



**STATE OF ARKANSAS**

***City of Brookland***

**ORDINANCE NO. 2013-11**

**AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF BROOKLAND, ARKANSAS, AND OTHER AFFECTED PERSONS, THE QUESTION OF ANNEXATION TO SAID CITY OF BROOKLAND CERTAIN CONTIGUOUS TERRITORY; AND DECLARING AN EMERGENCY.**

**WHEREAS**, it appears to the City Council of the City of Brookland, Arkansas, that the annexation of certain hereinafter described territory, contiguous to the City of Brookland, is necessary for the orderly growth and development of the City;

**WHEREAS**, the lands furnish the abode for a densely settled community or represent the actual growth of the municipality beyond its legal boundary;

**WHEREAS**, the lands are needed for proper municipal purposes; and

**WHEREAS**, the lands are valuable by reason of their adaptability for prospective municipal uses.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKLAND, ARKANSAS:**

**SECTION 1.** That there shall be submitted to the qualified electors of the City of Brookland and of the following described area, the question of the annexation of the following described territory to the City of Brookland:

The following described lands in Craighead County, Arkansas, to-wit:

**TOWNSHIP 15 NORTH, RANGE 5 EAST**

All of Sections 28, 29, 32, and 33; and the South Half of the Southeast Quarter; and the Northeast Quarter of the Southeast Quarter East of Arkansas Highway 49 North, all in Section 18; and the South Half of the Southwest Quarter of Section 17; and the Northeast Quarter and the Southeast Quarter, all in Section 19; and the Northwest Quarter, and the Southwest Quarter, and the Southeast Quarter, and a part of the Northeast Quarter, all in Section 20; and the Southwest Quarter, all in Section 21; and the North Half of the Northwest Quarter, and the Northeast Quarter, and the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 30; and the Northeast Quarter, and the Southeast Quarter, and the East Half of the East

**Ord. #2013-11 Page # 1**

Half of the Northwest Quarter of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter East of the Union Pacific Railroad (Main Line), and the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Northwest Quarter east of Craighead County Road 706, all in Section 31; all in Township 15 North, Range 5 East of the Fifth Principal Meridian in Craighead County, Arkansas, along with all subdivisions or parts thereof contained therein as recorded in the Office of the Circuit Clerk of the Western District of Craighead County, AND;

### Township 14 North, Range 5 East

The Northwest Quarter East of the Union Pacific Railroad (Main Line) and West of Craighead County Road 905, all in Section 6, Township 14 North, Range 5 East of the Fifth Principal Meridian in Craighead County, Arkansas, along with all subdivisions or parts thereof contained therein as recorded in the Office of the Circuit Clerk of the Western District of Craighead County.

#### ALL MORE PARTICULARLY DESCRIBED AS FOLLOW:

From the Northeast Corner of Section 28, Township 15 North, Range 5 East, the Point of Beginning; thence South along the East Line of said Section 28 to the Southeast Corner thereof; continue thence South along the East Line of Section 33, Township 15 North, Range 5 East to the Southeast Corner thereof; thence West along the South Line of said Section 33 to the Southwest Corner thereof; continue thence West along the South Line of Section 32. Township 15 North, Range 5 East to the Southwest Corner thereof; continue thence West along the South Line of Section 31, Township 15 North, Range 5 East to the centerline of Craighead County Road 905; thence South along said centerline of Craighead County Road 905 to the South Line of the Northwest Quarter of Section 6, Township 14 North, Range 5 East, thence West along said South Line to the East Right-of-Way of the Union Pacific Railroad (Main Line); thence Northeast along said East Right-of-Way of the Union Pacific to a point on the South Line of the Southwest Quarter of Section 31, Township 15 North, Range 5 East; continue thence Northeast along said East Right-of-Way of the Union Pacific Railroad (Main Line) to the Centerline of a Tributary of the Little Bay Ditch; thence West along said Centerline of Tributary of the Little Bay Ditch to the Southwest Corner of the East Half of the East Half of the Northwest Quarter of the Southwest Quarter of Section 31; thence North along said West Line of the East Half of the East Half of the Northwest Quarter of the Southwest Quarter of said Section 31 to the South Line of the Southwest Quarter of the Northwest Quarter of said Section 31; thence East along the South Line of said Southwest Quarter of the Northwest Quarter of Section 31 to the Southeast Corner thereof; thence North along the East Line of said Southwest Quarter of the Northwest Quarter of Section 31 to the Northeast Corner thereof; thence East along the South Line of the Northeast Quarter of the Northwest Quarter of said Section 31 to the Centerline of Craighead County Road 706 (Gatlin Road); thence North along the Centerline of said Craighead County Road 706 to the South Line of Lot 10 of Moore's Subdivision of a Part of the Fractional North Half of the Northwest Quarter of Section 31; thence East some 94 feet to the East Line of said Moore's Subdivision; thence North along said East Line to a point on the South Line of the



