

ORDINANCE NO. 913

AN ORDINANCE VACATING A PORTION OF RICHARD CIRCLE LOCATED IN THE PINES SUBDIVISION TO THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 18th day of September, 1969, requesting the City Council vacate a portion of Richard Circle. Richard Circle being located in the Pines Subdivision to the City of Eureka Springs, Arkansas, and shown, described and designated on the Plat of the Pines Subdivision to the City of Eureka Springs, Arkansas, as appearing of record in Plat Book A at page 30 in the office of the Circuit Clerk and Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas, and

WHEREAS, after due notices as required by law, the City Council has at the time and place mentioned in the notices and at this adjourned hearing heard all persons desiring to be heard on the question and has ascertained that the hereinafter described portion of Richard Circle has not been actually used by the public generally for a period of at least five years subsequent to the filing of the plat; that the petitioners, Robert Leslie Scott and Carmen Ann Scott, are the only abutting property owners upon the hereinafter described portion of Richard Circle; and that the public interest and welfare will not be adversely affected by the abandonment of the hereinafter described portion of Richard Circle, and

WHEREAS, the petition to vacate and abandon the hereinafter described portion of Richard Circle was filed in the time and in the manner required by law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS.

SECTION I: Except for the reservation of a sewer line easement over and across the property to be vacated, the City of Eureka Springs, Arkansas, hereby releases, vacates and abandons all its right [except for sewer line easement as presently located] in and to the following described portion of

Richard Circle, to-wit:

All that portion of Richard Circle which lies between and abutts and adjoins Lot 3 and Lot 7, Block 9, The Pines Subdivision to the City of Eureka Springs, Arkansas.

SECTION II: That a sewer line belonging to the City of Eureka Springs, Arkansas, presently goes across the street commonly known as Richard Circle and that the City of Eureka Springs, Arkansas, hereby specifically reserves an easement ten (10) feet in width, being five (5) feet on each side of the center line of the sewer line as presently located, together with the right to repair, replace and maintain same.

SECTION III: A copy of the ordinance, duly certified by the City Clerk, shall be filed in the Office of the Circuit Clerk and Ex-Officio Recorder of the Western District, Carroll County, Arkansas, and recorded in the Deed Records of the Western District, Carroll County, Arkansas.

SECTION IV: That the Mayor and the acting City Clerk of the City of Eureka Springs, Arkansas, are hereby authorized to execute a Quitclaim Deed to Robert Leslie Scott and Carmen Ann Scott, to the property described in Section I, in order to convey and release any possible interest that the City of Eureka Springs might have in said property; that said sewer line easement shall be reserved in said Quitclaim Deed.

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

PASSED and APPROVED this 20th day of November, 1969.

Charles B. Truena
Mayor

ATTEST:

[Signature]
City Clerk

CONSENT TO VACATION OF STREET

THAT I/We the undersigned, hereby state to the City Council of the City of Eureka Springs, Arkansas, that I/We have no objection to the petition filed herein by Robert Leslie Scott and Carmen Ann Scott, in which they requested the vacation of the following described street:

All that portion of Richard Circle which lies between and abutts and adjoins Lot 3 and Lot 7, Block 9, The Pines Sub-Division to the City of Eureka Springs, Arkansas.

Carl S. Nichols

Wigie Nichol

J. Connelly

Alice H. Connelly