

ORDINANCE NO. 1679

AN ORDINANCE VACATING PARTS OF COUNCIL STREET IN BLOCK 204 AND PART OF CARROLL AVENUE LYING BETWEEN BLOCK 203 AND BLOCK 199 IN THE R & A SURVEY TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 26th day of September, 1995, asking the City Council to vacate the portions of Council Street and Carroll Avenue in the City of Eureka Springs, Arkansas, more particularly described as follows:

- A. That part of Council Street described more particularly as commencing at the Southeast corner of Lot 5, Block 204, R & A Survey; thence east extending the lot line between Lots 4 and 5 a distance of 3.7 feet; thence North parallel with the east lot line of Lot 5 to a point 3.7 feet East of the Northeast corner of Lot 5; thence West 3.7 feet to the Northeast corner of Lot 5; thence South along the lot line to the point of beginning.
- B. That part of Council Street commencing at the Southeast corner of Lot 2, Block 204; thence in an Easterly direction 2.8 feet following the lot line; thence in a Northerly direction parallel with the east line of Lot 2, 40 feet to a point 2.8 feet from the Northeast corner of Lot 2; thence 2.8 feet to the Northeast corner of Lot 2; thence in a Southerly direction along the lot line to the point of beginning.
- C. That part of Carroll Avenue lying between Block 203 on the North and Block 199 on the South, all in the R & A Survey to the City of Eureka Springs, Arkansas.

WHEREAS, after due notice 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 portions of streets hereinabove described have heretofore been dedicated to the public use as streets but have never been actually used by the public for street purposes; that the petitioner is the owner of all adjacent lots; and that public interest and welfare will not be adversely affected by the abandonment of the portions of streets.

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

Section 1: The City of Eureka Springs, Arkansas, releases, vacates and abandons all its rights, together with the rights of the public generally, in and to the portions of streets designated as follows:

- A. That part of Council Street described more particularly as commencing at the Southeast corner of Lot 5, Block 204, R & A Survey; thence east extending the lot line between Lots 4 and 5 a distance of 3.7 feet; thence North parallel with the east lot line of Lot 5 to a point 3.7 feet East of the Northeast corner of Lot 5; thence West 3.7 feet to the Northeast corner of Lot 5; thence South along the lot line to the point of beginning.
- B. That part of Council Street commencing at the Southeast corner of Lot 2, Block 204; thence in an Easterly direction 2.8 feet following the lot line; thence in a Northerly direction parallel with the east line of Lot 2, 40 feet to a point 2.8 feet from the Northeast corner of Lot 2; thence 2.8 feet to the Northeast corner of Lot 2; thence in a Southerly direction along the lot line to the point of beginning.
- C. That part of Carroll Avenue lying between Block 203 on the North and Block 199 on the South, all in the R & A Survey to the City of Eureka Springs, Arkansas.

Section 2: 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 3: All ordinances and parts of ordinances, resolutions and parts of resolutions and minute orders in conflict with this Ordinance are hereby repealed.

Section 4: This Ordinance shall take effect and be in force and effect from and after its passage.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 24th DAY OF October, 1995.

APPROVED:

Barbara O'Harris
Barbara O'Harris, Mayor

ATTEST:

Mary Ann Lee
Mary Ann Lee, City Clerk

PETITION TO VACATE

TO: THE CITY COUNCIL OF EUREKA SPRINGS
Arkansas

Comes now the Albert Harp Revocable Trust u/d/t
November 6, 1991, Laddie Joe Harp, Successor Trustee, and
for its petition, states:

1. The petitioner is the owner of three houses
located on Council Street in the City of Eureka Springs,
Arkansas. Each of the houses was constructed in its present
location before 1927. Each of the houses to some degree
encroach on a city street. In turn, a city street
encroached on property owned by the petitioner.

2. The petitioner requests the city vacate the
following described portions of street, to-wit:

- A. That part of Council Street described more particularly as commencing at the Southeast corner of Lot 5, Block 204, R & A Survey; thence east extending the lot line between Lots 4 and 5 a distance of 3.7 feet; thence North parallel with the east lot line of Lot 5 to a point 3.7 feet East of the Northeast corner of Lot 5; thence West 3.7 feet to the Northeast corner of Lot 5; thence South along the lot line to the point of beginning.
- B. That part of Council Street commencing at the Southeast corner of Lot 2, Block 204; thence in an Easterly direction 2.8 feet following the lot line; thence in a Northerly direction parallel with the east line of Lot 2, 40 feet to a point 2.8 feet from the Northeast corner of Lot 2; thence 2.8 feet to the Northeast corner of Lot 2; thence in a Southerly direction along the lot line to the point of beginning.
- C. That part of Carroll Avenue lying between Block 203 on the North and Block 199 on the South, all in the R & A Survey to the City of Eureka Springs, Arkansas.

