

**ORDINANCE NO. 2120**

**AN ORDINANCE AMENDING TITLE 9-STREETS AND SIDEWALKS  
OF THE EUREKA SPRINGS MUNICIPAL CODE**

**WHEREAS**, the City Council believes that language relating to the vacating of streets and alleys should be moved from the Chapter on Sidewalks and placed in a separate Chapter.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF EUREKA SPRINGS, THAT TITLE 9 IS HEREBY AMENDED TO READ AS FOLLOWS:**

**Section 1:** Title 9 of the Eureka Springs Municipal Code is hereby amended by the addition of Chapter 9.10 Vacating Streets and Alleys.

**Section 2:** Chapter 9.10 is hereby amended by the addition of Section 9.08.01 which shall read:

9.10.01 Vacating Streets and Alleys

In all instances where a property owner within the city seeks to have a street or alley vacated, the property owner must comply with the procedures set out in ACA 14-301-301. In determining whether to vacate the street or alley, the City Council will consider how its decision will affect the green space and will ensure that the decision is in the best interest of the city.

**Section 3:** All Ordinances or Resolutions, and parts thereof, in conflict with the Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

**PASSED AND APPROVED, THIS 26<sup>th</sup> DAY OF APRIL, 2010.**

APPROVED:

ATTEST:

  
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City Clerk-Treasurer Mary Jean Sell CMC

  
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Mayor Dani D. Joy