



1009 Main Street—Benton Kentucky 42025
(270) 527-8677

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 09-10-02**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 9 pages of the Resolution number
09-10-02 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
October 19, 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 22 day
of October, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Oct. 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Cadden

RESOLUTION 09- ²10-08

**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 June 22, 1982, 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 I

A parcel of land located on the west side of the Dogtown Road (Kentucky Highway 1445) along East 21st Street and east of a branch of Town Creek, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the existing city limits of the City of Benton in a branch of the Town Creek, said point being located 200 feet south of the south line of East 21st Street, said point having Kentucky State Plane South Zone coordinates of North 1,837,182.3 and East 881,509.7;

Thence, with a line 200 feet south of and parallel to the south line of East 21st Street, South 85° 57' 10" East a distance of 698.70 feet to a point in the west line of Dogtown Road (Kentucky Highway 1445);

Thence, in a northerly direction and with the west line of Dogtown Road, North 1° 11' 33" East, passing the center of East 21st Street at approximately 225.6 feet, a total distance of 1089.00 feet to a fence corner;

Thence, continuing with the west line of Dogtown Road, North 0° 53' 02" East a distance of 533.34 feet to a found 2" channel iron;

Thence, continuing with the west line of Dogtown Road, North 2° 33' 22" East a distance of 223.46 feet to a found 1 ½" iron pipe;

Thence, continuing with the west line of Dogtown Road, North 0° 40' 24" East a distance of 199.86 feet to a found 1" iron pipe;

Thence, continuing with the west line of Dogtown Road, North 1° 18' 00" East a distance of 184.79 feet to a found ¾" iron pin with a surveyors cap;

Thence, continuing with the west line of Dogtown Road, North 0° 32' 19" East a distance of 158.94 feet to a point;

Thence, continuing with the west line of Dogtown Road, 269.32 feet along an arc to the left to a point in the existing city limits of the City of Benton in the center of a branch of Town Creek, said arc having a radius of 330.00 feet, said arc being subtended by a chord of which is North 22° 27' 33" West, 261.91 feet;

Thence, in a southerly direction and with chords subtending the meanders of the centerline of a branch of Town Creek as follows:

South 31° 27' 27" West a distance of 152.36 feet to a point;
South 12° 27' 21" West a distance of 502.82 feet to a point;
South 66° 56' 25" West a distance of 73.17 feet to a point;
South 29° 44' 18" East a distance of 76.20 feet to a point;
South 42° 29' 38" West a distance of 87.32 feet to a point;
South 8° 30' 46" East a distance of 72.34 feet to a point;
South 68° 13' 09" West a distance of 74.71 feet to a point;
South 12° 04' 15" East a distance of 243.34 feet to a point;
South 1° 28' 57" West a distance of 240.22 feet to a point;
South 46° 07' 37" West a distance of 106.29 feet to a point;
South 11° 26' 15" East a distance of 275.79 feet to a point;
South 58° 35' 38" West a distance of 120.89 feet to a point;
South 5° 31' 11" West a distance of 101.63 feet to a point;
South 44° 46' 10" West a distance of 171.54 feet to a point;
South 1° 41' 59" West a distance of 129.76 feet to a point;
North 69° 28' 52" West a distance of 98.43 feet to a point;
South 24° 44' 25" West a distance of 53.39 feet to a point;
South 42° 47' 19" East a distance of 82.63 feet to a point; and
South 8° 58' 51" West a distance of 148.90 feet to a point on the north side of East 21st Street;

Thence, crossing East 21st Street, South 8° 31' 15" West a distance of 31.72 feet to a point in the existing city limits of the City of Benton in the center of a branch of Town Creek;

Thence, continuing with the said creek centerline, South 11° 26' 05" East a distance of 155.56 feet to a point;

Thence, continuing with the said creek centerline, South 34° 24' 07" West a distance of 71.29 feet back to the point of beginning.

The above described parcel contains 25.161 acres more or less.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on September 22, 2009.

