

**Mayor**  
Steve Cary

**City Clerk**  
Michele Edwards

**City Treasurer**  
Bethany Cooper

**City Attorney**  
Martin Johnson

**Police Chief**  
Tracy Watwood

**Resolution of the City of Benton  
Number 09-08-01**

I certify I am the duly qualified City Clerk of the City of Benton,  
Kentucky, and the foregoing 8 pages of the Resolution number  
09-08-01 is a true, correct and complete copy duly adopted  
by the City Council at a duly convened meeting held on  
August 17, 2009, all as appears in the official records of the  
said City of Benton, Kentucky.

WITNESS, my hand and the Seal of the City of Benton, this the 25 day  
of August, 2009.

  
Michele Edwards  
Benton City Clerk

S E A L

RECEIVED AND FILED  
DATE August 26, 2009

TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Shirley Adkins

**RESOLUTION 09- 08-01**

**A RESOLUTION ADOPTING A MODERN  
AND  
ACCURATE LEGAL DESCRIPTION  
OF  
TERRITORY PREVIOUSLY ANNEXED  
BY ORDINANCE  
IN THE  
CITY OF BENTON, KENTUCKY**

WHEREAS, the City of Benton has enacted numerous ordinances annexing property into the corporate limits of the City; and

WHEREAS, each individual annexation contains a prior survey or written description prepared by now unknown individual, and further references documentation that is no longer in existence; and

WHEREAS, the City wishes to provide a modern, accurate, easily identifiable legal description reflecting bearings and coordinates based upon the state plane coordinate system, including relevant GPS and GIS data, same having been certified by a professional land surveyor for each prior annexation; and

WHEREAS, the City wishes to comply with the requirements of Amended KRS 81A.470 effective July 1, 2009;

WHEREAS, the city does not intend to amend or replace its prior ordinance annexing, but rather to interpret the defined boundaries of the territory previously annexed and adopt a modern and accurate legal description of territory previously annexed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BENTON, KENTUCKY AS FOLLOWS:

SECTION 1: That the City Council of the City of Benton, Kentucky hereby adopts the following legal description, and a plat attached hereto as prepared by Florence and Hutchenson, Inc., by Gerald M. Kight, a Licensed Professional Land Surveyor No. 2547 by new survey as an accurate depiction of the property previously annexed into the corporate city limits of the City of Benton by Ordinance dated March 3, 1980, a copy of which is attached hereto as Exhibit "2", and hereby adopts said new legal description and plat as the official legal description and plat to be adopted by the City for all purposes when referencing this prior annexation.

SECTION 2: This new legal description as prepared by Florence and Hutcheson, Inc. by Gerald M. Kight, a Licensed Professional Land Surveyor No. 2547 is as follows:

**Tract A**

All that property lying within 400 feet to the centerline of the Lynn Nelson Road and bounded on the North by the Symsonia Road (KY Hwy 348) and on the South by the Oak Level Road (KY Hwy 408), and being more particularly described as follows:

Beginning at a point in the existing City Limits of the City of Benton, Marshall County, Kentucky, said point being located 230 feet south of the center of the Symsonia Highway (Kentucky Highway 348), said point also being located 400 feet east of the center of the Lynn Nelson Road, said point having Kentucky State Plane South Zone coordinates of North 1,846,132.9 and East 869,927.2;

Thence, from the point of beginning and with a line 400 feet east of and parallel to the centerline of the Lynn Nelson Road, South  $0^{\circ} 36' 44''$  West a distance of 2675.70 feet to a point in the center of the Oak Level Road (Kentucky Highway 408);

Thence, with the center of the said Oak Level Road, North  $86^{\circ} 33' 50''$  West a distance of 281.04 feet to a point;

Thence, continuing with the center of the said Oak Level Road, 313.86 feet along an arc to the left, said arc having a radius of 500.00 feet, said arc being subtended by a chord of which is South  $75^{\circ} 27' 12''$  West, 308.73 feet;

Thence, continuing with the center of the said Oak Level Road, South  $57^{\circ} 28' 14''$  West a distance of 264.31 feet to a point;

Thence, with a line 400 feet west of and parallel to the center of the Lynn Nelson Road, North 0° 36' 44" East a distance of 2971.43 feet to a point;

Thence, with a line 400 feet west of and parallel to the center of the Lynn Nelson Road, North 4° 59' 21" East a distance of 231.86 feet to a point;

Thence, with a line 400 feet west of and parallel to the center of the Lynn Nelson Road, North 31° 17' 07" East a distance of 219.62 feet;

Thence, with a line 400 feet west of and parallel to the center of the Lynn Nelson Road, North 51° 51' 01" East a distance of 82.45 feet in the existing City Limits of Benton;

Thence, with the said existing City Limits, South 38° 42' 58" East a distance of 388.70 feet;

Thence, with the said existing City Limits, South 51° 17' 02" West a distance of 52.18 feet;

Thence, with the said existing City Limits, South 0° 36' 44" West a distance of 727.28 feet;

Thence, with the said existing City Limits, North 88° 36' 43" East a distance of 154.70 feet;

Thence, with the said existing City Limits, North 0° 31' 19" East a distance of 616.70 feet;

Thence, with the said existing City Limits, North 51° 17' 02" East a distance of 70.00 feet;

Thence, with the said existing City Limits, 252.50 feet along an arc to the left, said arc having a radius of 680.00 feet, said arc being subtended by a chord of which is South 49° 21' 13" East a distance of 251.05 feet back to the point of beginning.

