## ORDINANCE NO. 1 2 3 AN ORDINANCE TO AMEND LITTLE ROCK, ARK., ORDINANCE NO. 4 18,846 (MAY 1, 2001); AND TO AMEND LITTLE ROCK, ARK., **RESOLUTION NO. 7,739 (MARCH 17, 1987); AND TO AMEND LITTLE** 5 ROCK, ARK., RESOLUTION NO. 7,753 (APRIL 7, 1987); TO APPROVE 6 AN ASSIGNMENT OF THE FRANCHISE FOR AIRSPACE ABOVE THE 7 8 100 BLOCK OF EAST SEVENTH STREET, BETWEEN SCOTT AND MAIN STREETS, FROM THE GEORGE W. DONAGHEY FOUNDATION 9 TO LAKE HAMILTON CORPORATION, AND FURTHER TO 10 ASSIGNMENT FROM LAKE 11 AUTHORIZE THE HAMILTON 12 CORPORATION TO LRMU, LP; TO DECLARE THE FRANCHISE IS IN FULL FORCE AND EFFECT; TO ASSURE THAT ANY FUTURE 13 ASSIGNMENT WILL BE SUBJECT TO THE APPROVAL OF THE CITY 14 **BOARD OF DIRECTORS; TO DECLARE AN EMERGENCY; AND FOR** 15 16 **OTHER PURPOSES.**

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WHEREAS, the City granted a franchise to the George W. Donaghey Foundation on September 26,
2000, pursuant to an ordinance referenced in the official minutes as Little Rock, Ark., Ordinance No.
18,364, but no such ordinance that deals with this topic can be found in the official records; and,

WHEREAS, this franchise was reaffirmed and granted in Little Rock, Ark., Ordinance No. 18,486
(May 15, 2001) ("LR) 18,486"); and,

WHEREAS, the use of the air rights for a skywalk above the 100 Block of East Seventh Street between
Scott and Main Streets, was granted in Little Rock, Resolution No. 7,739 (March 17, 1987) ("LRR 7739"),
and was reaffirmed as amended to exist for a period of ninety-nine (99) years in Little Rock, Ark.,
Resolution No. 7,753 (April 7, 1987) ("LRR 7753") and,

WHEREAS, the George W. Donaghey Foundation wishes to assign this franchise and the use of these
 air rights to Lake Hamilton Corporation, an Arkansas corporation, and to permit the further assignment of
 this franchise by Lake Hamilton Corporation to LRMU, LP; and,

WHEREAS, the approval and affirmation of the Board of Directors by ordinance is required to do so,
and to clarify the legislative history of this franchise;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
 OF LITTLE ROCK, ARKANSAS:

Section 1. The air rights franchise over the 100 Block of East Seventh Street between Scott and Main
 Streets, as set forth in the LRR 7739, LRR 7753, LRO 14,846, and referred to in the Official Minutes of
 the Board of Directors of the City of Little Rock, Arkansas, for September 26, 2000, is hereby confirmed
 and reestablished in this ordinance, and is deemed to be in full force and effect.

Section 2. The City grants permission to the George W. Donaghey Foundation to assign this franchise
to Lake Hamilton Corporation pursuant to the terms and conditions previously set forth in the ordinances
and resolutions noted above.

8 Section 3. The City grants permission, if desired, for Lake Hamilton Corporation to assign this 9 franchise to LRMU, LP, pursuant to the terms and conditions previously set forth in the ordinances and 10 resolutions noted in Section 1, and the terms of this ordinance.

Section 4. The City notes that it reserves the right to approve any further assignment of this franchise by resolution of the Board, such approval not to be unreasonably withheld, and pursuant to the terms and conditions previously set forth in the ordinances and resolutions noted in Section 1, and the terms of this ordinance.

15 Section 5. The City notes that it reserves the right to approve any mortgage of the air rights noted in 16 the ordinances and resolutions set forth in Section 1, and the terms of this ordinance, such approval not to 17 be unreasonably withheld.

**Section 6.** Nothing in this ordinance, nor in the ordinances or resolutions set forth in Section 1, prevent the City from taking any and all necessary actions to terminate this franchise and order the removal of any structures built in the City air rights, if such action is necessary for the public health, safety, and welfare, and particularly if such action is necessarily required by the government of the State of Arkansas, or the government of the United States.

Section 7. Nothing in this ordinance, nor in the ordinances or resolutions set forth in Section 1, permit any physical modifications to the structures placed in the franchise area unless first approved by the relevant City, or other governmental, departments, all necessary fees have been paid, and all other applicable codes or regulations have been applied.

Section 8. The Mayor and City Clerk, and when appropriate the City Manager and City Attorney, are authorized to execute any and all documents required now, or in the future, to accomplish the purposes of this ordinance without further resolution of the Board of Directors, provided that such documents are approved as to legal form by the City Attorney, and provided further that the documents do not assign the franchise to an entity not listed in this ordinance, or permit a mortgage for the property or structures within the franchise area if such a mortgage is not already in place on the date this ordinance is approved.

33 Section. 9. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase or 34 word of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or 35 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and

effect as if the portion so declared or a	adjudged invalid or unconstitutional were not originally a part of the
ordinance.	
Section 10. Repealer. All laws,	ordinances, resolutions, and parts of the same that are inconsistent
with the provisions of this ordinance a	re hereby repealed to the extent of such inconsistency including, but
not limited to, LRR 7739, LRR 7753m	n LRO 18,486.
Sectoin 11. Emergency Clause. 7	The properties that are currently using the skywalk franchised in this
ordinance is being sold to a new pur	cchaser, and in order to assure that the franchise area is properly
maintained and operated, is about to b	be assigned to another entity; the ability to assure that such skywalks
are operated in a safe and efficient m	anner is essential to the public health, safety, and welfare, and the
time frame to approve the documents	for the transfer is critical; an emergency is, therefore, declared to
exist and this ordinance shall be in ful	l force and effect from and after the date of its passage.
PASSED: March 1, 2016	
ATTEST:	APPROVED:
Susan Langley, City Clerk	Mark Stodola, Mayor
APPROVED AS TO LEGAL FORM	
ATTROVED AS TO LEGAL FORM	1.
Thomas M. Carpenter, City Attorne	29
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