

ORDINANCE NO. 923
AN ORDINANCE VACATING AND ABANDONING A PORTION OF BUTZ
STREET LYING BETWEEN LOT 16, BLOCK 64 AND LOTS 3 AND 4,
BLOCK 65 INTERSECTING OWEN STREET IN 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 7th day of May, 1970 asking the City Council to vacate and abandon; a portion of Butz Street lying between Lot 16, Block 64, Lots 3 and 4, Block 65 intersecting Owen Street in the City of Eureka Springs, Arkansas, and

WHEREAS, after due notice as required by law, the City Council has at the time set forth in the notice heard all persons desiring to be heard on the question and has ascertained that a portion of the street hereinabove described has heretofore been dedicated to the public use as a street: Has not actually been used by the general public for a period of five years subsequent to the filing of plat: That all of the owners of the property adjacent and abutting upon the street to be vacated have filed with the Council their written consent to such abandonment and that the public interest and welfare will not be adversely affected by the abandonment of such street.

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

SECTION 1: The City of Eureka Springs, Arkansas, hereby releases, vacates and abandons all of its rights, together with the rights of the public generally, in and to the following described property to-wit: that portion of Butz Street sixteen feet in width lying between the property of Ona Clark (Lot 16, Block 64) and the property of Lutie B. Rayburn (Lots 3 and 4, Block 65), in the City of Eureka Springs, Carroll County, Arkansas, subject to a reserved utility easement, in and to the street described as follows, to-wit:

A permanent right of way and easement of 16' in width, being 8' on either side of the center of that portion of Butz Street lying between Lot 16 of Block 64, and Lots 3 and 4 of Block 65 in the City of Eureka Springs, Arkansas.

SECTION 2: Said utility easements shall be for the benefit of the electric power companies, telephone companies, gas companies and the City of Eureka Springs, Arkansas.

SECTION 3: A copy of the Ordinance duly certified by the City Recorder, shall be filed in the Office of the Recorder of the County and recorded in the Deed Records of the County.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND APPROVED this 15th day of October, 1970.

APPROVED:

Charles Freeman
Charles Freeman, Mayor.

ATTEST:

[Signature]
City Recorder.