

ORDINANCE NO. 849

AN ORDINANCE ACCEPTING A REPLAT OF A PORTION OF PEBBLES  
ADDITION TO THE CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, on the 3rd day of August, 1894, the governing body of the City of Eureka Springs, Arkansas, accepted by Ordinance No. 147, a plat that contained Peebles Addition to the City of Eureka Springs, Arkansas, said plat included as a part thereof the real estate described herein. Said plat of Peebles Addition as originally accepted was filed for record in the Office of the Circuit Clerk and Recorder in and for the Western District of Carroll County, Arkansas, and recorded in Deed Book H at Page 614.

AND WHEREAS, Lawrence Thurman subsequently purchased a portion of Peebles Addition as evidenced by a certain Warranty Deed recorded in Deed Record Book 60 at Page 335, and being more particularly described as follows, to-wit:

A part of the Southeast Quarter of the Southwest Quarter of Section Fifteen (15) in Township Twenty (20) North of Range Twenty-six (26) West, bounded as follows: Begin at Northeast corner; thence west 603 feet to a stake; thence south  $25\frac{1}{2}^{\circ}$  east, 221 feet to a Pine stake; thence north  $64^{\circ}$  west, 96 feet to a stake; thence south  $27^{\circ}$  west, 183 feet to a blazed White Oak; thence south  $45^{\circ}$  east, 42 feet to a stake; thence south  $50^{\circ}$  east, 67 feet to a stake; thence south  $75^{\circ}$  west, 130 feet to a stake; thence south  $21^{\circ}$  east, 180 feet to an Iron Pin at a 20 inch Oak Tree; thence south  $61\frac{1}{2}^{\circ}$  east to an Iron Pin on southeast side of Hamilton Street; thence south  $68^{\circ}$  east, 88 feet to an Iron Pin; thence south  $61^{\circ}$  east, 80 feet; thence south  $81^{\circ}$  east, 480 feet to east line of said  $SE\frac{1}{4}$   $SW\frac{1}{4}$  Sec. 15-20-26; thence north to line 770 feet to a point of beginning. Subject, however, to a passage right-of-way from north end of Hamilton Street to north line of said forty.

AND WHEREAS, it was subsequently determined by the said Lawrence Thurman that the lots as originally platted and contained within the above described tract were not suitable to obtain the best usage of said land for sub-division purposes,

AND WHEREAS, on the 18th day of January, 1962 the City Commission passed and approved Ordinance No. 818, said Ordinance being entitled "An Ordinance accepting a Replat of a Portion of Peebles Addition to the City of Eureka Springs, Arkansas". Said replat being designated as and covering Lots 1 to 5 inclusive, Block A, of the revised plat of Peebles Addition to said City,

AND WHEREAS, on the 18th day of October, 1962, the City Commission passed and approved Ordinance No. 828, said Ordinance being entitled "An Ordinance Accepting a Replat of a Portion of Peebles Addition to the City of Eureka Springs, Arkansas". Said replat being designated as continuation of Block A

of the Revised Plat of Peebles Addition to the City of Eureka Springs, Arkansas, as Lots 6 and 7, Block A, were added to said revised plat,

AND WHEREAS, the said Lawrence Thurman did on the 12<sup>th</sup> day of April, 1965, file with the City Clerk a plat which shows Lots 1 to 7 inclusive, Block A, Revised Plat of Peebles Addition as heretofore replatted and accepted by said City and in addition covers a replat of the remaining portion of the real estate owned by the said Lawrence Thurman in Peebles Addition, said real estate being described as follows, to-wit:

A part of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 15, Township 20 North, Range 26 West, Carroll County, Arkansas; more particularly described as follows:

Beginning at the NE Corner of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15; thence West 603.0 feet; thence South 25° 30' E 221.0 feet; thence North 64° 00' W 96.0 feet; thence South 28° 23' W 183.5 feet to a blazed White Oak; thence South 30° 28' E 45.2 feet; thence South 58° 50' E 67.0 feet; thence South 62° 10' W 129.2 feet; thence South 21° 14' E 180.4 feet; thence North 67° 25' E 168.1 feet; thence North 69° 36' E 155.0 feet; thence North 48° 26' E 50.0 feet; thence North 40° 40' E 75.0 feet; thence North 19° 12' E 140.5 feet; thence South 63° 57' E 25.2 feet to the NW Corner of Lot 7; thence East 217 feet, more or less; thence North 280 feet, more or less, to the point of beginning. Subject to the right-of-way of Hamilton Street as shown on plat.

