

Quitclaim deed given to Mrs. Wiese
for portion of street.

Failed - Gagner
State Statute because
of neighborhood rejection

ORDINANCE #1592 (A)

AN ORDINANCE VACATING A PART OF HUNT STREET

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas on the 28th day of February, 1994, to vacate and abandon the following described street:

That part of Hunt Street which is described below:

The Westerly 20.0 feet of Hunt Street adjoining Lots 1 thru 6, Block 200 of Riley and Armstrong Survey to the City of Eureka Springs, Arkansas, and being more particularly described as follows: Commence at the Northeast Corner of Lot 1, Block 200, thence N 79 Degrees 51 Minutes 37 Seconds E 20.45 feet, thence S 22 Degrees 10 Minutes 49 Seconds E 186.77 feet, thence S 57 Degrees 11 Minutes 44 Seconds W 20.35 feet to the Southeasterly corner of Lot 6, thence N 22 Degrees 10 Minutes 49 Seconds W 194.79 feet to the point of beginning containing 0.0876 acres more or less.

WHEREAS, Leslie A. Wiese will vacate and abandon the following described streets:

Those parts of Carroll Avenue which are described below:

Lot 1, Block 200 of Riley and Armstrong Survey to Eureka Springs, Arkansas: and being more particularly described as follows: Commence at the Northeast corner of said Lot 1, Block 200, thence S 61 degrees 11 minutes 18 seconds W 99.53 feet, thence N 23 degrees 25 minutes 03 seconds W 32.74 feet, thence N 79 degrees 51 minutes 37 seconds E 101.81 feet to the point of beginning containing .0372 acres more or less.

A Part of Lot 2, Block 200 of Riley and Armstrong Survey to the City of Eureka Springs, Arkansas: and being more particularly described as follows: Commence at the Northeast corner of Lot 2, Block 200, thence S 61 degrees 11 minutes 18 seconds W 14.03 feet to a point on the Southerly edge of an existing Road and true point of beginning, thence along said Road S 45 degrees 30 minutes 38 seconds W 48.30 feet, thence S 34 degrees 21 minutes 19 seconds W 37.15 feet, thence S 15 degrees 01

minutes 27 seconds W 13.86 feet to most Southerly corner of Lot 2, thence N 23 degrees 25 minutes 03 seconds W 40.00 feet to the Northwesterly corner of Lot 2, thence N 61 degrees 11 minutes 18 seconds E 85.50 feet to the point of beginning containing .0292 acres more or less.

WHEREAS, after due notice has been published as required by law, the City Council has on April 12th, 1994, heard all persons desiring to be heard on the question and has ascertained that the street here in above described is not necessary for public use; and all the owners of the property abutting upon the portion of the street to be vacated have given petitioner written consent to the vacation of the above described portion of Hunt Street:

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

Section 1. The City of Eureka Springs, Arkansas, at no cost to Leslie A. Wiese, hereby releases, vacates and abandons all its rights to above described Hunt Street, together with the rights of the public generally, in and to the part of the street described above, ~~excepting~~ any utility easements which might be involved now or in the future, and that Leslie A. Wiese, at no cost, hereby releases, vacates and abandons all her rights to the above described Carroll Ave Streets, to the City of Eureka Springs, Arkansas, together with the rights of the public generally, in and to the part of those streets described above, ~~excepting~~ any utility easements which might be involved now or in the future.

Section 2. A copy of this ordinance duly certified by the City Clerk shall be filed in the Office of the Circuit Clerk and Recorder of the County and recorded in the Deed records of the County,

Section 3. This ordinance shall be in full force and effect after date of its passage.

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

APPROVED:

LOUISE BERRY, Mayor

ATTEST:

City Clerk/Treasurer

ORDINANCE # 1592

AN ORDINANCE VACATING A PART OF HUNT STREET

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas on the 28th day of February, 1994, to vacate and abandon the following described street:

That part of Hunt Street which is described below:

The Westerly 20.0 feet of Hunt Street adjoining Lots 1 thru 6, Block 200 of Riley and Armstrong Survey to the City of Eureka Springs, Arkansas, and being more particularly described as follows: Commence at the Northeast Corner of Lot 1, Block 200, thence N 79° 51' 37" E 20.45 feet, thence S 22° 10' 49" E 186.77 feet, thence S 57° 11' 44" W 20.35 feet to the Southeasterly corner of Lot 6, thence N 22° 10' 49" W 194.79 feet to the point of beginning containing 0.0876 acres more or less, and

WHEREAS, after due notice has been published as required by law, the City Council has on April 12th, 1994, heard all persons desiring to be heard on the question and has ascertained that the street hereinabove described is not necessary for public use; and all the owners of the property abutting upon the portion of the street to be vacated have given petitioner written consent to the vacation of the above-described portion of Hunt Street;

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

Section 1. The City of Eureka Springs, Arkansas, for consideration as demanded by the current Municipal Code, hereby releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the part of the street described above, expecting any utility easements which might be involved now or in the future.

