

ORDINANCE NO. 00- 06-05

**AN ORDINANCE
DECLARING THE CITY OF BENTON, KENTUCKY'S INTENT
TO ANNEX UNINCORPORATED TERRITORY INTO THE CITY;
ACCURATELY DEFINING THE BOUNDARY OF THE
UNINCORPORATED TERRITORY TO BE ANNEXED
AND DECLARING IT DESIRABLE TO ANNEX
THIS UNINCORPORATED TERRITORY INTO THE CITY**

BE IT ORDAINED by the City of Benton, Kentucky as follows:

WHEREAS, the City of Benton, Kentucky intends to annex the hereinafter described property into the corporate limits of the City; and

WHEREAS, in compliance with KRS 81A.420, et seq., it is required to declare its intent to annex the said property; to accurately describe that property to be annexed; and declare it desirable to annex this unincorporated area into the City of Benton, Kentucky; and

WHEREAS, the City has found that the criteria set forth in KRS 81A.401(1) has been met; and

WHEREAS, in compliance with KRS 81A.410(2), the City of Benton, Kentucky has determined that no portion of the area to be annexed is within the corporate limits of another city;

NOW THEREFORE IT IS ORDAINED THAT:

SECTION 1

DECLARATION OF INTENT TO ANNEX

The City of Benton, by and through its council, declares its intent to annex that property more particularly described in Section 2 hereof into the corporate limits of the City of Benton, Kentucky.

SECTION 2

DESCRIPTION OF BOUNDARY OF PROPERTY TO BE ANNEXED

The boundary of the unincorporated territory to be annexed into the City of Benton, Kentucky is described as follows:

(a) Tract I - a 1.25 acre tract owned by Donald McKinney, et ux, and more particularly described as follows:

Being 1.25 acres of real estate according to a December, 1989 survey of Art Travis, KYLS #1933; and generally located in the Northwestern portion of the Benton community of Marshall County, Kentucky, on the south side of Symsonia Road (access road to the Purchase Parkway) and more particularly described as follows:

Beginning at the northeast corner of the property herein conveyed; said corner being a ½" round steel pin found 70 feet south of the centerline of Kentucky Highway 348, Symsonia Road; said steel pin being the northwest corner of the Humane Society of Marshall County, Inc., as described in Deed Book 249, page 74; thence; South 21 deg. 29' 54" West - 304.70 feet along the west line of the Humane Society property to a ½" round steel pin set at the southeast corner of the property herein described, and in the north line of the Lee Powell property as described in Deed Book 241, page 369; thence; North 69 deg. 41' 14" West - 186 feet to a ½" round steel pin set at the southwest corner of the property herein described; said pin being in the east fenceline of the Hill property; thence, North 01 deg. 54' 23" West - 53.00 feet to a ½" round steel pin found in the east right of way line of a connector road between Old Symsonia road and the new Symsonia Road; thence; North 33 deg. 12' 57" East - 210.00 feet along the east road right-of-way line to a ½" round steel pin; thence; North 71 deg. 23' 21" East - 84.00 feet to an existing steel fencepost in the south right-of-way line of Highway 348; thence; South 68 deg. 36' 39" East - 100 feet to the point of beginning and containing 1.25 acres.

Being the same property conveyed to the Grantor by deed dated October 28, 1994 of record in Deed Book 274, page 478, and deed of correction dated January 9, 1995 of record in Deed Book 276, page 20, all of Marshall County Court Clerk's Office.

(b) Tract II - a 1.74 acre tract owned by the Marshall County Humane Society and more particularly described as follows:

A 1.74 acre parcel of land located in the northwestern portion of the Benton Community of Marshall County, Kentucky, on the south side of Hwy. 348 (Symsonia Road or Access Road) and west of Ash Street and more particularly described as beginning at the northwest corner of the property herein conveyed; said point of beginning being ½" round steel rebar set in the existing highway right-of-way fence 70 feet south of the Hwy. 348 centerline and 210 feet west of an un-named street centerline; thence, South 68 degrees 36 minutes 39 seconds East 250.00 feet along the south right-of-way of the Access Road to a ½" round steel rebar; thence South 21 degrees 30 minutes 30 seconds West 300.00 feet to a ½" round steel rebar at the southeast corner of the property herein conveyed, same being a corner with Powell; thence, North 69 degrees 41 minutes 14 seconds West 250.00 feet to the southwest corner of the property herein described; said corner being 186 feet southeast of a ½" round steel pin in the Powell north property line; thence, North 21 degrees 29 minutes 54 seconds East 304.7 feet to the point of beginning.

It is specifically understood that the Grantor reserves for itself and its successors and assigns a 40 foot easement at the northwest corner of the above described property to permit the Grantor, its successors and assigns, access to the remaining parcel of land and with said easement being more particularly described as follows:

Beginning at the northwest corner of the 1.74 acre tract described above, said point of beginning being ½" round steel rebar set in the existing highway right-of-way fence 70 feet south of the Highway 348 centerline and 210 feet west of an un-named street centerline; thence South 68 degrees 36 minutes 39 seconds east 100 feet, more or less; thence South 21 degrees 30 minutes 30 seconds West 40 feet; thence North 69 degrees 41 minutes 14 seconds West, 100 feet to the west line of the 1.74 acres described above; thence North 21 degrees 29 minutes 54 seconds East 40 feet to the point of beginning.

