

BEFORE THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS

**PETITION TO VACATE AND CLOSE LUTTERLOH STREET,  
A PORTION OF HOPE AVENUE AND AN ALLEY LOCATED  
IN ELDER'S ADDITION**

Comes the petitioner, Jonesboro Real Estate Holdings Company, Inc., and for its Petition to Vacate Lutterloh Street, a Portion of Hope Avenue and an Alley Located in Elder's Addition to the City of Jonesboro, Arkansas, states and alleges that:

1. Jonesboro Real Estate Holdings Company, Inc., is an Arkansas corporation. The petitioner either owns or has contracted to purchase the following described lands:

All of Lots 1, 2, 3, 5, 6 and the South Half of Lot 4 of Block "A", Lot 1 of Block "B" and Lot 2 of Block "E" of Elder's Addition to Jonesboro, Arkansas. Lots 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17 and 18 and the North Half of a closed alley lying South of and adjacent to Lot 13 of Burns and Lutterloh's Subdivision to Jonesboro, Arkansas. Lots 1, 2 and 3 of Block "B" and the North Half of a closed alley lying South of and adjacent to Lot 3 of Block "D" and Lots 1, 2 and 3 and the South Half of a closed alley lying North and adjacent to Lot 1 of Block "E" of Wood Subdivision of Block "D" and "E" of Elder's Addition to Jonesboro, Arkansas.

2. Petitioner owns all of the above described lands with the exception of Lot 6 of Block "A" of Elder's Addition which it has contracted to purchase from Jonesboro City, Water and Light.

3. The petitioner, Jonesboro Real Estate Holdings Company, Inc., either owns or has agreed to purchase all of the lands located adjacent to Lutterloh Street, that portion of Hope Avenue lying East of the right-of-way of Carson Street and West of the right-of-way of Bridge Street and an alley lying South of and adjacent to Lot 1 of Block "D" and North of and adjacent to Lot 2 of Block "E" of Elder's Addition to the City of Jonesboro, Arkansas.

4. Petitioner requests that the council close and vacate the streets and alley more particularly described as follows:

All of Lutterloh Street; that part of Hope Avenue lying East of the East right-of-way of Carson Street and West of the West right-of-way of Bridge Street; and an alley lying South of and adjacent to Lot 1 of Block "D" and North of and adjacent to Lot 2 of Block "E" of Elder's Addition to the City of Jonesboro, Arkansas.

5. Attached hereto as Exhibit "A" and made a part hereof by reference is a Plat of Street and Alley Abandonment prepared by Associated Engineering and Testing, LLC, which plat reflects the location of the streets and alleys which petitioner is requesting be abandoned.

6. Petitioner is the owner of all property abutting Lutterloh Street and the above described alley which it seeks to close. Additionally, petitioner owns all the property abutting that portion of Hope Avenue to be vacated with the exception of Lot 6 of Block "A" of Elder's Addition which it has agreed to purchase from Jonesboro City, Water and Light. Pursuant to Ark. Code Ann. § 14-301-303, petitioner will provide a written consent executed by Jonesboro City, Water and Light. It shall not be necessary to obtain written consents from any other individuals or entities.

7. Petitioner states that the portion of the above described streets and alleys which it requests be vacated and closed has not actually been used by the public as either a street or alley for a period in excess of five (5) years.

8. Petitioner requests that the City Council adopt a resolution at the City Council meeting scheduled for Monday, February 4, 2002, 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 a two consecutive weeks in the *Jonesboro Sun*, a newspaper having a general circulation in the City of Jonesboro.

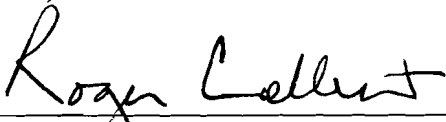
9. Petitioner further requests that upon the hearing of this petition, the Jonesboro City Council adopt an ordinance vacating and abandoning that portion of the streets and alleys described hereinabove in paragraph 4 pursuant to the authority granted by Ark. Code Ann. § 14-301-301, et

seq.

IN WITNESS WHEREOF, petitioner prays that its petition be granted and that portion of the streets and alleys described hereinabove be vacated and abandoned.

BARRETT & DEACON, P.A.  
P.O. Box 1700  
Jonesboro, AR 72403  
(870) 931-1700

By:

  
\_\_\_\_\_  
Roger U. Colbert (84026)  
Attorney for Petitioner  
Jonesboro Real Estate Holdings Company, Inc.