

Mayor
Steve Cary

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

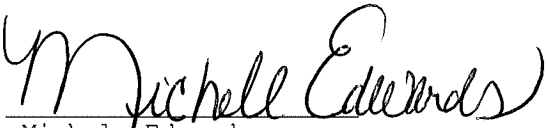
City Attorney
Martin Johnson

Police Chief
Tracy Watwood

**Annexation to the City of Benton
By
Ordinance 95-05-03**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 8 pages of the Ordinance number
95-05-03 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
May 15, 1995, 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 20 day
of November, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Nov. 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY


ORDINANCE NO. 95- 05-03

ORDINANCE ANNEXING PROPERTY OWNED BY WILLIAM
BRETT DRAFFEN, LAURIE M. DRAFFEN, THEODORE
BRIAN DRAFFEN, COLETTE M. DRAFFEN, HEIDI
DENISE (DRAFFEN) EYER, MARK S. EYER, LOUISE
WALTERS AND JOE WALTERS.

WHEREAS, the hereafter described property is owned by William
Brett Draffen, Laurie M. Draffen, Theodore Brian Draffen, Colette
M. Draffen, Heidi Denise (Draffen) Eyer, Mark S. Eyer, Louise
Walters and Joe Walters; and

WHEREAS, the parties have requested that same be annexed into
and made a part and portion of the City of Benton, KY; and

WHEREAS, the parties have consented to said annexation in
accordance with the provisions of KRS 81A.412 the City may adopt an
Ordinance annexing the same into the City without the necessity of
giving notice of its intent to do so to any third parties owning
property adjacent to that which is to be annexed or publication of
an ordinance expressing the City's intent to annex the said
property; and

WHEREAS, the City intends to annex the said property with a
zoning classification of R-1;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of
Benton, KY as follows:

1. The written consent of William Brett Draffen, Laurie M.
Draffen, Theodore Brian Draffen, Colette M. Draffen, Heidi Denise
(Draffen) Eyer, Mark S. Eyer, Louise Walters and Joe Walters having
been given to the City's annexation of that property and more

particularly described in paragraph 2 hereof, same is hereby annexed into and made a part and portion of the City of Benton, Marshall County, Kentucky same having been found to have a boundary contiguous to the present corporate limits of this City, and the City having found it to be desirable for same to be annexed with a zoning classification of R-1.

2. The property annexed pursuant to the provisions of this ordinance is described as follows:

The property to be annexed is described as follows:

Beginning at a point on the E right-of-way line of the Purchase Parkway, said beginning point also being on the N right-of-way line of the Benton-Symsonia Rd. (relocated), said point also being marked by a 1/2" rebar set in the NE corner of this tract; thence S 39 deg. 01' E 402.93 feet to a 1/2" rebar set in the N right-of-way line of said Benton-Symsonia Rd. (relocated), said point also being on the NW right-of-way line of the Connection Rd., (said road running in a SW-NE direction); thence, N 51° 42' E 611.91' to a 1/2" rebar set in said NW right-of-way line of the Connection Rd.; thence, N 44° 37' E 283.36' to a 1/2" rebar set; thence, N 5° 01' E 104.03' to a fence corner iron post; thence, N 61° 35' W 31.25' to a fence post; thence, N 80° 34' W 209.65' to a fence post; thence, S 46° 22' W 103.61' to a fence post; thence, S 60° 9' W 74.63' to a fence post; thence, S 74° 36' W 72.52' to a fence post; thence, S 87° 9' W 71.90' to a fence post; thence, N 81° 34' W 71.76' to a fence post; thence, N 68° 27' W 71.14' to a fence post; thence N 56° 34' W 71.81' to a fence post; thence S 71° 37' W 100.33' to a fence post set in the E right-of-way line of the Purchase Parkway; thence, S 23° 6' W 147.17' to a fence post set in said E right-of-way line of the Purchase Pkwy.; thence, S 21 deg. 7' W 195.63' to a fence post set in the E right-of-way line of the Purchase Pkwy.; thence, S 20° 31' W 16.79' to the point of beginning; containing 8.44 acres.

ALSO: A tract of land on the opposite side of said Connection Road beginning at a point on the N right-of-way line of the Benton-Symsonia Road (relocated) where it meets the Connection Rd., SW right-of-way; thence, S 36° 40' E 304.17' to a point in the centerline of a creek; thence, with the meanders of said creek the following calls: N 66° 33' E 116.60'; N 31° 30' E 18.53'; N 61° 58' E 156.95'; N 53° 20' E 143.68' to a point in the W

line of the Lee Powell property, said point being marked by an iron pin; thence, with said Powell W line, N 5° 28' E 505.28' to an iron pin; thence, with the SW right-of-way line of said Connection Rd., S 49° 45' W 157.23' to a 1/2" rebar; thence, with the SW right-of-way line of said Connection Rd., S 51° 42' W 611.84' to the beginning point; containing 4.75 acres.