Tract 2

A parcel of land located on the eastern side of the Dogtown Road (Kentucky Highway 1445), south of East 14th Street, and encompassing the Oak Grove Circle of the Longview Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the east line of the Dogtown Road (Kentucky Highway 1445) at the southwestern corner of Lot 1, Block C of the Longview Subdivision as shown by 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 1,838,355.0 and East 882,289.1;

Thence, from the point of beginning and along the south line of the aforementioned Longview Subdivision, passing a found iron pin with a surveyors cap at 105.67 feet, North 89° 50' 52" East a total distance of 802.96 feet to a point;

Thence, North 13° 40' 12" West a distance of 33.33 feet to a point;

Thence, North 30° 55' 05" East a distance of 238.53 feet to a point;

Thence, North 40° 25' 43" East a distance of 134.70 feet to a point;

Thence, North 21° 29' 00" East a distance of 462.55 feet to the northeastern most corner of the aforementioned Longview Subdivision;

Thence, with the north line of the said Longview Subdivision, South 89° 26' 11" West a distance of 586.50 feet to a found iron pin with a surveyors cap;

Thence, continuing with the north line of the said Longview Subdivision, South 89° 26' 11" West a distance of 277.47 feet to a point located 300 feet east of the east line of the Dogtown Road;

Thence, with a line 300 feet east of and parallel to the Dogtown Road, North 0° 46' 57" East a distance of 544.84 feet to a point in the south line of the Dycus – Jennings Subdivision;

Thence, with the south line of the said Dycus – Jennings Subdivision, North 89° 34' 07" West a distance of 300.01 feet to a point in the east right of way line of the Dogtown Road;

Thence, with the said east right of way line, South 0° 46' 57" West a distance of 550.06 feet to a point;

Thence, continuing with the said east right of way line, South 0° 46' 57" West a distance of 760.72 feet back to the point of beginning.

The above described parcel contains 21.191 acres more or less.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on September 8, 2009.

Tract 3

A parcel of land located on the north side of West 1st Street and on the east side of Locust Street (formerly known as the Old Benton – Paducah Road), west of U.S. Highway 641, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the existing city limits of the City of Benton at the point of intersection of the north right of way line of West 1st Street and the east right of way line of Locust Street (formerly known as the Old Benton – Paducah Road), said point having Kentucky State Plane South Zone coordinates of North 1,845,851.0 and East 879,687.9;

Thence, with the said east right of way line of Locust Street, North 0° 08' 18" East, passing a found ½" iron pin with a surveyors cap at a distance of 398.07 feet, a total distance of 723.43 feet to a point;

Thence, continuing with the said east right of way line of Locust Street, North 1° 28' 28" East a distance of 867.95 feet to a point;

Thence, South 67° 37' 07" East a distance of 269.05 feet to a point in the existing city limits of the City of Benton;

Thence, with the said city limits line, South 1° 05' 33" West, passing a found ½" iron pin at a distance of 565.87 feet, a total distance of 1,493.75 feet to a point in the north right of way line of West 1st Street;

Thence, with the north right of way line of West 1st Street, North 88° 52' 00" West, passing a found ¾" iron pipe at a distance of 168.14 feet, a total distance of 244.43 feet back to the point of beginning.

The above described parcel contains 8.931 acres more or less.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on September 21, 2009.

Tract 4

Tract 4 of the Annexation of June 22, 1982 describes the area between Bee Creek and the Lynn Nelson Road north and south of Kentucky Highway 408.

This area was partially annexed by the Ordinance of Annexation of March 3, 1980, and updated with the Clarification Resolution 09-08-01 of August 17, 2009.

The portion not covered by the aforementioned ordinance and resolution was annexed by Tract "B" of the Ordinance of Annexation of November 17, 1986, and updated with Tract "B" of the Clarification Resolution 09-09-01 of September 21, 2009.

This resolution provides no additional clarification of this Tract due to the previously approved Clarification Resolutions.