Section 2. A copy of this ordinance duly certified by the City Clerk shall be filed in the Office of the Circuit Clerk and Recorder of the County and recorded in the Deed records of the County.

Section 3. This ordinance shall be in full force and effect after ~~after~~ date of its passage.

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

APPROVED:

LOUISE BERRY, Mayor

ATTEST:

City Clerk/Treasurer

BEFORE THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS

LESLIE A. WIESE, SINGLE PERSON

PETITIONER

PETITION TO VACATE

Comes Leslie A. Wiese, single person, for her petition, state:

That Leslie A. Wiese, single person, is the owner of the following described real property as shown on the R & A Survey of the City of Eureka Springs, Arkansas:

Lots 1,2,3,4,5, and 6 of Block 200 R & A Survey

A. That the petitioner herein seeks the City of Eureka Springs to vacate the following described portions of Hunt Street at the expense of the City of Eureka Springs, Arkansas.

The westerly 20.00 feet of Hunt Street adjoining Lots 1 thru 6. Block 200 of Riley and Armstrong Survey to the City of Eureka Springs, Arkansas and being more particularly described as follows:
Commence at the Northeast Corner of Lot 1 Block 200 thence N 79°51'37" E 20.45 feet. thence S 22°10'49" E 186.77 feet. thence S 57°11'44" W 20.35 feet to the southeasterly corner of Lot 6. thence N 22°10'49" W 194.79 feet to the point of beginning containing 0.0876 acres more or less.

That the said portion of Hunt Street is shown on the plat of survey attached hereto and made a part hereof.

1. That the above described portion of Hunt Street sought to be vacated has not been used as a street for more than ten (10) years last past.

2. That it is the petition of the undersigned person that the above described portion of Hunt Street 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 landowner, Leslie A. Wiese, single person.

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

B. WHEREFORE, it is petitioner's 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 portion of Hunt 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 portion of Hunt Street and vesting the title thereto the landowner Leslie A. Wiese, single person, as petitioned, subject easements reserved for the City of Eureka Springs for utility lines.

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

Lot 1, Block 200 of Riley Armstrong Survey to the City of Eureka Springs, Arkansas: and being more particularly described as follows: Commence at the Northeast corner of said Lot 1, Block 200. thence S 61°11'18"W 99.53 feet. Thence N 23°25'03" W 32.74 feet thence N 79°51'37"E 101.81 feet to the point of beginning containing .0372 acres more or less.

A part of Lot 2, Block 200 Riley and Armstrong Survey to the City of Eureka Springs, Arkansas: and being more particularly described as follows: Commence at the northeast corner of Lot 2 Block 200. thence S 61°11'18" W 14.03 feet to a point on the Southerly edge of an existing Road and true point of beginning. thence along said Road S 45°30'38"W 48.30 feet. thence S 34°21'19" W 37.15 feet thence S 15°01'27"W 13.86 feet to most Southerly corner of Lot 2. thence N 23°25'03" W 40.00 feet to the northwesterly corner of Lot 2 thence N 61°11'18"E 85.50 feet to the point of beginning containing .0292 acres more or less.

That the City Council of the City of Eureka Springs, Arkansas, at a designated time, pass an ordinance to reestablish the North property line of Lot 2, Block 200 as described in the above vacated property, the title of said vacated property to hereafter be vested to the City of Eureka Springs, Arkansas.

LESLIE A. WIESE, Single Person
Petitioner

By _____

Date _____

Legal Descriptions:

