

ORDINANCE NO. 2058

AN ORDINANCE CORRECTING THE LEGAL LAND DESCRIPTION CONTAINED IN ORDINANCE 1308 OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WHICH REZONED A PORTION OF WHITE STREET FROM R-1, VICTORIAN RESIDENTIAL DISTRICT, TO C-3, QUIET USE DISTRICT.

WHEREAS, Ordinance 1308 was approved by the city council of Eureka Springs, Arkansas on June 28, 1988, and

WHEREAS the intent of Ordinance 1308 was to rezone a portion of White Street, and

WHEREAS, Block 37 is within the portion of White Street to be rezoned and Block 87(Vaughan Street) is not on, or near White Street, and

WHEREAS the 1988 Public Hearing only dealt with White Street, and

WHEREAS the only people heard at the Public Hearing on the rezoning of a portion of White Street lived on or near White Street, and

WHEREAS no notice for a Public Hearing on rezoning of Block 87 Vaughn Street exists, and

WHEREAS Block 37 on the official plat map of the City of Eureka Springs, Arkansas, as kept by the Carroll County Circuit Clerk in Berryville, Arkansas, was mistakenly identified to be Block 87

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

Section 1. Recognizes the error in Ordinance 1308 and orders a correction to the description of the area now zoned C-3, Quiet Use District, to include all of the property in Block 37 on the east side of White Street and further orders a correction to the description of Block 87 to identify said block as being zoned as R-1, Victorian Residential District.

Section 2. All Ordinances or resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. The provisions of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THIS 8TH DAY OF OCTOBER, 2007.

APPROVED:

Dani D. Joy, Mayor

ATTEST:

Mary Jean Sell, City Clerk-Treasurer