

ORDINANCE NO. 1955

AN ORDINANCE VACATING PART OF CROOK STREET LYING BETWEEN BLOCK 8 AND BLOCK 14, AND PART OF CLIFF STREET LYING ADJACENT TO THE WEST SIDE OF BLOCK 8, R & A SURVEY 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 18th day of March, 1997, asking the City Council to vacate the portions of Crook Street and Cliff Street, R & A Survey to the City of Eureka Springs, Arkansas, more particularly described as follows:

A part of Crook Street lying between Block 8 and Block 14 of the R & A Survey of the City of Eureka Springs, more particularly described as follows: Commencing at the Northwest corner of said Block 8, for the point of beginning, thence South $12^{\circ} 27' 41''$ East along the North line of the block a distance of 20 feet; thence North 64° West a distance of approximately 20 feet to a point in the intersection of Crook Street and Cliff Street which is 15 feet North $12^{\circ} 30' 09''$ West of the Northwest corner of Block 8; thence South $12^{\circ} 30' 09''$ East 15 feet to the point of beginning.

Also, a part of Cliff Street lying adjacent to the West side of Block 8, more particularly described as follows: Commencing at the Northwest corner of Block 8 for the point of beginning; thence North $12^{\circ} 30' 09''$ West 15 feet; thence South 82° West 10 feet; thence South $12^{\circ} 30' 09''$ East 93.16 feet; thence North 82° East 10 feet to the Southwest corner of Block 8; thence North $12^{\circ} 30' 09''$ West 78.16 feet to the point of beginning.

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 or park purposes; that the petitioners are the owners of all adjacent lots; 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:

A part of Crook Street lying between Block 8 and Block 14 of the R & A Survey of the City of Eureka Springs, more particularly described as follows: Commencing at the Northwest corner of said Block 8, for the point of beginning, thence South $12^{\circ} 27' 41''$ East along the North line of the block a distance of 20 feet; thence North 64° West a distance of approximately 20 feet to a point in the intersection of Crook Street and Cliff Street which is 15 feet North $12^{\circ} 30' 09''$ West of the Northwest corner of Block 8; thence South $12^{\circ} 30' 09''$ East 15 feet to the point of beginning.

Also, a part of Cliff Street lying adjacent to the West side of Block 8, more particularly described as follows: Commencing at the Northwest corner of Block 8 for the point of beginning; thence North $12^{\circ} 30' 09''$ West 15 feet; thence South 82° West 10 feet; thence South $12^{\circ} 30' 09''$ East 93.16 feet; thence North 82° East 10 feet to the Southwest corner of Block 8; thence North $12^{\circ} 30' 09''$ West 78.16 feet to the point of beginning.

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 3: All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed.

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 29th DAY OF May, 1997.

APPROVED:

Barbara O'Harris
Barbara O'Harris, Mayor

ATTEST:

Mary Ann Lee
Mary Ann Lee, City Clerk