

ORDINANCE NO. 1231

AN ORDINANCE VACATING A PORTION OF EUGENIA AVENUE AND A PORTION OF AN ALLEY LYING BETWEEN LOT 3 AND 4, BLOCK 14 ALL IN FREEMAN'S ADDITION, TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a Petition has been duly filed with the City Council of the City of Eureka Springs, Arkansas, requesting the City Council to vacate and abandon a portion of Eugenia Avenue and a portion of an alley as hereinafter described, as designated on the plat of Freeman's Addition to the City of Eureka Springs, Arkansas, as appearing in Ordinance Book 1 at Page 603 (Ordinance #330), in the Office of the City Clerk and Recorder for said City, and as appearing of record in Book B at Page 440 in the Office of the Circuit Clerk and Recorder in and for the Eastern District of Carroll County, Arkansas, and as appearing on the official plat of the City of Eureka Springs, Arkansas, same being kept in the Office of the Circuit Clerk and Recorder in and for the Western District of Carroll County, Arkansas, and

WHEREAS, after due notice as required by law, the City Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question, and has ascertained that the street and alley in question or the portions thereof described as follows:

All that part of Eugenia Avenue lying between and abutting and adjoining Block 14 and Block 17, the intersection of Eugenia Street and Alamo Street, and that part of Eugenia Street lying between and abutting and adjoining Lot 3, Block 13, and Lot 2, Block 18, all in Freeman's Addition to the City of Eureka Springs, Arkansas, and the South 80 feet of the alley lying between Lot 3 and Lot 4, Block 14, Freeman's Addition to the City of Eureka Springs, Arkansas.

have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that there are no owners of property abutting the portion of said street to be vacated other than the petitioners; and that public interest and welfare will not be adversely affected by the abandonment of the above-described portion of said street and alley, and

WHEREAS, the petition to vacate and abandon the above-described portion of said street and alley was filed by Tillman Morgan and Jo B. Morgan, husband and wife, and Terry W. Bunch and Sheila J. Bunch, husband

and wife, and Sharp's Stop and Shop, Inc., who are all of the abutting property owners, in the time and manner as required by law.

WHEREAS, Tillman Morgan and Jo B. Morgan, husband and wife, have agreed that the existing passageway and/or road over and across the Southeast corner of Lot 3, Block 14, Freeman's Addition, as presently located, shall always remain open as a public street.

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

SECTION I: Subject to the reservation of an easement for an electric power line as presently constructed and existing and further subject to the reservations of a water line easement as set forth in Section II, The City of Eureka Springs, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the portion of the following described street and alley described as follows:

All that part of Eugenia Avenue lying between and abutting and adjoining Block 14 and Block 17, the intersection of Eugenia Street and Alamo Street, and that part of Eugenia Street lying between and abutting and adjoining Lot 3, Block 13, and Lot 2, Block 18, all in Freeman's Addition to the City of Eureka Springs, Arkansas, and the South 80 feet of the alley lying between Lot 3 and Lot 4, Block 14, Freeman's Addition to the City of Eureka Springs, Arkansas.

SECTION II: The vacation of that portion of Eugenia Street described herein is subject to the reservations by the City of Eureka Springs, Arkansas, of an easement for the existing and/or replacement electric powerline and for any existing water lines and/or for the replacement of any existing water line that may be located on that portion of Eugenia Street, if any.

SECTION III. A copy of the 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.

SECTION IV: This Ordinance shall take effect and be in force from and after its passage.

ORDINANCE

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PASSED AND APPROVED this 26<sup>th</sup> day of November, 1985.

BY: Donald L. Stumm  
Mayor

ATTEST:

Justita S. Barnes  
City Clerk

