

ORDINANCE NO. 1297

AN ORDINANCE VACATING A PORTION OF FAIRMOUNT
CIRCLE IN THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of Eureka Springs, Arkansas, requesting the vacation of the following described portion of Fairmount Circle, to-wit:

A part of Fairmount Circle adjoining Lot 7, Block 39, of the Clayton Survey Plat of the City of Eureka Springs, Arkansas, being more particularly described as follows, to-wit:

Beginning at an iron pin on the West line of Lot 7 being the intersection of the East right of way of Fairmount Circle and the East right of way of a street running Northeasterly; thence North $26^{\circ} 19' 07''$ East a distance of 28.81 feet to a point 2 feet West of the Northwest corner of a garage on an extension of the North wall of the garage; thence along the North wall of the garage South $63^{\circ} 27' 20''$ East a distance of 11.63 feet to the East right of way of Fairmount Circle; thence along the 30-foot radius curve of Fairmount Circle, through a central angle of $62^{\circ} 15' 59''$, an arc length of 32.60 feet to the point of beginning and containing 258.18 square feet, more or less.

WHEREAS, notice that a public hearing would be conducted by the City Council was duly published, and at the time set forth therein all persons present were afforded an opportunity to be heard on the question, and it was ascertained that it would be in the best interests of the City of Eureka Springs for the aforesaid portion of Fairmount Circle to be vacated.

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

Section 1: Stanley Stallones and Charles A. White, petitioners herein, are the sole owners of the property abutting and adjoining the above described portion of Fairmount Circle requested to be vacated.

Section 2: The said portion of Fairmount Circle as described above is not open and has not been used for street purposes for more than five (5) years last past; that same is not needed for street purposes and should be vacated by the City Council of the City of Eureka Springs, Arkansas.

Section 3: The City Council of the City of Eureka Springs, Arkansas, does hereby vacate the above described portion of Fairmount

Circle and fee simple title thereto is hereby vested in petitioners herein, the abutting property owners.

Section 4: The City of Eureka Springs hereby reserves a utility easement over, under and across that portion of the above described property not covered by the garage building. The City shall not permanently block normal access to the garage building by use of the utility easement reserved herein.

Section 5: A copy of the Ordinance, duly certified by the City Clerk, shall be recorded in the deed records of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

Section 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ORDAINED this 17th day of December, 1987.

APPROVED:

Richard Schoeninger, Mayor

ATTEST:


Juanita S. Barner
City Clerk