

**BOROUGH OF MALVERN
RESOLUTION NO. 763**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN,
CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, APPROVING THE
TRANSFER OF RESTAURANT LIQUOR LICENSE NO. R-5142 INTO THE
BOROUGH OF MALVERN FROM NEW GARDEN TOWNSHIP**

WHEREAS, Act 141 of 2000 (“the Act”), which amends the Commonwealth’s Liquor Code, authorizes the Pennsylvania Liquor Control Board to approve, in certain instances, the transfer of restaurant liquor licenses across municipal boundaries within the same county regardless of the quota limitations provided for in Section 461 of the Liquor Code if sales of liquor and malt or brewed beverages are legal in the municipality receiving the license; and

WHEREAS, the Act requires the receiving municipality to issue a resolution approving the inter-municipal transfer of the liquor license from the transferring municipality prior to an Applicant’s submission of an application to the Pennsylvania Liquor Control Board; and

WHEREAS, amendments to the Liquor Code stipulate that, prior to adoption of a resolution by the receiving municipality, at least one hearing be held for the purpose of permitting interested parties residing within the municipality to make comments and recommendations regarding Applicant’s intent to transfer a liquor license into the receiving municipality; and

WHEREAS, an application for transfer filed under the Act must contain a copy of the resolution adopted by the municipality approving the transfer of liquor license into the municipality;

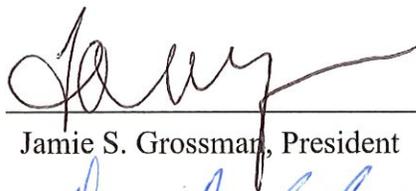
NOW, THEREFORE, BE IT RESOLVED, that Hearth of Malvern, LLC has requested the approval of the Borough Council of Malvern for the proposed transfer of a Pennsylvania restaurant liquor license to its facilities located at 400-412 King Street, Malvern, Chester County, Pennsylvania, with the understanding that said transfer must be approved at a later date by the Pennsylvania Liquor Control Board; and

BE IT FURTHER RESOLVED, that the Borough Council of Malvern has held a public hearing to receive comments on the proposed liquor license transfer and, after consideration of the issues, finds that the transfer of a restaurant liquor license into the Borough of Malvern by the Applicant will not be detrimental to the welfare, health, peace and morals of the Borough of Malvern or its residents; and

BE IT FURTHER RESOLVED, that the Borough Council of Malvern approves, by adoption of this Resolution, the proposed transfer of restaurant liquor license No. R-5142 into the Borough of MALVERN to Hearth of Malvern, LLC; and

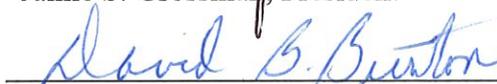
BE IT FURTHER RESOLVED, that the license transfer is subject to approval by the Pennsylvania Liquor Control Board.

Passed by Borough Council,
this 3 day of April, 2018.



Jamie S. Grossman, President

Approved by the Mayor,
this 3 day of April, 2018.



David B. Burton, Mayor

Enacted,
this 3 day of April, 2018.



Christopher Bashore, Secretary