

ORDINANCE NO. 2121

AN ORDINANCE VACATING THE UNNAMED ALLEY LYING BETWEEN LOTS 8-11 AND LOT 7 of BLOCK 10 OF THE BAYS SURVEY TO THE CITY OF EUREKA SPRINGS, CARROLL COUNTY, ARKANSAS,

WHEREAS, the City Council of Eureka Springs, Arkansas, has reviewed the petition of the adjoining landowner to vacate an unnamed alley lying between Lots 8-11 and Lot 7 of Block 10 of the Bays Survey along Magnetic Street of the City of Eureka Springs, Arkansas, and

WHEREAS, the unnamed alley is more specifically described as:

All that part of alley lying between Lot 7 located on East side of alley and Lots 8, 9, 10, 11, lying West of said alley located in Block 10, Bays of Magnetic Forty Survey to the City of Eureka Springs, Carroll County, Arkansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 7, thence with north side of Magnetic Street S 78 37 57 W 7.70 feet, thence S 78 32 45 W 4.37 feet to the Southeast corner of said Lot 8, thence leaving said North side of Magnetic Street and following the East side of said Lots 8, 9, 10, 11, N 05 02 58 W 143.63 feet to the Northeast corner of said Lot 11 and South side of Platted street, thence leaving said East side of Lot 11 and following said South side of platted street S 51 20 55 E 16.60 feet to the Northwest corner of said Lot 7, thence leaving said South side of platted street and following West side of said Lot 7 S 05 02 58 E 130.83 feet to the point of beginning.

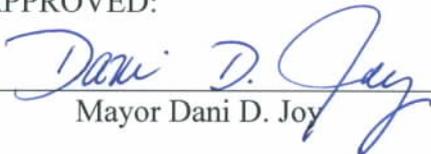
WHEREAS, Section 14-54-104(2) of the Arkansas Code Annotated allows the City Council to vacate certain streets,

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

Section 1. That the portion of land described above is hereby vacated and title is hereby vested in fee simple in the adjoining landowner for the sum of \$800.00.

PASSED AND APPROVED THIS 24th DAY OF MAY, 2010

APPROVED:



Mayor Dani D. Joy

ATTEST:



City Clerk-Treasurer Mary Jean Sell CMC

March 18, 2010

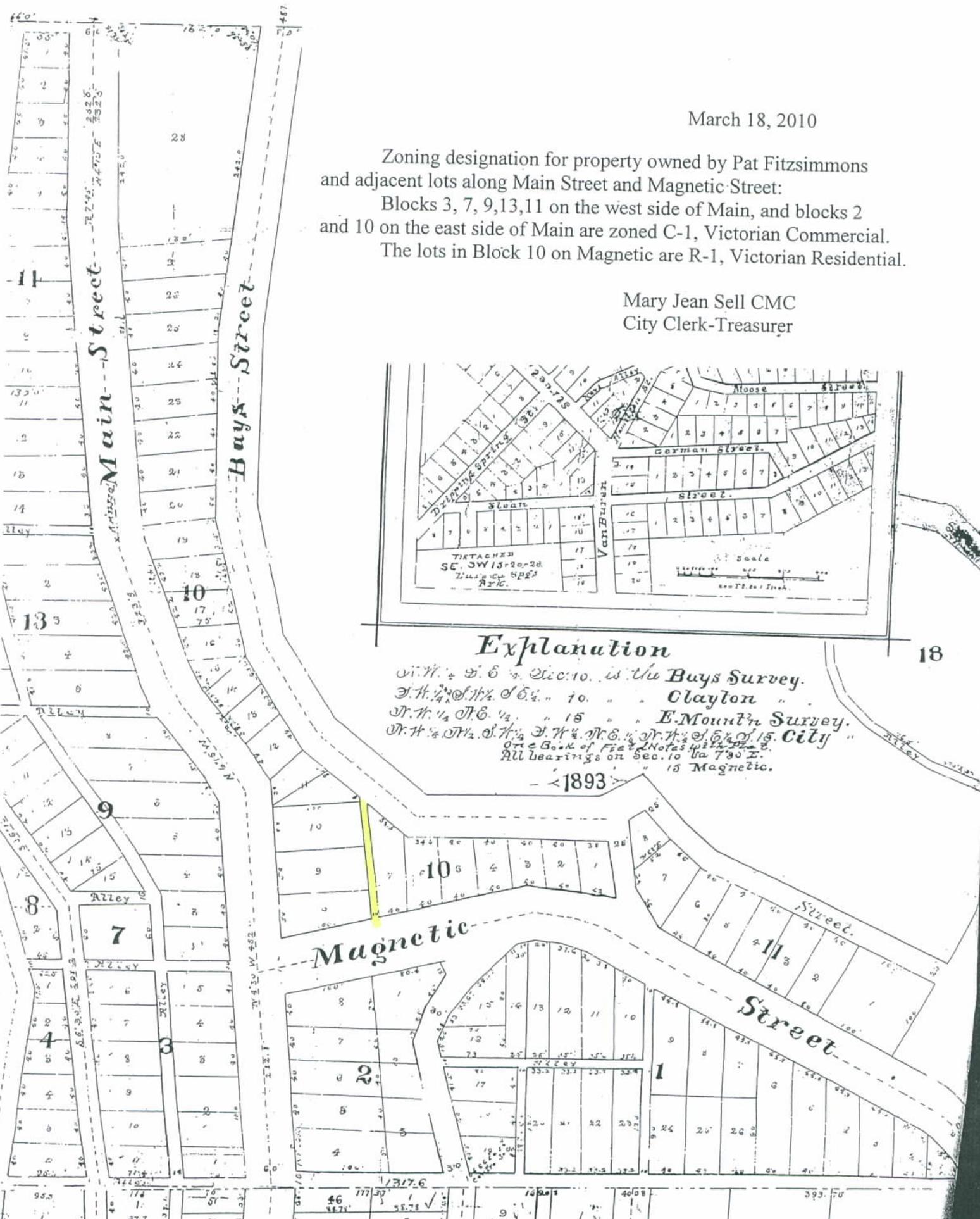
Zoning designation for property owned by Pat Fitzsimmons and adjacent lots along Main Street and Magnetic Street:
Blocks 3, 7, 9, 13, 11 on the west side of Main, and blocks 2 and 10 on the east side of Main are zoned C-1, Victorian Commercial.
The lots in Block 10 on Magnetic are R-1, Victorian Residential.

