

ORDINANCE NO. 1279

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF EUREKA SPRINGS, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF EUREKA SPRINGS, OF CERTAIN CONTIGIOUS TERRITORY.

WHEREAS, it appears to the Council of the City of Eureka Springs, Arkansas, that certain hereinafter described territory contiguous to the said City of Eureka Springs is necessary for the orderly growth of said City; AND,

WHEREAS, the lands are held to be sold as suburban property; AND,

WHEREAS, the lands represent the actual growth of the municipality beyond its legal boundary; AND,

WHEREAS, the lands are needed for proper municipal purposes; AND,

WHEREAS, the lands are valuable by reason of their adaptability for prospective municipal uses, AND,

WHEREAS, the lands should be annexed to the City of Eureka Springs pursuant to A.C.A. § 14-40-302, et seq, NOW,

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

Section 1. That there shall be submitted to the qualified electors of the City of Eureka Springs, Arkansas, and of the following described area:

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 14; the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}SW\frac{1}{4}$) of Section 13; the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}NE\frac{1}{4}$), and the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) in Section 23; also the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) in Section 24. ALL in Township 20 North, Range 26 West of the Fifth Principal Meridian, Carroll County, (Western District) Arkansas, containing 360 acres more or less.

the question of the annexation of the above described territory to the City of Eureka Springs, Arkansas.

Section 2. The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a Special Election to be held on May 10 1988. The City Clerk shall immediately notify the County Election Commission by forwarding a certified copy of this ordinance.

Section 3. If at such election a majority of the qualified electors voting in such election shall vote for such annexation the municipality shall proceed to file a description and a map of the annexed area with the county clerk of Carroll County where the land lies and with the Secretary of State. The annexation shall be included within the corporate limits of the City of Eureka Springs thirty (30) days following the filing of the description and map with the county clerk, or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

Section 4. If any lands are annexed which are being used exclusively for agricultural purposes, the lands may continue to be used for such purposes so long as the owner desires and the lands shall be assessed as agricultural lands. Septic systems may continue to be used in the annexed area so long as such use is approved by the Arkansas Department of Health and the Arkansas Department of Pollution Control and Ecology.

Section 5. If the annexation is approved and becomes final, the following services shall be extended to the area within three(3) years:

<u>SERVICE</u>	<u>DATE</u>
Police Protection	Immediately
Fire Protection	Immediately
City Water along U.S.Highway 62	Within 3 years
Emergency Ambulance Service	Immediately
Advertising and Promotion	Immediately
Trolley Service	Immediately

A sewer service line along Mill Hollow Road to U.S.Highway 62 East within three (3) years.

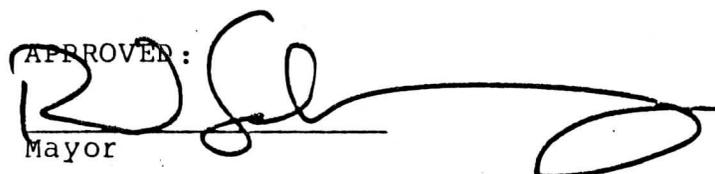
Section 6. The ballots used at said election on the question of annexation shall be marked as follows:

- FOR Annexation of the territory described in Ordinance No. 1279.
- AGAINST Annexation of the territory described in Ordinance No. 1279.

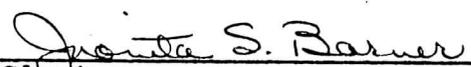
Section 7. The City Council of the City of Eureka Springs, Arkansas, has found it to be essential to the health, safety, and welfare of the City that this Ordinance for the annexation of certain lands to the City take force and effect without delay. Therefore, an emergency is declared to exist, this Ordinance shall be in full force and effect upon its publication according to law.

PASSED AND APPROVED by the City Council of the City of Eureka Springs, Arkansas, this 22nd day of March, 1988

APPROVED:


Mayor

ATTEST:


Clerk

CERTIFICATE

I Joanta Barner Clerk of City of Eureka Springs, Arkansas, hereby certify that this ordinance was duly passed and approved by a two-thirds vote of the total number of the governing body of the City of Eureka Springs, this 22nd day of March, 1988.

Joanta S. Barner
Clerk

City of Eureka Springs, Arkansas