3. That said portions of streets have never been used for street purposes; that same are not needed for street purposes and should be vacated by the City Council of Eureka Springs, Arkansas.

4. A house has been located on each of the above described parcels since before 1927.

5. The petitioner is the owner of all adjacent lots and no other property owner has any financial interest in this proceeding.

6. Council Street, in fact, encroaches on parts of Lots 9, 10 and 11, Block 203, R & A Survey to the City of Eureka Springs, AR 72632. The petitioner is the present owner of these lots and it and its predecessors in title have been paying the taxes on these lots for more than fifty (50) years. The petitioner is ready, willing and able to convey by quitclaim deed to the City of Eureka Springs those parts of Lots 9, 10 and 11, Block 203, over which Council Street presently exists.

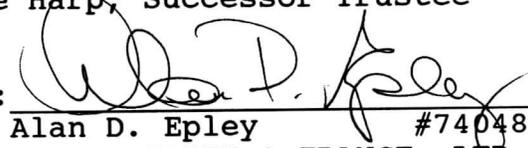
WHEREFORE, it is petitioner's request that the following action be taken:

- A. 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 streets should be vacated by the City of Eureka Springs, Arkansas;
- B. That the City Council of the City of Eureka Springs, Arkansas, at the designated time, pass an

ordinance vacating the above described portions of streets and vesting the fee simple title thereto in the petitioner, as petitioned.

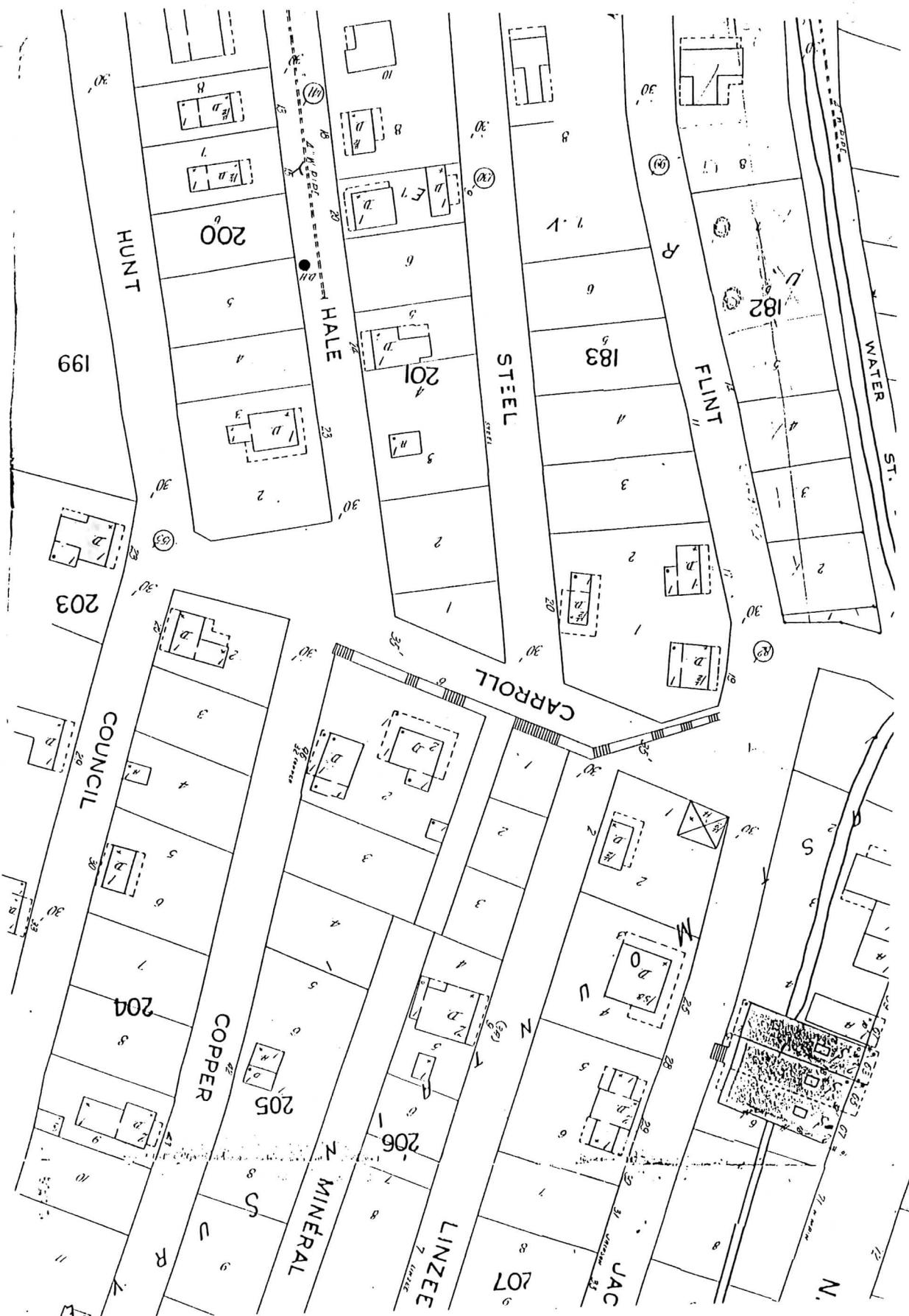
ALBERT HARP REVOCABLE TRUST
u/d/t November 6, 1991, Laddie
Joe Harp, Successor Trustee

