1	ORDINANCE NO.					
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3	AN ORDINANCE TO GRANT A FRANCHISE TO FOURTEEN 24 ON MAIN,					
4	LLC, FOR THE USE OF THE RIGHT-OF-WAY LOCATED AT 1424 SOUTH					
5	MAIN STREET, SUITES 103 AND 104, FOR AN OUTDOOR DINING AREA;					
6	AND FOR OTHER PURPOSES.					
7						
8	WHEREAS, Fourteen 24 on Main, LLC, owns 1424 South Main Street, Suites 103 and 104, Little Rock,					
9	Arkansas, 72201; and,					
10	WHEREAS, the economic development of South Main Street is in the best interests of the City; and,					
11	WHEREAS, Fourteen 24 on Main, LLC has requested the use of a City right-of-way in order to erect					
12	railing and a gate and the placement of tables and chairs in front of 1424 South Main Street, Suites 103 and					
13	104 for an outdoor dining area; and,					
14	WHEREAS, the Little Rock Board of Directors desires to grant a franchise to Fourteen 24 on Main, LLC.					
15	NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY					
16	OF LITTLE ROCK, ARKANSAS:					
17	Section 1. Pursuant to the conditions set forth in this ordinance, Fourteen 24 on Main, LLC, located at					
18	1424 South Main Street, Suites 103 and 104, is hereby granted a franchise to use City right-of-way at its					
19	location subject to the terms and conditions set forth in Section 2.					
20	Section 2. Pursuant to the conditions set forth in this ordinance, Fourteen 24 on Main, LLC at 1424					
21	South Main Street, in conformity with the drawing attached as Exhibit A to this Ordinance, is hereby granted a					
22	2 Franchise to use the City right-of-way at 1424 South Main Street, Suites 103 and 104 subject to the terms and					
23	conditions set forth in this Section 2.					
24	1. Grant and acceptance of franchise subject to conditions: Subject to the conditions stated herein,					
25	the City of Little Rock ("City") hereby grants to Fourteen 24 on Main, LLC, and to its successors					
26	and assigns, a revocable and conditional franchise to use portions of the City right-ow-way on					
27	South Main Street adjacent to the real property located at 1424 South Main Street, Suites 103 and					
28	104 as provided herein and under the conditions stated herein. Fourteen 24 on Main, LLC hereby					
29	accepts, subject to the conditions stated in this ordinance, the Franchises as described below.					
30	2. <u>Franchise Fees</u> : The annual Franchise Fee is equal to 1/2 of the lease based on the rental per					
31	square-foot for the real property at 1424 South Main Street, Suites 103 and 104 as applied to each					
32	square-foot of area within the public right-of-way utilized with this Franchise. The Franchise Fee					
33	shall be paid to the City by January 15 <sup>th</sup> of each year the Franchise is in place, or for the first year					

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of this Franchise within thirty (30) days of the passage of this ordinance. The amount of the Franchise Fee is Seven Hundred Fifty Dollars (\$750.00) per year.

- American Disabilities Act: The area developed and or used by the Franchisee shall comply in all
   respects with the requirements of the Americans with Disabilities Act for passageways, and shall
   be subject to approval by the City as to design and materials.
- 3. <u>Term</u>: 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, 2022, with
  the understanding that the Franchise shall automatically renew for one (1)-year periods from
  January 1<sup>st</sup> to December 31<sup>st</sup>, unless written notice is given by the City to the Franchisee of the
  intent not to renew the Franchise. Any such notice shall be given within forty-five (45) days of
  the end of a calendar year. The City reserves the right to terminate this Franchise at any time and
  for any reason after providing written notice to the Franchisee.
- 4. <u>Limitation</u>: 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 Fourteen 24 on Main, LLC, as
  identified on the effective date of this ordinance.
- 16 5. <u>Termination</u>: At any time that the Franchise ends, including if the City determines it is necessary 17 to end this Franchise for any public purpose or because of any change in Federal, State, County, or 18 local, law, regulations, ordinances, or requirements of any kind, the Franchise shall cease, all 19 improvements shall be removed, and all necessary repairs to the right-of-way made shall be made 20 at the expense of the Franchisee or of the adjacent property owner as quickly as possible after 21 notice, but in no event more than thirty (30) days after such notice unless otherwise expressly 22 agreed to in writing by the City. Fourteen 24 on Main, LLC, acknowledges that upon notice form the City's Public Works Director, Fourteen 24 on Main, LLC, will remove the permitted items 23 24 from the public right-of-way or easements at its own expense for any public improvement project 25 or if the situation becomes a public nuisance.
- <u>Compliance</u>: The structures permitted by this ordinance shall be constructed, operated, used, and
   maintained in compliance with City codes, ordinances, and polices, including, without limitation,
   Building Codes and Utility Relocation Policies, for the life of the Franchise.
- 29 Section 3. The City Manager is hereby authorized to execute the Franchise Agreement in a form to be 30 approved by the City Attorney.
- 31 Section 4. *Severability.* In the event any section, paragraph, item, sentence, clause, phrase, or word of 32 this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall

1	not affect the remaining portions or the ordinance	not affect the remaining portions or the ordinance which shall remain in full force and effect as if the portion so						
2	declared or adjudged invalid or unconstitutional	declared or adjudged invalid or unconstitutional was not originally part of the ordinance.						
3	Section 5. Repealer. All laws, ordinances, resolutions, or parts of the same that are inconsistent with the							
4	provisions of this ordinance are hereby repealed to the extent of such inconsistency.							
5	PASSED: June 1, 2021							
6	ATTEST:	APPROVED:						
7								
8 9	Susan Langley, City Clerk	Frank Scott, Jr., Mayor						
10	APPROVED AS TO LEGAL FORM:							
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12								
13	Thomas M. Carpenter, City Attorney							
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34	F	Exhibit A						



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ARCH	ITECTS	IN C.	501.375.0378 T	Date: 07/22/2020		
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			HALF INCH ON THIS SHEET,	Addendum #:	Sheet #: 🗛 1	<b>D.1</b>

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