

RESOLUTION 05-11

WHEREAS, the City of Conway, Arkansas, hereinafter referred to as "City", entered into a ground lease with the Conway Area Chamber of Commerce, Incorporated, hereinafter referred to as "Chamber", dated December 30, 1998, covering the following described property:

Part of Lot 2, Hiegel Commercial Addition to the City of Conway, Faulkner County, Arkansas, as shown on Plat Book J at Page 74 in the Plat Records of Faulkner County, Arkansas, more particularly described as beginning at the SW corner of said Lot 2, thence N 02 degrees, 41 minutes, 32 seconds East 120 feet; thence South 87 degrees, 52 minutes, 09 seconds East 25.67 feet; thence N 02 degrees, ten minutes, 00 seconds East 78.69 feet; thence South 88 degrees, 38 minutes, 09 seconds East 207.22 feet; thence S 03 degrees, 12 minutes, 42 seconds West 216.64 along the east line of said Lot 2 to the SE corner of Lot 2; thence North 86 degrees, 23 minutes, 50 seconds West 9.64 feet; thence North 84 degrees, 00 minutes, 07 seconds West 220.88 feet to the point of beginning, containing 1.06 acres, more or less,

upon which property the Chamber has constructed its office building; and

WHEREAS, the Conway Development Corporation, hereinafter the "CDC", a non-profit corporation whose purpose is to generate economic activity in the City and

its environs, is currently housed within the Chamber's office building; and

WHEREAS, the family of Robert D. Nabholz, a founding member, director, and officer of the CDC, has indicated its willingness to donate monies to the CDC or its foundation for the purpose of constructing an office building for the CDC to be named in his honor and connected on the north end of the existing Chamber building, provided that the ground lease for the area in question may be assigned to the CDC; and

WHEREAS, the lease provides in Article 4.04 that any assignment of the agreement or the leased premises be approved in writing by the City; and

WHEREAS, it is in the best interest of the City, Chamber and CDC, that the CDC be located in close proximity to the Chamber, as has historically been the case, and the City and community will all benefit from their coordinated efforts to generate economic development.

NOW, THEREFORE, BE IT RESOLVED by the City of Conway, Arkansas, as follows:

1. That the sublease from the Chamber to the CDC of a portion of the above-described property, from the north end of the existing building northward to the existing side

walk and the same dimensions in width as the building, be and hereby is approved due to the economic benefits to the City and community;

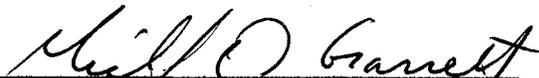
2. That in the event of the occurrence of any event of default under the original lease which would allow the City to cancel the primary ground lease with the Chamber dated December 30, 1998, and to avoid a possible forfeiture of the CDC's interest therein, the City shall offer the entire property subject to the primary ground lease to the CDC for the balance of the remaining term under the lease upon the same terms and conditions. In such event, the CDC shall have a period of thirty (30) days from receipt of the City's offer prior to the City otherwise disposing of the property.

EXECUTED this 26 day of April, 2005.

CITY OF CONWAY, ARKANSAS

By 
Tab Townsell
Mayor

ATTEST:


Michael O. Garrett
Clerk