Mary Jean Sell CMC
City Clerk-Treasurer



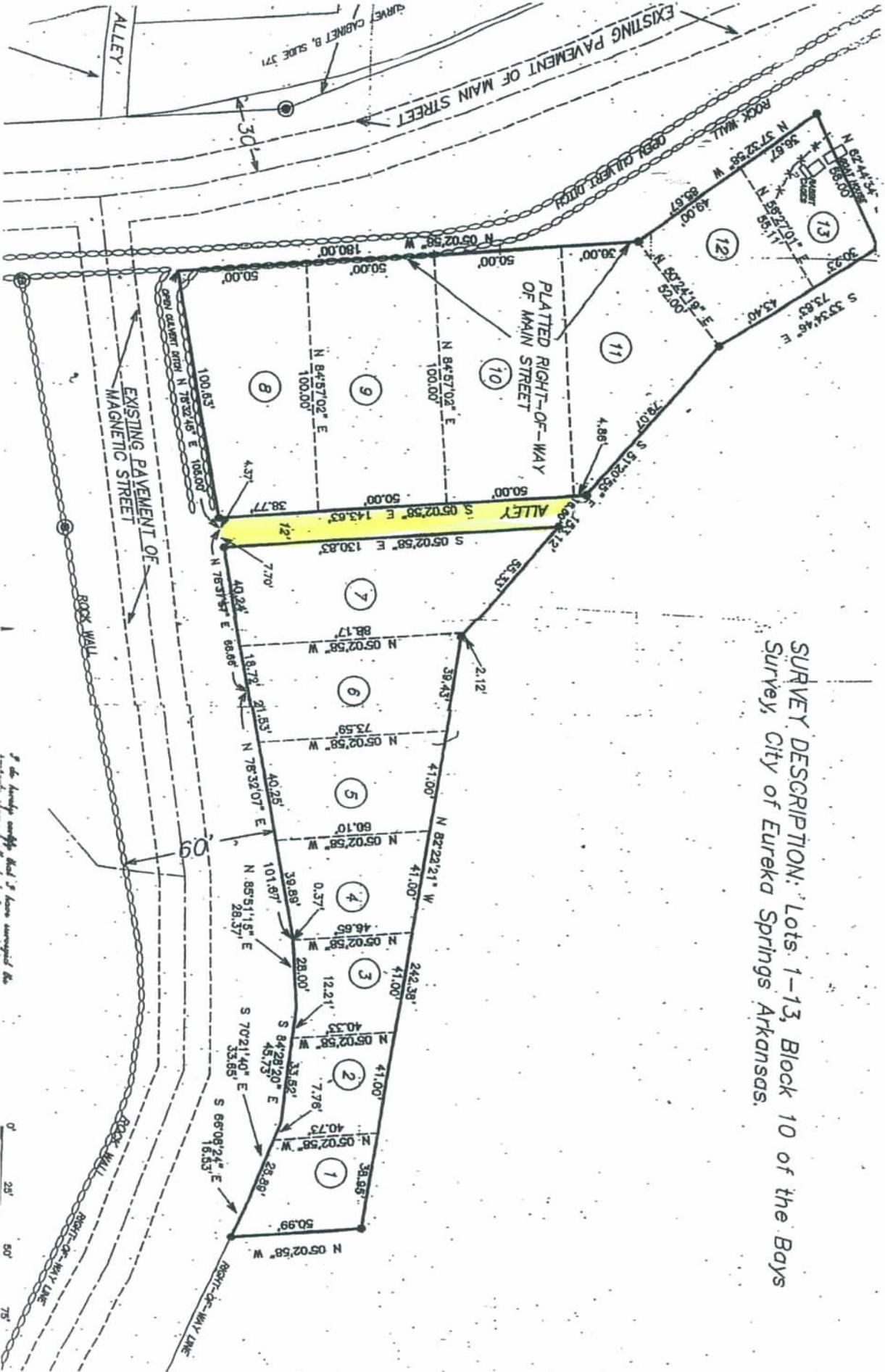
Explanation

Tr. N. 2 S. 6 Sec. 10. is the Buys Survey.
Tr. N. 2 S. 6 Sec. 10. is Clayton
Tr. N. 2 S. 6 Sec. 15 E. Mountn Survey.
Tr. N. 2 S. 6 Sec. 15 City
One Book of Field Notes 114-115
All hearings on Sec. 10 & 15 Magnetic.
- 1893



June 1, 2010 Property owner by Pat and Jay Fitzsimmons at 275 N. Main,
 at the corner of North Main and Magnetic Road, recommended by the
 Planning Commission for rezoning of Lots 6 and 7 from R-1, Victorian
 Residential, to C-1, Victorian Commercial.

SURVEY DESCRIPTION: Lots 1-13, Block 10 of the Bays
 Survey, City of Eureka Springs Arkansas.



H-78

As the boundary survey, that I have surveyed the

0 25' 50' 75'

**WARRANTY DEED
(Corporation)**

KNOW ALL MEN BY THESE PRESENTS:

THAT the City of Eureka Springs, Arkansas a city of the first class organized under the laws of the State of Arkansas, GRANTOR, by its President and Secretary, duly authorized by proper resolution of its Board of Directors, for the consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid by Joseph J. and Patricia N. Fitzsimmons, husband and wife, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the said Joseph J. Fitzsimmons and Patricia N. Fitzsimmons, husband and wife, hereinafter called GRANTEES, and unto their heirs and assigns forever the following described land, situated in Carroll County, Arkansas:

All that part of alley lying between Lot 7 located on East Side of Alley and Lots 8, 9, 10, 11, lying West of said Alley located in Block 10, Bays of Magnetic Forty Survey to the City of Eureka Springs, Carroll County, Arkansas, more particularly described as follows: Beginning at the Southwest corner of said Lot 7; thence with North side of Magnetic Street S 78 37 57 W 7.70 feet; thence S 78 