

An Ordinance Establishing a City Park And Regulating the Supervision Thereof, And For Other Purposes:

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1: That Whereas on the 7th day of March, 1922, William G. Kappen and wife, deeded to the City of Eureka Springs, Arkansas, the following described tract of land, to-wit:

The Tract of Land conveyed by the Eureka Improvement Company to Interstate Summer Normal and Educational Assembly, on May 19, 1891, described as commencing at point 60 feet from the Northeast corner of Block 69 on a course North 72° 45' East; thence South 17° 15' East 267 feet; thence South 72° West 159 feet; thence South 17° 15' East 462 feet, thence North 72° 15' East 209½ feet; thence North 14° West 65.35 feet; thence North 12° West 100.61 feet; thence North 10° 30' West 102.34 feet; thence North 14° 15' East 110.51 feet; thence North 60° East 158.43 feet; thence North 53° 15' East 30 feet; thence North 83° East 20 feet; thence South 80° 15' East 41 feet; thence South 69° 45' East 40 feet; thence South 65° East 41 feet; thence South 63° 45' East 62 feet; thence North 134 feet; thence North 23° 45' West 308 feet; thence South 72° 45' West 487 feet to commencement, said tract containing 6.45 acres more or less, street car track and right-of-way reserved so long as used for said purpose.

And Whereas, said deed is of record in Deed Record Book 39 at page 345, of the deed records for the Western District of Carroll County, Arkansas, in the City of Eureka Springs.

That Whereas the purchase price of said lands was partially paid by the City of Eureka Springs, Arkansas, and by money obtained by the Womans Club of Eureka Springs, through a grant made by the Harmon Foundation of New York City, and under said grant it was provided that the land purchased should be used and dedicated as a City Park for said City of Eureka Springs, Arkansas.

That Whereas in the aforesaid deed no provision was made designating said tract as a City Park and Playground and under said deed no provision was made to protect the obligation made by the Womans Club to the Harmon Foundation to provide for the use of said tract as a Playground and park as aforesaid.

That Whereas under an oral agreement made between the City of Eureka Springs and the Womans Club that by accepting said grant on the part of the Womans Club the city of Eureka Springs would protect them under the obligations therein assumed by designating said tract as a City Park and playground.

That Whereas since 1922, the date said tract was deeded to the City, the Womans Club has had control over said tract and has used same as a playground under supervised direction, and during said period of time has expended a considerable amount of money toward the upkeep and improvement of said tract and under said agreement said Womans Club has a vested interest in said tract of land;

NOW THEREFORE BE IT FURTHER ORDAINED by the City Commissioners of the City of Eureka Springs, Arkansas; that said City under this Ordinance recognizes the vested interest of said Womans Club in said tract of land, and binds said City to forever use said tract as a City Park and Playground in the City of Eureka Springs and said City is forever prohibited from selling or disposing of said tract of ground for other purposes, without the agreement and consent of said Womans Club; provided that this agreement obligation on the part of said City shall exist so long as said Womans Club remains and

active organization in said City of Eureka Springs. Should said Club at any time become inactive or disbanded; then this obligation on the part of the City of Eureka Springs to become null and void. Be It Further Ordained that should the City dispose of said property by and with the consent of said Woman's Club; then in that event the City from the purchase price, if any is obtained in said sale, shall reimburse said Womans Club for the reasonable value of any improvements placed upon said tract by said Womans Club.

Section Three: All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this Ordinance shall become effective upon its passage and approval as provided by law.

Passed and approved this 26th day of September, 1951.

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Mayor

Attest:

City Clerk