

1 loss of property within Clinton Park, and maintaining the headquarters for Heifer within the City; and,
2 **WHEREAS**, the City has entered into a Lease Agreement with the Clinton Foundation, dated March
3 1, 2002, as amended, under which the Clinton Foundation is leasing certain property from the City (“2002
4 City Lease”); and,

5 **WHEREAS**, the Clinton Foundation has entered into a Sublease Agreement with Heifer, dated
6 November 16, 2005, as amended, under which Heifer is leasing certain property from the Clinton
7 Foundation (“2005 Clinton Foundation Lease”); and,

8 **WHEREAS**, the City has entered into a Lease Agreement with Heifer, dated as of February 23, 2007,
9 as amended, under which Heifer is leasing certain property from the City (“2007 City Lease”); and,

10 **WHEREAS**, Heifer has entered into a Lease Agreement with the Symphony, dated December 1, 2019,
11 as amended, under which the Symphony is leasing certain property from Heifer (“2019 Symphony Lease”)
12 for the purpose of building the Stella Boyle Smith Music Center, which will be home for the Symphony
13 and will be used to provide music education to City and State residents; and,

14 **WHEREAS**, the 2019 Symphony Lease includes property (i) owned by Heifer; (ii) leased by Heifer
15 from the City; and (iii) subleased by Heifer from the Clinton Foundation (“Symphony Property”), and the
16 Symphony Property is being transferred to the City to accommodate the two (2) schools, necessitating the
17 termination of the 2019 Symphony Lease, and the creation of a new sublease between the Symphony and
18 the Clinton Foundation that is similar to the existing 2019 Symphony Lease; and,

19 **WHEREAS**, in addition to this resolution being required by Ark. Code Ann. 14-54-302 (West 2020),
20 to allow the Mayor and City Clerk to execute the various agreements required in these transactions; and,

21 **WHEREAS**, additional ordinances will be required to memorialize certain aspects of these
22 transactions; and,

23 **WHEREAS**, the Little Rock Parks Commission has considered, and approved a recommendation that
24 the City participate in these transactions;

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

27 **Section 1.** The Mayor and City Clerk, and any other necessary City officials, are authorized to execute
28 any and all documents presently necessary, or which may become necessary and appropriate in the future,
29 to accomplish the steps listed below only to the extent necessary to fulfill the mutual desire of the City,
30 Heifer, Lyon College, OHEV, and the Symphony to facilitate the construction, maintenance, and operation
31 of the Lyon College School of Dentistry and Oral Health, and the Lyon College of Veterinary Medicine, to
32 be located within the City:

- 33 (a) To modify or terminate any lease agreement between the City and the Clinton Foundation as
34 to the boundaries of property within Clinton Park; and,
35 (b) To transfer title to one or more parcels of land (i) to the City, and (ii) from the City; and,

- 1 (c) To modify the 2002 City Lease so that it includes property on which the Symphony will build
2 the Stella Boyle Smith Music Center, and to consent to a sublease between the Clinton
3 Foundation and the Symphony under which the Symphony will sublease such property from
4 the Clinton Foundation upon terms similar to those included in the 2019 Symphony Lease
5 (“Future Symphony Lease”); and,
6 (d) To take any necessary steps to approve or acknowledge any transfer of property from OHEV
7 to the City via Warranty Deed, and from the City to OHEV via Warranty Deed.

8 **Section 2.** When the matters referred to in Section 1 are complete, the parties intend that the following
9 will have occurred:

- 10 (a) Heifer will have terminated the 2019 Symphony Lease pursuant to a mutually satisfactory
11 termination agreement; and,
12 (b) The Clinton Foundation will have terminated the 2005 Clinton Foundation Lease; and,
13 (c) The City will have terminated the 2007 City Lease; and,
14 (d) The City will have amended the 2002 City Lease to reflect (i) the removal of certain property
15 therefrom, including the removal of property from the Clinton Park (to be deeded to OHEV by
16 the City), and (ii) the inclusion of additional property therein, including the addition of property
17 to the Clinton Park (to be deeded to the City by OHEV), and the addition of property for the
18 Future Symphony Lease; and,
19 (e) The City will have consented to the Future Symphony Lease; and,
20 (f) OHEV will have agreed with the City to construct certain agreed upon roads to City
21 specifications and to deed such roads to the City once completed, including access for extension
22 of the City’s Southeast Trail; and,
23 (g) The City will have approved any new subleases of property within Clinton Park by the Clinton
24 Foundation.

25 **Section 3.** The City intends to amend the Little Rock Parks and Recreation Master Parks Plan to show
26 the new boundaries of the Clinton Park.

27 **Section 4.** The City intends to amend Little Rock, Ark., Ordinance No. 18,298 (September 2, 2003),
28 as codified, and any other necessary ordinance, to assure that Little Rock, Ark., Rev. Code § 6-10 (1988),
29 permits the maintenance of swine, or other animals, within the corporate limits of the City by an accredited
30 school of veterinary medicine, or such a school that has taken the necessary steps to become accredited.

31 **Section 5. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
32 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
33 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
34 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a part of the
35 resolution.

1 **Section 6. Repealer.** All ordinances, resolutions, bylaws, and other matters inconsistent with this
2 resolution are hereby repealed to the extent of such inconsistency.

3 **ADOPTED: February 21, 2023**

4 **ATTEST:**

APPROVED:

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7 **Susan Langley, City Clerk**

Frank Scott, Jr., Mayor

8 **APPROVED AS TO LEGAL FORM:**

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

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