

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 09-08-02

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 5 page of the Resolution number
09-08-02 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 Sept 21, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Charlie Addison

RESOLUTION 09- 08-02

**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 September 4, 1984, 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 Hutchenson, Inc. by Gerald M. Kight, a Licensed Professional Land Surveyor No. 2547 is as follows:

A parcel of land generally located on the East side of Kentucky Highway 1445 (Dogtown Road), on the South side of Longview II Subdivision, and being known as the Fox Ridge Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found ½ inch rebar iron pin with a surveyors cap located at the northwest corner of the property described herein, said iron pin being in the East right of way line of Kentucky Highway 1445, 30 feet East of the centerline, said iron pin being the Southwest corner of the Longview II Subdivision as shown on the plat of record in Slide 381 of the records of the Marshall County Court Clerk, said point having Kentucky State Plane South Zone coordinates of North 1,838,315.52 and East 882,288.95;

Thence, from the point of beginning and with the South line of the said Longview II Subdivision, North 89° 50' 53" East a distance of 722.90 feet to a point;

Thence, South 0° 38' 14" West a distance of 504.15 feet to a point;

Thence, South 89° 50' 47" West a distance of 718.83 feet to a point in the East right of way line of Kentucky Highway 1445 (Dogtown Road);

Thence, with the said East right of way line, North 0° 10' 28" East a distance of 504.13 feet back to the point of beginning.

The above described area of annexation is 8.342 acres more or less and encompasses the area known as the Fox Ridge Subdivision as shown on the plat of record in Slide 444 of the records of the Marshall County, Kentucky Court Clerk.

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 17th 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	<u>✓</u>	<u> </u>
CHRIS FREELAND	<u>✓</u>	<u> </u>
TIM KING	<u>✓</u>	<u> </u>
CHARLES EDMONDS	<u>✓</u>	<u> </u>
RITA DOTSON	<u>✓</u>	<u> </u>
MICKEY SIRLS	<u>✓</u>	<u> </u>

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 4 pages of Resolution No. ~~19-08-02~~ 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 September 4, 1984
2009 Resolution Description**

A parcel of land generally located on the East side of Kentucky Highway 1445 (Dogtown Road), on the South side of Longview II Subdivision, and being known as the Fox Ridge Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found $\frac{1}{2}$ inch rebar iron pin with a surveyors cap located at the northwest corner of the property described herein, said iron pin being in the East right of way line of Kentucky Highway 1445, 30 feet East of the centerline, said iron pin being the Southwest corner of the Longview II Subdivision as shown on the plat of record in Slide 381 of the records of the Marshall County Court Clerk, said point having Kentucky State Plane South Zone coordinates of North 1,838,315.52 and East 882,288.95;

Thence, from the point of beginning and with the South line of the said Longview II Subdivision, North $89^{\circ} 50' 53''$ East a distance of 722.90 feet to a point;

Thence, South $0^{\circ} 38' 14''$ West a distance of 504.15 feet to a point;

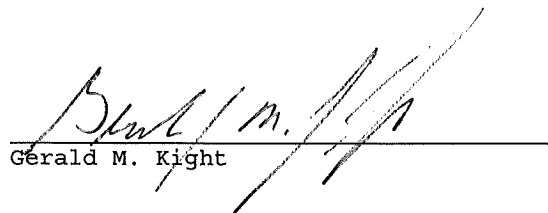
Thence, South $89^{\circ} 50' 47''$ West a distance of 718.83 feet to a point in the East right of way line of Kentucky Highway 1445 (Dogtown Road);

Thence, with the said East right of way line, North $0^{\circ} 10' 28''$ East a distance of 504.13 feet back to the point of beginning.

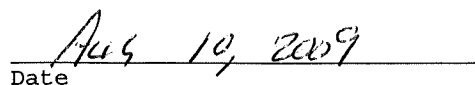
The above described area of annexation is 8.342 acres more or less and encompasses the area known as the Fox Ridge Subdivision as shown on the plat of record in Slide 444 of the records of the Marshall County, Kentucky Court Clerk.

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



Gerald M. Kight



Date

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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