LESS & EXCEPT: A lot containing 1.18 acres of land as surveyed by Carl L. Holt of Benton, KY in November, 1990, and being generally located as follows: Bounded on the N and E by the Walters and Draffen's property, on the W by the relocated Benton-Symsonia Road, and on the S by the centerline of a creek. Said lot is located approximately 3/4 mile NW of Benton in Marshall Co., KY, and more particularly described as: Starting at the intersection of the centerlines of the Benton-Symsonia Rd. (relocated) and the Connection Road; thence, S 36° 40' E 160' along the centerline of the Old Benton-Symsonia Rd., to a point; thence, N 53° 20' E 30.0' to the point of beginning which is a 1/2" rebar iron pin set in the E right-of-way of said road, and S 36° 40' E 112.43' from an existing 1/2" rebar iron pin set 30' E of the centerline of the Connection Rd.; thence, S 36° 40' E 191.74' along the E right-of-way of the Old Benton-Symsonia Rd., to the center of a creek thence, with the meanders of the centerline of the creek, N 66° 33' E 116.60' to a point; thence, N 31° 30' E 18.53' to a point; thence, N 61° 58' E 156.95' to an iron pin set in the center of the creek; thence, leaving said creek N 58° 43' W 244.74' along a new division line to an iron pin; thence, S 75° 53' W 52.86' along a new division to an iron pin set adjacent to a cross-tie post; thence, S 48° 45' W 145.86' to the point of beginning.

The above-described tracts are subject to any previously-conveyed legal easements of record or in existence.

The owner herein, Louise Walters (formerly Louise Draffen), inherited this property from W. C. Draffen by virtue of the Affidavit of Descent recorded in Deed Book 189, page 517, which reflects the property being inherited 1/2 by said Louise Walters and 1/2 by Dale Draffen now deceased. The owners herein, William Brett Draffen, Theodore Brian Draffen and Heidi Denise (Draffen) Eyer, inherited the interest of Dale Draffen upon his death pursuant to the terms of his Last Will and Testament recorded in Will Book 13, page 89. Also see deed from Mary Draffen, individually and as Executrix of the William Dale Draffen Estate, to William Brett Draffen, Theodore Brian Draffen and Heidi Denise Draffen dated October 3, 1990, recorded in Deed Book 246, page 66; all documents of record in the Marshall County Court Clerk's Office.

3. This Ordinance shall be effective upon its reading and passage in the manner required by law.

Passed this the 15 day of May, 1995.

Coy Creason
MAYOR COY CREASON

ATTEST:

Linda Riley
LINDA RILEY, CITY CLERK

COUNCIL MEMBERS VOTING:

YEA

NAY

Harold Beck
Doug Dotson
Kenton Holland
Elizabeth Hudson
Dennis Joseph
James Wiseman

✓
✓
✓
✓
✓

CONSENT TO ANNEXATION

The undersigned property owners, pursuant to the requirements of KRS 81A.412 consents to the City of Benton's Annexation of the hereafter described real property and request that same be zoned as R-1.

The property to be annexed is described as follows:

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Given under our hands this the 15 day of May, 1995.

William Brett Draffen
WILLIAM BRETT DRAFFEN

Laurie M. Draffen
LAURIE M. DRAFFEN

Theodore Brian Draffen
THEODORE BRIAN DRAFFEN

Colette M. Draffen
COLETTE M. DRAFFEN

Heidi Denise Draffen Eyer
HEIDI DENISE (DRAFFEN) EYER

Mark S. Eyer
MARK S. EYER

Louise Walters
LOUISE WALTERS

Joe Walters
JOE WALTERS

Subscribed, sworn and acknowledged before me by William Brett Draffen and wife, Laurie M. Draffen on this the 8 day of MAY, 1995.

Donna S. Heath
NOTARY PUBLIC

My commission expires: 8-1-96

Subscribed, sworn and acknowledged before me by Theodore Brian Draffen and wife, Colette M. Draffen on this the 11th day of May, 1995.

Marion A. Carey
NOTARY PUBLIC

My commission expires: December 27, 1997

Subscribed, sworn and acknowledged before me by Heidi Denise (Draffen) Eyer and husband, Mark S. Eyer on this the 5th day of May, 1995.

Martha A. Lawrence
NOTARY PUBLIC

My commission expires: 9-30-98

Subscribed, sworn and acknowledged before me by Louise Walters
and husband, Joe Walters on this the 15th day of May,
1995.

Laura A. Boden
NOTARY PUBLIC

My commission expires: 12/27/98

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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