That the replat as filed covers Lots 8 thru 14 inclusive, Block A, Revised Plat of Peebles Addition and is in full accordance with the Ordinance of the City of Eureka Springs, Arkansas, and same was accepted by the City Commission on the 12<sup>th</sup> day of April, 1965.

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

Section 1: That the replat of the following described portion of Peebles Addition to the City of Eureka Springs, Arkansas, to-wit:

A part of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 15, Township 20 North, Range 26 West, Carroll County, Arkansas; more particularly described as follows: Beginning at the NE Corner of said SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; Section 15; thence West 603.0 feet; thence S 25° 30' E 221.0 feet; thence North 64° 00' W 96.0 feet; thence S 28° 23' W 183.5 feet to a blazed White Oak; thence South 30° 28' E 45.2 feet; thence S 58° 50' E 67.0 feet; thence South 62° 10' W 129.2 feet; thence S 21° 14' E 180.4 feet; thence North 67° 25' E 168.1 feet; thence N 69° 36' E 155.0 feet; thence North 48° 26' E 50.0 feet; thence N 40° 40' E 75.0 feet; thence North 19° 12' E 140.5 feet; thence S 63° 57' E 25.2 feet to the NW Corner of Lot 7; thence East 217 feet, more or less; thence North 280 feet, more or less, to the point of beginning. Subject to right-of-way of Hamilton Street as shown on plat, be and is hereby accepted by the said City as a replat of that portion of Peebles Addition mentioned in this section, together with the streets and easements appertaining thereto.

That the real estate described in this Section be designated hereafter as a part of Block A of the Revised Plat of Peebles Addition to the City of Eureka Springs, Arkansas, and that the real estate described in this section shall be a continuation of the Revised Plat of Peebles Addition as accepted and approved on the 18th day of January, 1962.

Section 2: That all that portion of the original plat of Peebles Addition as described in Section 1, previously accepted by the City Commission on the 3rd day of August, 1894, under Ordinance #147, and recorded as above indicated,

is hereby cancelled and set aside and that the continuation replat filed herein shall become the true and correct plat of the portion of Peebles Addition as described in Section 1. That the continuation replat shall be designated as a part of Block A, of the Revised Plat of Peebles Addition to the City of Eureka Springs, Arkansas, and that the said continuation replat filed herein shall become the true and correct plat of Lots 8 thru 14, inclusive, of Block A in the said Peebles Addition as per the Revised Plat of Peebles Addition to the City of Eureka Springs, Arkansas.

Section 3: That a portion of College Street was erroneously shown on the first replat as accepted on January 18, 1962, by Ordinance #818, as it was subsequently determined by the completion of the survey of said Block A that a portion of College Street was not physically located on the ground as shown on the first replat as above designated; that the City Commission hereby vacates and abandons all the right, title and interest of the City of Eureka Springs, Arkansas, in and to the following described property, to-wit:

Begin at the NE Corner of Lot 3, Block A, Revised Plat of Peebles Addition to the City of Eureka Springs, Arkansas; thence N 65° 30' E 75 feet; thence North 26° 30' E 75 feet to the NE Corner of Lot 5; thence South 43° 02' W 76.4 feet; thence S 49° 51' West 65 feet to the point of beginning.

That the true and actual location of College Street shall be as shown on the plat of Block A, Revised Plat of Peebles Addition, accepted this date.

Section 4: That the Mayor and City Clerk are hereby authorized and directed to execute in the name of said City, a Quit Claim Deed covering the land described in Section 3 herein, to Carl L. Nichols and Virgie Nichols, husband and wife as tenants by the entirety, who are the record owners of Lots 4 and 5, Block A, Revised Plat of Peebles Addition.

Section 5: This ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 12<sup>th</sup> day of April, 1965.

CITY OF EUREKA SPRINGS, ARKANSAS

BY Jan M. Bullock  
Mayor

ATTEST:

Albert Harp  
City Clerk

CERTIFICATE

STATE OF ARKANSAS | SS.  
COUNTY OF CARROLL |

I, Albert Harp, the duly appointed, elected and qualified City Clerk and Commissioner in and for the City of Eureka Springs, Arkansas, do hereby certify that the above and foregoing instrument of writing is a true and correct copy of Ordinance No. 849 as the same appears in Ordinance Book 3 at Page 321, in my office at Eureka Springs, Western District, Carroll County, Arkansas.

Given under my hand and the seal of the City of Eureka Springs, Arkansas, this the 12<sup>th</sup> day of April, 1965.

Albert Harp  
City Clerk  
Eureka Springs, Arkansas