

ORDINANCE NO. 830

AN ORDINANCE VACATING A PORTION OF PALO PINTO AVENUE AND A CERTAIN ALLEY IN FREEMAN'S ADDITION TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Commission of the City of Eureka Springs, Arkansas, on the 26th day of March, 1963, requesting the City Commission to vacate and abandon a portion of Palo Pinto Avenue and a certain alley, hereinafter described, as designated on the plat of Freeman's Addition to the City of Eureka Springs, Arkansas, as appearing in Ordinance Book 1 page 603 (Ordinance #330), in the office of the City Clerk and Recorder for said City; and as appearing of record in Book B at page 440 in the office of the Circuit Clerk and Recorder in and for the Eastern District of Carroll County, Arkansas; and as appearing on the official plat of the City of Eureka Springs, Arkansas, same being kept in the office of the Circuit Clerk and Recorder in and for the Western District of Carroll County, Arkansas.

WHEREAS, after due notices as required by law, the City Commission has, at the time and place mentioned in the notices, heard all persons desiring to be heard on the question and has ascertained that the alley and the portion of the avenue in question described as follows:

All that portion of Palo Pinto Avenue abutting and adjoining Lots 1 and 2, Block 3 and the alley running North and South between Lots 1 and 2, Block 3, all in Freeman's Addition to the City of Eureka Springs, Arkansas,

have not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat; that all of the owners of property abutting upon the portion of said street or alley to be vacated, have filed with the Commission their written consent to such abandonment; and that public interest and welfare will not be adversely affected by the abandonment of the above-described street and alley.

WHEREAS, the petition to vacate and abandon the above-described street and alley was filed by Kate Evans, an abutting property owner, in the time and manner as required by law.

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

SECTION 1. The City of Eureka Springs, Arkansas, hereby releases, vacates and abandons all its rights, together with the rights of the public generally,

in and to the portion of said street and alley described as follows:

All that portion of Palo Pinto Avenue abutting and adjoining Lots 1 and 2, Block 3 and the alley running North and South between Lots 1 and 2, Block 3, all in Freeman's Addition to the City of Eureka Springs, Arkansas.

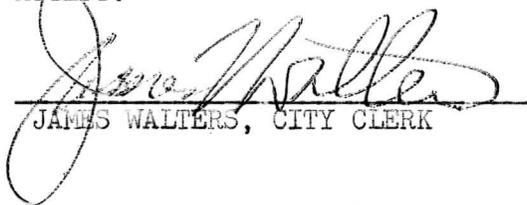
SECTION 2. A copy of the ordinance duly certified by the City Clerk shall be filed in the office of the recorder in and for the Western District of Carroll County, Arkansas and recorded in the deed records of the said County.

SECTION 3. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 11th day of April, 1963.

BY _____
ROY WALKER, MAYOR

ATTEST:



JAMES WALTERS, CITY CLERK

PETITION TO VACATE STREETS AND ALLEYS

TO THE CITY COMMISSION OF EUREKA SPRINGS, CARROLL COUNTY, ARKANSAS

Comes Kate Evans and for her petition requests and states:

1. That she is the record title owner of Lots 1 and 3, Block 3, in Freeman's Addition to the City of Eureka Springs, Arkansas.

2. That the portion of Palo Pinto Avenue abutting and adjoining Lots 1 and 2, Block 3, and the alley running North and South between Lots 1 and 2, Block 3, all in Freeman's Addition to the City of Eureka Springs, Arkansas, have never been used for street or alley purposes; that same are not needed for street or alley purposes and should be vacated by the City Commission of Eureka Springs, Arkansas.

3. That the street and alley requested to be vacated are not open and have not been used as streets and alleys for more than five (5) years past.

4. That the portion of Palo Pinto Avenue herein requested to be vacated is shown on the attached plat; and a certified copy of that portion of the said plat which shows said street and alley requested to be vacated is hereby attached and made a part of this petition.

5. That the City Commission of Eureka Springs, Arkansas vacate the above-described street and alley and vest the fee in the abutting land owners.

6. That the City Commission set a date and time at which time the said Commission shall hear and determine whether the street and alley so requested shall be vacated by the City of Eureka Springs, Arkansas.

