

AN ORDINANCE VACATING A PORTION OF SUMMIT STREET

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 13th day of November, 1996, to vacate and abandon the following part of a platted but unused street:

A portion of Summit Street, as shown on the original plat of the Riley and Armstrong Addition to the City of Eureka Springs, Arkansas, with said portion being more particularly described as follows: Commence at the Southwest corner of Lot 9, Block 75 of said Addition for the point of beginning, thence S 81° 56' 42" E 81.19 feet to the Southeast corner of Lot 9 (Back) of Block 76 of said Addition, thence S 8° 55' 06" W 22.85 feet, thence N 86° 43' 55" W 81.23 feet, thence N 8° 15' 08" E 29.63 feet to the point of beginning.

WHEREAS, after due notice has been published as required by law, the City Council has on December 10, 1996, heard all persons desiring to be heard on the questions and has ascertained that the street hereinabove described has not been used by the public for the last five years and is not necessary for public access and use;

WHEREAS, public interest and welfare will not be adversely affected by the abandonment of the street, and the location is not necessary for the location of any public utilities;

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

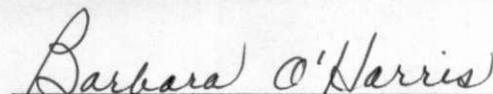
Section 1. The City of Eureka Springs, Arkansas, for consideration as demanded by the current Municipal Code, hereby releases, vacates and abandons the rights of the public generally, in and to the part of the street described above excepting reservation to itself a utility easement in and to the above said real property for any and all future utility lines the City of Eureka Springs may need to install in the future.

Section 2. A copy of this ordinance duly certified by the City Clerk shall be filed in the Office of the Circuit Clerk and Recorder of the County and recorded in the Deed Records of the County.

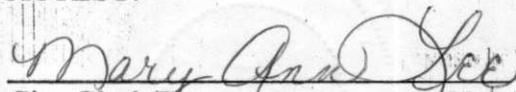
Section 3. Emergency declared. The City Council has found that vacating said portions of Summit Street is necessary for the preservation of public health, safety and general welfare of the citizens of Eureka Springs and an emergency is hereby declared to exist. Therefore this ordinance shall be in effect from and after its passage, approval and publication as provided by law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 10th DAY OF December, 1996.

APPROVED:


Barbara O'Harris, Mayor

ATTEST:


City Clerk/Treasurer

PETITION TO VACATE A PART OF SUMMIT STREET

TO THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS:

The undersigned property owners hereby petition the City Council of Eureka Springs, Arkansas, to vacate as platted the following portion of platted street, described as follows, to-wit:

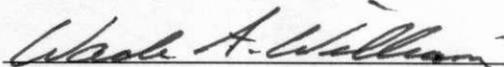
A portion of Summit Street, as shown on the original plat of the Riley and Armstrong Addition to the City of Eureka Springs, Arkansas, with said portion being more particularly described as follows: Commence at the Southwest corner of Lot 9, Block 75 of said Addition for the point of beginning, thence S 81° 56' 42" E 81.19 feet to the Southeast corner of Lot 9 (Back) of Block 76 of said Addition, thence S 8° 55' 06" W 22.85 feet, thence N 86° 43' 55" W 81.23 feet, thence N 8° 15' 08" E 29.63 feet to the point of beginning.

