

ORDINANCE NO. 1905

AN ORDINANCE RE-ROUTING A PORTION OF PEEBLES ALLEY AND VACATING A PORTION OF PEEBLES ALLEY IN THE PEEBLES ADDITION TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 10th day of April, 1996, asking the City Council to vacate a portion of Peebles Alley located in the Peebles Addition to the City of Eureka Springs, Arkansas, and

WHEREAS, after due notice as required by law, the City Council on May 14, 1996, at 9:00 A.M. heard all persons desiring to be heard on the question, and

WHEREAS, an agreement was reached pursuant to and under the authority of Ark. Code Anno. §14-54-104 to re-route a portion of Peebles Alley as hereinafter described in Section 2, and

WHEREAS, the petitioners, Robert R. Sherman and Wilsie A. Sherman, husband and wife, have agreed to execute a quitclaim deed to a twenty foot (20') strip of land located in said Lot 8 as hereinafter described to the City of Eureka Springs, Arkansas for the re-route of a portion Peebles Alley as hereinafter described, and

WHEREAS, during said public hearing Sandra Bass and Lee Anne Lindstedt, who are property owners who own unlotted real property which abuts and adjoins a portion of said Peebles Alley, supported and consented to the vacation of

the portion of Peebles alley as described in Section 1 and the re-route of Peebles Alley as set forth and described in Section 2, and

WHEREAS, the City Council has ascertained that the portion of Peebles Alley as hereinafter described in Section 1 has heretofore been dedicated to the public use as an alley, but has never been actually used by the public for alley purposes; that the petitioners, Robert R. Sherman and Wilsie A. Sherman, husband and wife, are the sole owners of all real property which abuts and adjoins the hereinafter described portion of Peebles Alley to be vacated; and that by reason of the re-route of a portion of Peebles Alley, that the public interest and welfare will not be adversely affected by the abandonment of the portion of Peebles Alley as hereinafter described in Section 1.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1: That in exchange for a quitclaim deed to the property described in Section 2 which will re-route a portion of Peebles Alley, the City of Eureka Springs, Arkansas, releases, vacates and abandons all its rights, together with the rights of the public generally in favor of Robert R. Sherman and Wilsie A. Sherman, husband and wife, in and to the portion of Peebles Alley described as follows:

A portion of Peebles Alley on the Northeast side of Van Buren Street in The Peebles Addition to the

City of Eureka Springs, Arkansas, more particularly described as follows:

Commencing at the Southeast corner of Lot 8, Peebles Addition to the City of Eureka Springs, Arkansas, for the real point of beginning; thence North 44°00'00" East 80 feet; thence South 48°58'28" East 20 feet to the West line of Lot 9, Peebles Addition to the City of Eureka Springs, Arkansas; thence South 44°00'00" West 80.05 feet to the Southwest corner of said Lot 9 which is marked with a ½-inch rebar with cap; thence North 48°40'57" West 20 feet to the point of real beginning.

Section 2: In order for a portion of Peebles Alley to be relocated, the said Robert R. Sherman and Wilsie A. Sherman, husband and wife, have agreed to convey by quitclaim deed to the City of Eureka Springs, Arkansas, the following described real property, to-wit:

A part of Lot 8 on the Northeast side of Van Buren Street in the Peebles Addition to the City of Eureka Springs, Arkansas, and being more particularly described as follows:

Commence at the Southwest corner of Lot 8 of said Peebles Addition; thence South 48°40'57" East 9.00 feet along Southwest line of said Lot for the point of beginning; thence North 38°50'11" East 99.78 feet; thence South 48°54'57" East 50.00 feet; thence South 44°00'00" West 20.00 feet; thence North 48°58'28" West 28.18 feet; thence South 38°50'15" West 79.84 feet; thence North 48°40'57" West 20.02 feet to the point of beginning.

that a copy of the plat of the re-route of said portion of Peebles Alley is attached hereto marked Exhibit "A"; that the re-route of Peebles Alley as shown on the attached plat shall be dedicated to the public use as an alley.

Section 3: That the Mayor and City Clerk are hereby authorized and directed to execute a Quitclaim Deed to

Robert R. Sherman and Wilsie A. Sherman, husband and wife, for that portion of Peebles Alley described in Section 1 of this Ordinance upon receipt of the Quitclaim Deed conveying the property in Section 2 to the City of Eureka Springs, Arkansas.

Section 4: The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid by a Court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

Section 5: All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed as to the portion of Peebles Alley described in Section 1 herein.

Section 6: This Ordinance shall take effect and be in force and effect from and after its passage and publication.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 21<sup>st</sup> DAY OF MAY, 1996.

APPROVED:

  
Barbara O'Harris, Mayor

ATTEST:

  
Mary Ann Lee, City Clerk