

ORDINANCE NO. 974

AN ORDINANCE VACATING THE NORTH AND EAST SIDE OF THE INTERSECTION OF ALAMO STREET AND MIDWAY AVENUE, OR PORTIONS THEREOF, AS SHOWN ON FREEMAN'S 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 17th day of October, 1974, asking the City Council to vacate and abandon the North and East side of the intersection of Alamo Street and Midway Avenue, Freeman's Addition, to the City of Eureka Springs, Arkansas, now appearing of record in Deed Record Book 3 at page 440 and 441 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 North and East side of the intersection of Alamo Street and Midway Avenue, more particularly described as follows:

Beginning at the SW corner of Lot No. 3, Block 23, Freeman's Addition to the City of Eureka Springs, Carroll County, Arkansas, thence South 89° 43' West 20 feet; thence South 33.7 feet; thence North 89° 43' East 20 feet; thence North 33.7 feet to the beginning, in Freeman's Addition to the City of Eureka Springs, Arkansas.

has heretofore been dedicated to the public use as a 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 petitioners are the sole owners of the property abutting upon the North and East side of the portion of said streets to be vacated; that public interest and welfare will not be adversely affected by the abandonment of the intersection of said streets.

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

SECTION I. That, except as shown in the following description, 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 North and East side of the intersection of Alamo Street and Midway Avenue, described as follows:

Beginning at the SW corner of Lot 3, Block 23, Freeman's Addition to the City of Eureka Springs, Carroll County, Arkansas; thence South 89° 43' West 20 feet; thence South 33.7 feet; thence North 89° 43' East 20 feet; thence North 33.7 feet to the beginning, EXCEPT a 15 foot wide utility easement; said easement running North and South along the West line of the property.

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. It being immediately necessary for the preservation of the peace, health and safety of the inhabitants of the City of Eureka Springs, that the provisions of this Ordinance be put in full force and effect, and an emergency is hereby declared to exist, and this Ordinance shall be in force and effect and take effect from and after its passage, approval and publication.

PASSED AND APPROVED this 5<sup>th</sup> day of December, 1974.

APPROVED:

Fred L. Naff  
Fred Naff, Mayor

ATTEST:

Truie Walsh  
Truie Walsh, City Clerk

ORDINANCE NO. \_\_\_\_\_

Page Three

CERTIFICATE

STATE OF ARKANSAS  
COUNTY OF CARROLL  
CITY OF EUREKA SPRINGS

I, \_\_\_\_\_, 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. \_\_\_\_\_ as same appears in the Ordinance Book No. \_\_\_\_\_ at page \_\_\_\_\_ 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 \_\_\_\_\_ day of November, 1974.

  
\_\_\_\_\_  
City Clerk