ORDINANCE NO.

AN ORDINANCE TO GRANT A FRANCHISE FOR THE USE OF CITY RIGHT-OF-WAY FOR THE PLACEMENT OF RESTAURANT TABLES AND THE RELOCATION OF A PATHWAY CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT TO THE OWNERS OF RADUNO BRICK OVEN, LOCATED AT 1318 SOUTH MAIN STREET; TO SET THE TERMS AND CONDITIONS; AND FOR OTHER PURPOSES.

WHEREAS, the development of South Main Street is in the best interests of the City, and the development of a vibrant commercial district that includes restaurants and other facilities would be beneficial to the City; and,

WHEREAS, a proposed development has suggested the use of City right-of-way for the placement of customer tables, and the further use of City parking places for a new pathway that is compliant with the Americans with Disabilities Act has been requested;

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

Section 1. Pursuant to the conditions set forth in this ordinance, Raduno Brick Oven, located at 1318 South Main Street, in conformity with the drawing attached as Exhibit A to this ordinance, is hereby granted subject to the terms and conditions set forth in Section 2.

Section 2. The terms and conditions for this franchise are as follows:

1. An annual fee equal to the lease rental per square-foot for Raduno Brick Oven shall be applied to each square-foot of area utilized with this franchise, and shall be to the City paid by January 15th of each year the franchise is in place;

2. In addition to the annual franchise fee, an amount equal to the proportional collection for parking spaces in the South Main Street area pursuant to City parking fee collections shall be paid to the City every six (6) months based upon the collection history for such spaces during the immediately preceding six (6) months;

2. The area developed by the owners of 1318 Raduno Brick Oven shall comply in all respects with the requirements of the Americans with Disability Act for pathways, and shall be the responsibility of the owner to obtain approval from the ADA Committee of the City on an annual basis;

3. 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, 2017,
with the understanding that the franchise shall automatically renew for one (1)-year periods
of January 1st to December 31st, unless written notice is given by either party within forty-
five (45) days of the end of a calendar year of the intent not to renew the franchise;
4. 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 Raduno Brick Oven as
identified on the effective date of this ordinance;
5. Any necessary expense involved with utility relocation shall be borne by the franchisee
with no recourse against the City or any utility should utility relocation be required for a
public purpose;
6. At any time that the City determines it is necessary to end this franchise for a public
purpose, or because of any change in Federal, State, County, or local law, regulations, or-
dinances, or requirements of any kind, the franchise shall cease and all improvements re-
moved at the expense of the owner as possible after notice, and in any event no later than
thirty (30) days after such notice.

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 ad-
judication 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 ordi-
nance.

Section 5. **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.

PASSED: November 17, 2015

ATTEST: 

APPROVED:

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Susan Langley, City Clerk        Mark Stodola, Mayor

APPROVED AS TO LEGAL FORM:

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Thomas M. Carpenter, City Attorney