

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DENYING THE ESTABLISHMENT OF THE  
NORTHSHORE LANE MULTI-PURPOSE MUNICIPAL  
IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH  
LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY;  
AND FOR OTHER PURPOSES.**

WHEREAS, a petition, purporting to be signed by the owners of more than a majority in assessed value of the real property described therein, was filed with the City Clerk of North Little Rock, Arkansas and was scheduled for public hearing on April 13, 2015 but delayed until requested by a petitioner; and

WHEREAS, on May 12, 2015, an amended petition was filed with the City Clerk of the City of North Little Rock, Arkansas, purporting to be signed by the owners of more than a majority in value of assessed value of the real property described within the petition ("Property"), praying that a municipal improvement district be established for the purposes set forth herein, said amended petition being attached hereto as "Exhibit A"; and

WHEREAS, after due notice by the petitioner as required by law, the City Council of City of North Little Rock, Arkansas (the "City Council") heard all parties desired to be heard; and

WHEREAS, on November 23, 2015, by a vote of 1-7, the City Council refused to adopt the petition because the City of North Little Rock appeared to be the majority owner of Property and did not sign the petition; and

WHEREAS, Mr. Eugene M. Pfiefer and others sued to compel the City to establish the district; and

WHEREAS, Arkansas Supreme Court recently ruled that the City Council is required to make an affirmative finding as to whether the petition is signed by a majority in assessed value of the property in an ordinance, rather than simply voting down an ordinance that states the opposite.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That owners of less than a majority in value of assessed value of the real property described in the Petition signed the Petition, and that the Petition is accordingly denied.

SECTION 2: Any ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent they conflict with this ordinance.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It has been found, and it is hereby declared, by the City Council that the proposed petition to establish the Northshore Lane Multipurpose Municipal Improvement District No. 36 is inhibiting the proper development of the City and should be denied as quickly as possible; THEREFORE, an emergency is hereby declared to exist, and this Ordinance being necessary for the preservation of the public peace, health and safety, shall be in full force and effect upon its passage and approval.

PASSED:

\_\_\_\_\_

APPROVED:

\_\_\_\_\_

Mayor Joe A. Smith

SPONSOR:

Joe A. Smith  
Mayor Joe A. Smith *by AF*

ATTEST:

\_\_\_\_\_

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter  
C. Jason Carter, City Attorney *by AF*

PREPARED BY THE OFFICE OF THE CITY ATTORNEY

FILED	<u>10:35</u>	A.M.	_____	P.M.
By	<u>Diane Whitbey, City Clerk</u>			
DATE	<u>5/2/17</u>			
<b>Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas</b>				
RECEIVED BY	<u>[Signature]</u>			