

ORDINANCE NO. 832

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

WHEREAS, a petition was 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 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 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 in question or the portion thereof, described as follows:

Alley running East and West between Lots 1 and 2 and Lots 3 and 4,
Block 16, as per the plat of Freeman's Addition to the City of
Eureka Springs, Arkansas,

has 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 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 said alley.

WHEREAS, the petition to vacate and abandon the above-described alley or portion of alley was filed by Guy H. Wheeler, 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 described as follows:

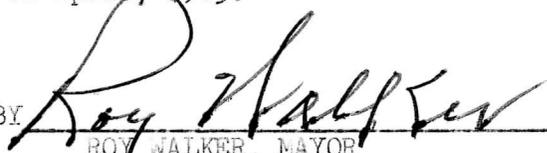
Alley running East and West between Lots 1 and 2 and Lots 3 and 4,
Block 16, as per the plat of Freeman's Addition to the City of
Eureka Springs, Arkansas.

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 Guy H. Wheeler and for his petition states and requests:

1. That he is the record title owner of Lots 3 and 4, Block 16, in Freeman's Addition to the City of Eureka Springs, Arkansas.

2. That the alley running East and West between Lots 1 and 2 and Lots 3 and 4, Block 16, Freeman's Addition to the City of Eureka Springs, Arkansas, has never been used for alley purposes; that same is not needed for alley purposes and should be vacated by the City Commission of Eureka Springs, Arkansas; that the alley requested to be vacated is shown on the attached plat; and a certified copy of that portion of the said plat which shows said alley requested to be vacated is hereby attached and made a part of this petition.

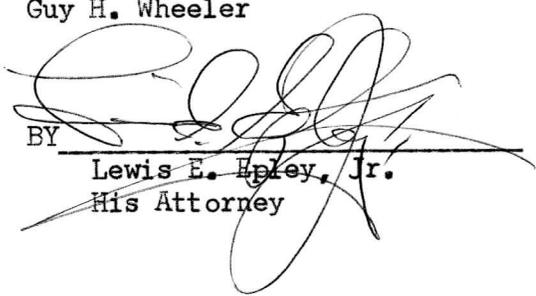
3. That the alley requested to be vacated is not open and has not been used as an alley for more than five (5) years past.

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

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

Guy H. Wheeler

BY


Lewis E. Epley, Jr.
His Attorney

I hereby certify that the property described (marked) 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.

[Signature]

Subscribed and sworn to this 26th day of March, 1963. *Nellie Jean Crawford*

My Commission Expires: *January 6, 1965* *Nellie Jean Crawford*
Notary Public



NOTICE

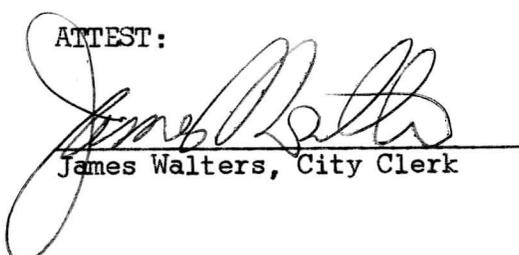
Public notice is hereby given that a petition was filed on March 26th, 1963 by Guy H. Wheeler, requesting that the following described alley be vacated by the City Commission of Eureka Springs, Arkansas, to-wit:

Alley running east and west between Lots 1 and 2 and Lots 3 and 4, Block 16 as per the plat of 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 will determine whether or not the said ~~skxxxx~~ 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 the alley running East and West between Lots 1 and 2 and Lots 3 and 4, Block 16, Freeman's Addition to the City of Eureka Springs, Arkansas, as per the request of Guy H. Wheeler in his petition to the City Commission of Eureka Springs, Arkansas, to vacate and abandon the above-described alley or a portion thereof.

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

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

Jillmar Morgan
Jo B. Morgan

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

Louise O. Berry
Notary Public

My Commission Expires:

9-1-63