

ORDINANCE NO. 962

AN ORDINANCE VACATING STREETS AND ALLEYS *In Freeman Addition*

WHEREAS, a petition was duly filed with the City Council of the City of Eureka Springs, Arkansas, on the 1st day of November, 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 notice, heard all persons desiring to be heard on the question and has ascertained that the streets and alleys, or portions thereof, described as follows:

All of the alleys running North and South and East and West in Block 25

AND

All of the alley running North and South between Lots 3 and 4, Block 16

AND

That part of Montrose Avenue that lies between Blocks 16 and 25,

AND

That part of Indiana Street, described as follows: Commence at the Southwest corner of Lot 3, Block 25; thence North to the Northwest corner of Lot 3, Block 16; thence West 40 feet; thence South 356 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, subject to a certain life estate in said property owned by Guy H. Wheeler; that the life tenant, Guy H. Wheeler, filed his consent herein and joined with petitioners in the request that the above described streets and alleys, or portions thereof, be vacated by the City of Eureka Springs, Arkansas; and that the public interest and welfare will not be adversely effected by the abandonment of such 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 right, together with the rights of

the public generally, in and to the streets and alleys, or portions thereof, described as follows:

All of the alleys running North and South and East and West in Block 25

AND

All of the alley running North and South between Lots 3 and 4, Block 16

AND

That part of Montrose Avenue that lies between Blocks 16 and 25,

AND

That part of Indiana Street, described as follows: Commence at the Southwest corner of Lot 3, Block 25; thence North to the Northwest Corner of Lot 3, Block 16; thence West 40 feet; thence South 356 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 this 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. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 6<sup>th</sup> day of ~~November~~ <sup>December</sup>, 1973.

BY *David L. Huff*  
Mayor

CERTIFICATE

STATE OF ARKANSAS  
COUNTY OF CARROLL  
CITY OF EUREKA SPRINGS

I, *Truie 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. 962 as same appears in the Ordinance Book No. 3 at page 506 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 6 day of ~~November~~ <sup>December</sup>, 1973.

*Truie Walsh*  
City Clerk