkbox"/> Retail (on-off sale) Malt Beverage &amp; SD Farm Wine  <input type="checkbox"/> Package (off sale) Malt Beverage  <input type="checkbox"/> Package (off sale) Malt Beverage &amp; SD Farm Wine  <input type="checkbox"/> Other (please classify) _____  <input type="checkbox"/> Transfer Fee \$150.00</p> <p>Number of other Package Liquor Licenses held: <u>3</u>  Number of other On-sale Liquor Licenses held: <u>0</u>  Is this License in active use? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p><b>D. Legal description of licensed premise:</b></p> <p>See attached legal description.</p> <p>Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Do you own <input checked="" type="checkbox"/> or lease <input type="checkbox"/> this property? (Check one) <i>SEE LETTER</i></p> <p><b>E. State Sales Tax Number:</b> <u>To be applied for.</u></p> <p><b>F. Remember to obtain a Federal Alcohol Stamp, for help call TTB</b> at 1-800-937-8864.</p> <p><b>G. New license?</b> <input checked="" type="checkbox"/> <b>Transfer? (\$150)</b> <input type="checkbox"/> <b>Re-issuance?</b> <input type="checkbox"/></p>

**H. CERTIFICATE:** The undersigned applicant certifies under the penalties of perjury that all statements provided herein are true and correct; that the said applicant complies with all of the statutory requirements for the class of license being applied for and in addition agrees to permit agents of the Department of Revenue access to the licensed premises and records as provided in SDCL 35-2-2.1, and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

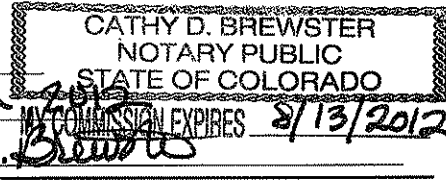
Signed this 2nd day of March 2012 Signature [Signature]

**I. Any Application** required to be submitted to a local governing board must be signed in the presence of the city or county auditor, the town clerk or notary public. This applies to ALL applications EXCEPT the following: distillers, manufacturers, wholesalers, municipalities, airports, solicitors, dispensers, carriers, transportation companies, and farm wineries.

Place of business is located in a municipality?  Yes  No County: Denver

This application was subscribed and sworn to before me this 2nd day of March 2012

Approving Officer's Telephone number 303-843-7791 Signature: [Signature]



**J. APPROVAL OF LOCAL GOVERNING BODY** - Notice of hearing was published on \_\_\_\_\_, Public hearing on the application was held \_\_\_\_\_, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

Application approved for Sunday on-sale operation?  Yes  No

Are real property taxes paid to date?  Yes  No

Ineligible for video lottery

Number of video lottery terminals on licensed premise: \_\_\_\_\_

Amount of fee collected with application \$ \_\_\_\_\_  
Amount of fee retained \$ \_\_\_\_\_  
Forwarded with application \$ \_\_\_\_\_

<p><b>For Local Government Use</b></p> <p>(Seal) _____ Mayor or Chairman</p> <p>If disapproved, endorse reason thereon and return to applicant</p>	<p><b>Transferred (State Use)</b></p> <p>From: _____ Sales tax approval _____ Date _____ <b>STATE LIQUOR AUTHORITY: APPROVAL _____ REVIEW _____</b></p>
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**Company supplement information  
(For corporate/partnership/LP/LLC applicants)**

If supplement unchanged from last year check this box and sign below.

Affidavit

State of South Dakota )  
  ) ss  
County of )

We, the undersigned, being first duly sworn upon oath, supply the following information:

Name of Corporation/partnership/LP/LLC Safeway STORES 46, Inc.  
 Address of office and principal place of business of corporation/partnership/LP/LLC c/o Safeway Inc, 5918 Stoneridge Mall Rd, Pleasanton CA 94588  
 Date of incorporation 8-21-1986  
 Date of last report filed with Secretary of State 2011  
 Are all managing officers of this corporation/partnership/LP/LLC of good moral character? YES  
 Have any of the managing officers of this corporation/partnership/LP/LLC ever been convicted of a felony? NO

Name, title of office, occupation and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<u>Robert L. EDWARDS</u>	<u>Safeway Inc</u>	<u>5918 Stoneridge Mall Rd</u>	<u>President</u>
<u>Robert A. GORDON</u>	<u>"</u>	<u>"</u>	<u>Secretary</u>
<u>BRADLEY S. FOX</u>	<u>"</u>	<u>"</u>	<u>TREASURER</u>

Name, address and occupation of each of the directors of the corporation:

Name	Address	Occupation
<u>same as above</u>		

Name and address of each of the stockholders and percentage of shares owned or held by each:

Name	Address	Percentage of Shares
<u>Safeway Denver Inc.</u>	<u>5918 Stoneridge Mall Rd Pleasanton CA 94588</u>	<u></u>
<u>Safeway stores 46, Inc is non-publicly traded company</u>		

Name of any officers, directors, partners or stockholders of applicant having a financial interest or capital stock in any other retail liquor outlet:

Name	Type of License, Financial Interest Held, and Address of Retail Outlet
<u>N/A</u>	<u></u>

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc?

Safeway Inc, 5918 Stoneridge Mall Road, Pleasanton CA 94588  
Legal Dept.

