

ORDINANCE NO. 838

AN ORDINANCE VACATING A PORTION OF EUGENIA STREET AND CERTAIN ALLEYS IN BLOCKS 15 AND 16 ALL 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 22nd day of April, 1964, requesting the City Commission to vacate and abandon a portion of Eugenia Street and certain alleys in Block 15 and 16, 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 **and alleys** the question, and has ascertained that the street/in question or the portion thereof, described as follows:

That portion of Eugenia Street abutting and adjoining Lots 3 and 4, Block 15 and Lots 1 and 2, Block 16, and all the alleys abutting and adjoining Lots 1, 2, 3 and 4, Block 15, and Lots 1 and 2 Block 16 and all the intersections of the street and alleys heretofore described, 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 there are no owners of property abutting upon the portion of said street and alleys to be vacated other than the petitioners; and that public interest and welfare will not be adversely affected by the abandonment of said street **and alleys**.

WHEREAS, the petition to vacate and abandon the above-described portion of said street and alleys was filed by Tillman Morgan and Jo B. Morgan, who are the only abutting property owners, 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 I. 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 alleys and street or the portion thereof described as follows:

That portion of Eugenia Street abutting and adjoining Lots 3 and 4, Block 15 and Lots 1 and 2, Block 16, and all the alleys abutting and adjoining Lots 1, 2, 3 and 4, Block 15, and Lots 1 and 2 Block 16 and all the intersections of the street and alleys heretofore described, 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 1st day of May, 1964.

BY

Roy Walker
ROY WALKER, MAYOR

ATTEST:

Jan M. Bullock
JAN M. BULLOCK, CITY CLERK