

ORDINANCE #1564

AN ORDINANCE VACATING A PORTION OF JACKSON STREET

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 11th day of January, 1994, to vacate and abandon the hereinafter described portion of Jackson Street, R & A Survey, to the City of Eureka Springs, Arkansas; and

WHEREAS, after due notice had been published as required by law, the City 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 Jackson Street has heretofore not been used by the public for more than ten (10) years since these parcels were platted and is not necessary for public use; that the City of Eureka Springs and the petitioner are the sole owners of the property abutting upon the portion of the street to be vacated; and

WHEREAS, public interest and welfare will not be adversely affected by the abandonment of the said portion of the street, and the location is not necessary for the location of any public utilities;

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

SECTION 1. The City Council of the City of Eureka Springs, Arkansas, for consideration as demanded by the city regulations, hereby conveys, releases, vacates and abandons all its rights, together with the rights of the public generally, and passes the same to the adjoining landowners, Robert V. and Nancy B. Vanderburg, husband and wife, excepting that the City does reserve an easement across said vacated portion of streets for future utility lines, to the following described lands:

That 13.00' part of Jackson Street bordering and parallel to Lots 1, 2 and 3, Block 208, South 09° 09' 39" East. The Northern border of Lot 3, North 88° 12' 42" East, 87.14' will hereafter be North 88° 12' 42" East, 100.14'.

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

SECTION 3. A copy of this 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, Carroll County, Arkansas, and recorded in the deed records of said county.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS ____DAY OF _____, 1994.

APPROVED:

ATTEST:

Louise O. Berry, Mayor

Juanita S. Barner
City Clerk/Treasurer

I, the undersigned City Clerk of the City of Eureka Springs, Arkansas, hereby certify that the foregoing is a true and perfect copy of Ordinance #1564, adopted at a regular session of the City Council of the City of Eureka Springs, Arkansas, held at the regular meeting place in said city at 9:00 o'clock a.m. on the ____day of _____, 1994, and that the Ordinance is on record in Ordinance Record Book No. 5 now is my possession.

Juanita S. Barner
City Clerk/Treasurer

ROBERT VANCE VANDERBURG

Riley and Armstrong Survey - Per Jack Stiffler, OMS; 8-20-92

Block 208, Lots 1, 2, 3

East Boundary

S $09^{\circ} 09' 39''$ E, North to South, be moved east 13.00' on a parallel plain - 13.00' being the amount vacated by the City.

South Boundary

- A. N $15^{\circ} 59' 07''$ W to be decreased from 46.00' to 26.00' to form the SW corner of Lot 1 - 20.00' being the amount vacated by Vanderburg.
- B. S $09^{\circ} 09' 39''$ E be decreased 25.00' from where it intersects with S $81^{\circ} 20' 21''$ W - 25.00' being the amount vacated by Vanderburg.
- C. The SE corner to be found by drawing a straight line from the SW corner (see "A" above) through the terminus of the vacated 25.00' (see "B" above) to its intersect with the new East Boundary (see above).

ROBERT VANCE VANDERBURG

Riley and Armstrong Survey - Per Jack Stiffler, OMS; 8-20-92

Block 207, Lots 1, 2, 3 and 4

South Boundary

S $88^{\circ} 29' 35''$ W to be decreased from 68.00' to 26.00'. This point will lie 10.00' North of the West end of Jacob's Ladder. The remainder of the South Boundary will be found by traveling from this point East and up Jacob's Ladder 72.00' to a point 10.00' North of the Ladder.

East Boundary

A straight line from the 72.00' point above to the present NE corner N $87^{\circ} 37' 58''$ E 67.23' - approximately 32.00' will be the amount vacated by the City at the SE Boundary.

BEFORE THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS

ROBERT V. VANDERBURG AND NANCY B. VANDERBURG,
Husband and Wife

PETITIONERS

PETITION TO VACATE

Comes Robert V. Vanderburg and Nancy B. Vanderburg, husband and wife, and for their petition, state:

That Robert V. Vanderburg and Nancy B. Vanderburg, husband and wife, are the owners of the following described real property as shown on the R & A Survey of the City of Eureka Springs, Arkansas:

Lots 1, 2 and 3, Block 208 of the R & A Survey of the City of Eureka Springs, Arkansas, commencing at the most North-easterly corner of Lot 3, thence South $09^{\circ} 09' 39''$ East, 138.30'; thence South $81^{\circ} 20' 21''$ West, 36.00'; thence North $75^{\circ} 18' 39''$ West, 61.86'; thence North $15^{\circ} 59' 07''$ West, 46.00'; thence North $02^{\circ} 43' 14''$ East 32.44'; thence North $03^{\circ} 07' 05''$ West, 47.00'. Commencing from this most North-westerly corner of Lot 3, thence North $88^{\circ} 12' 42''$ East 87.14' to point of the beginning.

