

**ORDINANCE NO. 2203**

**AN ORDINANCE TO AMEND CHAPTER 9 OF THE EUREKA SPRINGS MUNICIPAL CODE -  
VACATING STREETS AND ALLEYS**

**WHEREAS**, the City Council believes that chapter 9 of the Municipal Code needs changes to more effectively deal with the issue of street and alley vacations.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS**

**Section 1.** That Section 9.08.08 of the Municipal Code is hereby amended to read as follows:

9.08.08 Vacating streets or 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 A.C.A. 14-301-301.ET SEQ. In determining whether to vacate the street or alley, the City Council will consider how its decision will affect the green space, will ensure the decision is in the best interest of the City, and in no instance will the street or alley be vacated unless a two hundred dollar (\$200.00) application fee is submitted with the application. The application fee shall be returned to the applicant if the City Council shall deny the vacation request.

**Section 2.** All Ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 3.** That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance, Code, code section or chapter as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of the Ordinance, Code, code section or chapter shall remain in effect.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 24<sup>th</sup> DAY OF MARCH, 2014.**

APPROVED:



Mayor Morris Pate

ATTEST:

  
Ann Armstrong, City Clerk/Treasurer

All voted "Aye" – David Mitchell, Joyce Zeller, Mickey Schneider, James DeVito, Dee Purkeypile and Terry McClung