

ORDINANCE NO. 2206

AN ORDINANCE RELEASING, VACATING AND ABANDONING PART OF THE UNOPENED PORTION OF HARTMAN STREET AND McCUNE STREET IN THE CITY OF EUREKA SPRINGS, ARKANSAS AND FOR OTHER PURPOSES

WHEREAS, a petition and application were duly filed with the City Clerk of the City of Eureka Springs, Arkansas on or about the 22nd day of July, 2013 asking that the City vacate and abandon certain streets in Eureka Springs; and

WHEREAS, the City Council of the City of Eureka Springs had previously delegated jurisdiction and authority over streets with Green Zones to the Eureka Springs Parks Commission, including the holding of public hearings involving petitions and applications to vacate streets; and

WHEREAS, the Parks Commission set a public hearing on the petition for the 21st of October, 2013; and

WHEREAS, after notice of such public hearing was published as required by law and notices were given to landowners adjacent to the portion of the street sought to be closed; and

WHEREAS, a public hearing was held and after hearing all persons desiring to be heard on the question, the Parks Commission recommended that McCune Street be closed as requested but that Hartman Street not be closed; and

WHEREAS, the landowners that had petitioned for the closing of the streets appealed such recommendation of the Parks Commission, which appeal was heard by the Eureka Springs Planning Commission, which took no action on such street closing; and

WHEREAS, the City Council of the City of Eureka Springs has reclaimed authority and jurisdiction over the matter of closing these portions of streets in Eureka Springs, Arkansas;

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

Section 1. The City of Eureka Springs finds that portions of the streets in question have never been opened and used by the public, generally, and are not needed for public purposes and that the City of Eureka Springs, Arkansas hereby releases authority to close and vacate said streets pursuant to Arkansas Code Annotated Sections 14-54-104, 14-54-105, and 14-54-303. Accordingly, the City of Eureka Springs, Arkansas hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the streets described as follows:

A part of McCune Street, in the City of Eureka Springs, Carroll County, Arkansas, and being more particularly described as follows; BEGINNING at the southeast corner of Block 122, of the Riley and Armstrong Survey, on the westerly Right-of-Way of said McCune Street, thence along the westerly and northwesterly Right-of-Way, N 16°00'56" W 34.94', and N 39°22'41" E 161.90', thence leaving said Right-of-Way, and along a line parallel to and two feet southeast of a concrete retaining wall, N 68°22'00" E 33.37', thence leaving said line, N 23°22'00" E 1.65', to said Right-of-Way, thence along said Right-of-Way, N 82°41'49" E 41.80', to the westerly Right-of-Way of Hartman Street, thence along said Right-of-Way, S 28°10'52" E 32.27', to the southerly Right-of-Way of said McCune Street, thence along said Right-of-Way, S 82°48'29" W 64.37', S 39°21'58"

W 148.33', and S 15°59'12" E 59.97', thence leaving said Right-of-Way, and crossing said Street, N 52°16'28" W 50.61', to the POINT OF BEGINNING, containing 0.186 acre, and

A part of Hartman Street, in the City of Eureka Springs, Carroll County, Arkansas, and being more particularly described as follows; BEGINNING at the northernmost corner of Block 122, of the Riley and Armstrong Survey, on the westerly Right-of-Way of said Hartman Street, thence across said Street, N 31°09'25" E 35.51', to the northwest corner of Block 151, on the easterly Right-of-Way of said Street, thence along said Right-of-Way, S 26°29'28" E 154.91', S 28°10'52" E 32.49', S 25°41'10" E 53.09', and S 08°23'15" E 29.62', to the north Right-of-Way of Cross Street, thence leaving said Rights-of-Way, and crossing Hartman Street, S 81°36'45" W 30.00', to the westerly Right-of-Way of Hartman Street, thence along said Right-of-Way, N 08°23'15" W 25.05', N 25°41'10" W 47.87', N 28°10'52" W 32.27', and N 26°29'28" W 136.35', to the POINT OF BEGINNING, containing 0.176 acre.

Section 2. The absolute ownership of the property abandoned by the City shall vest in the owners of the real estate abutting thereto, each such abutting owner taking title to the centerline of such streets so abandoned, and such ownership being free from the easements and ownership of the City for use as a street.

Section 3. The Mayor and City Clerk of the City of Eureka Springs, Arkansas, pursuant to this Ordinance, are hereby authorized to do any and all acts necessary to effectuate the terms of this Ordinance, including the granting of deeds to the adjacent landowners.

Section 4. A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the office of the Circuit Clerk and Ex-Officio Recorder for Carroll County, Arkansas, Western Division in the deed records of the county.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 14th DAY OF APRIL, 2014

ATTEST:


Ann Armstrong, City Clerk/Treasurer

APPROVED:


Morris Pate, Mayor

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