BY:



Alan D. Epley #74048
EPLEY, EPLEY & FRANCE, LTD.
P. O. Drawer 470
Eureka Springs, AR 72632

Attorney for Petitioner

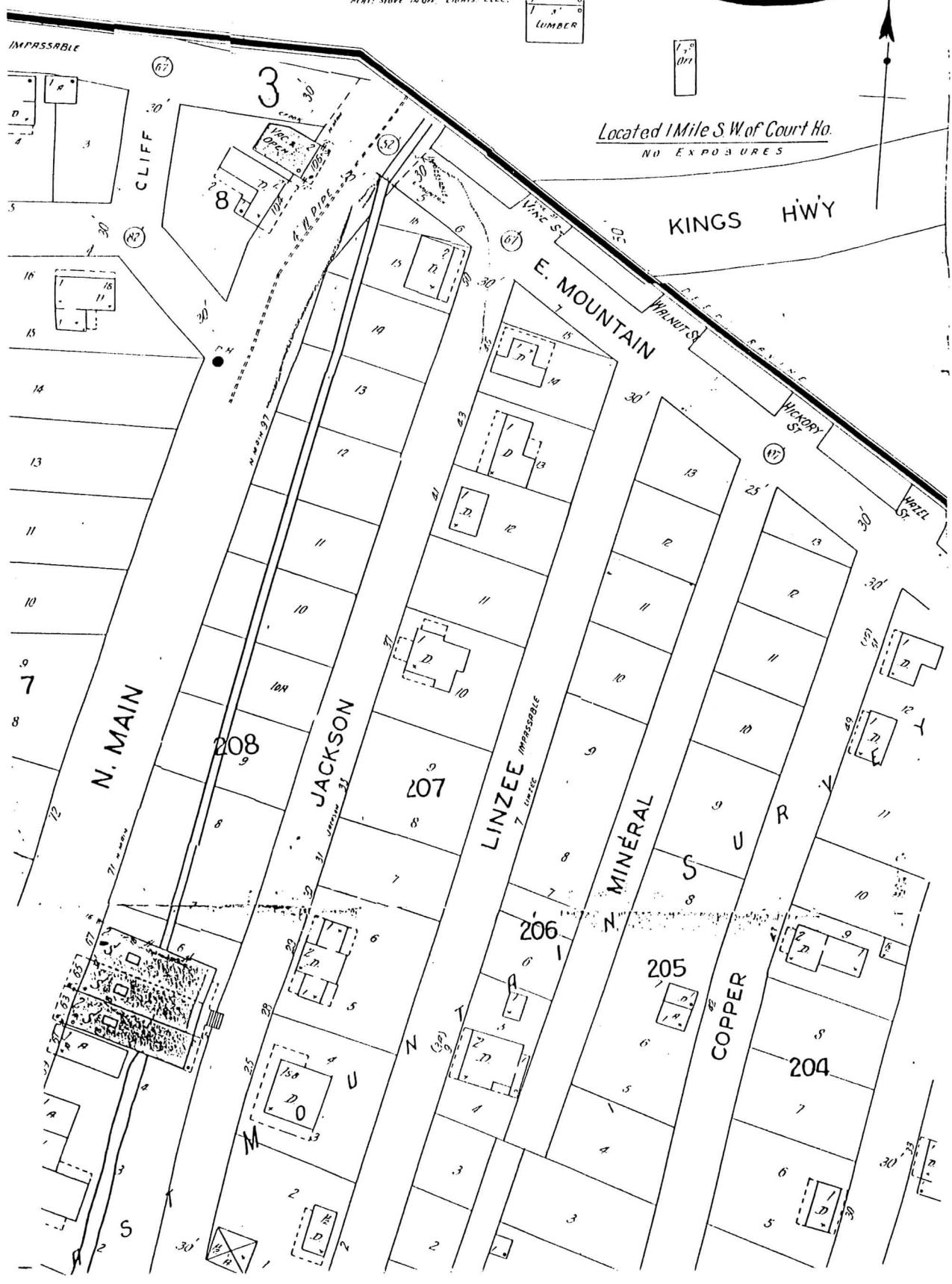


2 Sanburn map Co.

Oct. 1923
EUREKA SPRINGS
ARK.

BULLOCK MFG CO.
PLANING MILL & LUMBER YARD
MORT WAREHOUSE NAIL CLINK POWER OIL ETC.
MATERIAL STORE IN OIL LIGHTS ELEC.

Located 1 Mile S W of Court Ho.
NO EXPOSURES



PARKING AREA

EDGE OF EXISTING PAVEMENT

COUNCIL STREET

N 00°32'30" E 157.37'
N 04°21'00" W 232.28'
NOBLE STREET

WILSON OR

CARRO

COPPER STREET

204

BLOCK

2

3

4

5

6

203

BLOCK