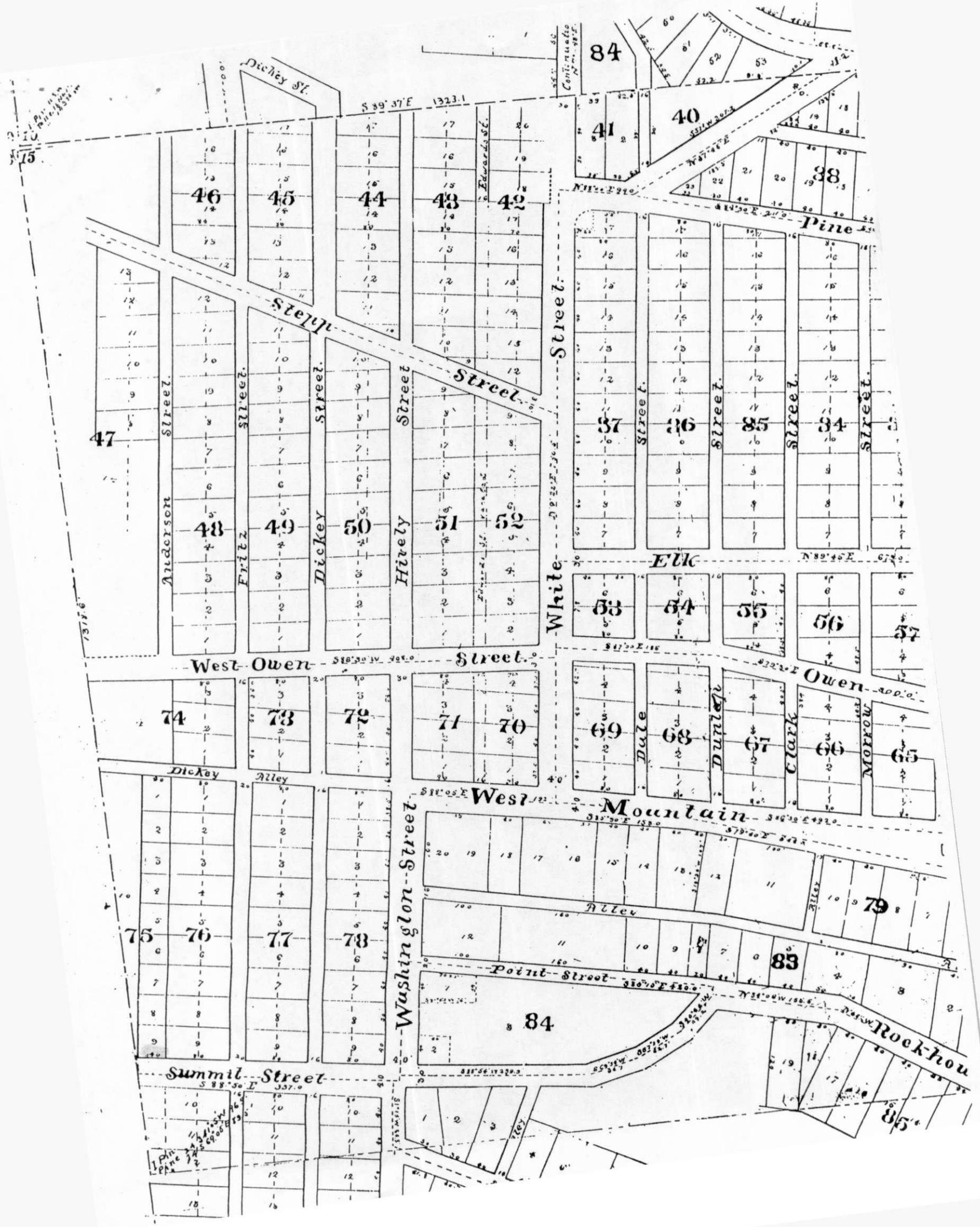
In support of their Petition, the undersigned state:

1. That the portion of the street sought to be vacated has not been used by the public, and it has been five years since the streets were platted.
2. That the portion of the street sought to be vacated is not necessary for travel through the city by the public.
3. That the portion of the street sought to be vacated is not necessary for public access to any other properties.
4. That the portion of the street sought to be vacated is not necessary for the location of any public utilities.
5. That there are no abutting landowners of the hereinabove described property to be vacated, thus the notice of this Petition and Public Hearing should be waived.
6. That a plat of the street to be vacated and the abutting lots is attached hereto.
7. That the purpose of this Petition is to correct a discrepancy between the current course of Summit Drive and the course of Summit Drive as platted.

WHEREFORE, the Petitioner respectfully prays that the City Council of the City of Eureka Springs, Arkansas, schedule a public hearing, after giving due notice in the manner and for the time prescribed by law, and that, after said public hearing, the City Council vacate said part of Summit Street and return the lands to the Petitioner, as prescribed by law.

MARVIN AND NIKKI STANLEY

By: 
WADE A. WILLIAMS, Their Attorney
AR BAR # 90-220
Williams Law Firm
P.O. Box 204
Eureka Springs, AR 72632