Being the same property conveyed to the Grantor by deed dated May 2, 1991 of record in Deed Book 249, page 74, Marshall County Court Clerk's Office.

(c) Tract III - a 6.71 acre tract owned by Rodney Smith and more particularly described as follows:

A 6.71 acre parcel of land located in the northwestern portion of the Benton community of Marshall County, Kentucky on the south side of Hwy. 348 (Symsonia Road) and west of Ash Street and more particularly described as beginning at the northeast corner of the property herein described. Said corner being a ½" steel pin set 70 feet south of the Hwy. 348 road center line and 30 feet west of the center line of Ash Street; thence, South 01° 54' 11" East, 186.2 feet to a ½" round steel pin set in the west right of way of Ash Street; thence, South 03° 35' 37" East, 338.48 feet to a ½" round steel pin set at the southeast corner of the property herein described. Said

pin being 25' west of the Ash Street center line and also being at the northwest corner of the W. C. Hutchens property as described in Deed Book 151, page 330; thence, North 89° 33' 14" West, 686.94 feet (and passing a City of Benton sanitary manhole at 309 feet) to a ½" round steel pin set at the southwest corner of the property herein described; thence, North 01° 54' 23" West, 452.03 feet to a ½" round steel pin set at the southwest corner of a tract of land previously conveyed to Standard Oil of Kentucky; thence, South 69° 41' 14" East, 436.00 feet to the southeast corner of the property previously conveyed to Standard Oil of Kentucky; thence, North 21° 30' 30" East, 300.00 feet to the south right of way of Hwy. 348 and the northeast corner of property previously conveyed to Standard Oil of Kentucky; thence, South 68° 36' 39" East, 167.20 feet to the point of beginning.

Being the same property conveyed to the Grantor by deed dated November 29, 1996 of record in Deed Book 291, page 676, Marshall County Court Clerk's Office.

(d) Tract IV - a 8.5 acre tract owned by Jack Telle and Larry Telle and more particularly described as follows:

An 8.5 acre tract of land lying North of 5th Street (Highway 408); West of the Wal-Mart Supercenter property; South of the abandoned CSX railroad right-of-way and East of the Jackson Purchase Parkway and being a part of that property conveyed to Jack Telle and Larry Telle as follows:

(1) Deed dated December 24, 1960, from Bessie Roberts, widow; Patsy Roberts Humphreys, and husband, Ben Humphreys, and Norma Ruth Adams, and husband, William E. Adams, to Emalene Telle, of record in Deed Book 104, page 601;

(2) Deed dated April 25, 1960, from Bessie Roberts, Committee for Peggy Lou Roberts, Non Compos Mentis, or record in Deed Book 104, page 112;

(3) Affidavit of Descent dated April 6, 1960, of record in Deed Book 104, page 38;

(4) Deed dated September 11, 1984, from Seaboard System Railroad, Inc., of record in Deed Book 205, page 666; and

(5) Will of Emalene Telle devising the entire residue of her estate of Larry F. Telle and Jack M. Telle, of record in Will Book 23, page 586, in the Marshall County Court Clerk's Office.

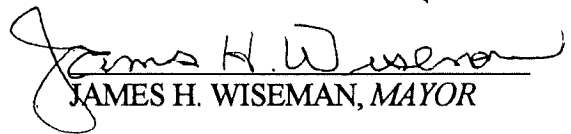
All of record in the Marshall County Court Clerk's Office.

SECTION 3

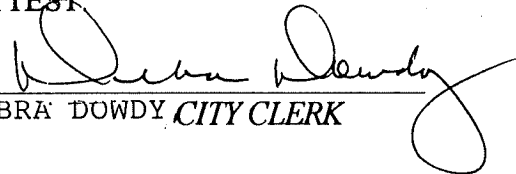
DECLARATION OF DESIRABILITY

That property described in Section 2 above being urban in nature with boundaries contiguous to those of the City and not presently a part of any incorporated area, it is desirable for same to be annexed into and made a part of the corporate limits of the City of Benton, Kentucky.

Passed this the 19th day of June 2000.


JAMES H. WISEMAN, MAYOR

ATTEST:


DEBRA DOWDY, CITY CLERK

FIRST READING: May 15, 2000
SECOND READING: June 19, 2000
PUBLICATION: 6/28/00

VOTE

	<u>AYE</u>	<u>NAY</u>
STEVE CARY	<u>✓</u>	_____
EDWIN DONOHOO	<u>✓</u>	_____
CHARLES EDMONS	<u>✓</u>	_____
KENTON HOLLAND	<u>✓</u>	_____
ELIZABETH HUDSON	<u>✓</u>	_____
LARRY SPEARS	<u>✓</u>	_____

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.