32 45 W 4.37 feet to the Southeast corner of said Lot 8; thence leaving said North side of Magnetic Street and following the East side of said Lots 8, 9, 10, 11, N 05 02 58 W 143.63 feet to the Northeast corner of said Lot 11 and South side of Platted street; thence leaving said East side of Lot 11 and following said South side of Platted Street S 51 20 55 E 16.60 feet to the Northwest Corner of said Lot 7; thence leaving said South side of Platted Street and following West side of said Lot 7 S 05 02 58 E 130.83 feet to the Point of Beginning.

**SUBJECT TO RIGHT OF WAY/EASEMENTS AND
RESTRICTIONS, IF ANY**

TITLE NOT EXAMINED
LEGAL DESCRIPTION FURNISHED BY CLIENT

THIS INSTRUMENT PREPARED BY:
THURMAN & BISHOP, ATTORNEYS AT LAW
105 A PASSION PLAY RD., P.O. DRAWER 190
EUREKA SPRINGS, AR 72632

TO HAVE AND TO HOLD the same unto the said GRANTEES and unto their heirs and assigns forever, with all appurtenances thereunto belonging. And GRANTOR hereby covenants with the said GRANTEES that it will forever warrant and defend the title to said lands against all claims whatever.

IN TESTIMONY WHEREOF, the name of the GRANTOR is hereunto affixed by the Mayor, this 27 day of August, 2010.

The City of Eureka Springs, Arkansas

BY: Dani D Joy
Dani Joy, Mayor

ACKNOWLEDGMENT

STATE OF Arkansas
COUNTY OF Carroll

On this day, before me personally appeared Dani Joy, to me personally well known, who acknowledged that she is the Mayor of The City of Eureka Springs, Arkansas, and she as such officer, being authorized so to do, had executed the foregoing instrument for the consideration and purposes therein contained, by signing the name of the corporation by herself as such officer.

WITNESS my hand and official seal this 27 day of August, 2010.

My Commission Expires:
02-23-15

Diane Dirba Wilkerson
Notary Public

