

ORDINANCE NO. 1365

AN ORDINANCE VACATING A UTILITY EASEMENT IN THE THOMAS ADDITION TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of Eureka Springs, Arkansas, requesting the vacation of a 15-foot utility easement in the Thomas Addition to the City of Eureka Springs, Arkansas.

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 utility easement to be vacated.

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

Section 1: Petitioners herein, James D. Bird and Shirley J. Bird, husband and wife, are the sole owners of Lots 22 and 23, Thomas Addition to the City of Eureka Springs, Arkansas, said lots being the real property on which the 15-foot utility easement requested to be vacated is located.

Section 2: The said utility easement is more particularly described as follows, to-wit:

Commencing at the SE corner of Lot 23, Thomas Addition to the City of Eureka Springs, Arkansas; thence N 55° 0' W 7½ feet to the point of beginning; thence S 33° 27' W 7½ feet; thence N 55° 0' W 162 feet; thence N 13° 39' E 16 feet; thence S 55° 0' E 168 feet, more or less, to a point that is N 33° 27' E 7½ feet from the point of beginning; thence S 33° 27' W 7½ feet to the point of beginning.

Section 3: The said utility easement sought to be vacated is not presently in use and has not been used as a utility easement for more than ten (10) years last past.

Section 4: The City Council of the City of Eureka Springs, Arkansas, does hereby vacate the fifteen (15) foot utility easement described in Section 2 and the fee simple title thereto is hereby vested in James D. Bird and Shirley J. Bird, husband and wife, who are

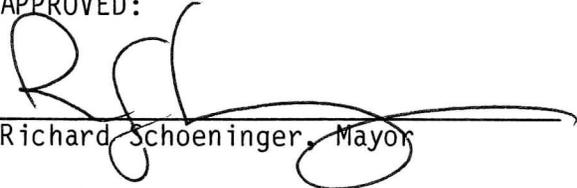
the owners of Lots 22 and 23, Thomas Addition to the City of Eureka Springs, Arkansas.

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.

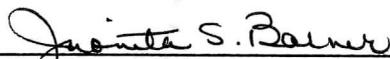
Section 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ORDAINED this 10<sup>th</sup> day of October, 1989.

APPROVED:

  
Richard Schoeninger, Mayor

ATTEST:

  
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Juanita S. Barner  
City Clerk