The above described area of annexation is 52.566 acres more or less.

### **Tract B**

All that property lying within 400 feet to the centerline of the Ivey Road and bounded on the North by the Symsonia Road (KY Hwy 348) and on the South by the Oak Level Road (KY Hwy 408), and being more particularly described as follows:

Beginning at a point in the existing City Limits of the City of Benton, Marshall County, Kentucky, said point being located 230 feet south of the center of the Symsonia Highway (Kentucky Highway 348), said point also being located 400 feet east of the center of the Ivey Road, said point having Kentucky State Plane South Zone coordinates of North 1,845,921.2 and East 872,129.6;

Thence, with a line 400 feet east of and parallel to the center of the Ivey Road, South  $1^{\circ} 26' 27''$  West a distance of 2394.78 feet to a point in the existing City Limits of Benton;

Thence, with the said existing City Limits, South  $76^{\circ} 05' 50''$  West a distance of 567.55 feet;

Thence, with the said existing City Limits, North  $77^{\circ} 59' 44''$  West a distance of 257.04 feet;

Thence, with a line 400 feet west of and parallel to the center of the Ivey Road, North  $1^{\circ} 26' 27''$  East a distance of 2483.42 feet in the existing City Limits of Benton;

Thence, with the said existing City Limits, South  $84^{\circ} 01' 46''$  East a distance of 585.73 feet;

Thence, with the said existing City Limits, North  $75^{\circ} 45' 35''$  East a distance of 224.46 feet back to the point of beginning.

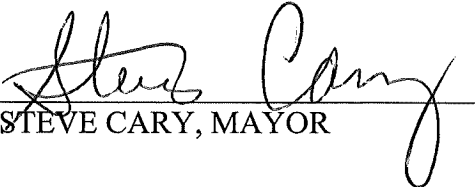
The above described area of annexation is 45.005 acres more or less.

SECTION 3: A copy of the new survey and plat shall be filed by the City Attorney with the Marshall County Court Clerk's Office within sixty (60) days and a list of the property owners and all registered voters that reside in those areas identified in the new survey shall be provided to the Clerk in compliance with the provisions of KRS 81A.475.

SECTION 4: If the City of Benton annexes property in the future, it shall be the duty of the City Clerk to have the area to be annexed surveyed by a registered land surveyor and that surveyor is to prepare a written legal description of the area to be annexed. The City attorney shall utilize that written description in preparation of an annexation ordinance. Upon annexation

a map of the annexed area shall be filed by the City Attorney in the Office of the Marshall County Court Clerk together with lists of all property owners in the annexed area together with a list of all registered voters residing in the annexed area.

Passed this the 17<sup>th</sup> day of August, 2009

  
STEVE CARY, MAYOR

ATTEST:

  
MICHELLE EDWARDS, CITY CLERK

FIRST READING: 8-17-09  
PUBLICATION: 8-25-09

COUNCIL MEMBERS VOTING:

|                 | <u>AYE</u>                          | <u>NAY</u>               |
|-----------------|-------------------------------------|--------------------------|
| GLEN BREWER     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CHRIS FREELAND  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| TIM KING        | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| CHARLES EDMONDS | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| RITA DOTSON     | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| MICKEY SIRLS    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 5 pages of Resolution No. 09-08-01 is a true, correct and complete copy of the Resolution duly adopted by the City Council of the City of Benton, KY at a duly convened meeting held on 8-17-2009, all as appears in the official records of said City.

WITNESS my hand and seal the 17 day of August, 2009.

  
MICHELLE EDWARDS, City Clerk

**Annexation to the City of Benton, Marshall County, Kentucky  
Of March 3, 1980  
2009 Resolution Description**

**Tract A**

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Thence, continuing with the center of the said Oak Level Road, 313.86 feet along an arc to the left, said arc having a radius of 500.00 feet, said arc being subtended by a chord of which is South 75° 27' 12" West, 308.73 feet;

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The above described area of annexation is 52.566 acres more or less.

Prepared by and in accordance with a partial survey performed under the supervision of:

Gerald M. Kight

Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003

#### **Tract B**

All that property lying within 400 feet to the centerline of the Ivey Road and bounded on the North by the Symsonia Road (KY Hwy 348) and on the South by the Oak Level Road (KY Hwy 408), and being more particularly described as follows:

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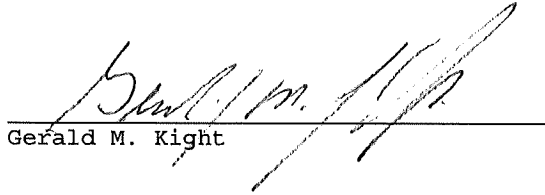
Gerald M. Kight

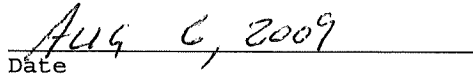
Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003

  
\_\_\_\_\_  
Gerald M. Kight

  
\_\_\_\_\_  
Date

A02 March 3 1980.doc  
Gerald M. Kight  
August 5, 2009

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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