

ORDINANCE NO. 1687

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11/09/95

AN ORDINANCE VACATING A PART OF DOUGLAS STREET IN BLOCK 143 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 12th day of December, 1995, asking the City Council to vacate the portion of Douglas Street in the City of Eureka Springs, Arkansas, more particularly described as follows:

A portion of Douglas Street, in the City of Eureka Springs, Arkansas, abutting Lot 15, and a portion of Lot 14, and a portion of Lot 16, Block 143, Riley and Armstrong Survey, shown as Tract 2, on survey filed in Survey Plat Cabinet "C", Slide 140, for Martha Brown, in October, 1993, and being more particularly described as follows: Beginning at the northwest corner of said Tract 2, a $\frac{1}{2}$ " rebar pin, set on said survey, thence along the East Right-of-Way of Douglas Street, S $14^{\circ} 19' 27''$ E 83.39 feet, to a $\frac{1}{2}$ " rebar pin, set on said survey, the southwest corner of said Tract 2, thence leaving said Right-of-Way, and along an extension of the south line of said Tract 2, S $86^{\circ} 02' 13''$ W 23.81 feet, to a $\frac{1}{2}$ " rebar pin, set on said survey, being 3 feet east of the east edge of the existing pavement, thence along a line parallel to the east edge of said pavement, N $13^{\circ} 06' 02''$ W 28.68 feet, N $2^{\circ} 44' 43''$ E 55.01 feet, to a point on an extension of the north line of said Tract 2, thence along said line, S $86^{\circ} 27' 21''$ E 7.00 feet, to the Point of Beginning, containing 1480.6410 square feet.

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 portion of Douglas Street hereinabove described has heretofore been dedicated to the

public use as a street but has never been actually used by the public for street purposes; that the petitioner, Larry W. Davis, and Martha Brown and John Mitchell are the owners of all adjacent lots; and that public interest and welfare will not be adversely affected by the abandonment of the portion of Douglas 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, releases, vacates and abandons all its rights, together with the rights of the public generally, in favor of Larry W. Davis, a single person, John Mitchell, a single person, and Martha Brown, a single person, as their interests may appear, in and to the portion of Douglas Street designated as follows:

A portion of Douglas Street, in the City of Eureka Springs, Arkansas, abutting Lot 15, and a portion of Lot 14, and a portion of Lot 16, Block 143, Riley and Armstrong Survey, shown as Tract 2, on survey filed in Survey Plat Cabinet "C", Slide 140, for Martha Brown, in October, 1993, and being more particularly described as follows: Beginning at the northwest corner of said Tract 2, a $\frac{1}{2}$ " rebar pin, set on said survey, thence along the East Right-of-Way of Douglas Street, S $14^{\circ} 19' 27''$ E 83.39 feet, to a $\frac{1}{2}$ " rebar pin, set on said survey, the southwest corner of said Tract 2, thence leaving said Right-of-Way, and along an extension of the south line of said Tract 2, S $86^{\circ} 02' 13''$ W 23.81 feet, to a $\frac{1}{2}$ " rebar pin, set on said survey, being 3 feet east of the east edge of the existing pavement, thence along a line parallel to the east edge of said pavement, N $13^{\circ} 06' 02''$ W 28.68 feet, N $2^{\circ} 44' 43''$ E 55.01 feet, to a point on an extension of the north line of said Tract 2, thence along said line, S 86°

27' 21" E 7.00 feet, to the Point of Beginning, containing 1480.6410 square feet.

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 _____ DAY OF _____, 1995.

APPROVED:

Barbara O'Harris, Mayor

ATTEST:

Mary Ann Lee, City Clerk