Kate Evans

BY _____

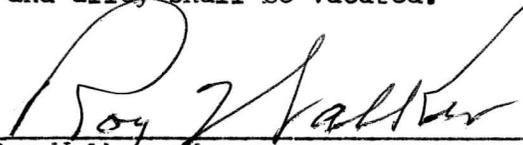
Lewis E. Epley, Jr.
Her Attorney

NOTICE

Public notice is hereby given that a petition ~~has been~~ ^{was} filed on March 26, 1963, by Miss Kate Evans, requesting that the following described street and alley be vacated by the City Commission of Eureka Springs, Arkansas, to-wit:

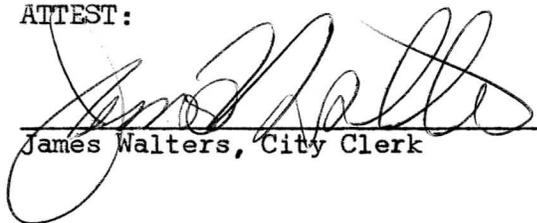
All that portion of Palo Pinto Avenue abutting and adjoining Lots 1 and 2, Block 3 and the alley running north and south between Lots land 2, Block 3, all in Freemans Addition to the City of Eureka Springs, Arkansas.

All interested persons are hereby advised that a public hearing will be held on the 11th day of April, 1963, at 3 P.M. in the ~~City Water Office~~ ^{office of the City Clerk}, at which time said petition will be acted upon and the City Commission will determine whether or not the said street and alley shall be vacated.



Roy Walker, Mayor

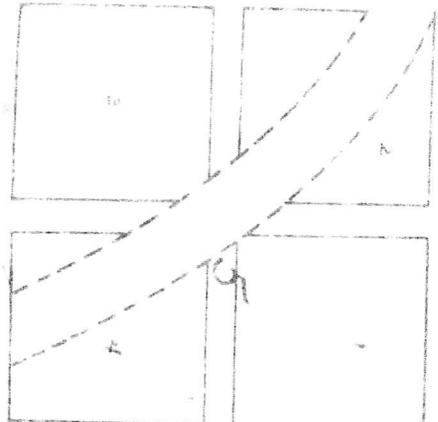
ATTEST:



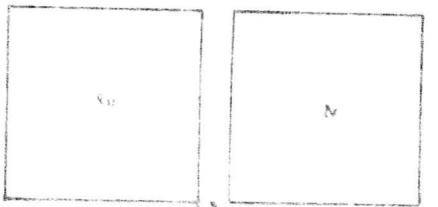
James Walters, City Clerk

CORPORATE MAP

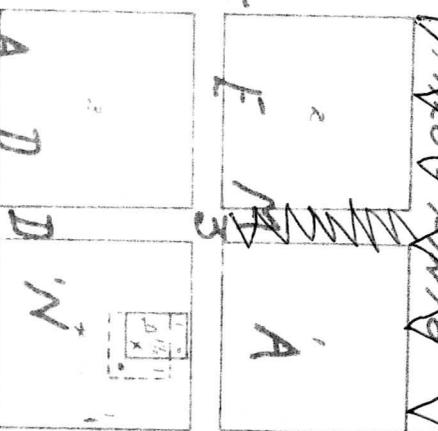
INDIANA ST



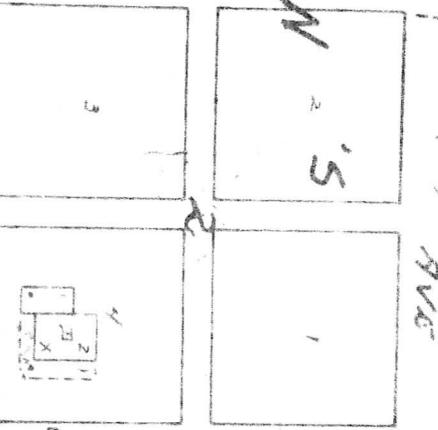
AVO ST



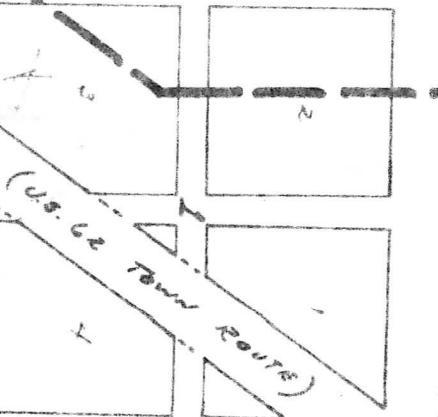
ALAMO ST



PAXOS ST



LEMA ST



OJO ST

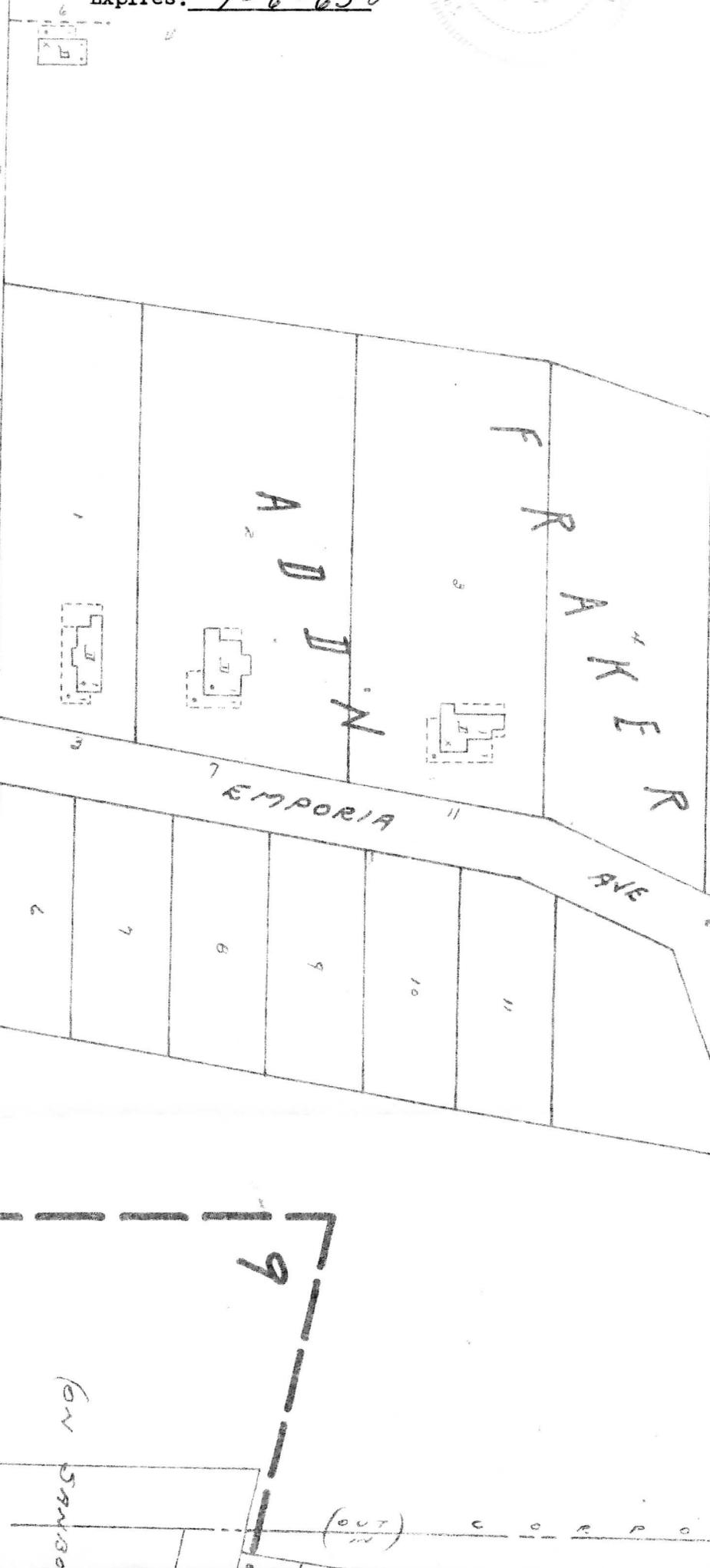
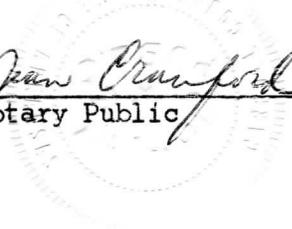
I hereby certify that the property described hereon is true and correct and that same is an accurate copy of this portion of the plat of the City of Eureka Springs, Arkansas.

[Handwritten Signature]

Subscribed and sworn to this 26th day of March, 1963.

My Commission Expires: 1-6-65

Nellie Jean Crawford
Notary Public



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(ON SANBORN

(OUT IN)

C O R P O

CONSENT OF ABUTTING PROPERTY OWNERS

TO: The City Commission of Eureka Springs, Arkansas.

KNOW ALL MEN BY THESE PRESENTS

That I/We the undersigned, do hereby give and place our consent in writing to the vacating of all that portion of Palo Pinto Avenue abutting and adjoining Lots 1 and 2, Block 3, Freeman's Addition to the City of Eureka Springs, Arkansas. This consent is given with the understanding that when said Avenue is vacated, one half of said Avenue will be conveyed to us.

Richard Boyd

Richard Boyd

Clara Boyd