

ORDINANCE NO. 2147

AN ORDINANCE AUTHORIZING THE CITY COUNCIL, PURSUANT TO CHAPTER 12.08.01 (E) OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS, TO RECLAIM JURISDICTION OVER CERTAIN PROPERTY COMMONLY KNOWN AS PARTS OF McCUNE STREET.

WHEREAS, the City Council of Eureka Springs, Arkansas, has been petitioned to vacate certain land now held as a Green Zone by the Parks and Recreation Commission;

And whereas Section 12.08.01(E) of the Eureka Springs Municipal Code allows the City Council to reclaim jurisdiction over the following sections of Green Zone to make further discussions of the petition.

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

Section 1. That the sections described below are hereby removed from the jurisdiction of the Parks and Recreation Commission for further consideration by the City Council of Eureka Springs, Arkansas.

SURVEY DESCRIPTION: A part of McCune Street, abutting Block 122, in the Riley & Armstrong Survey of the City of Eureka Springs, Carroll County, Arkansas, and being more particularly described as follows; Commencing at the easternmost corner of said Block 122, at the intersection of Hartman Street and McCune Street, a found rebar pin, shown on survey filed of record in Survey Plat Cabinet D, Slide 9, thence along the north Right-of-Way of McCune Street, S 82°41'49" W 41.80', to the POINT OF BEGINNING, thence leaving said Right-of-Way, S 23°22'00" W 1.65', and S 68°22'00" W 33.37', to the northwesterly Right-of-Way thereof, thence along said Right-of-Way, N 39°22'41" E 14.11', and thence along the north Right-of-Way thereof, N 82°41'49" E 22.91', to the POINT OF BEGINNING, containing 0.003 acre, or 130.3 square feet.

Bearings determined from survey filed of record in Survey Plat Cabinet D, Slide 9, in the Carroll County Circuit Clerk's records. Not all easements affecting this property may be shown, except by special request; this is a property boundary description. Property owner may contact local utility authorities for the location of existing utilities or easement rights-of-way.

Section 2. That provisions of this ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this ordinance.

Section 3. All ordinances and solutions and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE

Section 4. Whereas time is of the essence due to the petitioners' need for title clarification regarding existing retaining wall and in order to protect the health, safety and welfare of the people of the City of Eureka Springs, Arkansas, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the City Council of Eureka Springs, Arkansas, and upon affixing the signature of the City Clerk and the Mayor of the City of Eureka Springs, Arkansas.

PASSED AND APPROVED THE 5th DAY OF January, 2012.

APPROVED:



Mayor Morris Pate


City Clerk Ann Armstrong

Aldermen voting "Aye" - James De Vito, Dean Kirkpatrick, Parker Raphael,
Butch Berry, and Ken Fownall
Alderman voting "No" - Lany Ballance