

ORDINANCE NO. 1396

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE
CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, on the 27th day of March, 1990, there was presented to the County Court of Carroll County, Arkansas, a proper petition asking that certain real estate adjacent and contiguous to the City of Eureka Springs, Arkansas, be annexed to the City of Eureka Springs, Arkansas. The real estate is described as follows:

A part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 20 North, Range 26 West, Western District of Carroll County, Arkansas, being more particularly described as follows:

Beginning at a point on the South line of the NE $\frac{1}{4}$ of said Section 10 which is N 88° 25' 22" W 2231.36 feet from the Southeast corner of the NE $\frac{1}{4}$; thence along said line N 88° 25' 22" W 119.49 feet to the center of Highway #23; thence along the center of the Highway N 01° 22' 39" W 14.66 feet; thence along the center of the highway N 06° 34' 46" W 69.58 feet; thence along the center of the highway N 12° 48' 24" W 105.12 feet; thence along a centerline curve to the right, said curve having a Radius of 439.24 feet and a central angle of 11° 49' 08" an arc length of 90.61 feet; thence leaving the highway along a prolongation of a line parallel to and 10 feet North of the North wall of the Train Depot building N 85° 55' 50" E 101.56 feet to a point 10 feet west of the existing West railroad track; thence parallel to and 10 feet west of the west track N 04° 06' 31" W 480.27 feet; thence parallel to and 10 feet west of the west track N 05° 19' 11" W 263.74 feet to a point 10 feet west of the intersection of the east and west railroad tracks; thence N 84° 30' 50" E 20.00 feet to a point 10 feet east of said intersection; thence parallel to and 10 feet east of the east track S 07° 52' 46" E 331.34 feet; thence parallel to and 10 feet east of the east track S 04° 01' 33" E 413.84 feet; thence S 04° 04' 10" E 290.25 feet to the Point of Beginning, containing 1.39 acres, more or less.

AND

An area 10 feet on each side of the centerline of the railroad tracks as they now exist, lying in the West

Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$) of Section 10; the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$), the East Half of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$) and the Northeast Quarter ($NE\frac{1}{4}$) of Section 3, all in Township 20 North, Range 26 West, Western District of Carroll County, Arkansas, the centerline being more particularly described as follows:

Beginning at the intersection of East and West railroad tracks running Northerly from the Train Depot being N $88^{\circ} 25' 22''$ W 2336.43 feet and N $00^{\circ} 00' 00''$ E 1026.71 feet from the Southeast corner of the $NE\frac{1}{4}$ of Section 10; thence along the center of the existing tracks as follows:

N $05^{\circ} 29' 10''$ W 596.47 feet; thence N $05^{\circ} 29' 17''$ W 809.91 feet; N $07^{\circ} 52' 06''$ W 914.95 feet; thence along a curve to the left having a Radius of 1145.99 feet an arc length of 499.70 feet; thence N $32^{\circ} 51' 06''$ W 638.40 feet; thence along a curve to the right having a Radius of 763.94 feet an arc length of 300.00 feet; thence along a curve to the left having a Radius of 1909.86 feet an arc length of 150.00 feet; thence along a curve to the left having a Radius of 775.63 feet an arc length of 126.80 feet; thence N $24^{\circ} 13' 06''$ W 271.50 feet; thence along a curve to the right having a Radius of 599.19' an arc length of 831.40 feet; thence N $55^{\circ} 16' 54''$ E 307.30 feet; thence along a curve to the left having a Radius of 716.20 feet an arc length of 275.00 feet; thence N $33^{\circ} 16' 54''$ E 117.00 feet; thence along a curve to the right having a Radius of 716.20 feet an arc length of 250.00 feet; thence N $53^{\circ} 16' 54''$ E 104.60 feet; thence along a curve to the right having a Radius of 954.93 feet an arc length of 292.50 feet; thence N $70^{\circ} 49' 54''$ E 171.60 feet; thence along a curve to the left having a Radius of 955.04 feet an arc length of 682.30 feet; thence along a curve to the left having a Radius of 2509.51 feet an arc length of 1187.96 feet to the junction of two tracks running Northeasterly and Northwesterly; thence N $87^{\circ} 44' 27''$ W 522.03 feet to a point, said point being 16.45 feet south and 913.27 feet West of the Southeast corner of Section 34, Township 21 North, Range 26 West.

