

ORDINANCE NO. 1851

**AN ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS,
DECLARING A MORATORIUM ON OPENING AND/OR VACATING
OR ABANDONING UNOPENED STREETS AND ALLEYS FOR
A PERIOD NOT TO EXCEED EIGHTEEN (18) MONTHS**

WHEREAS, all unopened streets and alleys within the City of Eureka Springs, Arkansas, ("City") have been designated as Green Zone Parks, which are under the jurisdiction of the Parks & Recreation Commission ("Commission") at the pleasure of the City Council; and

WHEREAS, Green Zone Parks serve several public purposes, including but not limited to privacy, open space, preservation of the beauty and historical significance of the City, and public access for urban infrastructure such as utility right-of-way; and

WHEREAS, in the Donaghey study and in other public forums, the citizens of the City have voiced their desire for an urban trail system for the enjoyment of local residents as well as a form of eco-tourism; and

WHEREAS, many streets and alleys have been vacated or abandoned over the past century, either for the purpose of sale or lease, seriously reducing the number of Green Zone Parks available to the City to accomplish the stated goals; and

WHEREAS, the Commission desires to develop an in-town trail system, which is dependent upon the Green Zone Parks which are currently within the Commission's jurisdiction; and

WHEREAS, a period not to exceed eighteen (18) months is a reasonable length of time within which to conduct a comprehensive study of the remaining unopened streets and alleys and to develop an in-town trail system plan; and

WHEREAS, the City Council has determined that an eighteen-month moratorium on opening and/or vacating and abandoning streets and alleys is necessary for public health and welfare;
NOW, THEREFORE

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

1. That a moratorium is hereby declared to prohibit opening and/or vacating and abandoning streets and alleys within the City of Eureka Springs, Arkansas; and
2. That such moratorium shall be for a period not to exceed eighteen (18) months from the effective date of this ordinance.

3. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
4. 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.
5. That this ordinance shall go into and be of full effect thirty (30) days after its passage.

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

APPROVED:

BEAU ZAR SATORI, Mayor

ATTEST:

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. 1851, 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)