

ORDINANCE NO. 960

AN ORDINANCE VACATING STREETS AND ALLEYS IN FREEMAN'S ADDITION

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 18th day of October, 1973, asking the City Council to vacate and abandon the hereinafter described streets and alleys, or portions thereof as hereinafter described, in Freeman's Addition to the City of Eureka Springs, Arkansas, now appearing of record in Book B at page 440-441 in the Office of the Circuit Clerk & Ex-Officio Recorder in and for the Eastern District, Carroll County, Arkansas.

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 streets and alleys, or portions thereof, described as follows:

The alley running North and South between Lots 1 and 2, Block 36, AND

The alley running East and West between Lots 2 and 3, Block 36, AND

The alleys running North and South, East and West through Block 35, (Said alleys are now held under a 99 year lease from the City of Eureka Springs, Arkansas, dated May 17, 1907.)

The South Half of Midway Avenue that lies West of U. S. Highway 62 as presently located, more particularly described as follows: Commence at the NE corner of Lot 1, Block 26; thence North 40 feet; thence East to the right-of-way of U. S. Highway 62 as presently located; thence in a Southeasterly direction following the South side of the right-of-way of U. S. Highway 62 to a point where said right-of-way line intersects the North line of Lot 1, Block 27, said point being 35.43 feet West of the Northeast Corner of Lot 1, Block 27; thence West along the North line of said Block 27 to the point of beginning.

That part of Alpena Street that lies between Blocks 35 and 36.

That part of Peerless Street that lies between Lot 3, Block 36 and Lot 2 Block 45.

That part of Indiana Street, described as follows: Commence at the Southwest corner of Lot 2, Block 45; thence North to the Southwest Corner of Lot 3, Block 26; thence West 40 feet; thence South 652.0 feet; thence East 40 feet to the point of beginning.

All in Freeman's Addition to the City of Eureka Springs, Arkansas.

have heretofore been dedicated to the public use as a street or alley; have 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 petitioners are the sole owners of the property abutting upon the streets and alleys, or portions thereof, to be vacated, except for the N $\frac{1}{2}$ of Midway Avenue which abutts and adjoins said portion of the S $\frac{1}{2}$ of Midway Avenue; and that the public interest and welfare will not be adversely effected by the abandonment of said streets and alleys, or portions thereof.

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

SECTION I. That the City Council of Eureka Springs, Arkansas, does hereby release, vacate and abandon all its rights, together with the rights of the public generally, in and to the streets and alleys, or portions thereof, described as follows:

The alley running North and South between Lots 1 and 2, Block 36, AND

The alley running East and West between Lots 2 and 3, Block 36, Freeman's Addition, City of Eureka Springs, Arkansas, AND

The alleys running North and South, East and West through Block 35.

The South Half of Midway Avenue that lies West of U. S. Highway 62 as presently located, more particularly described as follows: Commence at the NE Corner of Lot 1, Block 26; thence North 40 feet; thence East to the right-of-way of U. S. Highway 62 as presently located; thence in a Southeasterly direction following the South side of the right-of-way of U. S. Highway 62 to a point where said right-of-way line intersects the North line of Lot 1, Block 27, said point being 35.43 feet West of the Northeast Corner of Lot 1, Block 27; thence West along the North line of said Block 27 to the point of beginning.

That part of Alpena Street that lies between Blocks 35 and 36.

That part of Peerless Street that lies between Lot 3, Block 36 and Lot 2 Block 45.

That part of Indiana Street, described as follows: Commence at the Southwest corner of Lot 2, Block 45; thence North to the Southwest Corner of Lot 3, Block 26; thence West 40 feet; thence South 652.0 feet; thence East 40 feet to the point of beginning.

All in Freeman's 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: That with reference to the portion of the S $\frac{1}{2}$ of Midway Avenue, described in Section I, the Mayor and the City Clerk are hereby authorized and directed to execute and deliver a Quitclaim Deed on behalf of the City of Eureka Springs, Arkansas, to Mount Air Lodge, Inc. covering the portion of the S $\frac{1}{2}$ of Midway Avenue as above described in Section I.

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

PASSED AND APPROVED this 15th day of November, 1973.

By Paul L. Huff
Mayor

CERTIFICATE

STATE OF ARKANSAS I
COUNTY OF CARROLL I
CITY OF EUREKA SPRINGS

I, Tracie Walsh, duly appointed, elected and qualified City Clerk in and for the City of Eureka Springs, Arkansas, do hereby certify that the attached, above and foregoing instrument of writing is a true and complete copy of Ordinance No. 960 as same appears in the Ordinance Book No. 3 at page 504 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 15th day of November, 1973.

Tracie Walsh
City Clerk
by Karen Grulkey
Deputy Clerk