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Pine Street

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34

Euc

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55

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57

West Owen Street

Street

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73

72

71

70

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68

67

66

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Dickey Alley

Alley

West Mountain Street

Mountain Street

75

76

77

78

Washington Street

Point Street

84

83

79

Summit Street

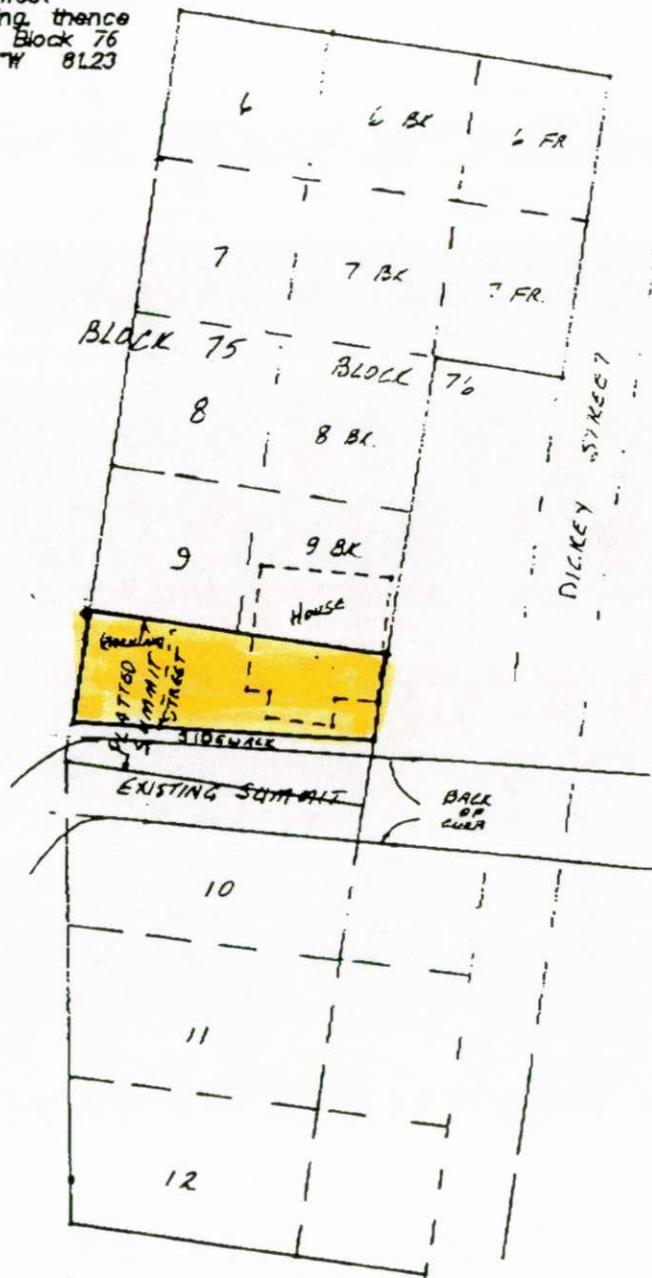
Rockhouse Street

85

1 Pine Street

Portion of Summit Street to be Vacated

A portion of Summit Street, as shown on the original plat of the Rley and Armstrong Addition to the City of Eureka Springs, Arkansas, with said portion being more particularly described as follows: Commence at the Southwest corner of Lot 9, Block 75 of said Addition for the point of beginning, thence S 81°56'42"E 81.19 feet to the southeast corner of Lot 9 (Back) of Block 76 of said Addition, thence S 8°55'06"W 22.85 feet, thence N 86°43'55"W 81.23 feet, thence N 8°15'08"E 29.63 feet to the point of beginning.



277

47

Anderson Street

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Fritz Street

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Dickey Street

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Hirely Street

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White Street

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Elk

West Owen Street

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Dickey Alley

Alley

75

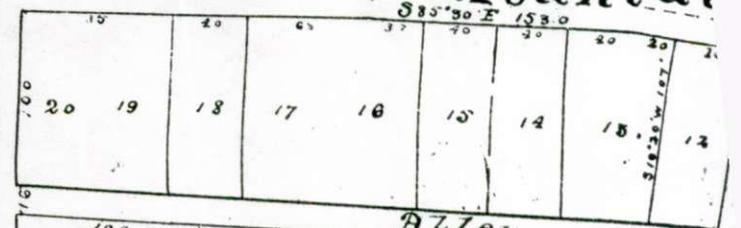
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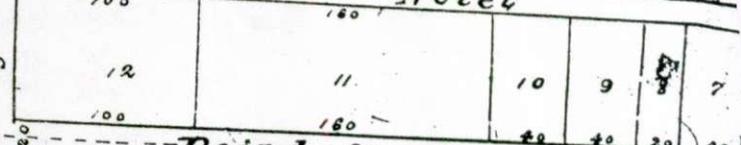
78

Washington Street

West Mountain Street



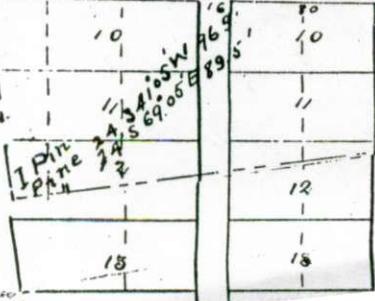
Alley



Point Street

84

Summit Street



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