

**ORDINANCE NO. 1849**

**AN ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS,  
VACATING THAT PORTION OF OWL STREET  
BETWEEN WALL STREET AND  
FORMERLY VACATED SOUTH NEBO STREET AS  
SHOWN IN THE R&A PLAT OF THE  
CITY OF EUREKA SPRINGS, ARKANSAS**

**WHEREAS**, Frank Green has petitioned the City Council of Eureka Springs, Arkansas, to vacate that portion of Owl Street that lies between Wall Street and formerly vacated South Nebo Street and between Lots 22 and 23 of Block 162 and Lots 18 and 19 of Block 163 of the Riley and Armstrong Plat of the City of Eureka Springs, Arkansas; and

**WHEREAS**, the City Council has provided due notice and an opportunity to be heard to any and all owners of abutting property as required by Arkansas Code Annotated Section 14-301-302; and

**WHEREAS**, the City Council has determined that no other person or persons own property abutting that portion of Owl Street described herein except Frank Green; and

**WHEREAS**, the City Council has determined that the above-described portion of Owl Street heretofore dedicated to the public use as a street has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; and

**WHEREAS**, Arkansas Code Annotated Section 14-301-301 authorizes and empowers the City of Eureka Springs to vacate public streets and alleys within the city; NOW, THEREFORE

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

1. That the City Council of the City of Eureka Springs, Arkansas, does hereby vacate, release and abandon all its rights, except as stated below in Section 2, together with the rights of the public generally in and to the portion of street described as follows:

that portion of Owl Street lying between Lots 22 and 23 of Block 162 and Lots 18 and 19 of Block 163 and between Wall Street and the centerline of formerly vacated South Nebo Street in the Riley and Armstrong plat of the City of Eureka Springs, Carroll County, Arkansas

2. That the vacated portion of Owl Street described herein shall be subject to a sewer

easement, a pedestrian easement, and a restrictive covenant to maintain the property as “green space”.

3. That a copy of the ordinance duly certified by the city clerk shall be filed in the office of the recorder of the county and recorded in the deed records of the county.
4. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
5. That each of the provisions of this ordinance are severable and the decision of any court having jurisdiction as to the validity of any provision shall not effect the remaining provisions.
6. That it being immediately necessary for the preservation of the peace, health and safety of the inhabitants of the City of Eureka Springs that the provisions of this Ordinance be put in full force and effect, an emergency is hereby declared to exist, and this ordinance shall be in full force and take effect from and after its passage.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2000.**

**APPROVED:**

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**BEAU ZAR SATORI, Mayor**

**ATTEST:**

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**MARY ANN LEE, City Clerk**

CERTIFICATE

The undersigned, City Clerk of the City of Eureka Springs, Arkansas (the City), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. \_\_\_\_\_, adopted at a regular session of the City Council of the City, held at the regular meeting place of the City Council at 7:00 p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, and that said Ordinance is of record in Ordinance Record Book No. \_\_\_\_\_ of the City, now in my possession.

GIVEN under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
City Clerk

(SEAL)