AND

An area 10 feet on each side of the centerline of the existing railroad tracks in the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 3, Township 20 North, Range 26 West and in the

SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 21 North, Range 26 West, in the Western District of Carroll County, Arkansas, the centerline being more particularly described as follows:

Beginning at the intersection of the railroad tracks running Northeasterly and the railroad tracks running Northwesterly said Beginning Point being South 16.45 feet and West 1213.27 feet from the Southeast corner of Section 34, Township 21 North, Range 26 West; thence along the center of the tracks Northeasterly along a curve to the right said curve having a Radius of 404.28 feet an arc length of 205.62 feet; thence N 24° 13' 48" E 33.00 feet; thence along a curve to the right said curve having a Radius of 577.50 feet an arc length of 157.58 feet; thence along a curve to the right said curve having a Radius of 699.09 feet an arc length of 440.79 feet to the intersection with a track running Easterly and Westerly; thence along said East-West track S 87° 44' 27" E 222.03 feet to the end of the line; thence N 87° 44' 27" W 222.03 feet; thence along the tracks S 87° 55' 04" W 113.99 feet; thence along a curve to the left said curve having a Radius of 2122.38 feet an arc length of 110.26 feet; thence S 85° 07' 54" W 108.62 feet; thence along a curve to the right said curve having a Radius of 624.79 feet an arc length of 295.13 feet; thence N 67° 12' 51" W 36.45 feet; thence along a curve to the right said curve having a Radius of 772.99 feet an arc length of 145.47 feet to the intersection of said East-West track with a track Southwesterly; thence N 57° 03' 56" W 50.23 feet to the end of the East-West track at the South Right of Way of State Highway #23; thence S 57° 03' 56" E 50.23 feet to the above mentioned intersection; thence along said Southwesterly track along a curve to the right said curve having a Radius of 1053.97 feet an arc length of 739.96 feet to the Point of Beginning.

WHEREAS, on the 27th day of April, 1990, the County Court of Carroll County, Arkansas, found that the statutory requirements with reference to annexation had been complied with in full; that the petition and plat were in proper form and that the notices required by law

had been properly given and on that date entered an order annexing the said real estate to the City of Eureka Springs, Arkansas.

WHEREAS, according to the statutes of the State of Arkansas, the said order was recorded by the County Clerk in County Record Book 10 at pages 477-481, and no further action was taken for a period of thirty (30) days; that at the end of thirty (30) days, no protests of any sort by anyone had been filed against the action of the County Court therein.

WHEREAS, on this 8th day of June, 1990, certified copies of the original order and the order confirming the annexation were filed with the City Clerk of the City of Eureka Springs, Arkansas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1: The above described real estate located in Carroll County, Arkansas, is hereby declared annexed to and incorporated into the City of Eureka Springs, Arkansas; that the map of said annexed territory attached to the certified copies of the order of annexation is hereby declared the map of the said annexed territory; that the said real estate is hereby declared to be in Ward 3 and all the inhabitants of the said annexed territory are declared to be citizens of Eureka Springs, Arkansas, and are entitled to all the rights, privileges and benefits of the other citizens of the City of Eureka Springs, Arkansas.

Section 2: 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 Ordinance No. 1396 take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. 1396 shall be in full force and effect from and after its passage.

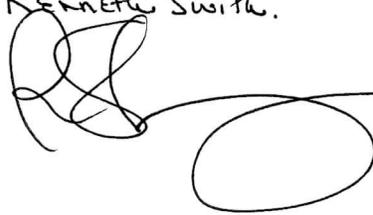
PASSED, ORDAINED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS on this 12th day of June, 1990.

APPROVED:

Kenneth K. Smith
Richard Schoeninger, Mayor / Acting
Kenneth Smith.

ATTEST:

Juanita S. Barner
Juanita S. Barner, City Clerk

 June 18 1990

The undersigned City Clerk of the City of Eureka Springs, AR, hereby certifies that the above is a true and perfect copy of Ordinance #1396, adopted at a regular session of the City Council of the City of Eureka Springs, AR, held at the regular meeting place in said City at 7:00 p.m. on the 12th day of June, 1990; and that the Ordinance is on record in Ordinance Record Book #5, now in my possession.

Given under my hand and seal on this 18th day of June, 1990.

Juanita S. Barner
City Clerk