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

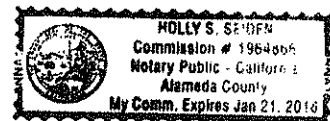
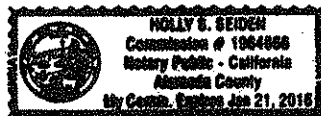
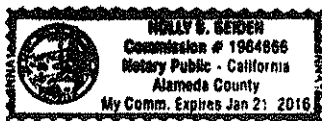
We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license than that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

State of California )  
County of Alameda ) ss.

Signature of Authorized Officer/Director/Partner Robert A. Gordon, Secretary [Signature]

Subscribed and sworn to before me this 7 of FEBRUARY, 2012 County, State of ALAMEDA CALIFORNIA

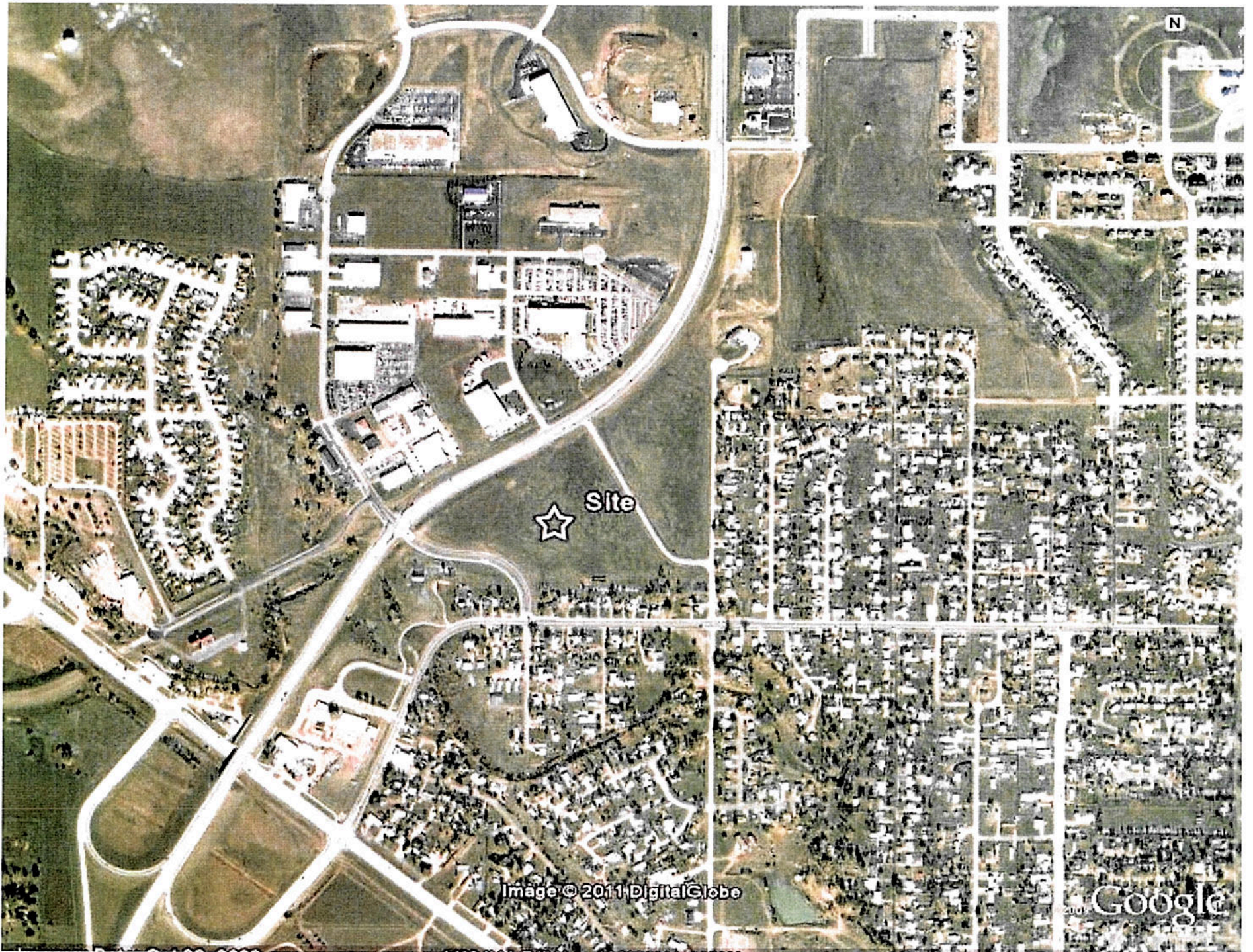
My commission expires JAN. 21 2016 [Signature]  
(Notary Public)



**LEGAL DESCRIPTON OF  
LICENSED PREMISE**

**NEC ELK VALE ROAD and CONCOURSE DRIVE**

That portion of the South Half of the Southeast Quarter Quarter (S1/2SE1/4) of Section 4, Township 1 North, Range 8 East of the BHM, City of Rapid City, Pennington County, South Dakota, lying southeasterly of Lot H3 of the W1/2SW1/4 of said Section 4, as shown on Highway Plat Book 9, Page 74 and south of Lots H3 and H4 of the E1/2SE1/4 of said Section 4, as shown on Highway Plat Book 9, Page 76; and lying west of Lot H-2 in the SE1/4 of said Section 4, as shown on Highway Plat Book 4, Page 74; and lying east of Lot H4 of the W1/2SE1/4 of said Section 4, as shown on Highway Plat Book 10, Page 117 and east of Lot H5 of the E1/2SE1/4 of said Section 4, as shown on Highway Plat Book 10, Page 118.



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