2

3

4

5

6

7

8

9

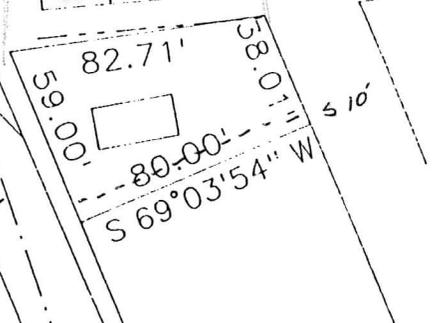
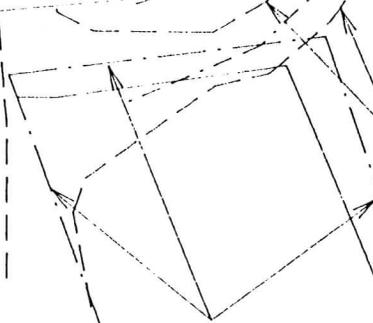
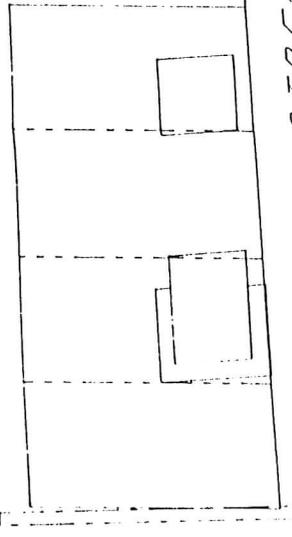
10

11

DRAINAGE CONSTRUCTION AREA

SCHAUBER SURVEY LINES

EXISTING EDGE O



NO PARKING

5 10'

82.71'
59.00'
80.00'
110.85'

FIELD SURVEY OF EXISTING PAVEMENT LOCATION
LINES 203 & 204, COUNCIL STREET, EUREKA
COUNTY, ARKANSAS.

NUE

- ▲ = FOUND MONUMENT
- = FOUND STONE CORNER MARK
- = FOUND IRON PIN / PIPE
- ⊠ = FENCE CORNER POST
- = SET 1/2" REBAR PIN
- x-x-x- = FENCE LINE

I do hereby certify that I have surveyed

