



ARKANSAS SECRETARY OF STATE  

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**MARK MARTIN**

September 30, 2016

Ms. Stacey Pearson  
Brinkley City Clerk/Treasurer  
233 W. Cedar  
Brinkley, AR 72021

Re: City of Brinkley Annexation Resolution 90-4 and 90-11

Dear Ms. Pearson,

This letter acknowledges receipt and filing of back copies of the following Brinkley municipal boundary changes by the Office of the Secretary of State:

Filing Type: Annexation by petition pursuant to A.C.A § 14-40-601 (Petition by a Majority of Landowners)  
Effective Date: unknown  
County: Monroe City: Brinkley  
City Resolution: 90-4 Dated: 7/5/1990  
County Court Order: CC-90-08 Filed: 5/30/1990 Hon. Tom Catlett, Monroe County Judge

Filing Type: Amendment of zoning classification in Resolution 90-4  
Effective Date: unknown  
County: Monroe City: Brinkley  
City Resolution: 90-11 Dated: 11/6/1990  
County Court Order: N/A

A file marked copy of the resolution submitted to our Office is enclosed. By copy of this letter (and its enclosures), the Secretary of State hereby notifies the appropriate mapping authorities for Arkansas. Please retain these copies as official record of the filing of the municipal boundary change by the Arkansas Secretary of State.

If you have any questions or concerns regarding these pending filings, please contact our Office at 501-682-3401.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Fisher".

Cynthia Fisher  
Special Projects Manager  
Arkansas Secretary of State Legal Division  
500 Woodlane St, Suite 256  
Little Rock, AR 72201  
501-682-3401

Cc: Arkansas Geographic Information Systems Office (w/ encl)  
Arkansas Highway and Transportation Department Mapping Department (w/ encl)  
UALR Institution for Economic Advancement (w/encl)  
Tom-Tom (w/encl)  
Hon. Tina Wofford, Monroe County Clerk (mail w/ encl)  
Room 256 State Capitol • Little Rock, Arkansas 72201-1094  
501-682-1010 • Fax 501-682-3510  
e-mail: [arsos@sos.arkansas.gov](mailto:arsos@sos.arkansas.gov) • [www.sos.arkansas.gov](http://www.sos.arkansas.gov)





# Arkansas Secretary of State

**Mark Martin** Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

## Municipal Boundary Change Checklist

County: Monroe City/Town: Brinkley

City Ordinance/Resolution No: 90-11 + Res 90-4 Date approved: 11/6/90 + 7/5/90

County Court Case No: \_\_\_\_\_ Date of Order: \_\_\_\_\_

Type: Click down arrow at right to select from a list of Arkansas Code municipal boundary filing types

Date Change Effective: 11/06/1990 Emergency clause:  Yes  No

For Circuit Court Challenge: Date Filed: \_\_\_\_\_  Upheld  Overturned  Other (attach explanation)

### Initiating party:

All Landowners  Majority Landowners  Municipal Governing Body  State  Other \_\_\_\_\_

### Supporting Documentation attached (check all that apply):

- File marked copy of City Ordinance/Resolution (not required for A.C.A. § 14-40-1801)
- File marked copy of County Court Order (not required for A.C.A. § 14-40-501)
- Proof of Publication for all Legal Notices (Hearing, Election, City Ordinance/Resolution)
- Copy of Arkansas GIS approved printed map and certification letter
- File marked copy of Petition Part or File marked copy of the certified special election results (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

### Municipal Contact:

Name: Stacey Pearson Title: City Clerk/Treas.

Street Address: 233 West Cedar

City: Brinkley St: AR Zip code: 72021

### City/County Official:

Signature: Stacey Pearson Title: City Clerk/Treas.

Date: 9-23-16

Complete one form for each ordinance/resolution and attach it as a cover page to the supporting document set. Submit the documents to Arkansas Secretary of State, Atten: Municipal Boundary Filing, 500 Woodlane Ave, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: Cynthia Fisher

**FILED**

SEP 30 2016

Arkansas  
Secretary of State

RESOLUTION 90-4

A special meeting of the Board of Directors of the City of Brinkley, Monroe County, Arkansas was held at the Municipal Building in said City on the 5th day of July, 1990, at 7:00 a.m. with a quorum of the Board members present.

Director Thomas offered the following resolution and moves its adoption:

RESOLUTION # 90-4

WHEREAS, It is necessary for the continued growth and development of the economy of the City of Brinkley that its corporate limits be increased and expanded; and,

WHEREAS, Billy Henard and Phillis Henard own territories contiguous to the existing corporate limits of the said City of Brinkley, which said territories are desirable as commercial and business locations; and,

WHEREAS, the said Billy Henard and Phillis Henard have surveyed such contiguous territories as specifically described by the following survey, to-wit:

Survey prepared by Sam F. Word, based on results of a field survey made by Sam F. Word, R.L.S. Ark. Reg. No. 14 on January 26, 1990, which said plat and survey were filed on record in the office of the Circuit Court Clerk and Ex-Officio Recorder of Monroe County, Arkansas on March 9, 1990 and now appear of record in Plat Book " D " at Page 155.

**FILED**

SEP 30 2016

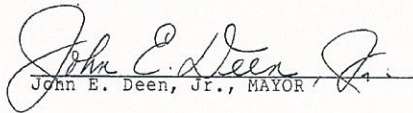
Arkansas  
Secretary of State

WHEREAS, the County Court of Monroe County, Arkansas has entered its order dated April 12, 1990, and its Order Confirming Annexation dated May 30, 1990, annexing the above described properties to the City of Brinkley, Monroe County, Arkansas .

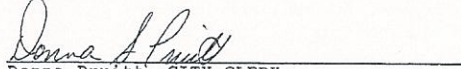
NOW THEREFORE, BE IT RESOLVED by the City of Brinkley, Monroe County, Arkansas acting through its duly elected Board of Directors that the annexation proceedings brought in the County Court of Monroe County, Arkansas, by the said Billy Henard and Phillis Henard are hereby approved and the lands subject thereto are hereby accepted for annexation to the City of Brinkley, Monroe County, Arkansas.

Director Conyears seconded the motion to adopt said resolution and, the roll being called, the same was adopted by unanimous vote of the directors present.

Approved this 5th day of July, 1990.

  
\_\_\_\_\_  
John E. Deen, Jr., MAYOR

ATTEST:

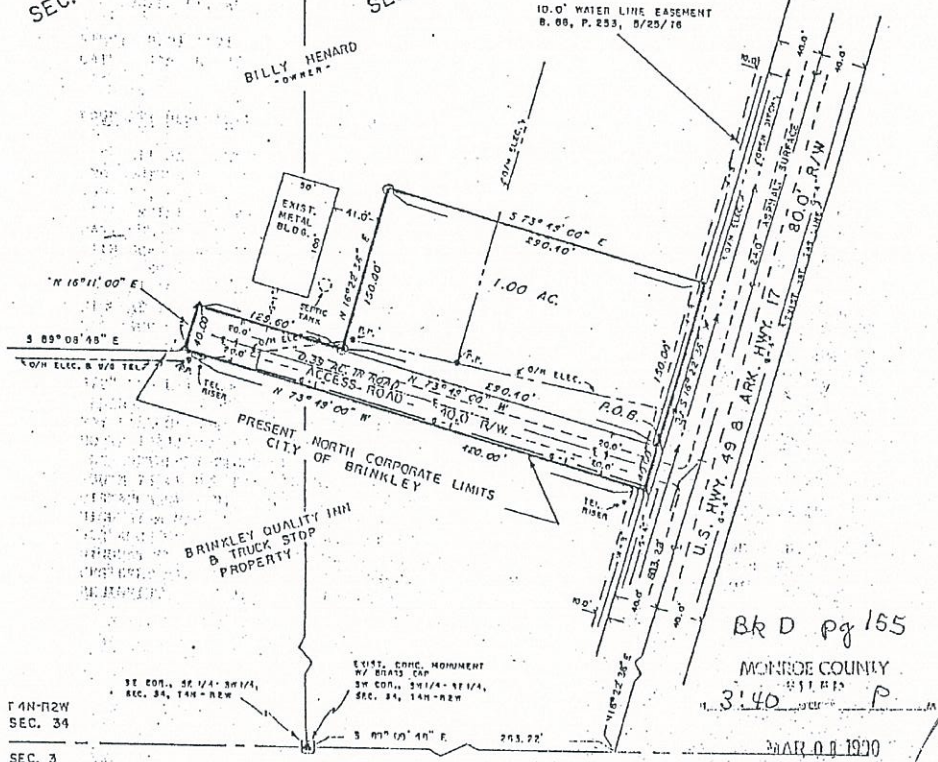
  
\_\_\_\_\_  
Donna Pruitt, CITY CLERK

PREPARED BY  
**SAM WORD CO., INC.**  
CONSULTING ENGINEERS  
PLANNERS-DESIGNERS-SURVEYORS  
BRINKLEY, ARKANSAS 72021

SE 1/4 - SW 1/4  
SEC. 34, T4N-R2W

SW 1/4 - SE 1/4  
SEC. 34, T4N-R2W

SCALE: 1" = 100.0'  
○ = SET 5/8" ROD  
▲ = EXIST. 5/8" ROD



Bk D pg 155

MONROE COUNTY

340 P

MAR 01 1990

T4N-R2W  
SEC. 34

SEC. 3  
T3N-R2W

JANUARY 26, 1990

PROPOSED ANNEXATION PLAT  
PHYLLIS SIMMONS, CLERK  
*Betty Skennis*

A PROPERTY SURVEY OF A PROPOSED ANNEXATION AREA PREPARED FOR BILLY HENARD, HIGHWAY 17 NORTH, BRINKLEY, ARKANSAS, OF A 1.39 ACRE TRACT OF LAND BEING A FRACTIONAL PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW $\frac{1}{4}$ -SE $\frac{1}{4}$ ), AND SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$ ), SECTION 34, T4N-R2W, LYING WEST OF AND ADJACENT TO U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17, AS IT EXISTS OF THIS DATE, COUNTY OF MONROE, STATE OF ARKANSAS, CONTAINING 1.39 ACRES.

(SEE PROPERTY DESCRIPTION ON PAGE 2).

NOTES: (1) THIS PROPERTY LIES OUTSIDE FLOOD HAZARD ZONE "A" (1 IN 100 YEAR FLOOD AREA), PER U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL INSURANCE ADMINISTRATION, FLOOD HAZARD BOUNDARY MAP H-01-47, MONROE COUNTY, ARKANSAS, COMMUNITY NO. 050154A, DATED JUNE 21, 1977.  
(2) THERE ARE NO ENCROACHMENTS OF THIS PROPERTY ONTO OTHERS NOR OF OTHERS ONTO THIS PROPERTY.

I, SAM F. WORD, P.S., ARK. REG. 14, HEREBY CERTIFY THIS AS BEING THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY SUPERVISION ON JANUARY 26, 1990, AND IS SUBJECT TO UNKNOWN UNRECORDED EASEMENTS. THIS SURVEY IS FOR THE EXCLUSIVE USE OF BILLY HENARD, BRINKLEY ARKANSAS, AND IS NONTRANSFERABLE.

*Sam Word*  
SAM F. WORD, P.S., ARK. REG. 14  
FILE: 9001-6521  
DATE: JANUARY 26, 1990



PAGE 2 - PROPOSED ANNEXATION PLAT

RE: BILLY HENARD  
HIGHWAY 17 NORTH  
BRINKLEY, ARKANSAS

FILE: 9001-6621  
DATE: JANUARY 26, 1990

PROPERTY DESCRIPTION: PROPOSED ANNEXATION AREA - 1.39 ACRES

A FRACTIONAL PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW $\frac{1}{4}$ -SE $\frac{1}{4}$ ), AND SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$ ), SECTION 34, T4N-R2W, LYING WEST OF AND ADJACENT TO U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17, AS IT EXISTS THIS DATE, COUNTY OF MONROE, STATE OF ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT AN EXISTING CONCRETE MONUMENT WITH BRASS CAP, BEING THE SOUTHWEST CORNER OF THE SW $\frac{1}{4}$ -SE $\frac{1}{4}$ , SECTION 34, T4N-R2W; THENCE SOUTH 89°08'48" EAST ALONG THE SOUTH LINE OF SECTION 34, A DISTANCE OF 263.22' TO A POINT LYING ON THE CENTERLINE OF U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17; THENCE NORTH 16°22'36" EAST ALONG SAID CENTERLINE OF HIGHWAY A DISTANCE OF 563.28' TO A POINT LYING ON THE EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF AN ACCESS ROAD; THENCE NORTH 73°49'00" WEST ALONG SAID EXTENSION OF SOUTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 40.00' TO AN EXISTING 5/8" ROD LYING ON THE WESTERLY RIGHT OF WAY OF SAID HIGHWAY, FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 73°49'00" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 420.00' TO AN EXISTING 5/8" ROD; THENCE NORTH 16°11'00" EAST A DISTANCE OF 40.00' TO AN EXISTING 5/8" ROD LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ACCESS ROAD; THENCE SOUTH 73°49'00" EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 129.60' TO A POINT; THENCE NORTH 16°22'36" EAST PARALLEL WITH SAID HIGHWAY A DISTANCE OF 150.00' TO A POINT; THENCE SOUTH 73°49'00" EAST A DISTANCE OF 290.40' TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17; THENCE SOUTH 16°22'36" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHWAY A DISTANCE OF 190.00' TO THE POINT OF BEGINNING, CONTAINING 1.39 ACRES.

IN THE COUNTY COURT OF MONROE COUNTY, ARKANSAS

IN THE MATTER OF THE ANNEXATION )  
OF CERTAIN PROPERTIES OWNED BY ) . . . BILLY HENARD and  
BILLY HENARD and PHILLIS HENARD ) PHILLIS HENARD  
) BRINKLEY, ARKANSAS:  
) PETITIONERS  
NO. CC-90-08

FILED  
IN MY OFFICE  
MAY 3 0 90  
COUNTY & PROBATE CLERK  
JANET E. WHEELER  
BY *[Signature]*  
D.C.

ORDER CONFIRMING ANNEXATION

Now on this 30TH day of MAY, 1990 comes on for hearing the matter of confirming the Order of Annexation of this Court entered on the 12<sup>th</sup> day of APRIL, 1990 wherein the property described on Schedule "A" attached hereto was annexed to the City of Brinkley, Monroe County, Arkansas, and the Court being well and sufficiently advised as to all matters of law fact herein, doth find:

That more than thirty (30) days have elapsed since the Order of Annexation, annexing the above described property to the City of Brinkley, Monroe County, Arkansas, was entered herein; that there have been no exceptions or objections filed to said order of annexation herein; and that the former order of this Court entered on the 12<sup>th</sup> day of APRIL, 1990 should in all things be confirmed.

IT IS THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED:

That the previous Order of this Court entered on the 12<sup>th</sup> day of APRIL, 1990, annexing the property described on the attached Schedule "A" hereto to the City of Brinkley, Monroe County, Arkansas, be and hereby is in all things confirmed.

*Tom Catlett*  
Tom Catlett, County Judge

PREPARED BY  
**SAM WORD CO., INC.**  
CONSULTING ENGINEERS  
PLANNERS-DESIGNERS-SURVEYORS  
BRINKLEY, ARKANSAS 72021

PAGE 2 - PROPOSED ANNEXATION PLAT

RE: BILLY BENARD  
HIGHWAY 17 NORTH  
BRINKLEY, ARKANSAS

FILE: 9001-6621  
DATE: JANUARY 26, 1990

PROPERTY DESCRIPTION: PROPOSED ANNEXATION AREA - 1.39 ACRES

A FRACTIONAL PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW $\frac{1}{4}$ -SE $\frac{1}{4}$ ), AND SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE $\frac{1}{4}$ -SW $\frac{1}{4}$ ), SECTION 34, T4N-R2W, LYING WEST OF AND ADJACENT TO U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17, AS IT EXISTS OF THIS DATE, COUNTY OF MONROE, STATE OF ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT AN EXISTING CONCRETE MONUMENT WITH BRASS CAP, BEING THE SOUTHWEST CORNER OF THE SW $\frac{1}{4}$ -SE $\frac{1}{4}$ , SECTION 34, T4N-R2W; THENCE SOUTH 89°08'48" EAST ALONG THE SOUTH LINE OF SECTION 34, A DISTANCE OF 263.22' TO A POINT LYING ON THE CENTERLINE OF U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17; THENCE NORTH 16°22'36" EAST ALONG SAID CENTERLINE OF HIGHWAY A DISTANCE OF 563.28' TO A POINT LYING ON THE EXTENSION OF THE SOUTHERLY RIGHT OF WAY LINE OF AN ACCESS ROAD; THENCE NORTH 73°49'00" WEST ALONG SAID EXTENSION OF SOUTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 40.00' TO AN EXISTING 5/8" ROD LYING ON THE WESTERLY RIGHT OF WAY OF SAID HIGHWAY, FOR A POINT OF BEGINNING; THENCE CONTINUE NORTH 73°49'00" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 420.00' TO AN EXISTING 5/8" ROD; THENCE NORTH 16°11'00" EAST A DISTANCE OF 40.00' TO AN EXISTING 5/8" ROD LYING ON THE NORTHERLY RIGHT OF WAY LINE OF SAID ACCESS ROAD; THENCE SOUTH 73°49'00" EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ACCESS ROAD A DISTANCE OF 129.60' TO A POINT; THENCE NORTH 16°22'36" EAST PARALLEL WITH SAID HIGHWAY A DISTANCE OF 150.00' TO A POINT; THENCE SOUTH 73°49'00" EAST A DISTANCE OF 290.40' TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF U. S. HIGHWAY 49 AND ARKANSAS HIGHWAY 17; THENCE SOUTH 16°22'36" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHWAY A DISTANCE OF 190.00' TO THE POINT OF BEGINNING, CONTAINING 1.39 ACRES.

SCHEDULE "A"



FILED  
IN MY OFFICE  
APR 12 90  
COUNTY & PROBATE CLERK  
JANET E. TWEE  
D.C.

IN THE COUNTY COURT OF MONROE COUNTY, ARKANSAS

NO: CC-90-08

IN THE MATTER OF THE ANNEXATION )  
OF CERTAIN PROPERTIES OWNED BY ) . . . . BILLY HENARD and  
BILLY HENARD and PHILLIS HENARD ) PHILLIS HENARD  
) BRINKLEY, ARKANSAS:  
) PETITIONERS

ORDER OF ANNEXATION

Now on this 9<sup>th</sup> day of APRIL, 1990, the same being the date set by the Court for a hearing in this cause, there is presented to the Court the verified petition of Billy Henard and Phyllis Henard, Petitioners, acting by and through their Attorney, Ralph M. Clifton, asking that certain property be annexed to the City of Brinkley, Monroe County, Arkansas, and notice of this hearing having been published for three (3) consecutive weeks in the Brinkley Argus, a newspaper published in Brinkley, Monroe County, Arkansas in general circulation throughout Monroe County, Arkansas and no written objections having been filed with the Clerk of this Court to the Petition by any person, firm or corporation, and said cause being in complete default pursuant to the aforesaid published notice, and this cause is submitted to the Court upon the proof of publication of the notice of this hearing; the verified petition of Billy Henard and Phyllis Henard; the descriptions and plats of the property sought to be annexed to the City of Brinkley, Monroe County, Arkansas; and testimony given ore tenus in open Court by Ralph M. Clifton; and certain documentary and other evidence from all of which the Court finds:

Book DD, Pages 154-159

RESOLUTION NO. 90-11

A RESOLUTION TO AMEND RESOLUTION 90-4 WHICH APPROVED ANNEXATION OF A ONE ACRE TRACT TO THE CITY OF BRINKLEY, ARKANSAS, BY CLASSIFYING SAID ONE ACRE TRACT IN THE COMMERCIAL ZONING CLASSIFICATION OF C-2, HIGHWAY COMMERCIAL DISTRICT

WHEREAS, The City Board of Directors of Brinkley, Arkansas, in a special session on July 5, 1990, did pass Resolution 90-4 which did accept into the corporate limits of the City of Brinkley, the annexation of a one acre tract which annexed into the City of Brinkley pursuant to annexation proceedings brought in the County Court of Monroe County, Arkansas; and,

WHEREAS, This property is the site of a motel along Highway 49 North and is in the approximate area of the Highway 49 and Interstate 40 intersection and being in such area has as its highest and best use that of a Highway Commercial area; and,

WHEREAS It was in the intention of the City of Brinkley Board of Directors that the property annexed, being a commercial motel site and being in a primarily commercial district, be classified pursuant to the Brinkley Zoning Ordinance Classification as C-2 Highway Commercial District.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF BRINKLEY BOARD OF DIRECTORS IN A REGULAR SESSION AND WITH A QUORUM PRESENT THAT:

SECTION 1: That Resolution 90-4 is hereby amended so as to specifically state that the one acre tract which was annexed and accepted into the corporate limits of the City of Brinkley by said resolution shall henceforth be classified pursuant to the Brinkley Zoning Ordinance as a C-2 Highway Commercial District.

**FILED**

SEP 30 2016

Arkansas  
Secretary of State

RESOLUTION NO. 90-11  
Page 2

Passed this 6th day of November, 1990.

John E. Deen, Jr.  
John E. Deen, Jr., MAYOR

ATTEST:

Donna S. Pruitt  
Donna S. Pruitt, City Clerk

2054B