

ORDINANCE NO. 2160

**AN ORDINANCE VACATING A PORTION OF VINE STREET AND
ACCEPTING A DONATION OF A TRAIL**

WHEREAS, the City Council has determined that a portion of Vine Street is not for the time being required for corporate purposes and such lands have been donated to the City of Eureka Springs for a street which has been impracticable to achieve; and

WHEREAS, the City Council has determined to vacate said portion of Vine Street to the adjoining property owners;

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

Section 1. Pursuant to the power granted to the City of Eureka Springs under Ark. Code Ann. § 14-54-104(2), the following described property is vacated:

A portion of Vine Street running South from Mill Hollow Road to a line that runs from the Western corner of Lot 6, Block 15 of the Clayton Survey of Eureka Springs, Arkansas (the "Clayton Survey") to the Eastern corner of Lot 13, Block 13 of the Clayton Survey (the "Vacated Vine Street")

Section 2. The City of Eureka Springs agrees to accept from the owners of the vacated Vine Street and from Bruce and Patricia Levine and Steve and Debra Holmes a pedestrian easement over the following property in the City of Eureka Springs, Arkansas:

A non-exclusive easement for pedestrian traffic, being 10 feet wide, running South from Mill Hollow Road, with its Western boundary running along the centerline of the vacated Vine Street past the building on the vacated Vine Street; thence along the center of the vacated Vine Street to the bluff in the vacated Vine Street; thence along the bluff in a Westerly direction to a set of concrete stairs; thence from the set of concrete stairs to Vine Street.

Section 3. 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 4. All ordinances and solutions and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 13th DAY OF AUGUST, 2012.

ATTEST:


City Clerk/Treasurer Ann Armstrong

APPROVED:


Mayor Morris Pate

Aldermen voting "Aye" – Ken Pownall, Butch Berry, Parker Raphael, and James DeVito
Aldermen voting "Present" – Lany Ballance and Karen Lindblad