

*Cancelled, 8-20-96  
Alan Epley Called.*

ORDINANCE NO. 1717

AN ORDINANCE VACATING PARTS OF PEERLESS  
AVENUE LYING BETWEEN LOT 4, BLOCK 37  
AND LOT 1, BLOCK 44, AND BETWEEN LOT 3,  
BLOCK 37, AND LOT 2, BLOCK 44  
AND PART OF AN UNNAMED ALLEY  
IN BLOCK 44, ALL IN FREEMAN 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  
27<sup>th</sup> day of June, 1996, asking the City Council to vacate  
the portions of Peerless Avenue and an unnamed alley in  
Block 44, Freeman Addition to the City of Eureka Springs,  
Arkansas, more particularly described as follows:

That part of Peerless Avenue lying between Lot 4  
of Block 37 and Lot 1 of Block 44 and that part of  
Peerless Avenue lying between Lots 3 of Block 37  
and Lot 2 of Block 44, except that part of Avo  
Street as it presently exists;

AND

That part of an unnamed alley lying between Lots 1  
and 4 of Block 44 and Lots 2 and 3 of the same  
Block 44, except that part of Avo Street as it  
presently exists.

All in the Freeman Addition to the City of Eureka  
Springs, Arkansas.

WHEREAS, after due notice as required by law, the City  
Council has at the time and place mentioned in the notice,  
heard all persons desiring to be heard on the question and  
has ascertained that the portions of streets hereinabove  
described have heretofore been dedicated to the public use  
as streets but have never been actually used by the public  
for street purposes; that the petitioners are the owners of  
all adjacent lots; that the petitioners have agreed to

donate \$ 3285<sup>00</sup> to the Parks and Recreation Commission of the City of Eureka Springs; and that the public interest and welfare will not be adversely affected by the abandonment of the portions of streets.

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

Section 1: The City of Eureka Springs, Arkansas, releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the portions of streets designated as follows:

That part of Peerless Avenue lying between Lot 4 of Block 37 and Lot 1 of Block 44 and that part of Peerless Avenue lying between Lots 3 of Block 37 and Lot 2 of Block 44, except that part of Avo Street as it presently exists;

AND

That part of an unnamed alley lying between Lots 1 and 4 of Block 44 and Lots 2 and 3 of the same Block 44, except that part of Avo Street as it presently exists.

All in the Freeman Addition to the City of Eureka Springs, Arkansas.

Section 2: 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 4: This Ordinance shall take effect and be in force and effect from and after its passage.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1996.

APPROVED:

\_\_\_\_\_  
Barbara O'Harris, Mayor

ATTEST:

\_\_\_\_\_  
Mary Ann Lee, City Clerk