

waived

ORDINANCE NO. 1371

AN ORDINANCE REZONING A PART OF BLOCK 91, R & A SURVEY; BLOCK 1, FREEMAN'S ADDITION; PARTS OF THE NE¹/₄ OF THE NE¹/₄, A PART OF SE¹/₄ OF THE NE¹/₄, SECTION 16, TOWNSHIP 20 NORTH, RANGE 26 WEST; PART OF BLOCK 70, ALL OF BLOCKS 71 AND 73; PART OF BLOCK 75, PART OF BLOCK 76; AND PART OF BLOCK 77; ALL AS SHOWN IN THE R & A SURVEY OF THE CITY OF EUREKA SPRINGS, ARKANSAS; FROM R-1, VICTORIAN RESIDENTIAL, AND R-2, CONTEMPORARY RESIDENTIAL, TO C-3, QUIET USE DISTRICT.

WHEREAS, a Petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, requesting a reclassification of zoning from R-1, Victorian Residential District, and R-2, Contemporary Residential District, to C-3, Quiet Use District, of the following described property located in Eureka Springs, Arkansas, to-wit:

All of Lots 13 through 17, together with the South half of Lot 12 in Block 91, R & A Survey to the City of Eureka Springs, Arkansas; all of Block 1, Freeman's Addition to the City of Eureka Springs, Arkansas.

AND

Commencing 27 feet West of the Northeast corner of SE¹/₄ NE¹/₄, Section 16, Township 20 North, Range 26 West; thence Westerly along the quarter section line 60 feet; thence North 2° East 60 feet; thence Easterly parallel with the quarter section line 61 feet; thence South along the West line of Summit Street 5° West 60 feet to place of beginning, being a part of NE¹/₄ NE¹/₄, Section 16, Township 20 North, Range 26 West.

Beginning at the Northwest corner of a lot 60 x 60 feet out of the Southeast corner of NE¹/₄ NE¹/₄, Section 16, Township 20 North, Range 26 West, formerly owned by P. T. Swett; thence West parallel with the South line of said forty to the East line of Lots 6 and 7, Fraker's Subdivision; thence in a Southerly direction along the East line of said Lots 6 and 7, to the South line of said forty; thence East along South line of said forty to the Southwest corner of aforesaid lot formerly owned by P. T. Swett; thence North along the West line of said lot to the place of beginning.

AND

A tract 10 x 100 feet off the North side of Palo Pinto Avenue, beginning at the Northeast corner of the SE¹/₄ of NE¹/₄, Section 16, Township 20 North, Range 26 West; thence West 100 feet; thence South 10 feet; thence East 100 feet; thence North 10 feet to place of beginning in the City of Eureka Springs, Carroll County, Arkansas, adjoining the property formerly owned by P. T. Swett.

AND

Part of the NE¹/₄ of NE¹/₄, Section 16, Township 20 North, Range 26 West, more particularly described as follows: Commence at Southeast corner of said NE¹/₄ of the NE¹/₄; thence run West 154 feet along the South line of the Swett Tract; thence North along the West line of the Swett Tract 60 feet to point of beginning; thence continuing North 236 feet; thence East 154 feet more or less to the East line of said NE¹/₄ of NE¹/₄ where it intersects

the Spangler tract and being the West line of said Spangler tract; thence South along the East line of said NE $\frac{1}{4}$ of NE $\frac{1}{4}$, said Section 16 to a point where such line intersects the Westerly right of way line of State Highway No. 62; thence following the Westerly right of way line of said State Highway, in a Southwesterly direction to a point where it intersects the North line of the Swett tract; thence West along said North line of the Swett tract, to Point of Beginning.

AND

The South 80 feet of Lot 10 and all of Lots 8 and 9, Block 75, and all of Lots 8 and 9, Block 76; all of Lots 8 and 9, Block 77; all of Blocks 71 and 73; all of Block 70 except Front Lots 1 and 2, West side of White Street; all as shown on the R & A Survey of the City of Eureka Springs, Arkansas.

WHEREAS, a hearing was held before the Planning Commission of the City of Eureka Springs, Arkansas, on October 12, 1989.

WHEREAS, notice that a public hearing would be conducted by the Planning Commission of Eureka Springs, Arkansas, was duly published, and at the time set forth therein all persons present were afforded an opportunity to be heard on the question.

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

SECTION 1: The City of Eureka Springs, Arkansas, hereby amends the land use plan of its Zoning Ordinance by withdrawing the former classifications of R-1, Victorian Residential, and R-2, Contemporary Residential, and substituting therefor the land use classification of C-3, Quiet Use District, for all of the heretofore described lands.

SECTION 2: A copy of this Ordinance, duly certified by the City Recorder, shall be recorded in the deed records of the Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND ORDAINED this _____ day of _____, 1989.

APPROVED:

Richard Schoeninger, Mayor

ATTEST:

Nita Barner, City Clerk