

Filed Feb. 19,
1970

ORDINANCE NO. 917

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF GERMAN STREET LOCATED IN PEEBLES ADDITION 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 2nd day of January, 1970, requesting the City Council to vacate and abandon a portion of German Street, said portion of German Street being located in the Peebles Addition to the City of Eureka Springs, Arkansas, and shown, described and designated on the Plat of Peebles Addition to the City of Eureka Springs, Arkansas, as appearing of record in Deed Record Book H at Page 614 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 heard all persons desiring to be heard on the question and has ascertained that the hereinafter described portion of German Street 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 the petitioners, Thomas F. James and Frances M. James, are the only abutting property owners upon the hereinafter described portion of German Street; and that the public interest and welfare will not be adversely affected by the abandonment of the hereinafter described portion of German Street, and

WHEREAS, the petition to vacate and abandon the hereinafter described portion of German Street 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: The City of Eureka Springs, Arkansas, hereby releases, vacates and abandons all its right in and to the following described portion of German Street, to-wit:

A portion of German Street as shown on the original plat of Peebles Addition to the City of Eureka Springs, Arkansas, described as follows:

Commencing on the South line of German Street at a point where said South line of German Street intersects with the East right-of-way line of U. S. Highway #62 (Van Buren Street), as presently located; thence along the South line of German Street North 83° 25' East 58.80 feet; thence North 35° 00' East 40 feet to the North line of German Street; thence South 83° 25' West along the North line of German Street to where same intersects with the East right-of-way line of U. S. Highway #62 (Van Buren Street), as presently located; thence Southerly along said East right-of-way line of U. S. Highway #62 (Van Buren Street) to the point of beginning.

SECTION II: A copy of the ordinance, duly certified by the City Recorder 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 III: That the Mayor and the City Recorder of the City of Eureka Springs, Arkansas, are hereby authorized to execute a Quitclaim Deed to Thomas F. James and Frances M. James, to the property described in Section 1, in order to convey and release any possible interest that the City of Eureka Springs, might have in said property.

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

PASSED and APPROVED this the 19th day of February, 1970.


Mayor

ATTEST:

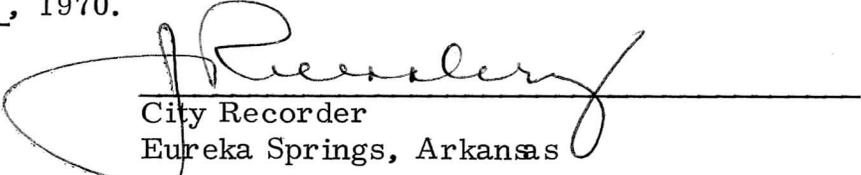

City Recorder

CERTIFICATE

STATE OF ARKANSAS § §
COUNTY OF CARROLL §

I, J. R. Woolery, the duly appointed, elected and qualified City Recorder 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. 917, as the same appears in Ordinance Book 3 at page 426, 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 19 day of Feb, 1970.


City Recorder
Eureka Springs, Arkansas

(SEAL)