

1 **ORDINANCE NO. \_\_\_\_\_**

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3 **AN ORDINANCE TO GRANT A FRANCHISE FOR THE USE OF CITY**  
4 **RIGHT-OF-WAY TO PLACE A CITYPOST™ SMART KIOSK AT 424**  
5 **EAST MARKHAM STREET PURSUANT TO A MEMORANDUM OF**  
6 **UNDERSTANDING REFERENCED IN LITTLE ROCK, ARK.,**  
7 **ORDINANCE NO. 21,588 (JUNE 19, 2018); TO DIRECT THAT A COPY OF**  
8 **THIS FRANCHISE AGREEMENT BE PLACED AS AN EXHIBIT TO THE**  
9 **MEMORANDUM OF UNDERSTANDING; AND FOR OTHER PURPOSES.**

10  
11 **WHEREAS**, the City of Little Rock, Arkansas, authorized a Franchise Agreement to Duke Energy  
12 for Smart Media, LLC, for the placement of a CityPost™ Kiosk pursuant in Little Rock, Ark., Ordinance  
13 No. 21,588 (June 19, 2018); and,

14 **WHEREAS**, the particular Franchise granted was near the intersection of West Markham Street and  
15 South Main Street, and was pursuant to a Memorandum of Understanding executed by the Mayor of the  
16 City of Little Rock, Arkansas, and Smart Media, LLC, on March 26, 2017 (“Smart City MOU”); and,

17 **WHEREAS**, it was anticipated that additional such Franchises would become necessary in the future,  
18 and as the Board of Directors approved such a Franchise the specific Franchise would be made a new  
19 exhibit to the Smart City MOU; and,

20 **WHEREAS**, a request has been made for such a Franchise to be located at 424 East Markham Street.

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

23 **Section 1.** Duke Energy operating through Smart Media, LLC, located at 54 West 40<sup>th</sup> Street, New  
24 York, New York, is hereby granted a Franchise pursuant to the Smart City MOU for the location more  
25 specifically described in Exhibit A to this ordinance for the placement of a CityPost™ Smart Kiosk.

26 **Section 2.** This ordinance, by agreement of the parties, shall become Exhibit No. 10 to the Smart City  
27 MOU entered on March 26, 2017.

28 **Section 3.** This Franchise shall be subject to the terms and conditions of the City’s Utility Relocation  
29 Policy as currently set forth, or as may be later amended, in Little Rock, Ark., Rev. Code §§ 2-350 to 2-357  
30 (1988).

31 **Section 4.** It is further understood that this Franchise is not perpetual and may be revoked by the City  
32 as it, in the future, in its sole discretion deems appropriate.

33 **Section 5. Severability.** In the event that any title, section, paragraph, item sentence, clause, phrase,  
34 or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or

1       **Section 5. Severability.** In the event that any title, section, paragraph, item sentence, clause, phrase,  
2 or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or  
3 adjudication shall not effect the remaining portions of the ordinance which shall remain in full force and  
4 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally part of the  
5 ordinance.

6       **Section 6. Repealer.** All ordinances, resolutions, or parts of the same that are inconsistent with the  
7 provisions of this ordinance are hereby repealed to the extent of such inconsistency.

8       **Section 7. Emergency Clause.** *It has been found, and it is hereby declared, that the ability of the City*  
9 *to provide CityPost™ Smart Kiosks to enable greater use of technology within the City by citizens and*  
10 *visitors is essential to the public health, safety and welfare; an emergency is, therefore, declared to exist*  
11 *and this ordinance shall be in full force and effect upon its passage after the expiration of ten (10) days that*  
12 *the ordinance and exhibit have been on public display at the direction of the City Clerk.*

13 **PASSED: December 3, 2018**

14 **ATTEST:**

**APPROVED:**

16 \_\_\_\_\_  
17 **Susan Langley, City Clerk**

\_\_\_\_\_ **Mark Stodola, Mayor**

18 **APPROVED AS TO LEGAL FORM:**

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21 **Thomas M. Carpenter, City Attorney**

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**EXHIBIT 10**  
424 East Markham Street

