

ORDINANCE NO. 961

AN ORDINANCE VACATING CERTAIN STREETS, OR PORTIONS THEREOF, AS SHOWN ON R & A SURVEY

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 a portion of Echols Street and an unnamed street running East and West abutting and adjoining, Blocks 193, 194, 195 and 196, R & A Survey to the City of Eureka Springs, Arkansas, now appearing of record in Deed Record Book H at page 630 in the Office of the Circuit Clerk & Ex-Officio Recorder in and for the Western District, Carroll County, Arkansas.

WHEREAS, after due notices as required by law, the Council has at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the streets, or portion thereof, more particularly described as follows:

The unnamed street running East and West abutting and adjoining Blocks 193, 194, 195 and 196, R & A Survey to the City of Eureka Springs, Arkansas.

AND

A part of Echols Street described as follows:
Beginning at the SE corner of Block 196; thence North 360 feet to the NE corner of Block 195; thence East 40 feet to the NW corner of Block 194; thence South 360 feet to the SW corner of Block 193; thence West to the point of beginning.

All in R & A Survey to the City of Eureka Springs, Arkansas.
have heretofore been dedicated to the public use as a street; 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 said streets, or portions thereof, to be vacated; that public interest and welfare will not be adversely affected by the abandonment of such streets, 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 vacate, release and abandon all its rights, together with the rights of the public generally, in and to the streets, or portions thereof, described as follows:

The unnamed street running East and West abutting and adjoining Blocks 193, 194, 195 and 196, R & A Survey to the City of Eureka Springs, Arkansas.

A portion of Echols Street, described as follows: Beginning at the

SE corner of Block 196; thence North 360 feet to the NE corner of Block 195; thence East 40 feet to the NW corner of Block 194; thence South 360 feet to the SW corner of Block 193; thence West to the point of beginning.

All in R & A Survey 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 said county.

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

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

BY *Archie L. Craft*
Mayor

CERTIFICATE

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

I, *Tracie Walsh*, the 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. 961 as same appears in the Ordinance Book No. 3 at page 505 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 Grubbs*
Deputy Clerk

The form of this instrument was approved by The Eilbott Law Firm, PLC and certain information was completed by Stewart Title of Arkansas, Inc based upon information provided by others.

File #: 4090174

I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument. If none shown, exempt or no consideration paid.

Grantee or Grantee's Agent: _____



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That the City of Eureka Springs, Arkansas, GRANTOR, for the consideration of the sum of Ten and no/100 Dollars (\$10.00), and other good and valuable consideration in hand paid by Charles Eastman Edwards and Marsha Lee Edwards, Trustees of the Edwards Revocable Trust, u/t/d January 31, 1995, GRANTEE, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said GRANTEE(S) and unto GRANTEE(S)' heirs and assigns forever the following described land, situated in the County of Carroll, State of Arkansas, to-wit:

COPY

The unnamed street running East and West abutting and adjoining Blocks 193, 194, 195 and 196, R & A Survey to the City of Eureka Springs, Arkansas.

AND

A part of Echols Street, described as follows: Beginning at the Southeast corner of Block 196; thence North 360 feet to the Northeast corner of Block 195; thence East 40 feet to the Northwest corner of Block 194; thence South 360 feet to the Southwest corner of Block 193; thence West to the point of beginning. All in R & A Survey to the City of Eureka Springs, Arkansas.

Said streets, or portions thereof, being vacated and abandoned by Ordinance No. 961 dated November 15, 1973, filed in Ordinance Book No. 3 at page 505 in the Office of the City Clerk of the City of Eureka Springs, Western District, Carroll County, Arkansas.

TO HAVE AND TO HOLD the same unto the said GRANTEE(S) and unto its heirs and assigns forever, with all appurtenances thereunto belonging. And GRANTOR(S) hereby covenant with the said GRANTEE(S) that GRANTOR(S) will forever warrant and defend the title to said lands against all claims whatever.

IN TESTIMONY WHEREOF, The name of the grantor is hereunto affixed by its Mayor and City Clerk-Treasurer, this 18 day of May, 2009.

City of Eureka Springs, Arkansas

By: Dani D. Joy [L.S.]
Dani Joy, Mayor

Attest: Mary Jean Sell [L.S.]
Mary Jean Sell, City Clerk-Treasurer

COPY

ACKNOWLEDGMENT

State of Arkansas

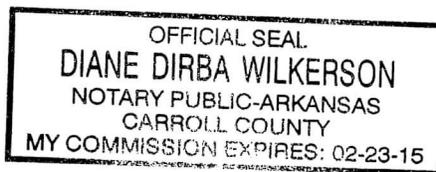
County of Carroll

On this 1st day of May, 2009, before me, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Dani Joy and Mary Jean Sell to me personally well known, who stated that they were the Mayor and City Clerk-Treasurer for the City of Eureka Springs, Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said City of Eureka Springs, Arkansas, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes herein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 1 day of May, 2009.

Diane Dirba Wilkerson
Notary Public

Commission Expires:
02-23-15



Enhancing the Real Estate Closing Process
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(501) 228-0493 • FAX (501)228-4081

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