1 2	ORDINANCE NO.
3	AN ORDINANCE TO GRANT A FRANCHISE FOR THE USE OF CITY
4	RIGHT-OF-WAY FOR THE PLACEMENT OF RESTAURANT TABLES
5	AND OTHER ITEMS FOR THE EXCLUSIVE USE OF SOUL FISH CAFE,
6	LOCATED AT 306 MAIN STREET; TO REQUIRE THE CREATION OF A
7	PASSAGEWAY CONSISTENT WITH THE AMERICANS WITH
8	DISABILITIES ACT AND ACCEPTABLE TO THE CITY AS A PART OF
9	THIS FRANCHISE AGREEMENT; TO SET THE OTHER TERMS AND
10	CONDITIONS OF THIS FRANCHISE FOR THE FRANCHISEE AND THE
11	ADJACENT PROPERTY OWNER; AND FOR OTHER PURPOSES.
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13	WHEREAS, the economic development of Main Street is in the best interests of the City, and the
14	development of a vibrant Commercial District that includes restaurants and other facilities would be
15	beneficial to the City; and,
16	WHEREAS, a proposed development has suggested the use of City right-of-way for the placement of
17	customer tables for the exclusive use of Soul Fish Café, and,
18	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY
19	OF LITTLE ROCK, ARKANSAS:
20	Section 1. Pursuant to the conditions set forth in this ordinance, Soul Fish Café, located at 306 South
21	Main Street, and the adjoining property owner, in conformity with the drawing attached as Exhibit A to this
22	ordinance, is hereby granted a franchise to use City right-of-way in that location subject to the terms and
23	conditions set forth in Section 2.
24	Section 2. The terms and conditions for this franchise are as follows:
25 26	1. An annual franchise fee equal to $\frac{1}{2}$ of the lease is based upon the rental per square-foot for
26	Soul Fish Café by the adjoining property owner shall be applied to each square-foot of area
27	utilized with this franchise, and shall be to the City paid by January 15 th of each year the
28	franchise is in place, or for the first year of this franchise within thirty (30) days of the passage
29 20	of this ordinance; on the effective date of this ordinance that amount is Eight Hundred Fifty
30 21	Eight Dollars (\$858.00) per year;
31 22	2. The area developed by the franchisee and the adjoining property owners of 306 Main Street
32 22	shall comply in all respects with the requirements of the Americans with Disability Act for
33	passageways, and shall be subject to approval by the City as to design and materials;

- The term of the franchise shall initially be from the date of the passage of this ordinance, and the
 statutory time frame for the effective date of franchises, until December 31, 2018, with the
 understanding that the franchise shall automatically renew for one year periods from January 1st
 to December 31st, unless written notice is given by the City, the franchisee, or the adjacent
 property owner within forty-five (45) days of the end of a calendar year of the intent not to renew
 the franchise;
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The franchise shall not run with the land and, shall not be automatically assumed by any subsequent purchaser or lessor of the property to be known as Soul Fish Cafe as identified on the effective date of this ordinance:

- 105.Any necessary expense involved with utility relocation shall be borne by the franchisee or the11adjacent property owner with no recourse against the City or any utility should utility relocation12be required for a public purpose;
- 6. At any time that the franchise ends, including if the City determines it is necessary to end this franchise for any public purpose, or because of any change in Federal, State, county, or local, law, regulations, ordinances, or requirements of any kind, the franchise shall cease and all improvements shall be removed, and all necessary repairs to the right-of-way made, at the expense of the franchisee or the adjacent property owner as quickly as possible after notice, but in no event more than thirty (30) days after such notice unless otherwise expressly agreed to in writing by the City.

Section 3. *Severability*. In the event any title, section, paragraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or 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 adjudged invalid or unconstitutional were not originally a part of the ordinance.

Section 4. *Repealer*. All laws, ordinances, resolutions, and parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

26 **PASSED: July 19, 2016**

27 **ATTEST:**

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- 30 Susan Langley, City Clerk
- 31 APPROVED AS TO LEGAL FORM:
- 33
 34 Thomas M. Carpenter, City Attorney

Mark Stodola, Mayor

APPROVED:

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