

PETITION FOR THE ABANDONMENT
OF THAT PORTION OF MOCKINGBIRD LANE
IN MARLO ACRES, SECOND ADDITION,
LYING SOUTH OF A LINE EXTENDING
FROM THE SOUTHEAST CORNER OF LOT 9
TO THE EAST RIGHT OF WAY LINE OF MOCKINGBIRD LANE

To: THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF JONESBORO, ARKANSAS

(1) The plat of Marlo Acres, Second Addition, was filed in the Recorder's Office at Jonesboro on April 21, 1965 and appears in Plat Deed Record 158 at page 1 in the records of that office.

(2) Thereafter, the Arkansas State Highway Department, in the exercise of its power of eminent domain and under threat of condemnation, acquired portions of Lots 1, 2, 3, 4, 11 and 12 of Marlo Acres, Second Addition, as a part of the right of way of U.S. Highway 63 By-pass, construction of which is now in progress. By reason of the taking of portions of lots in Marlo Acres, Second Addition, the plan of said addition as originally platted renders inaccessible and virtually useless certain lots and portions of lots remaining in private ownership. To make this area useful and to provide adequate access thereto, it is essential that that portion of Mockingbird Lane lying south of a line extending from the Southeast corner of Lot 9 eastward to the east right of way line of said Lane be abandoned and that Lots 1, 2, 3, 4, 9, 10, 11, 12, 13 and 14 of Marlo Acres, Second Addition be replatted.

(3) All lots abutting upon that portion of Mockingbird Lane sought to be abandoned are owned by Oscar J. Melton and W. O. Melton in their individual capacity and in their

fiduciary capacity as Trustees under the will of Marvin W. Melton, deceased. Allen Nixon and Gloria M. Nixon, his wife, are the owners of Lot 9 of Marlo Acres, Second Addition. Although this lot does not abut upon that portion of Mockingbird Lane sought to be abandoned, the owners thereto have an interest in this proceeding and join in it for the purpose of evidencing their consent to the relief sought being granted.

(4) This petition is filed pursuant to the provisions of Section 19-3814, Arkansas Statutes Annotated, being a part of Act 40 of the General Assembly of the State of Arkansas for the year 1927. Petitioners state that the provisions of Act 17 of the General Assembly for the year 1945 as amended are equally applicable and this petition might well be founded upon either statute. The latter act appears in Arkansas Statutes Annotated as Sections 19-3824 and following.

(5) A certified copy of a portion of the plat of the Marlo Acres, Second Addition, showing in red the portion of Mockingbird Lane sought to be abandoned is attached hereto as Exhibit A.

WHEREFORE, the undersigned petitioners pray that a date be set for hearing on this petition; that the City Clerk give notice of the time and place of hearing such petition by publication in some newspaper published in the City of Jonesboro, Arkansas, once a week for two consecutive weeks, and that at such hearing that portion of Mockingbird Lane above described be abandoned, vacated and closed and that the area thereof be vested in the owners of real estate abutting

thereon, each abutting owner taking title to the center line of the street so vacated free of the easement of the city for public use.

DATED this _____, ~~1971~~ 1971

Oscar J. Melton
Oscar J. Melton, Individually

W. O. Melton
W. O. Melton, Individually

Oscar J. Melton
Oscar J. Melton

W. O. Melton
W. O. Melton, Trustees Under the Will of Marvin W. Melton, Dec'd.

Allen Nixon
Allen Nixon

Gloria M. Nixon
Gloria M. Nixon

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

I, OPIE CHAMBERS, Clerk of the Chancery Court and Recorder for Craighead County, Arkansas, hereby certify that the attached is a true and correct copy of that portion of Marlo Acres Second Addition, City of Jonesboro, showing the location of Mockingbird Lane. That said plat was filed for record on April 21, 1965, and is recorded in Plat Deed Record 158 of page 1 in my office at Jonesboro, Arkansas; except that the original plat does not show the coloring on the Southly portion of Mockingbird Lane.

WITNESS my hand and the seal of the Court this _____

July 9th, ~~1970~~ 1970

Opie Chambers
Clerk and Recorder