Tract 5

A parcel of land located southeast of Kentucky Highway 58 (The Mayfield Highway) on the south side of Walnut Street, on the west side of the Golf Course Road, and on the north side of a branch of Town Creek, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the existing city limits of the City of Benton in the east line of the Country Trace Subdivision as recorded in Slide 320 of the records of the Marshall County Court Clerk, said point being located 500 feet south of the centerline of Kentucky Highway 58 (The Mayfield Highway), said point having Kentucky State Plane South Zone coordinates of North 1,837,883.2 and East 874,896.9;

Thence, from the point of beginning and with a line 500 feet south of and parallel to the centerline of Kentucky Highway 58, North 67° 39' 51" East a distance of 136.07 feet to a point;

Thence, continuing with a line 500 feet south of and parallel to the centerline of Kentucky Highway 58, North 63° 33' 22" East a distance of 159.67 feet to a point;

Thence, continuing with a line 500 feet south of and parallel to the centerline of Kentucky Highway 58, North 56° 22' 18" East a distance of 200.16 feet to a point in a branch of the Town Creek;

Thence, with chords subtending the meanders of the branch of Town Creek as follows:

North 60° 10' 50" East a distance of 226.33 feet to a point;
North 78° 41' 36" East a distance of 85.41 feet to a point;
South 8° 15' 05" East a distance of 96.68 feet to a point;
North 86° 48' 42" East a distance of 146.84 feet to a point;
South 68° 42' 16" East a distance of 197.63 feet to a point;
North 76° 39' 46" East a distance of 220.94 feet to a point;
South 51° 00' 07" East a distance of 144.66 feet to a point;
South 58° 00' 29" East a distance of 363.75 feet to a point; and
North 71° 38' 26" East a distance of 256.10 feet to a point in the west line of the Golf Course Road and the existing city limits of the City of Benton;

Thence, with the said west line of the Golf Course Road, North 0° 04' 29" East a distance of 436.53 feet to a point;

Thence, continuing with the said west line of the Golf Course Road, North 13° 26' 45" West a distance of 150.27 feet to a point;

Thence, continuing with the said west line of the Golf Course Road, North 3° 12' 47" East a distance of 285.99 feet to a found 1" iron pipe with a surveyors cap at the intersection with the south line of Walnut Street;

Thence, with the south line of Walnut Street, South 78° 50' 14" West a distance of 213.49 feet to a found 1" iron pipe with a surveyors cap;

Thence, with the south line of Walnut Street as follows:

South 89° 07' 17" West a distance of 138.70 feet to a point;
South 75° 59' 30" West a distance of 110.72 feet to a point;
South 62° 25' 20" West a distance of 120.30 feet to a point;
South 67° 14' 18" West a distance of 152.96 feet to a point;
South 73° 52' 00" West a distance of 289.75 feet to a point;
South 76° 56' 41" West a distance of 326.08 feet to a point;
South 85° 54' 47" West a distance of 180.06 feet to a point;
South 87° 50' 49" West a distance of 171.69 feet to a point;
South 80° 15' 28" West a distance of 185.69 feet to a point; and
South 86° 55' 53" West a distance of 61.85 feet to a found 1" iron pipe with a surveyors cap at the intersection of the south line of Walnut Street and the south line of Kentucky Highway 58;

Thence, South 2° 47' 42" West a distance of 527.09 feet back to the point of beginning.

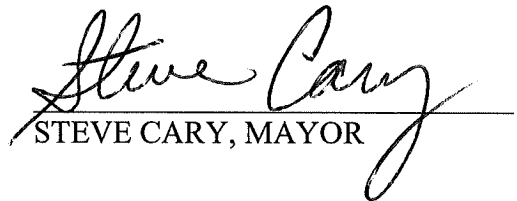
The above described parcel contains 23.348 acres more or less.

All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on September 22, 2009.

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 19 day of October, 2009


STEVE CARY, MAYOR

ATTEST:


MICHELE EDWARDS, CITY CLERK

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 8 pages of Resolution No. 09-10-02 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 10-19-2009, all as appears in the official records of said City.

WITNESS my hand and seal the 19 day of October, 2009.

Michelle Edwards
MICHELLE EDWARDS, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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