$\qquad$


#### Abstract

A RESOLUTION TO GRANT A FRANCHISE TO 201 WEST CAPITOL, LLC, TO PLACE A CANOPY AND A SMALL STRUCTURE WITHIN CITY RIGHT-OF-WAY AT 201 - 215 WEST CAPITOL AVENUE; AND FOR OTHER PURPOSES.


WHEREAS, a request has been made to the City for a Franchise at 201 - 215 West Capitol Avenue for the placement of a canopy, and for the placement of a small masonry-constructed utility building; and,

WHEREAS, after review by the Public Works Department and the implementation of certain conditions to the Franchise, it has been determined that this grant will not adversely impact the interests of the City;

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

Section 1. A Franchise is hereby granted to 201 West Capitol, LLC, which will apply from 201 West Capitol Avenue to 215 West Capitol Avenue in the City of Little Rock, Arkansas, for the purposes of erecting a canopy, and constructing a small masonry-constructed utility building in accordance with the plans set forth in Exhibits A, B and C, to this resolution.

Section 2. This Franchise is granted subject to the following conditions:
(a) The City of Little Rock, Arkansas ("the City") assumes no responsibility to maintain any installation within the right-of-way, to replace any damaged or destroyed property, items or fixtures, within the right-of-way, and is not responsible or liable for any injury or damage that should occur as a result of the property, items, or fixtures, within the right-of-way;
(b) The City has the right to approve final plans for the placement, construction, and maintenance, of any property, item or fixture within the right-of-way that is the subject of this Franchise; provided, that it is understood that the utility out-building shall have a minimum clearance separation of five (5) feet from the edge of the existing storm water drainage box located in the right-of-way;
(c) Upon notice from the City, the Franchisee will contemporaneously remove any permitted property, item, or fixture, within the right-of-way pursuant to this Franchise, at the sole expense of the Franchisee:
i. Because of any public improvement project authorized by the City;
ii. Because such property, item or fixture has been deemed, within the sole discretion of the City, as a public nuisance;
iii. Because it is otherwise determined to be in the best interests of the City to have any such property, item, or fixture removed that is otherwise permitted pursuant to this Franchise.

Section 3. The annual franchise fee for the placement of the utility out building in the City right-ofway shall be Three Thousand Dollars $(\$ 3,000.00)$ per year.

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, or parts of the same, that are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

## ADOPTED: September 18, 2018

## ATTEST:

## Susan Langley, City Clerk

APPROVED AS TO LEGAL FORM:

## APPROVED:

## Mark Stodola, Mayor

Thomas M. Carpenter, City Attorney

3 4

5
6

7

## Exhibit A



Exhibit B

[Page 4 of 5]

Exhibit C

[Page 5 of 5]

