

BEFORE THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS

**PETITION TO VACATE AND ABANDON ALL UTILITY EASEMENTS
LOCATED IN THE VACATED PORTION OF BAKER STREET
SOUTH OF HOPE AVENUE AND NORTH OF WASHINGTON AVENUE**

Comes the Petitioner, St. Bernards Hospital, Inc. and for its Petition to Vacate and Abandon All Utility Easements Located in the Vacated Portion of Baker Street South of Hope Avenue and North of Washington Avenue, states and alleges that:

1. St. Bernards Hospital, Inc. ("Petitioner") is an Arkansas not-for-profit Corporation. Petitioner owns the following described lands located in the City of Jonesboro, Craighead County, Arkansas:

Lot 5 in Block 1 of Washington Addition

Part of Lot 1 of Block 1 of Washington Addition

Lot 7 of Block 2 of Broadaway Addition

Lots 1 and 2 and part of Lots 4 and 6 of Block 5 of Broadaway Addition

Lot 1 of Block 2 of Washington Addition

The property owned by Petitioners is depicted on the Plat of Survey attached hereto as Exhibit "A" and incorporated herein by reference ("the Plat").

2. That the Petitioner's property described above previously bordered Baker Street South of Hope Avenue and North of Washington Avenue. Said portion of Baker Street was vacated and closed by the Jonesboro City Council on February 21, 2006. However, certain utility easements remain within the portion of Baker Street described above.

3. Petitioner is requesting that all utility easements located in the vacated portion of Baker Street South of Hope Avenue and North of Washington Avenue be vacated and abandoned. The Plat reflects the location of the former street which contains the utility easements Petitioner is requesting to be vacated and abandoned.

4. Petitioner is the owner of all the real estate located adjacent to easements which are being requested to be vacated.

5. There are no other owners of property abutting the easements being requested to be vacated.

6. All utilities affected have been relocated to another area, as reflected on the proposed replat attached hereto as Exhibit "B", and the utility companies involved have consented, or will consent, to this request.

7. Petitioner requests that the City Council adopt a resolution at the City Council Meeting scheduled for August 15, 2006 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.

8. Petitioner further requests that upon the hearing of this Petition, the Jonesboro City Council adopt an ordinance vacating and abandoning the easements described above pursuant to the authority granted by ARK. CODE ANN. § 14-199-103, ARK. CODE ANN. § 14-301-301 *et seq* and ARK. CODE ANN. § 14-54-104.

IN WITNESS WHEREOF, Petitioner prays that its Petition be granted and that the easements described herein above be vacated and abandoned.

ST. BERNARDS HOSPITAL, INC.

By: _____



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