Southeast Quarter of the Southwest Quarter of Section 30, Township 15 North, Range 5 East; thence West along the South Line of the Southeast Quarter of the Southwest Quarter of said Section 30 to the Southwest Corner thereof; thence North along the West Line of the Southeast Quarter of the Southwest Quarter of said Section 30 to the Northwest Corner thereof; thence East along the North Line of the Southeast Quarter of the Southwest Quarter of said Section 30 to the Northeast Corner thereof; thence North along the East Line of the Northeast Quarter of the Southwest Quarter of said Section 30 to the Northeast Corner thereof; continue thence North along the East Line of the Southeast Quarter of the Northwest Quarter of said Section 30 to the Northeast Corner thereof; thence West along the South Line of the North Half of the Northwest Quarter of said Section 30 to the West Line of said Section 30; thence North along the West Line of said Section 30 to the Northwest Corner thereof; thence East along the North Line of said Section 30 to the Northeast Corner of the Northwest Quarter of said Section 30; thence North along the East Line of the Southwest Quarter of Section 19, Township 15 North, Range 5 East to the Northeast Corner thereof; continue thence North along the East Line of the Northwest Quarter of said Section 19 to the North Line of Section 19 thereof; continue thence North along the East Line of the Southwest Quarter of Section 18, Township 15 North, Range 5 East to the Northeast Corner of the South Half of the Southwest Quarter of said Section 18 thereof; thence East along the North Line of the South Half of the Southeast Quarter of said Section 18 to the East Right-of-Way of Arkansas Highway 49 North; thence North along the East Right-of-Way of Arkansas Highway 49 North to the North Line of the Southeast Quarter of said Section 18 thereof; thence East along said North Line of the Southeast Quarter to the East Line of said Section 18 thereof; thence South along the East Line of said Section 18 to the Northeast Corner of the Southeast Quarter of the Southeast Quarter of said Section 18 thereof; thence East along the North Line of the South Half of the Southwest Quarter of Section 17, Township 15 North, Range 5 East to the Northeast Corner thereof; thence South along the East Line of said South Half of the Southwest Quarter to the Southeast Corner thereof; thence East along the North Line of Section 20, Township 15 North, Range 5 East to a point marking the intersection of said North Line and the West Line of Lot 4, Block 1 of the University Heights Golf Club Subdivision; thence South along said West Line to the Southwest Corner thereof; thence East along the South Line of Block 1 of said University Heights Golf Club Subdivision to the Northwest Corner of the Muse Replat of Lots 26-A, 26-B, 27-A, 27-B, and 28-B and Part of Lot 28-A of Amended Plat of University Heights Subdivision, Craighead County, Arkansas; continue thence East along the North Line of said Muse Replat to the Northeast Corner thereof, said point being on the West Right-of-Way of a public road right-of-way; continue thence East to a point on the East Line of said public road right-of-way; thence South along said East Line of public road right-of-way to the Southwest Corner of Lot 28 of the University Heights Golf Club Subdivision; thence East along the South Line of said Lot 28 to the Southeast Corner thereof, said point being on the East Line of said Section 20; thence South along the East Line of said Section 20 to the West Right-of-Way of the Union Pacific Railroad (Main Line); thence Southwest along said West Right-of-Way of the Union Pacific Railroad to the South Line of the Northeast Quarter of said Section 20 thereof; thence East along the South Line of said Northeast Quarter to the Southeast Corner thereof; continue thence East along the North Line of the Southwest Quarter of Section 21, Township 15 North, Range 5 East to the Northeast Corner thereof; thence South along the East Line of said Southwest Quarter of Section 21 to the Southeast Corner thereof; thence East along



