

ORDINANCE NO. 1668

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE  
CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, on the 13th day of February, 1995, there was presented to the County Court of Carroll County, Arkansas, a proper petition asking that certain real estate adjacent and contiguous to the City of Eureka Springs, Arkansas, be annexed to the City of Eureka Springs, Arkansas. The real estate is described as follows:

A tract of land situated in a portion of the North Half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 14, Township 20 North, Range 26 West, Western District, Carroll County, Arkansas, more particularly described as follows: Beginning at the Northwest corner of the herein described tract from which the Southwest corner of the North Half of the Northeast Quarter of the Southeast Quarter bears South 00°12'33" West, 264.00 feet; thence leaving said point of beginning South 87°41'34" East, 990 feet; thence South 00°12'33" West 264.00 feet; thence North 87°41'34" West 823.74 feet to the centerline of Passion Play Road, said point being on a curve having a radius of 315.30 feet; thence along said curve to the left, 239.59 feet; thence North 00°12'33" East, 105.51 feet to the point of beginning, containing 5.613 acres, more or less, and being SUBJECT TO easements and rights-of-way of record.

The above described real property is shown as Tract A on plat of survey prepared by Donald M. Schauber, Licensed Surveyor, filed for record in Plat Cabinet "C", Slide 69 in the Office of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

WHEREAS, on the 21st day of March, 1995, the County Court of Carroll County, Arkansas, found that the statutory requirements with reference to annexation had been complied

with in full; that the petition and plat were in proper form and that the notices required by law had been properly given and on that date entered an order annexing the said real estate to the City of Eureka Springs, Arkansas.

WHEREAS, according to the statutes of the State of Arkansas, said order was recorded by the County Clerk in County Record Book 14 at Pages 457-459, and no further action was taken for a period of thirty (30) days; that at the end of thirty (30) days, no protests of any sort by anyone had been filed against the action of the County Court therein.

WHEREAS, on the 26th day of April, 1995, certified copies of the original order and the order confirming the annexation were filed with the City Clerk of the City of Eureka Springs, Arkansas.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1: The above described real estate located in Carroll County, Arkansas, is hereby declared annexed to and incorporated into the City of Eureka Springs, Arkansas; that the map of said annexed territory attached to the certified copies of the order of annexation is hereby declared the map of the said annexed territory; that the said real estate is hereby declared to be in Ward 3 and all the inhabitants of the said annexed territory are declared to be citizens of Eureka Springs, Arkansas, and are entitled to all the

rights, privileges and benefits of the other citizens of the City of Eureka Springs, Arkansas.

Section 2: The City Council of the City of Eureka Springs, Arkansas, has found it to be essential to the health, safety and welfare of the City that Ordinance No. 1668 take force and effect without delay. Therefore, an emergency is declared to exist, and Ordinance No. 1668 shall be in full force and effect from and after its passage.

PASSED, ORDAINED AND DECLARED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, on this 11<sup>th</sup> day of July, 1995.

APPROVED:

Barbara A. O'Harris  
Barbara A. O'Harris  
Mayor

ATTEST:

Mary Ann Lee  
Mary Ann Lee  
City Clerk

IN THE COUNTY COURT OF CARROLL COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION OF  
CERTAIN TERRITORY TO THE CITY OF  
EUREKA SPRINGS, ARKANSAS

NO. C-95-2

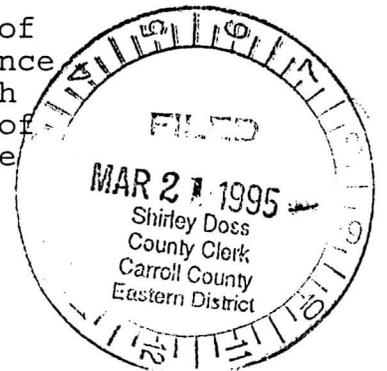
ORDER

On this 31<sup>ST</sup> day of March, 1995, is presented to the Court the Petition of the petitioners to annex to and make a part of the City of Eureka Springs, Carroll County, Arkansas, certain lands. From consideration of said Petition and other matters before the Court, the Court doth find as follows:

1. That the petitioner is owner of land contiguous to the incorporated City of Eureka Springs, Western District, Carroll County, Arkansas. That as Bishop of the Catholic Diocese of Little Rock he owns one hundred percent (100%) of the acreage affected by this Petition.

2. That the petitioner has petitioned to annex the following contiguous lands to the incorporated City of Eureka Springs, Carroll County, Arkansas; said lands being more particularly described as follows, to-wit:

A tract of land situated in a portion of the North Half of the Northeast Quarter of the Southeast Quarter (N½ NE¼ SE¼) of Section 14, Township 20 North, Range 26 West, Western District, Carroll County, Arkansas, more particularly described as follows: Beginning at the Northwest corner of the herein described tract from which the Southwest corner of the North Half of the Northeast Quarter of the Southeast Quarter bears South 00°12'33" West, 264.00 feet; thence leaving said point of beginning South 87°41'34" East, 990 feet; thence South 00°12'33" West 264.00 feet; thence North 87°41'34" West 823.74 feet to the centerline of Passion Play Road, said point being on a curve



CERTIFICATE

STATE OF ARKANSAS }  
County of Carroll } ss.

I, Shirley Doss County and Probate Clerk in and for the County and State aforesaid, do hereby certify that the foregoing instrument in writing is a true and correct copy of the original Annexation Order as recorded in Book 14, Page 457-459 in my office at Berryville, Arkansas.

Given under my hand and seal this 24 day of April, 1995

Shirley Doss

having a radius of 315.30 feet; thence along said curve to the left, 239.59 feet; thence North 00°12'33" East, 105.51 feet to the point of beginning, containing 5.613 acres, more or less, and being SUBJECT TO easements and rights-of-way of record.

The above described real property is shown as Tract A on plat of survey prepared by Donald M. Schauber, Licensed Surveyor, filed for record in Plat Cabinet "C", Slide 69 in the Office of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

3. That an accurate map of said lands sought to be annexed to the incorporated City of Eureka Springs, Carroll County, Arkansas, is attached to the Petition filed in this matter.

4. That after publication of notice of a hearing on the Petition in a newspaper of general circulation in the County once a week for three consecutive weeks, said hearing was held on March 21, 1995, at 9:30 A.M., in the Western District Courthouse, Eureka Springs, Arkansas, before the County Court of Carroll County, Arkansas.

5. That this Court is satisfied that the allegations of the Petition are sustained by proof admitted at said hearing, and that the requirements for signatures of more than one-half of the landowners of the property affected by the Petition have been met. Further, this Court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map thereof made and filed, and that the prayer of this petitioner is right and proper.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the Petition to annex the above described territory be and the same is hereby granted.

  
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County Judge