

**UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

RESOLUTION NO. 22-23

A RESOLUTION OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA APPROVING THE APPLICATION OF EL RINCONCITO RESTAURANT, LLC FOR AN INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE NO. R-7363 FROM ITS PRIOR LOCATION IN THE BOROUGH OF CLIFTON HEIGHTS, DELAWARE COUNTY, TO 7001 WEST CHESTER PIKE, UNITS A-B-C, UPPER DARBY, PA 19082; REPEALING ALL INCONSISTENT RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, EL RINCONCITO RESTAURANT LLC (the “ applicant”) through its Counsel John McCreesh,III Esq, applied to the Township of Upper Darby for approval of an Intermunicipal Transfer of Restaurant Liquor License No ER-7363 (the “ License”) from its prior location in Clifton Heights, Delaware County PA to premises located at 7001 West Chester Pike Units A-B-C Upper Darby Pennsylvania,19082 (“ the “Premises”) ; and

WHEREAS, Act 141 of 2000 (“ The Act”) authorizes the Pennsylvania Liquor Control Board (“ PLCB”) to approve in certain instances, the transfer of restaurant 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, 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 Applicants intent to transfer a liquor license into the receiving municipality and

WHEREAS, on September 20, 2023, Upper Darby Township Council held a public Hearing pursuant to published notice to consider the request of the Applicant, and heard comments from the residents of Upper Darby regarding the proposed Liquor License for the Premises; and

WHEREAS, Council desires to take action on the application for an Intermunicipal Transfer of the License to the Premises;

NOW, THEREFORE, be it, and it is hereby **RESOLVED** by the Upper Darby Township Council, and it is hereby **ADOPTED** and **RESOLVED** by authority of same as follows:


- I. The application of EL RINCONCITO RESTAURANT, LLC Inc for an Intermunicipal Transfer of a Pennsylvania Restaurant Liquor License No R-7363 from Clifton Heights Delaware County to the premises located at 7001 West Chester Pike, Units A_B_C, Upper Darby, Pa 19082 State is hereby approved; and it is determined based on the information and evidence presented by Applicant, and after consideration of the public Comment at the hearing, that transfer will not be detrimental to the welfare, health, peace and morals the Municipality or its residents.
- II. Applicants License transfer is subject to approval by the Pennsylvania Liquor Control Board

SECTION 2. REPEALER. Any resolutions or parts thereof inconsistent with the provisions of this Resolution are hereby repealed to the extent of inconsistency.

SECTION 3. SEVERABILITY. If any provision of this Resolution is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon its legal adoption.

ADOPTED and RESOLVED this 20th day of September 2023

BY: 
BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

Resolution No. 22-23 is hereby approved this 20th day of September 2023

BY: 
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICHITTI
CHIEF MUNICIPAL CLERK