

ORDINANCE NO. 850

AN ORDINANCE VACATING THAT PORTION OF PORT FIAS (MIDWAY) AVENUE ABUTTING AND ADJOINING LOT 3, BLOCK 23, AND THE NORTH CURB LINE OF THE PAVEMENT OF PORT FIAS (MIDWAY) AVENUE, 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 2nd day of February 1965, requesting the City Commission to vacate and abandon a portion of Port Fias (Midway) Avenue as 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:

That portion of Port Fias (Midway) Avenue abutting and adjoining Lot 3, Block 23, and the North Curb Line of the pavement of Port Fias (Midway) Avenue, 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 there are no owners of property abutting the portion of said street to be vacated other than the petitioners; and that public interest and welfare will not be adversely affected by the abandonment of the above-described portion of Port Fias (Midway) Avenue.

WHEREAS, the petition to vacate and abandon the above-described portion of said street was filed by Norman L. Tucker and Vera M. Tucker, husband and wife, 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 portion of Port Fias (Midway) Avenue described as follows:

That portion of Port Fias (Midway) Avenue abutting and adjoining Lot 3, Block 23, and the North Curb Line of the pavement of Port Fias (Midway) Avenue, Freemans Addition to the City of Eureka Springs, Arkansas.

SECTION II: 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 III: This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 12th day of April, 1965.

BY Jan M. Bullock
Mayor

ATTEST:

Elbert Harp
City Clerk