

**RESOLUTION No. 693**

**A RESOLUTION TEMPORARILY RECLAIMING AN ALLEY BETWEEN NORTH MAIN STREET AND HILLSIDE AVENUE FROM THE PARKS COMMISSION'S AUTHORITY AND LEASING A PORTION THEREOF**

**WHEREAS**, the City Council of Eureka Springs, Arkansas has been requested to allow a temporary structure to be erected on city property; and,

**WHEREAS**, the area where the structure would be constructed is now under the control of the Parks Commission; and

**WHEREAS**, the City Council finds it in the best interests of the Citizens of Eureka Springs to allow the construction.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Eureka Springs, Arkansas that:

1. The alley between North Main Street and Hillside Avenue that bisects properties owned by the Voiers Family is hereby temporarily removed from the Parks Commission's authority until such time as the City Council shall determine the temporary structure is no longer needed. It shall then revert to the control of the Parks Commission.
2. The City hereby agrees to lease an area of the alley of sufficient width to allow construction of an ADA compliant walkway between the privately held properties of the Voiers family on either side of the alley.
3. Said lease shall be for a period of one year unless extended by further action of the City Council.
4. The City shall lease the property for the sum of \$1.00 per year on the condition that the lessee shall be responsible for construction, maintenance and removal of the structure.
5. The Lessee shall be responsible for returning the property to its original condition when the lease shall expire.
6. The Lessee shall agree to hold the City harmless for any damages or claims that may arise as a result of the lease or of the structure.

**READ AND ADOPTED THIS 14<sup>th</sup> DAY OF NOVEMBER, 2016**

**ATTEST:**

  
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City Clerk Treasurer Ann Armstrong

**APPROVED:**

  
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Mayor Robert "Butch" Berry

All present voted "Aye" – Bob Thomas, Terry McClung, Mickey Schneider, David Mitchell, and Kristi Kendrick