

ORDINANCE NO. 833

AN ORDINANCE VACATING A PORTION OF MONTROSE STREET 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 Montrose Street, 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 street in question or the portion thereof, described as follows:

All that portion of Montrose Street lying between Lots 3 and 4, Block 18 and Lots 1 and 2, Block 23, being bounded on the East by U. S. Highway 62 (City Route) all in 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 portion of said street 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 street.

WHEREAS, the petition to vacate and abandon the above-described portion of said street was filed by Martha G. Roe, 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 street or the portion thereof described as follows:

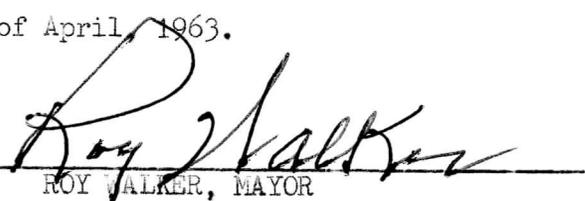
All that portion of Montrose Street lying between Lots 3 and 4, Block 18 and Lots 1 and 2, Block 23, being bounded on the East by U. S. Highway 62 (City Route) all in Freeman's Addition to the City of Eureka Springs, Arkansas.

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

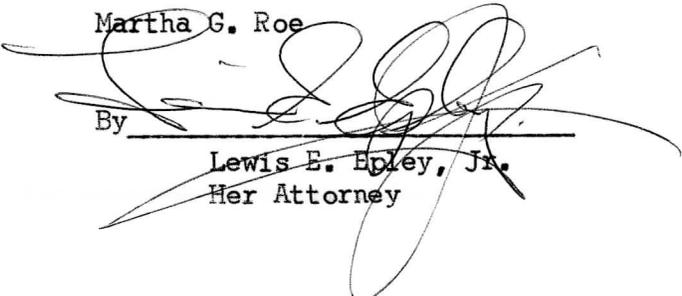
PETITION TO VACATE STREETS

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

Comes Martha G. Roe and for her petition states:

1. That she is the record title owner of Lots 3 and 4, Block 18 in Freeman's Addition to the City of Eureka Springs, Arkansas.
2. That the portion of Montrose Avenue lying between Lots 3 and 4, Block 18 and Lots 1 and 2, Block 23, being bounded on the East by U. S. Highway #62 (City Route), all being located in Freeman's Addition to the City of Eureka Springs, Arkansas, has never been used for street purposes; that same is not needed for street purposes and should be vacated by the City Commission of Eureka Springs, Arkansas.
3. That the street requested to be vacated is not open and has not been used as a street for more than five (5) years past.
4. That the portion of Montrose 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 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 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 so requested shall be vacated by the City of Eureka Springs, Arkansas.

Martha G. Roe

By 

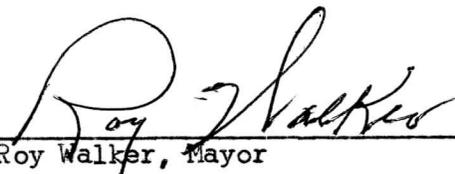
Lewis E. Epley, Jr.
Her Attorney

NOTICE

Public notice is hereby given that a petition was filed on March 26, 1963, by Martha G. Roe, requesting that the following described street be vacated by the City Commission of Eureka Springs, Arkansas, to-wit:

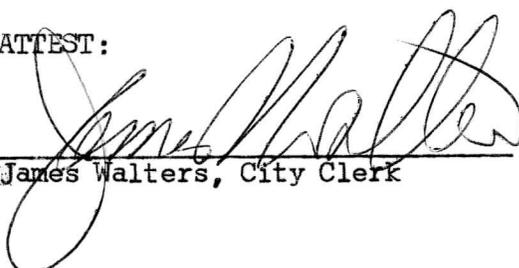
All that portion of Montrose ~~Street~~ ^{AVENUE} lying between Lots 3 and 4, Block 18 and Lots 1 and 2, Block 23, being bounded on the east by U. S. Highway 62 (City Route) ~~as~~ all in Freemans Addition to the City of Eureka Springs, Arkansas.

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 will determine whether or not the said street 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 Presence:

That I/WE the undersigned do hereby give and place our consent in writing to the closing of that portion of Montrose Avenue lying between Lots 3 and 4, Block 18 and Lots 1 and 2, Block 23, being bounded on the East by U. S. Highway #62 (City Route), all being located in Freeman's Addition to the City of Eureka Springs, Arkansas, as per the request of Martha G. Roe in her petition to the City Commission of Eureka Springs, Arkansas, to vacate and abandon the above named street or a portion thereof.

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

WITNESS my/our hand this 9th day of April, 1963.

Earl G. Howorth

Mrs. Earl G. Howorth