1	RESOLUTION NO
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3	A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO
4	EXECUTE A FOURTH AMENDMENT TO THE LEASE AGREEMENT
5	BETWEEN THE CITY OF LITTLE ROCK, ARKANSAS, AND THE
6	OAKLAND & FRATERNAL HISTORIC CEMETERY PARK BOARD AS
7	LESSORS, AND THE LITTLE ROCK SCHOOL DISTRICT AS LESSEE,
8	TO EXTEND THE LEASE FOR ONE (1) ADDITIONAL TERM OF ONE
9	(1)-YEAR EFFECTIVE JANUARY 1, 2023, AND TO APPROVE BASIC
10	ANNUAL RENT FOR THE YEAR 2023 IN THE AMOUNT OF
11	THIRTEEN THOUSAND, EIGHT HUNDRED DOLLARS (\$13,800.00);
12	AND FOR OTHER PURPOSES.
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14	WHEREAS, on January 1, 1962, the City of Little Rock, Arkansas ("City") and the Oakland &
15	Fraternal Historic Cemetery Park Board ("Oakland Cemetery Board") as Lessors, and the Little Rock
16	School District ("School District"), as Lessee, entered into a fifty (50)-year Lease for the leasing of
17	property owned by the City for the benefit of the Oakland Cemetery on which the Booker School was
18	subsequently constructed by the School District for the education of children of the District; and,
19	WHEREAS, the first fifty (50) years of the Lease ended at midnight on December 31, 2011; and,
20	WHEREAS, on February 4, 1992, the parties executed an Amendment to the Lease to provide for an
21	increase in the Basic Rent under the Lease by Two Hundred Dollars (\$200.00) per year; and,
22	WHEREAS, Article XV, Section 1501 of the Lease grants the School District options to extend the
23	Lease for four (4) successive terms of ten (10) years each and one (1) additional term thereafter for nine
24	(9) years; and,
25	WHEREAS, on April 4, 2012, the parties entered into a second Amendment to the Lease whereby
26	the School District exercised its option pursuant to Article XV, Section 1501 of the Lease to extend the
27	Lease for the first ten (10)-year renewal term, with the basic rent under the Lease increasing by Two
28	Hundred Dollars (\$200.00). The annual Basic Rent under the Lease for 2021 was Thirteen Thousand
29	Eight Hundred Dollars (\$13,800.00); and,
30	WHEREAS, on November 11, 2021, the School District requested that the City and the Oakland
31	Cemetery Board consider a one (1)-year extension of the Lease while the School District assessed its
32	facility needs during the first quarter of 2022; and
33	WHEREAS, on December 16, 2021, the parties entered into a Third Amendment to the Lease to

extend the Lease for one (1) additional term of one (1)-year and to provide for basic annual rent for the

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1 Year 2022 in the amount of Thirteen Thousand, Eight Hundred Dollars (\$13,800.00), payable in advance 2 at the office of Lessor Oakland Cemetery Board during the month of February 2022; and, 3 WHEREAS, On February 15, 2023, the School District requested another one (1)-year extension of 4 the Lease, such Lease extension to end on December 31, 2023; and, 5 WHEREAS, on February 23, 2023, the Oakland Cemetery Board approved a Fourth Amendment to 6 Lease Agreement to extend the Lease for one (1) additional term of one (1)-year and to provide for basic 7 annual rent for the Year 2023 in the amount of Thirteen Thousand, Eight Hundred Dollars (\$13,800.00), 8 payable in advance at the office of Lessor Oakland Cemetery Board during the month of March 2023; 9 and, 10 WHEREAS, the parties desire to extend the Lease for one (1) additional term of one (1)-year, 11 effective January 1, 2023, and ending on December 31, 2023. 12 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY 13 OF LITTLE ROCK. ARKANSAS: 14 Section 1. The Board of Directors hereby authorizes the Mayor and City Clerk to execute a Fourth 15 Amendment to Lease Agreement between the City of Little Rock, Arkansas and the Oakland & Fraternal 16 Historic Cemetery Park Board as Lessors, and the Little Rock School District, as Lessee, in order to 17 extend the Lease for one (1) additional term of one (1)-year effective January 1, 2023, and to provide for 18 basic annual rent for the Year 2023 in the amount of Thirteen Thousand, Eight Hundred Dollars 19 (\$13,800.00), payable in advance at the office of Lessor Oakland Cemetery Board during the month of 20 March 2023. The Lease Agreement shall end at midnight on December 31, 2023. 21 Section 2. Severability. In the event any title, section, paragraph, item, sentence, clause, phrase, or 22 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or 23 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and 24 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the 25 resolution. 26 Section 3. Repealer. All laws, ordinances, resolutions, or parts of the same, that are inconsistent 27 with the provisions of this resolution, are hereby repealed to the extent of such inconsistency. 28 ADOPTED: March 7, 2023 29 ATTEST: **APPROVED:** 30 31 32 Susan Langley, City Clerk Frank Scott, Jr., Mayor 33 APPROVED AS TO LEGAL FORM: 34 35 36 Thomas M. Carpenter, City Attorney