

BEFORE THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS

**PETITION TO VACATE AND CLOSE AN UNNAMED PLATTED STREET IN PATRICK'S 3<sup>RD</sup> ADDITION, RUNNING NORTH AND SOUTH BETWEEN McDANIEL STREET AND HOUGHTON STREET, AND FROM MATTHEWS AVENUE TO LOGAN AVENUE; TO VACATE AND CLOSE AN ALLEY IN BLOCK 2 OF PATRICK'S 2<sup>ND</sup> ADDITION RUNNING EAST AND WEST FROM HOUGHTON STREET TO ROLAND STREET; AND, TO VACATE AND CLOSE A FIVE FOOT UTILITY EASEMENT IN LOT 23 OF COBB & LEE SURVEY TO THE CITY OF JONESBORO**

Comes the Petitioner, Jonesboro Real Estate Holdings Company, Incorporated and for its Petition to Vacate and Close an Unnamed Platted Street in Patrick's 3<sup>rd</sup> Addition, Running North and South Between McDaniel Street and Houghton Street, and from Matthews Avenue to Logan Avenue; To Vacate and Close an Alley in Patrick's 2<sup>nd</sup> Addition Running East and West From Houghton Street to Roland Street; and, To Vacate and Close a Five Foot Utility Easement in Lot 23 of Cobb & Lee Survey to the City of Jonesboro, states and alleges that:

1. Jonesboro Real Estate Holdings Company, Incorporated is an Arkansas Corporation.

The Petitioner owns the following described lands located in the City of Jonesboro, Craighead County, Arkansas:

Part of Lots 23, 24, 25, 26, 27 and 28 of Cobb and Lee Survey, Lot 1 of Tate's Washington Avenue Addition, Bob G. Bennett East Washington Subdivision Replat all being in the Southwest Quarter of Section 17, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of Lot 28 of Cobb and Lee Survey of the Southwest Quarter of Section 17, Township 14 North, Range 4 East, Craighead County, Arkansas: Thence South 00°45'16" East along the East line of Lot 28, aforesaid, 265.50 feet to the South right-of-way line of East Washington Avenue, the point of beginning proper: Thence continue South 00°45'16" East along said East line of Lot 28, 93.95 feet to the North right-of-way line of Logan Avenue: Thence South 89°50'17" West, along said North line of Logan Avenue, 1,317.21 feet to the East right-of-way line of Houghton Street: Thence North 00°52'37" East, along said East right-of-way

line of Houghton Street, 353.77 feet: Thence North 89°17'49" East 120.26 feet: Thence North 00°48'29" East 77.58 feet to the South right-of-way line of East Washington Avenue: Thence along said South right-of-way line of East Washington Avenue as follows: North 89°24'07" East 143.75 feet, North 00°46'17" East 8.24 feet, North 89°30'17" East 71.99 feet, along the arc of a curve with a central angle of 31°14'40", a radius of 1,396.23 feet and a length of 761.39 feet, South 59°14'43" East 290.94 feet to the point of beginning proper: Containing 10.44 acres, more or less.

Also Lots 6, 7, 8, 9, 10 and 11 of Block 1 of Patrick's 2<sup>nd</sup> Addition, containing 2.78 acres, more or less.

Also Lots 1, 2, 3, 4, 5 and 6 of Block 2 of Patrick's 2<sup>nd</sup> Addition, less that part along the South side of said lots taken by City of Jonesboro Right-of-way Acquisition and also Lots 8, 9, 10, 11 and 12 of Block 2 of Patrick's 2<sup>nd</sup> Addition, Lots 7-A and 7-B of the Replat of Lot 7 of Block 2 of Patrick's 2<sup>nd</sup> Addition, containing 5.02 acres, more or less.

Also Blocks 26 and 27 of Patrick's 3<sup>rd</sup> Addition and an abandoned street lying between said Blocks 26 and 27, less that part along the South side of said Blocks 26 and 27 taken by City of Jonesboro Right-of-way Acquisition, containing 7.72 acres, more or less.

Containing in all 25.96 acres, more or less.

Subject to easements, restrictions, reservations and rights-of-way of record.

Also all that part of the Southeast Quarter of Section 17, Township 14 North, Range 4 East, Jonesboro, Craighead County Arkansas lying South of East Washington Avenue, North of Matthews Avenue, containing 5.19 acres, more or less.

2. Attached hereto as Exhibit "A" and made a part hereof by reference are applicable portions of a boundary survey for Jonesboro Real Estate Holdings Company, Incorporated Jonesboro, Arkansas, prepared by Associated Engineering and Testing, LLC, which plat of survey reflects the location of the street, alley and easement which Petitioner is requesting to be vacated and abandoned.

3. As the plat of survey indicates, Petitioner is the owner of the real estate located adjacent to the unnamed platted street running North and South between McDaniel Street and Houghton Street and from Matthews Avenue to Logan Avenue.

4. As the plat indicates, Petitioner is the owner of all real property adjacent to the platted alley running East and West between Logan Avenue and Matthews Avenue, from Houghton Street to Roland Street.

5. As the plat indicates, Petitioner is the owner of all the property running adjacent to the five foot utility easement indicated in Lot 23 of Cobb and Lee Survey to Jonesboro, Craighead County, Arkansas.

6. Petitioner requests that the unnamed platted street running North and South between from Matthews Avenue to Logan Avenue; the platted alley running from Houghton Street and Roland Street and the five foot utility easement located in Lot 23 of Cobb and Lee Survey all be closed, vacated and abandoned.

7. Petitioner states that the above described street, alley and utility easement which it requests be vacated, closed and abandoned have not been actually used by the public as either a street, alley or utility easement for a period in excess of five years.


8. Petitioner requests that the City Council adopt a resolution at the City Council Meeting scheduled for November 17, 2003 scheduling a public hearing on this Petition and directing the City Clerk to give notice of the public hearing by publication once a week for two consecutive weeks in the *Jonesboro Sun*, a newspaper having a general circulation in the City of Jonesboro.

9. Petitioner further requests that upon the hearing of this Petition, the Jonesboro City Council adopt an ordinance closing, vacating and abandoning the street, alley and utility easement

described above pursuant to the authority granted by ARK. CODE ANN. § 14-301-301 *et seq.*

IN WITNESS WHEREOF, Petitioner prays that its Petition be granted and that the street, alley and utility easement described herein above be vacated and abandoned.

JONESBORO REAL ESTATE HOLDINGS COMPANY

By:  \_\_\_\_\_

**Robert J. Gibson (93242)**  
**BARRETT & DEACON**  
A Professional Association  
P.O. Box 1700  
Jonesboro, AR 72403  
(870) 931-1700