the South Line of the Southeast Quarter of said Section 21 to the Point of Beginning,

As shown by the Annexation Proposal Map which is on file in the Office of the Mayor of the City of Brookland, Arkansas.

A map depicting said annexation area is attached hereto as Exhibit A and made a part hereof.

**SECTION 2.** The question of annexation of the territory described above in Section 1 shall be submitted to the electors qualified to vote on this issue at a special election to be held on Tuesday, August 13, 2013. Once this ordinance takes effect, the City Clerk shall immediately notify the County Election Commission and the County Clerk by forwarding to each, a certified copy of this ordinance and the map showing the area to be annexed.

**SECTION 3.** If at such election a majority of the qualified electors voting in such election shall vote for such annexation, the annexation shall be effective and the territory included within the corporate limits of the City of Brookland thirty (30) days following the County Clerk's certification of the election results and recording of the same, along with the description and a map of the annexed area, in the county records, and filing a certified copy thereof with the Secretary of State; or in the event an action is filed with the Circuit Court, on the date the judgment of said Court becomes final. If a majority of the qualified electors voting on the issue at the election vote against the annexation, the annexation ordinance shall be null and void.

**SECTION 4.** No later than forty-five (45) days prior to the election, the city shall identify all persons who reside within the area proposed to be annexed, and the county clerk shall assist the city in determining the names and addresses of all qualified electors residing within that area.

**SECTION 5.** The city clerk shall give notice of the election by publication by at least one (1) insertion in some newspaper having a general circulation in the city.

**SECTION 6.** If the annexation is approved and becomes final, the governing body of the city shall, by ordinance, as soon as practical after the annexation, attach and incorporate such annexed territory to and in one (1) or more wards of the city lying adjacent thereto, and the territory so assigned and attached to a ward shall thereafter be considered and become a part thereof as fully as any other part of the city.

**SECTION 7.** If the annexation is approved and becomes final, the following services shall be extended to the area within three (3) years:

SERVICE  
City Water Rate  
City Sanitation Rate  
Police Protection  
Animal Control  
Code Enforcement  
Street Maintenance  
Mosquito Control  
Clean Sweep

DATE  
Immediately  
Immediately  
Immediately  
Immediately  
Immediately  
Immediately  
Immediately upon city schedule  
Immediately upon city schedule

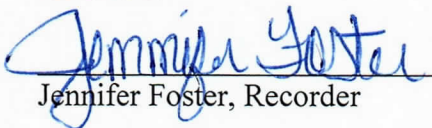
**SECTION 8.** The ballots used at said election on the question of annexation shall be marked as follows:

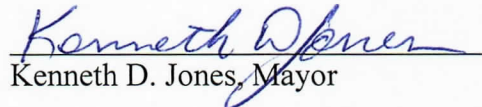
- [ ] FOR annexation of the territory described in Ordinance No. 2013-11.
- [ ] AGAINST annexation of the territory described in Ordinance No. 2013-11.

**SECTION 9.** Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, as well as compliance with special election statutes, an emergency is hereby declared to exist and this ordinance shall be effective for purposes of Arkansas Code Annotated Section 14-40-301 to 14-40-304 from and after its passage and approval, and effective finally when submitted to the qualified electors of the City of Brookland and of the area to be annexed at the special election on Tuesday, August 13, 2013.

PASSED AND ADOPTED this 7<sup>th</sup> day of May, 2013.

ATTEST:

  
Jennifer Foster, Recorder

  
Kenneth D. Jones, Mayor

