

1 **Section 1.** The air rights franchise over the 100 Block of East Seventh Street between Scott and Main
2 Streets, as set forth in the LRR 7739, LRR 7753, LRO 14,846, and referred to in the Official Minutes of
3 the Board of Directors of the City of Little Rock, Arkansas, for September 26, 2000, is hereby confirmed
4 and reestablished in this ordinance, and is deemed to be in full force and effect.

5 **Section 2.** The City grants permission to the George W. Donaghey Foundation to assign this franchise
6 to Lake Hamilton Corporation pursuant to the terms and conditions previously set forth in the ordinances
7 and resolutions noted above.

8 **Section 3.** The City grants permission, if desired, for Lake Hamilton Corporation to assign this
9 franchise to LRMU, LP, pursuant to the terms and conditions previously set forth in the ordinances and
10 resolutions noted in Section 1, and the terms of this ordinance.

11 **Section 4.** The City notes that it reserves the right to approve any further assignment of this franchise
12 by resolution of the Board, such approval not to be unreasonably withheld, and pursuant to the terms and
13 conditions previously set forth in the ordinances and resolutions noted in Section 1, and the terms of this
14 ordinance.

15 **Section 5.** The City notes that it reserves the right to approve any mortgage of the air rights noted in
16 the ordinances and resolutions set forth in Section 1, and the terms of this ordinance, such approval not to
17 be unreasonably withheld.

18 **Section 6.** Nothing in this ordinance, nor in the ordinances or resolutions set forth in Section 1, prevent
19 the City from taking any and all necessary actions to terminate this franchise and order the removal of any
20 structures built in the City air rights, if such action is necessary for the public health, safety, and welfare,
21 and particularly if such action is necessarily required by the government of the State of Arkansas, or the
22 government of the United States.

23 **Section 7.** Nothing in this ordinance, nor in the ordinances or resolutions set forth in Section 1, permit
24 any physical modifications to the structures placed in the franchise area unless first approved by the relevant
25 City, or other governmental, departments, all necessary fees have been paid, and all other applicable codes
26 or regulations have been applied.

27 **Section 8.** The Mayor and City Clerk, and when appropriate the City Manager and City Attorney, are
28 authorized to execute any and all documents required now, or in the future, to accomplish the purposes of
29 this ordinance without further resolution of the Board of Directors, provided that such documents are
30 approved as to legal form by the City Attorney, and provided further that the documents do not assign the
31 franchise to an entity not listed in this ordinance, or permit a mortgage for the property or structures within
32 the franchise area if such a mortgage is not already in place on the date this ordinance is approved.

33 **Section 9. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase or
34 word of this ordinance is declared or adjudged to be invalid or unconstitutional such declaration or
35 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and

1 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
2 ordinance.

3 **Section 10. Repealer.** All laws, ordinances, resolutions, and parts of the same that are inconsistent
4 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency including, but
5 not limited to, LRR 7739, LRR 7753m LRO 18,486.

6 **Sectoin 11. Emergency Clause.** *The properties that are currently using the skywalk franchised in this*
7 *ordinance is being sold to a new purchaser, and in order to assure that the franchise area is properly*
8 *maintained and operated, is about to be assigned to another entity; the ability to assure that such skywalks*
9 *are operated in a safe and efficient manner is essential to the public health, safety, and welfare, and the*
10 *time frame to approve the documents for the transfer is critical; an emergency is, therefore, declared to*
11 *exist and this ordinance shall be in full force and effect from and after the date of its passage.*

12 **PASSED: March 1, 2016**

13 **ATTEST:**

APPROVED:

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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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