

1 **RESOLUTION NO. _____**

2
3 **A RESOLUTION TO APPOINT ELLEN FRANK, VICE PRESIDENT AND**
4 **GENERAL COUNSEL OF RED DEVELOPMENT, LLC, AND LINDA**
5 **HINTON AS GENERAL MANAGER OF THE PROMENADE AT CHENAL**
6 **SHOPPING CENTER, COMMISSIONERS OF THE PROMENADE**
7 **MUNICIPAL PROPERTY OWNERS' MULTIPURPOSE IMPROVEMENT**
8 **DISTRICT NO. 10 OF THE CITY OF LITTLE ROCK, ARKANSAS; AND**
9 **FOR OTHER PURPOSES.**

10
11 **WHEREAS**, the Promenade Municipal Property Owners' Multipurpose Improvement District No. 10
12 of the City of Little Rock, Arkansas, was established by Ordinance No. 19,345 (July 12, 2005) of the City
13 of Little Rock (the "District"); and,

14 **WHEREAS**, all but one (1) Commissioner of the District have resigned from the Board of
15 Commissioners of the District; and,

16 **WHEREAS**, the Board of Commissioners of the District has determined that Ellen Frank, Vice-
17 President and General Counsel of RED Development, LLC, a property owner in the District, is qualified to
18 serve as a Successor Commissioner pursuant to the provisions of the Municipal Property Owners'
19 Improvement District Act (Ark. Code Ann. § 14-94-101 et seq.) ("Act") and has recommended that she be
20 appointed to fill a vacancy on the Board of Commissioners; and,

21 **WHEREAS**, the Board of Commissioners of the District has determined that Linda Hinton, General
22 Manager of the Promenade at Chenal Shopping Center, an employee of RED Development, LLC, a property
23 owner in the District, is qualified to serve as a Successor Commissioner pursuant to the provisions of the
24 Municipal Property Owners' Improvement District Act (Ark. Code Ann. § 14-94-101 et seq.) ("Act") and
25 has recommended that she be appointed to fill a vacancy on the Board of Commissioners.

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

28 **Section 1.** The Board finds: (a) That RED Development, LLC, is a property owner in the District; (b)
29 that prior commissioners of the District were employees of RED Development, LLC; (c) that Ellen Frank
30 is Vice-President and General Counsel RED Development, LLC; (d) that Linda Hinton is employed by
31 RED Development, LLC, as General Manager of the Promenade at Chenal Shopping Center; and (e) that
32 notice was given to all property owners of the proposed nomination of Ms. Frank and Ms. Hinton, and no
33 objections were made to their nomination; a copy of the letter so notifying the property owners is attached

1 hereto as Exhibit A.

2 **Section 2.** That Ellen Frank and Linda Hinton are hereby found to be qualified to serve as
3 Commissioners of the District, and each is hereby appointed to the Board of Commissioners of the District.

4 **Section 3.** That this resolution shall become effective from and after the date of its adoption.

5 **Section 4. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
6 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
7 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
8 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
9 resolution.

10 **Section 5. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
11 the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

12 **ADOPTED: July 17, 2018**

13 **ATTEST:**

APPROVED:

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15 _____
16 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

17 **APPROVED AS TO LEGAL FORM:**

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19 _____
20 **Thomas M. Carpenter, City Attorney**

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1 **Exhibit A**



4 **WRIGHT LINDSEY JENNINGS**

5 200 West Capitol Avenue, Suite 2300 Little Rock, AR 72201-3699
6 Main 501.371.0808 Fax 501.376.9442 wlj.com

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8
9 **John William Spivey III**
10 **ATTORNEY**

11 Direct: 501.212.1310 I jsp!vey@wlJ.com

12
13 April 26, 2018

14
15 Dear Property Owner:

16
17 The Promenade Municipal Property Owners Multipurpose Improvement District No. 10
18 of the City of Little Rock, Arkansas (the "District") is in need of two replacement
19 commissioners for its Board. R.ED Development, LLC, an affiliate of the neighboring
20 owner and property manager for the Promenade at Chenal Shopping Center, has
21 nominated Ellen Frank, Vice President and General Counsel to RED Development, LLC
22 and Linda Hinton,
23 General Manager of the Promenade at Chenal Shopping Center, as successor
24 commissioners. Ellen and Linda are employees of RED Development, LLC as were
25 the District commissioners they will replace.

26
27 In accordance with Ark. Code Ann. § 14-94-101 *et seq.*, successor commissioners will
28 take the same oath as their predecessors: to support the Constitution of the United States
29 and the Constitution of the State of Arkansas, to discharge faithfully their duties as
30 commissioners, and to not be interested, directly or indirectly, in any contract let by the
31 Board, except upon the approval of all owners of real property located in the District.
32 All real property within the District is owned by a business entity. As an affiliated entity
33 and manager for the property owner in the District, RED Development, LLC seeks your
34 acknowledgment and approval of these nominees.

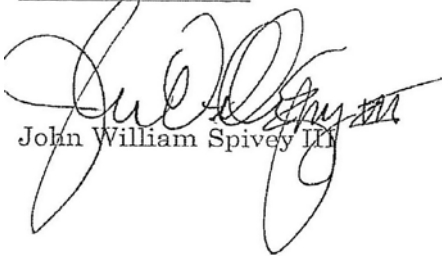
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36 Please, submit written objections, if any, to the address provided below within thirty (30)
37 clays of the date first written above. Your silence will be accepted as approval of the
38 nominees. If you have any questions concerning th.is notification, please contact the
39 undersigned.

40
41 Wright, Lindsey & Jennings
42 200 West Capitol Avenue
43 Suite 2300
44 Little Rock, Arkansas 72201
45 Attn: Bill Spivey and Nathan Finch
46 501-212-1310
47 jspivev@VLJ.c

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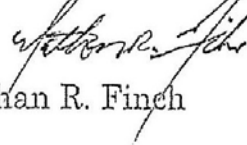
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om 501-212-
1354
nfinch@WLJ.com



John William Spivey III

Sincerely,
WRIGHT, LINDSEY & JENNINGS LLP



Nathan R. Finch

Wright, Lindsey & Jennings LLP

Parcel	Legal	Mailing Name & Address
53L-036 .02-001. 00	Being a Replat Regions Bank of Lot 1; Tract 5 now known as Lot 1R; Tract 5	250 Riverchase Parkway E Birmingham, AL 35244
53L-036.02-002.00	Lot 2; Tract 5	McDonalds Corporation 003/0036 11000 Burkhalter Haas Drive DR Maumelle, AR 72113
53L-036.02-003.00	Lot 3; Tract 5	BEEFAM, LLC/Bonerts MV, LLC C/O Pegasus Asset Management 1901 Avenue of the Stars Suite 630 Los Angeles, CA 90067
53L-036.02-004.00	Lot 4; Tract 5	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112
53L-036 .02-005.00	Lot 5; Tract 5	Chenal Promenade, LLC 1900 Avenue of the Stars Suite 2400 Los Angeles, CA 90067
53L-036 .02-006 .00	Lot 6; Tract 5	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112
53L-036.02-007 .00	Lot 7; Tract 5	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112
53L-036 .02-008.00	Lot 8; Tract 5	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112
53L-036.02-009 .00	Lot 9R; Tract 5	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112
53L-036.02-010 .00	Lot 10	VERI-Little Rock, LLC 4717 Central Street PO BOX 66 Tiburon, CA 94920
53L-036.02-011. 00	Lot 11	Little Rock Development Company, LLC C/O RED Development 4717 Central Street Kansas City, MO 64112