A. That the petitioners herein seek to vacate the following described portions of streets:

That 13.00' part of Jackson Street bordering and parallel to Lots 1, 2 and 3, Block 208, South $09^{\circ} 09' 39''$ East. The Northern border of Lot 3, North $88^{\circ} 12' 42''$ East, 87.14' will hereafter be North $88^{\circ} 12' 42''$ East, 100.14'.

That the said portions of streets are shown on the plat of survey attached hereto and made a part hereof.

1. That the above described portions of streets sought to be vacated have not been used as streets for more than ten (10) years last past.

2. That it is the petition of the undersigned persons that the above described portions of streets be vacated by

the City Council of the City of Eureka Springs, Arkansas, and that, if so vacated, the said property be granted by the City to the adjoining landowners, Robert V. Vanderburg and Nancy B. Vanderburg, husband and wife.

3. That the City of Eureka Springs reserve an easement across said vacated portion of streets for utility lines.

B. WHEREFORE, it is petitioners' request that the following actions be taken:

1. That the City Council of the City of Eureka Springs, Arkansas, set a date and time at which to hear and determine whether the above described portions of Jackson Street should be vacated by the City of Eureka Springs, Arkansas:
2. That the City Council of the City of Eureka Springs, Arkansas, at the designated time, pass an ordinance vacating the above described portions of Jackson Street and vesting the title thereto in the landowners Robert V. Vanderburg and Nancy B. Vanderburg, husband and wife, as petitioned, subject to easements reserved for the City of Eureka Springs for utility lines.

C. That the petitioners herein vacate the following described portion of land:

That 27.30' of the most Southerly corner of Lot 1, 09° 09' 39" East 138.30'. The border for Lots 1, 2 and 3, Block 208 will hereafter be South 09° 09' 39" East 111.00'.

AND

That 16.00' of the most Southerly corner of North 15° 59' 07" West 46.00'. The border will hereafter be North 15° 59' 07" West 30.00'.

That the City Council of the City of Eureka Springs, Arkansas, at a designated time, pass an ordinance to reestablish the South property line of Lot 1, Block 208 as described in the above vacated property, the title of said vacated property to hereafter be vested to the City of Eureka Springs, Arkansas.

ROBERT V. AND NANCY B. VANDERBURG, Husband and Wife
Petitioners

By 

By 

Date _____

PUBLIC NOTICE

A public hearing is scheduled to be heard in the Council chambers in the Western District Courthouse prior to the City Council meeting of January 11, 1994, on a petition of Robert Vanderburg for the City to vacate a 13 foot portion of Jackson St., bordering Lots 1, 2, and 3 in Block 208.

Submitted By: Robert V. Vanderburg
Rt. 2 Box 160
Eureka Springs, AR 72632
253 9021

1/3/94

Times Echo

Fax 423-6640

Ph 423-6636

Pat

FINANCE & PERSONNEL MEETING 1-4-94

RE: VANDERBURG PROPERTY

During the last Finance meeting, Mr. Vanderburg reported that ten feet did provide not enough room to park cars parallel along the south side of his property without endangering those parking their cars. A suggestion of fourteen feet was considered.

According to city, code eight and a half feet is required for private parking spaces and nine-by-eighteen feet is required for public spaces. Based on my 1967 Chevrolet Suburban, a vehicle large enough to comfortably sleep a family of four, nine and a half feet is sufficient room to allow the driver or passenger to safely exit on the retaining-wall side of Mr. Vanderburg's property. The other door of the vehicle would open towards Flint Street.

Since the purpose of this arrangement with Mr. Vanderburg is to clear the intersection for public safety and to compensate his loss (which by parking space count is very generous), I suggest we allocate Mr. Vanderburg not more than ten feet along the south side of his retaining wall. Cars parking parallel to his property would park along the Flint Street boundary, thus allowing a minimum of four feet of exit space along the retaining wall, which is more than enough room.

Along with this adjustment, I would recommend that the city receive, as a part of this arrangement, the land south of a line beginning at the southwest corner of Mr. Vanderburg's property and running east to parallel Carroll Ave. to the present Lindsey Street.

Bill Earngey
Bill Earngey

Affidavit of Publication

COUNTY OF CARROLL
STATE OF ARKANSAS

} ss.

I, Judith Harber, do solemnly swear that I am the (editor, proprietor, manager or chief accountant) of THE EUREKA SPRINGS TIMES-ECHO, and that the same is a weekly newspaper and that it has general and bona fide circulation in Carroll County, Arkansas and is printed and published at Eureka Springs, in Carroll County, Arkansas, on THURSDAY of each week; that the advertisement hereto was printed and published in said newspaper for one consecutive times, weekly, and the dates of said publication are as follows:

Jan. 6 19941919
.....191919
.....191919

Judith Harber

Public Notices

PUBLIC NOTICE

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Subscribed and sworn to before me, this 6th day of Jan., 19 94
My Commission expires 9-12-96 Cynthia R. Chappell
Notary Public
Publication Fees \$ 11.20

REMARKS:

