

ORDINANCE #1627

AN ORDINANCE VACATING A PORTION OF FRITZ STREET

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 23rd day of August, 1994, to vacate and abandon the hereinafter described portion of Fritz Street, R & A Survey to the City of Eureka Springs, Arkansas; and

WHEREAS, after due notice has 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 Fritz Street has heretofore not been used by the public for more than five (5) years since these parcels were platted and is not necessary for public use; that petitioner and ^{Ms. Tom Weber} ~~the City of Eureka Springs~~ 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 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 Bill C. Wilson excepting any utility easements which might be involved now or in the future, to the following described lands:

A part of Fritz Street that lies between and adjoins Lots 8 and 9, Block 76 and Lots 8 and 9, Block 77, Riley and Armstrong Survey, in the City of Eureka Springs, Arkansas

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

Section 4. Consideration for this vacation shall be in the amount of \$200.

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

APPROVED:

Louise O. Berry, Mayor

ATTEST:

City Clerk/Treasurer

Tues, Aug. 23, 1994
9 a.m.

TO: Mayor and City Council of the City of Eureka Springs, AR.
PETITION TO VACATE

This petition is hereby submitted to the Mayor and City Council of the City of Eureka Springs, Arkansas, by Bill C. Wilson, and his petition states:

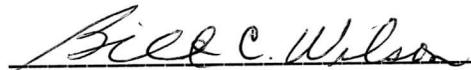
1. That he is the owner of the following described property as shown on the R & A Survey of the City of Eureka Springs, Arkansas, which abuts and adjoins the portion of Fritz Street sought to be vacated herein, to wit:

A strip of ground 35 feet wide (East and West) by 76 feet deep (North and South) off the East side of Lots 8 and 9, Block 76, Riley and Armstrong Survey, in the City of Eureka Springs, Arkansas.

2. That the City of Eureka Springs is the owner of a small strip of land which is the portion of Fritz Street sought to be vacated herein; said strip adjoins Lots 8 and 9, Block 76 on the West side of Fritz Street and Lots 8 and 9, Block 77 on the East side of Fritz Street, as presently situated. That the Petitioner requests the City of Eureka Springs to convey any interest the City may have in this small strip to petitioner, subject to reservation of utility/sidewalk easements to the City of Eureka Springs over and across said lands, for the purpose of construction and maintenance of utility lines or sidewalks, present and future.

3. That the portion of Fritz Street above described and sought to be vacated is not presently open, and has not been used as a street for more than ten (10) years last past; and has not actually been used by the public generally for a period of more than ten (10) years.

4. That it is the petition of the undersigned person that the above described portion of Fritz Street be conveyed by the City of Eureka Springs to the adjoining landowner of Lots 8 and 9, Block 76, namely Bill C. Wilson, with the consent and approval of the owner of Lots 8 and 9, Block 77, namely Ms. Jan Weber. It is the petitioner's request that the City Council of the City of Eureka Springs, Arkansas, pass an Ordinance vacating the above described portion of Fritz Street and vesting the simple title there-to in the abutting landowner of Lots 8 and 9, Block 76, as petitioned.



Bill C. Wilson, Petitioner
9 Summit Street, Eureka Springs, AR 72632

To: The City Council of Eureka
Springs Arkansas.

as owner of Lots 8 and 9
Block 77 of The Riley and Armstrong
Survey of The City of Eureka
Springs, I have read, and agree,
with The Petition To Vacate
Requested By Bill C. Wilson

Jan Jacob Weber