

AN ORDINANCE VACATING A PORTION OF FREEMAN STREET,
A PORTION OF HYDEN STREET, A PORTION OF COOK STREET
AND A CERTAIN UNNAMED STREET OR ALLEY LYING BETWEEN
BLOCKS 129 & 130, ALL AS SHOWN ON THE R&A SURVEY OF
THE CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, a Petition has been duly filed with the City Council of the City of Eureka Springs, Arkansas, asking the City Council to vacate and abandon portions of Cook Street, Freeman Street, Hyden Street and a certain unnamed street or alley lying between Blocks 129 and 130, all as shown on the R&A Survey of the City of Eureka Springs, Arkansas; and

WHEREAS, the Planning Commission of the City of Eureka Springs has recommended to the City Council that it approve the vacation of the above named streets and portions of streets; and

WHEREAS, after fifteen (15) days' notice published in the Eureka Springs Times-Echo, as required by law, the Council has, at the time and place mentioned in said public notice, heard all persons desiring to be heard on the question and has ascertained that the portion of Cook Street lying between Blocks 126 and 127; that portion of Freeman Street lying between Blocks 126, 127, 128 and Blocks 129, and 130; that portion of Hyden Street lying between Blocks 126 and 130; and that portion of the unnamed street or alley lying between Blocks 129 and 130; all as shown on the R&A Survey of the City of Eureka Springs, Arkansas, have heretofore been dedicated to the public use as streets but have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the said R&A Survey; that the petitioners, Enoch B. Ferrell and Grace C. Ferrell and Barbara Farwell, along with Sophia Albrecht, Jack Hinds and Janice Hinds, Ruth Cross and Dorothy Mathews and the City of Eureka Springs, are the owners of the property abutting upon the portions of said streets to be vacated; that the public interest and welfare will not be adversely affected by the abandonment and vacation of said streets;

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

SECTION 1: That except as shown in the following description, the City Council of Eureka Springs, Arkansas, does hereby vacate, release and abandon all its rights, together with the rights of the public generally in and to portions of Cook Street, Freeman Street, Hyden Street and the unnamed street or alley as have been hereinabove described to the adjoining landowners and, more specifically, as follows:

To the petitioner, Enoch B. Ferrell and Grace C. Ferrell and their heirs and assigns, the portions of Freeman Street and the unnamed street or alley lying between Blocks 129 and 130 of the R & A Survey of the City of Eureka Springs, as follows:

Beginning at the Northeast corner of Lot 9, Block 129; thence in a northeasterly direction continuing said lot line approximately fifteen (15) feet to the center of the unnamed street or alley; thence in a southwesterly direction following the centerline of said unnamed street or alley to the centerline of Freeman Street; thence in a southerly direction following the centerline of Freeman Street to a point which intersects a line which would be the continuation of the North lot line of Lot 10, Block 128; thence West on said line approximately fifteen (15) feet to the Northeast corner of Lot 10, Block 128; thence following the block line South to the southeast corner of Block 128; thence East approximately thirty (30) feet to the Southwest corner of Block 129; thence following the block line North to the Northwest corner of said Block; thence in a northeasterly direction to the Northeast corner of Lot 9, Block 129, the point of beginning.

To the petitioner, Barbara Farwell and her heirs and assigns, portions of Freeman Street, Cook Street, Hyden Street and the unnamed street or alley lying between Blocks 129 and 130, more particularly described as follows, to-wit:

Beginning at the Southwest corner of Lot 9, Block 126; thence South to the Northwest corner of Block 127; thence East to the Northeast corner of Block 127; thence South following the block line 145 feet; thence East fifteen (15) feet to the centerline of Freeman Street; thence South following the centerline of Freeman Street to a point which is the intersection of the centerline of Freeman Street and the centerline of the unnamed

~~centerline of Freeman Street and the centerline of the unnamed street or alley lying between Blocks 129 and 130; thence in a northeasterly direction following the centerline of the said unnamed street or alley to the point where said unnamed street or alley intersects Cline Street; thence in a northerly direction to the Southeast corner of Block 130; thence to the Southwest corner of Block 130; thence to the Northwest corner of Block 130; thence to the most northerly corner of Lot 1, Block 130; thence in a northwesterly direction approximately fifteen (15) feet to the centerline of Hyden Street; thence in a southwesterly direction following said centerline to a point which is the intersection of the line extended from the back lot line of Lots 6, 7 & 8, Block 126, thence to the most easterly point of Lot 9, Block 126; thence following the contours of Lot 9 to the point of beginning, all as shown on the R & A Survey of the City of Eureka Springs, Arkansas.~~

To Jack Hinds and Janice Hinds, their heirs and assigns, a portion of Freeman Street, more particularly described as follows:

Beginning at the northeast corner of Lot 2, Block 127; thence East fifteen (15) feet to the centerline of Freeman Street; thence South following the centerline of Freeman Street to a point which is fifteen (15) feet East of the Southeast corner of said Lot 2; thence West fifteen (15) feet to the Southeast corner of said Lot 2; thence North to the point of beginning.

To Dorothy Mathews and Ruth Cross, their heirs and assigns, portions of Hyden Street and an unnamed street or alley, more particularly described as follows:

That portion of the unnamed street or alley lying between Blocks 129 and 130, lying adjacent to Lot 8, Block 129, and described as beginning at the most northerly point of said Lot 8; thence in a northwesterly direction approximately fifteen (15) feet to the centerline of said unnamed street or alley; thence in a southwesterly direction to a point which is the intersection of the extension of the back lot line of Lot 8; thence South following said line to the Northwest corner of Lot 8; thence in a northeasterly direction along the lot line to the point of beginning. Also, that portion of Hyden Street lying adjacent to Back Lot 8, Block 126, and described as beginning at the most southerly point on said Lot 8; thence in a southeasterly direction following an extension of the Back Lot line of Lot 8 approximately fifteen (15) feet to the center point of Hyden Street; thence in a northeasterly direction following said centerline to a point which is the intersection of a line extended from the line marking the dividing of Lot 8 into front and back lots; thence in a northwesterly direction following said line to the most easterly point of said Back Lot 8; thence in a southwesterly direction following said back lot line to the point of beginning.

To Sophia Albrecht, a portion of Freeman Street, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 127 of the R & A Survey of the City of Eureka Springs; thence East fifteen (15) feet to the centerline of Freeman Street; thence North following said centerline fifteen (15) feet; thence West fifteen (15) feet to the lot line of said Lot 1; thence South fifteen (15) feet to the beginning.

The City of Eureka Springs does hereby except and reserve from all of these vacations, releases and abandonments, a fifteen (15) foot wide utility easement; said easement running along the centerline of all streets vacated herein and lying seven and one-half (7 1/2) feet on both sides of the said centerlines.

SECTION 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder in and for the Western District of Carroll County, Arkansas, and recorded in the Deed Records of said county.

PASSED AND APPROVED this 12th day of March,

1977.

APPROVED:

Charles F. Robertson
Charles F. Robertson, Mayor

ATTEST:

Jane Moncravie
Jane Moncravie, City Clerk