

upst 1/20/20

ORDINANCE NO.1875

AN ORDINANCE OF THE CITY OF EUREKA SPRINGS AMENDING ORDINANCE NO. 1851 TO ALLOW VACATION OF UNOPENED STREETS AND ALLEYS DURING THE MORATORIUM FOR THE SOLE PURPOSE OF EFFECTING LAND EXCHANGES REQUISITE TO COMPLETION OF THE EUREKA SPRINGS INTERMODAL URBAN TRAIL SYSTEM.

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"); and

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

WHEREAS, development of an urban trail system serves the public health and welfare as articulated in the Donaghey study and in other public forums; and

WHEREAS, Ordinance No. 1851 placed an eighteen month moratorium against vacating or opening any platted but unopened streets and alleys within the City to give the Commission time within which to develop a Green Zone Park Master Plan, including a trails element; and

WHEREAS, the trails element involves development of an intermodal urban trail system called "the Eureka Springs Intermodal Urban Trail System" (the "Trail System").

WHEREAS, in order to plan and develop the Trail System, it is necessary for the Commission to negotiate land exchanges with private parties; and

WHEREAS, any land exchanges negotiated must be approved by the City Council; and,

WHEREAS, if necessary land exchanges are approved by the City Council, said exchanges would require vacation of unopened streets and alleys or portions thereof.

WHEREAS, the City Council has determined that land exchanges negotiated by the Commission for the sole purpose of developing the Trail System would serve the public health and welfare,

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

1. That Ordinance No. 1851 is hereby amended to allow the City Council to consider vacating unopened streets and alleys within the City for the sole purpose of negotiating land exchanges necessary to development of the Eureka Springs Intermodal Urban Trail System.
2. That exception to the moratorium established hereby is the sole exception thereto.
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 That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.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 is severable and the decision of any court having jurisdiction as to the validity of any provision shall not affect the remaining provisions.
5. That this ordinance shall go into and be of full effect thirty (30) days after its passage.

PASSED AND ORDINANCE 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
