

SUMMARY REPORT TO MANAGER
for City Council Meeting of June 26, 2006

**SUBJECT: REQUEST FROM NORTH WIND ENTERPRISES, INC. TO TRANSFER
ALL STOCK IN CLASS C LICENSED BUSINESS, LOCATED IN ESCROW
AT 2601 WASHINGTON STREET**

RESOLUTION SUMMARY: This resolution recommends approval of the request from North Wind Enterprises, Inc. to transfer all stock in a Class C licensed business, located in escrow at 2601 Washington, by dropping Jack Finney, deceased, as stockholder through transfer of his 1,500 shares of stock to the Jack W. Finney Trust.

ITEMS ATTACHED:

1. Letter of transmittal
3. Resolution

COUNCIL ACTION:

1. 3/5 vote required to approve resolution

Jack Duso
Assistant City Manager
June 23, 2006



City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • www.midland-mi.org

June 23, 2006

Honorable Mayor and City Council
City of Midland
Midland, Michigan 48640

Dear Councilmen:

In June 2004 the City Council adopted a resolution recommending that the Michigan Liquor Control Commission approve the transfer of ownership and location of a Class C liquor license held by North Wind Enterprises, Inc. (Kokopelli's) to K & D Espresso, Inc. (Coffee Chaos). This transfer has been delayed for various reasons at the Liquor Control Commission level related to the nature of the Coffee Chaos business with respect to the consumption of alcohol on the premises.

All of the outstanding issues have been resolved with the Liquor Control Commission. Unfortunately, during the lengthy process to obtain the Liquor Control Commission approval, the sole stockholder of the original owner, North Wind Enterprises, Inc. passed away. Since the transfer was not completed prior to his passing, the license cannot legally be transferred to K & D Espresso, Inc. until Mr. Finney's successor has legal authority to execute the sale of the license to K & D Espresso, Inc.

The City has received the attached resolution from the Liquor Control Commission seeking a recommendation from the City Council on the transfer of the license from North Wind Enterprises, Inc. to the Jack W. Finney Trust; Citizens Bank Wealth Management NA, Successor Trustee. Upon approval of this transfer, the owner's successor can execute the appropriate documents and the eventual transfer of the license to K & D Espresso, Inc. can be completed.

Since this license has been inactive since November 2001 and its transfer to K & D Espresso, Inc. was approved by the City Council on June 14, 2004, it is recommended that the attached resolution be approved in order for the transfer of the license to K & D Espresso, Inc. be completed and put into service.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Duse", written over a horizontal line.

Jack Duse
Assistant City Manager

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

6/21/06 8⁶

RECEIVED

JUN 22 2006

City of Midland
City Manager's Office

Req ID: 314431

LOCAL APPROVAL NOTICE
(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Date: June 9, 2006

To: MIDLAND CITY COUNCIL
333 WEST ELLSWORTH STREET
PO BOX 1647
MIDLAND, MI 48641-1647

Applicant: NORTH WIND ENTERPRISES, INC.

Home Address And Phone No:
JACK W. FINNEY TRUST; CITIZENS BANK WEALTH MANAGEMENT NA, SUCCESSOR TRUSTEE, 101 NORTH WASHINGTON, SAGINAW, MI 48607 (989)776-7368

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

sfs

6/21/06 gb

Req ID #314431

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from NORTH WIND ENTERPRISES, INC. TO TRANSFER ALL STOCK IN 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT AND ENTERTAINMENT PERMIT WITHOUT DRESSING ROOMS, LOCATED IN ESCROW AT 2601 WASHINGTON, MIDLAND, MI 48642, MIDLAND COUNTY, BY DROPPING JACK FINNEY, DECEASED, AS STOCKHOLDER THRU TRANSFER OF HIS 1,500 SHARES OF STOCK TO THE JACK W. FINNEY TRUST, CITIZENS BANK WEALTH MANAGEMENT NA, SUCCESSOR TRUSTEE (STEP 1).

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

SEAL

(Signed) _____
(Township, City or Village Clerk)

(Mailing address of Township, City or Village)