

AN ORDINANCE VACATING A PORTION OF OJO STREET, FREEMAN'S ADDITION, AND A PART OF LOT 1, BLOCK 1, FREEMAN'S ADDITION, AS SHOWN ON THE R & A SURVEY TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 20th day of March, 1992, asking the City Council to vacate and abandon the hereinafter described portion of Ojo Street in Freeman's Addition, and convey a part of Lot 1, Block 1, Freeman's Addition, R & A Survey to the City of Eureka Springs, Arkansas;

AND WHEREAS, after due notice as required by law, the Council has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the hereinafter described portion of Ojo Street has heretofore been dedicated to the public use as a street; and that said portion of Ojo Street and the described part of Lot 1, Block 1, Freeman's Addition, have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that petitioner and the City of Eureka Springs are the sole owners of the property abutting upon the portion of the street to be vacated; that a portion of said street abuts and adjoins Kingshighway as it is presently situated; that

public interest and welfare will not be adversely affected by the abandonment of the said portion of the street or the small triangle of Lot 1, Block 1.

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

SECTION 1. That the City Council of Eureka Springs, Arkansas, does hereby convey, vacate, release and abandon all its rights, together with the rights of the public generally, and passes the same to Linda Mileski, to the following described lands:

That part of Ojo Street lying between Lot 1, Block 1, Freeman's Addition, and Lots 13, 14 and 15, Block 91, R & A Survey, and a part of Lot 1, Block 1, Freeman's Addition, all lying East of Kingshighway, as it is presently situated, in the City of Eureka Springs, Arkansas.

SUBJECT TO an easement to the City of Eureka Springs over and across said lands for the purpose of construction and maintenance of utility lines, sidewalks, etc.

SECTION 2. That the Mayor and City Clerk of the City of Eureka Springs, Arkansas, are authorized to execute a quitclaim deed to the above described property.

SECTION 3. A copy of the Ordinance, duly certified by the City Clerk, and the Quitclaim Deed shall be filed in the office of the Circuit Clerk and Ex-Officio Recorder in and

for the Western District of Carroll County, Arkansas, and recorded in the deed records of said county.

PASSED AND APPROVED this 28th day of April, 1992.

APPROVED:

Randy H. Hays
Mayor

ATTEST:

Janita S. Barner
City Clerk