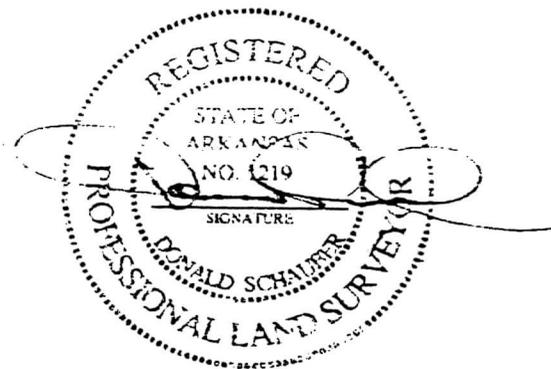
AREA TO BE CONVEYED TO THE CITY OF EUREKA SPRINGS

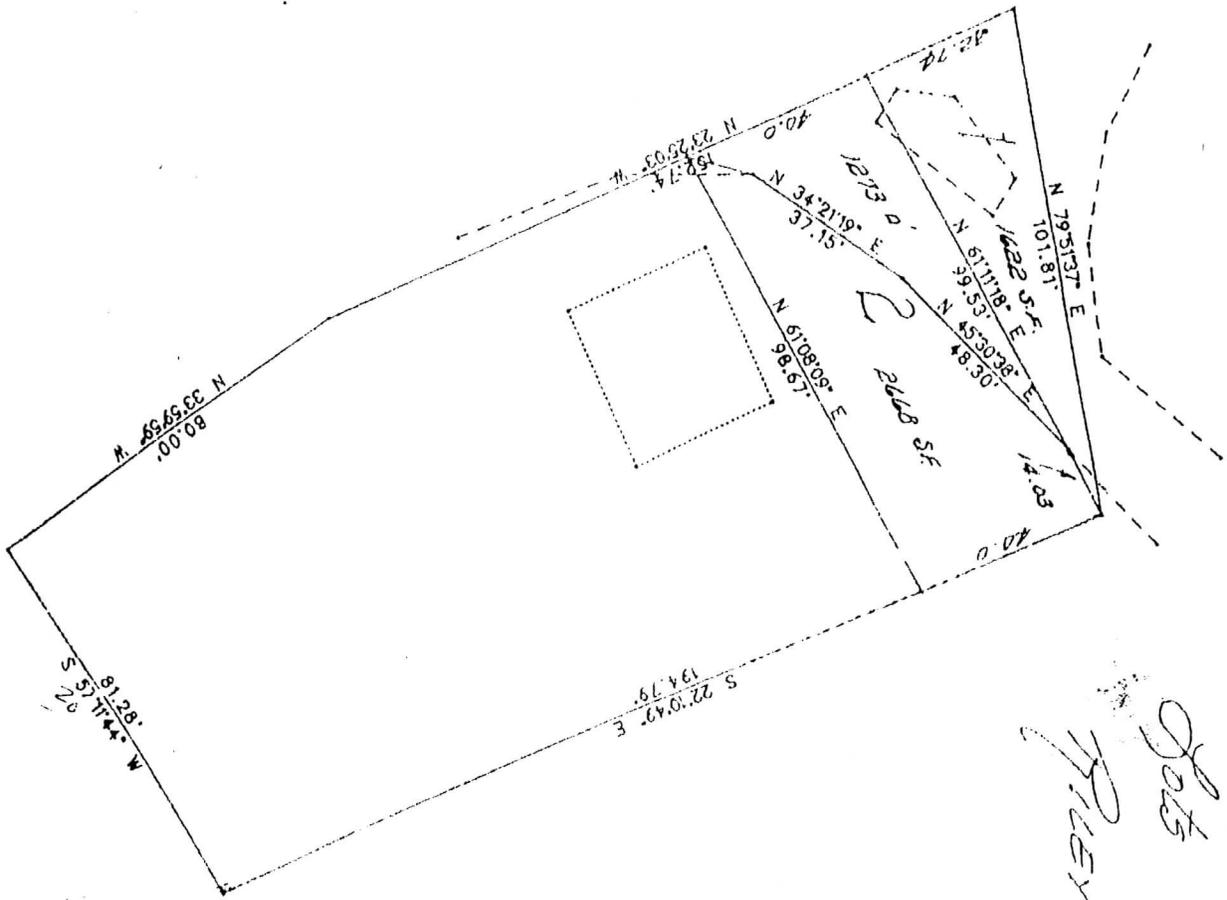
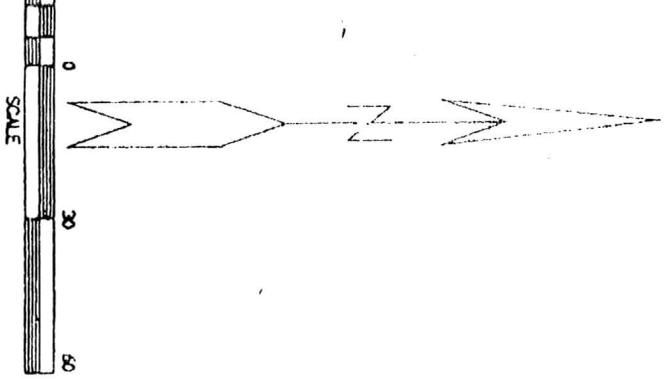
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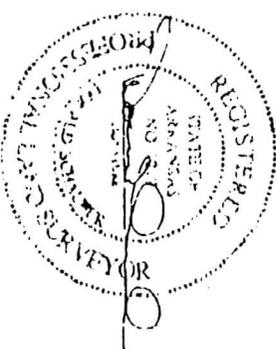
AREA TO BE CONVEYED TO LESLIE A. WIESE

The Westerly 20.00 feet of Hunt Street adjoining Lots 1 thru 6, Block 200 of Riley and Armstrong Survey to the City of Eureka Springs, Arkansas, and being more particularly described as follows: Commence at the Northeast Corner of Lot 1, Block 200, thence N 79°51'37"E 20.45 feet, thence S 22°10'49"E 186.77 feet, thence S 57°11'44"W 20.35 feet to the Southeasterly corner of Lot 6, thence N 22°10'49"W 194.79 feet to the point of beginning containing 0.0876 acres more or less.





Lots 1 & 2 ~ Block 200
 PIER & APPURTENANCES



1-24-54