

ORDINANCE NO. #1690

AN ORDINANCE VACATING ALLEYS IN BLOCK FOUR (4) AND A PART OF GLENN AVENUE, ALL LOCATED IN FREEMAN'S ADDITION 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 11th day of January, 1996, asking the City Council to vacate the following described alleys and a portion of Glenn Avenue all located in Freeman's Addition to the City of Eureka Springs, Arkansas, more particularly described as follows:

All of the alleys running North and South and East and West, including the intersection thereof, in or over Block Four (4), in Freeman's Addition to the City of Eureka Springs; and a strip of ground lying on the South side of Lots Three (3) and Four (4) on Glenn Avenue, Freeman's Addition to the City of Eureka Springs, and described more particularly as follows, to-wit: Commencing at the Southeast corner of Lot Four (4) in Block Four (4); thence West one hundred and fifty-six (156) feet, along the South side of Lot Four (4) and Lot Three (3), said point being forty (40) feet West of the Southeast corner of Lot Three (3) in Block Four (4); thence in a Southeasterly direction to a point six (6) feet South of the Southeast corner of Lot Three (3), in Block Four (4); thence East one hundred and sixteen (116) feet; thence North six (6) feet to the place of beginning, situated in Freeman's Addition to the City of Eureka Springs.

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 alleys and portion of Glenn Avenue 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 petitioners, Richard Edward Nickleson and Renate Anna Nickleson, husband and wife, are the sole owners of all real property which abuts and adjoins the above described alleys and are the sole owners (other than the City of Eureka Springs) of all real property which abuts and adjoins the above described portion of Glenn Avenue; and that public interest and welfare will not be adversely affected by the abandonment of the alleys or the portion of Glenn Avenue as described herein.

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 Richard Edward Nickleson and Renate Anna Nickleson, husband and wife, in and to the alleys and the portion of Glenn Avenue described as follows:

All of the alleys running North and South and East and West, including the intersection thereof, in or over Block Four (4), in Freeman's Addition to the City of Eureka Springs; and a strip of ground lying on the South side of Lots Three (3) and Four

(4) on Glenn Avenue, Freeman's Addition to the City of Eureka Springs, and described more particularly as follows, to-wit: Commencing at the Southeast corner of Lot Four (4) in Block Four (4); thence West one hundred and fifty-six (156) feet, along the South side of Lot Four (4) and Lot Three (3), said point being forty (40) feet West of the Southeast corner of Lot Three (3) in Block Four (4); thence in a Southeasterly direction to a point six (6) feet South of the Southeast corner of Lot Three (3), in Block Four (4); thence East one hundred and sixteen (116) feet; thence North six (6) feet to the place of beginning, situated in Freeman's Addition to the City of Eureka Springs.

Section 2: That the Mayor and City Clerk are hereby authorized and directed to execute a Quitclaim Deed to Richard Edward Nickleson and Renate Anna Nickleson, husband and wife, for the alleys and portion of Glenn Avenue as described in Section 1 of this Ordinance.

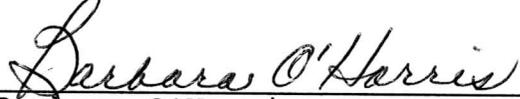
Section 3: The provisions of this Ordinance are hereby declared to be severable. In the event that any part of this Ordinance shall be held to be unenforceable or invalid by a Court of competent jurisdiction, such holding shall not render the remainder of this Ordinance to be unenforceable or invalid.

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 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 27th DAY OF FEBRUARY,
1996.

APPROVED:



Barbara O'Harris, Mayor

ATTEST:



Mary Ann Lee, City Clerk