

ORDINANCE NO. 831

AN ORDINANCE VACATING A CERTAIN ALLEY AND STREETS 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 21st day of March, 1963, requesting the City Commission to vacate and abandon a certain alley and portions of certain streets, hereinafter described, as designated on the plat of Freeman's Addition to the City of Eureka Springs, Arkansas, as appearing in Ordinance Book 1 at 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 streets in question described as follows:

All that portion of Lema Street abutting and adjoining Lot 3, Block 40; all of Ojo Street East of Lot 4, Block 40; and the alley running between Lots 3 and 4, Block 40, 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 alley and the portions of said streets 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 such alley and streets or portions of alley and streets.

WHEREAS, the petition to vacate and abandon the above-described alley and the portions of said streets was filed by Ida D. Beals, 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 alley and the portions of said streets described as follows:

All that portion of Lema Street abutting and adjoining Lot 3, Block 40; all of Ojo Street East of Lot 4, Block 40; and the alley running between Lots 3 and 4, Block 40, 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.

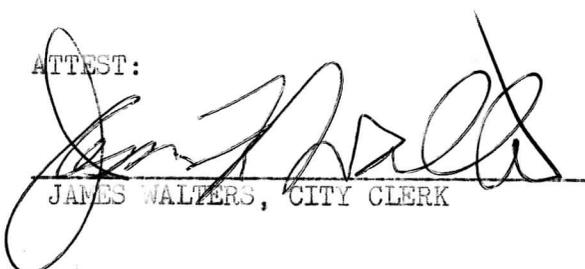
SECTION 3. This ordinance shall take effect and be in force from and after its passage.

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

BY


ROY WALKER, MAYOR

ATTEST:


JAMES WALTERS, CITY CLERK

I hereby certify that the property described (marked) hereon is a 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]

Notary Public

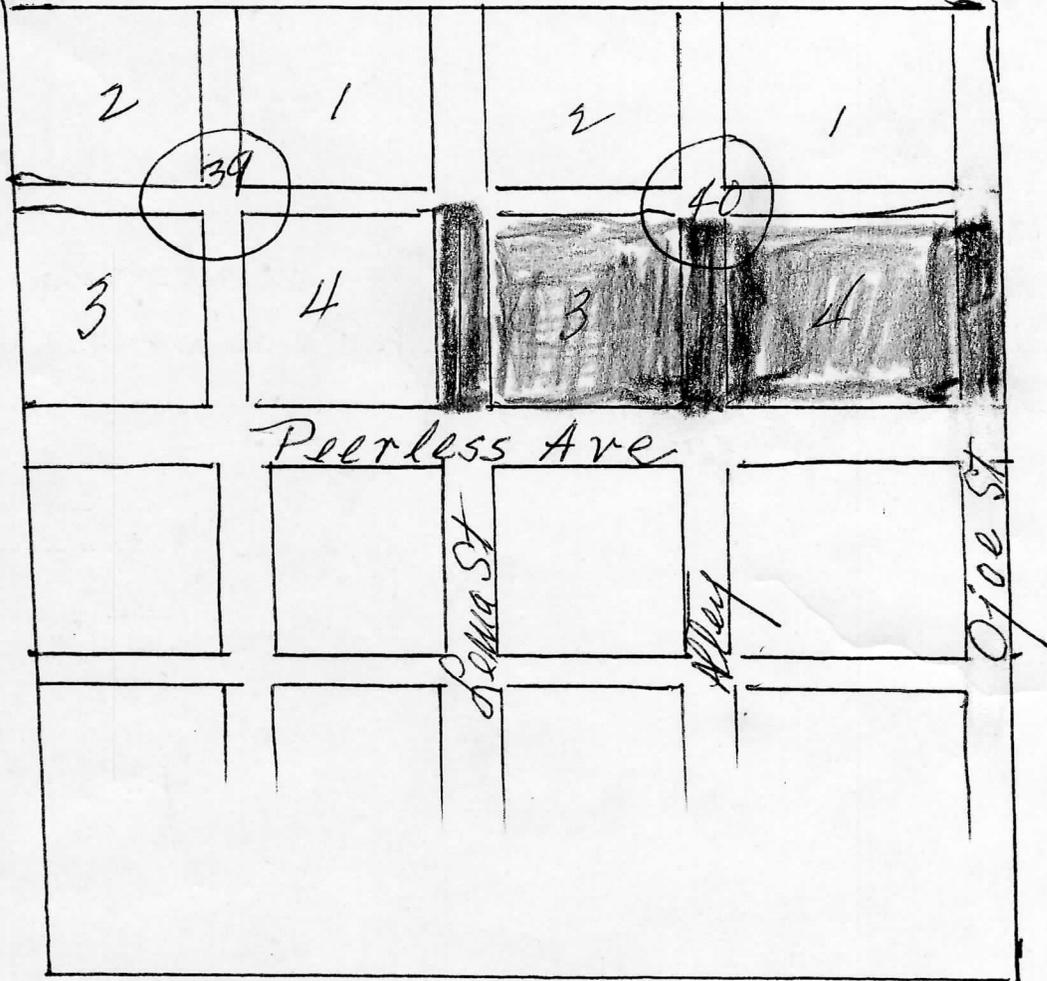
Subscribed and sworn to this 21st day of March, 1963

My Commission Expires:

January 6, 1965

Kellie Jean Crawford

Notary Public



NOTICE

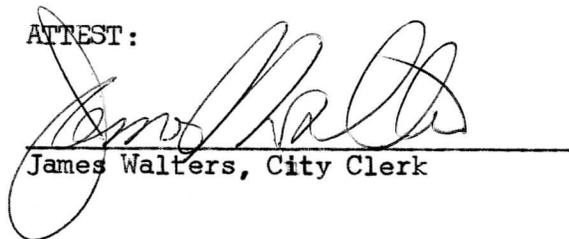
Public notice is hereby given that a petition was filed on March 21st, 1963, by Ida D. Beals, requesting that the following described streets and alley be vacated by the City Commission of Eureka Springs, Arkansas, ~~xxxxxx~~ to-wit:

All that portion of Lema Street abutting and adjoining Lot 3, Block 40; All of Ojoe Street east of Lot 4, Block 40; and the alley running between Lots 3 and 4, Block 40, all in Freemans Addition to the City of Eureka Springs, Arkansas.

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


Roy Walker, Mayor

ATTEST:


James Walters, City Clerk

CONSENT OF ABUTTING 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 closing of all that portion of Lema Street abutting and adjoining Lot 3, Block 40; All of Ojo Street east of Lot 4, Block 40; and the alley running between Lots 3 and 4, Block 40, all in Freeman's Addition to the City of Eureka Springs, Arkansas, as per the request of Ida D. Beals in her petition to the City Commission of Eureka Springs, Arkansas, to vacate and abandon the above-named streets and the above-described alley or a portion thereof.

That I/WE are abutting property owners to the streets and alley petitioned to be closed and that I/WE hereby enter our consent for said streets and alley or portions thereof as above described to be closed and vacated.

WITNESS my/our hand this 11th day of April, 1963.

Agnese Fleischmann

Subscribed and sworn to this 11th day of April, 1963.

[Signature]

My Commission Expires:

4-2-66

