

AMENDED ORDINANCE NO. 1599 Amended

AN ORDINANCE REZONING THE FRONT 1/2 OF LOTS 42 AND 43, AND LOT 44 IN BLOCK 121, TOGETHER WITH THE ALLEY LYING SOUTH OF SAID LOT 44 BETWEEN BLOCK 121 AND BLOCK 120 EXTENDING FROM MAIN STREET TO CHESTNUT STREET, OF THE RILEY AND ARMSTRONG SURVEY, CITY OF EUREKA SPRINGS, ARKANSAS, FROM R-1, VICTORIAN RESIDENTIAL, TO C-1, VICTORIAN COMMERCIAL.

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

The Front 1/2 of lots 42 and 43 of the Riley and Armstrong Survey City of Eureka Springs, Arkansas, and more particularly described as follows: Commencing at the Southwest corner of the aforementioned Lot 43; thence North 01°04'24" East 80.00 feet to the Northwest corner of Lot 42; thence South 67°41'14" East along the northerly boundary of said Lot 42 a distance of 39.69 feet; thence South 01°04'24" West 66.23 feet to the South boundary of Lot 43, thence North 88°00'00" West 37.00 feet to the point of beginning.

AND

102 South Main Street also known as Lot 44 in Block 121 Riley and Armstrong Survey City of Eureka Springs, Arkansas, together with the alley lying South of said Lot 44 between Block 121 and Block 120 extending from Main Street to Chestnut Street: ALSO described as beginning at the Northwest corner of said Lot 44 Block 121; thence South 50 feet to an iron stake; thence East 80 feet to Chestnut Street; thence North 50 feet; thence West 80 feet to Point of Beginning, being a strip of land 50 feet wide extending from Main Street to Chestnut Street.

WHEREAS, a hearing was held before the Planning Commission of the City of Eureka Springs, Arkansas, on April 14, 1994, on the rezoning of the first tract of land

described hereinabove, and a hearing was held before said Planning Commission of the City of Eureka Springs, Arkansas, on May 12, 1994, on the rezoning of the second tract of land described hereinabove, and said Planning Commission recommended approval of the rezoning of the above described lands; and

WHEREAS, notice that a public hearing would be conducted by the Planning Commission of the City 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, and it was ascertained that it would be in the best interest of the City of Eureka Springs for the aforesaid lands to be developed according to the uses established in the C-1, Victorian Commercial portion of the Eureka Springs zoning code,

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY 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 classification of R-1, Victorian Residential, and substituting therefore the land use classification of C-1, Victorian Commercial, for all of the heretofore described land.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be recorded in the Deed Records of the

Ex-Officio Recorder in and for the Western District of
Carroll County, Arkansas.

Section 3: The provisions of this Ordinance are hereby
declared to be severable. In the event that any part of
this Ordinance shall be held to be unenforceable or invalid
by a court of competent jurisdiction, such holding shall not
render the remainder of this Ordinance to be unenforceable
or invalid.

Section 4: All ordinances and parts of ordinances,
resolutions and parts of resolutions and minute orders in
conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall be in full force and
effect from and after its passage, approval and publication.

PASSED AND ORDAINED BY THE CITY OF EUREKA SPRINGS,
ARKANSAS, ON THIS 14th DAY OF JUNE, 1994.

APPROVED:

Louise O. Berry
Louise Berry, Mayor

ATTEST:

Juanita S. Barner
Juanita S. Barner, City Clerk

(Seal of the City)