

**ORDINANCE NO. 2148**

**AN ORDINANCE VACATING PORTIONS OF McCUNE STREET**

WHEREAS, the City Council of Eureka Springs, Arkansas, has reviewed the Petition of the adjoining landowner, James McEvoy to vacate the area defined by the following legal descriptions:

*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.*

And 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 sections described above are hereby vacated and title is hereby vested in fee simple in the adjoining landowner, James McEvoy for the sum of one dollar (\$1.00).

**EMERGENCY CLAUSE**

Section 2. 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

Ann Armstrong  
City Clerk Ann Armstrong

Aldermen voting "Aye" - Ken Pownall, Butch Berry, Dean Kirkpatrick,  
Parker Raphael, and James DeVito  
Alderman voting "No" - Lany Ballance

190-603

AT 2:08 P.M. FILED FOR RECORD  
O'CLOCK  
RAMONA WILSON  
CLERK & RECORDER  
CARROLL COUNTY, ARKANSAS  
WESTERN DISTRICT

JAN 11 2012

Seal

I CERTIFY THIS INSTRUMENT WAS FILED  
FOR RECORD IN MY OFFICE AND  
RECORDED IN Deed BOOK 190  
PAGE 603-605  
Ramona Wilson CIRCUIT CLERK  
D.C.

### WARRANTY DEED

KNOW ALL MEN BY THESE PRESENT;

That the City of Eureka Springs Arkansas, a Municipal Corporation, Grantor, by its Mayor, Morris Pate, duly authorized by Ordinance 2149, for and in consideration of the sum of \$1.00 Dollar and other good and valuable consideration paid by James McEvoy, Grantee, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the said Grantee, and unto his heirs and assigns forever, the following described lands lying in the County of Carroll, State of Arkansas, to wit:

**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.



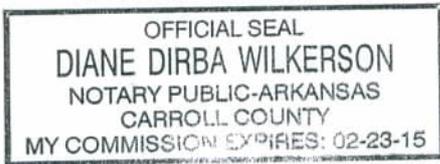
190-605

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF CARROLL

On this the 10 day of January, 2012, before me, a Notary Public, duly qualified and acting in and for the county and state aforesaid, personally appeared Mayor Morris Pate, proven to me to be the person whose name is subscribed to the within instrument and acknowledged that ~~he~~ executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and seal



*Diane Dirba Wilkerson*  
Notary Public 02-23-15

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

*James J. McEvoy*  
18 Chestnut St  
EUREKA Springs, AR.  
72632

Prepared by: \_\_\_\_\_  
Tim Weaver #92-05  
Eureka Springs City Attorney  
216 West Cherry Street  
Rogers, AR 72756  
479-636-8208

190-604

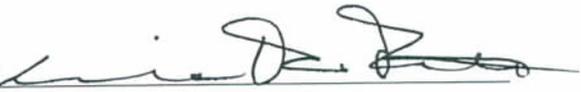
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To have and to hold the same unto the said Grantee and unto his heirs and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantor hereby covenants with the said Grantee that it will forever warrant and defend the title to said lands against all lawful claims whatsoever.

IN WITNESS WHEREOF, the name of the Grantor is hereby affixed by its Mayor and its seal affixed by its City Clerk, Ann Armstrong, this 10<sup>TH</sup> day of January, 2012. .

CITY OF EUREKA SPRINGS  
City of Eureka Springs, Arkansas

By:   
Morris Pate, Mayor

Attest:

\_\_\_\_\_  
City Seal