

ORDINANCE NO.1819

**AN ORDINANCE OF THE CITY OF EUREKA SPRINGS,
ARKANSAS; PERTAINING TO PARKS AND STREETS;
DETERMINING THAT THE CITY REGAIN CUSTODY OF A
PORTION OF A GREEN ZONE PARK FOR USE AS A STREET;
PROVIDING FOR SEVERABILITY OF PROVISIONS; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, by previous ordinance of the City of Eureka Springs, Arkansas, all unopened streets and alleys within said City were designated as Green Zone Parks; and,

WHEREAS, it is provided that in the event the City requires the use of a Green Zone Park, or a portion thereof, for certain purposes, the City may do so and regain possession of same by proper ordinance: and,

WHEREAS, the Council of the City of Eureka Springs, Arkansas, deems that the City deems it necessary to take possession of a portion of a Green Zone Park for the purpose of using same as a street for providing access to property adjacent thereto,

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

SECTION ONE: That the use of the following described portion of Green Zone Park is hereby determined to be needed by the City for a public street, to-wit:

‘That portion of Owl Street lying between Lots 22 and 23 of Block 162 and Lots 18 and 19 of Block 163 in the R&A Survey to the City of Eureka Springs, Arkansas, and the South-Westerly one-half (10 feet) of Owl Street at it intersection with formerly vacated South Nebo Street’

and possession and custody of said property is hereby reclaimed, retaken and reclaimed by the City for the purpose of use as a public way; provided that said property shall also serve as a easement for pedestrian traffic over said public way.

SECTION TWO: That the provisions of this ordinance are severable and the decision of any Court as to the invalidity of any provision shall not effect the remaining provisions.

SECTION THREE: That this ordinance shall go into and be of full force and effect thirty days after its passage.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk

APPROVED AS TO FORM:

Tom Laub, City Attorney

(draft as provided by City Attorney)