

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 09-09-01

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 11 pages of the Resolution number
09-09-01 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
September 21, 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 29th day
of September, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Oct. 2, 2009
TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Addison

RESOLUTION 09- 09-01

**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 November 17, 1986, 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"

A tract of land located on the North side of Murphy Road (aka 25th Street), East of U.S. Highway 641, and being a part of Greenfield's Allotment to the City of Benton, Benton, Marshall County, Kentucky, and being more particularly described as follows;

Beginning at the Southwest corner of the herein described tract, at the intersection of the existing Benton City Limits and the South line of Murphy Road, said point having Kentucky State Plane South Zone Coordinates of North 1,832,038.15 and East 879,881.25;

Thence, from the point of beginning, along the said existing city limits, North 5° 46' 32" East a distance of 171.50 feet to a point;

Thence, South 84° 28' 13" East a distance of 264.45 feet to a point;

Thence, South 5° 46' 32" West a distance of 171.50 feet to a point on the South line of Murphy Road;

Thence, with the South line of Murphy Road, North 84° 28' 13" West a distance of 264.45 feet back to the point of beginning.

The above described area of annexation is 1.041 acres more or less.

Tract "B"

A parcel of land located along the South side of Kentucky Highway 408 (Oak Level Road), South of the Lynn Nelson Road, West of the City of Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point at the Southwest corner of the City of Benton annexation by the ordinance of December 7, 1964, said point being located 230 feet South of the centerline of the Oak Level Road (KY Hwy. 408) at a point approximately 600 feet East of the Southerly projection of the Lynn Nelson Road;

Thence, from the point of beginning and with a line 230 feet South of the centerline of the Oak Level Road, North $83^{\circ} 59' 21''$ West a distance of 67.63 feet to a point;

Thence, continuing with a line 230 feet South of the centerline of the Oak Level Road, North $86^{\circ} 33' 50''$ West a distance of 492.62 feet to a point;

Thence, continuing with a line 230 feet South of the centerline of the Oak Level Road, 169.48 feet along an arc to the left, said arc having a radius of 270.00 feet, said arc being subtended by a chord of which is South $75^{\circ} 27' 12''$ West a distance of 166.72 feet;

Thence, continuing with a line 230 feet South of the centerline of the Oak Level Road, South $58^{\circ} 19' 23''$ West a distance of 114.09 feet to a point;

Thence, South $0^{\circ} 14' 46''$ East a distance of 1169.02 feet to a found stone;

Thence, North $88^{\circ} 52' 57''$ West a distance of 454.96 feet to a found rebar with a surveyors cap;

Thence, North $0^{\circ} 14' 46''$ West a distance of 1149.87 feet to a point in the centerline of the Oak Level Road (KY Hwy. 408);

Thence, with the said centerline of the Oak Level Road, North $59^{\circ} 17' 29''$ East a distance of 238.86 feet to a point;

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

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

Thence, continuing with the said centerline of the Oak Level Road, South 86° 33' 50" East a distance of 281.04 feet to a point at the Southeast corner of the City of Benton annexation by the ordinance of March 3, 1980;

Thence, North 0° 36' 44" East a distance of 230.28 feet to a point located 230 feet North of the centerline of the Oak Level Road;

Thence, with a line parallel to the centerline of the said Oak Level Road, South 86° 33' 50" East a distance of 309.60 feet to a point;

Thence, South 77° 59' 44" East a distance of 139.03 feet to a point at the Northwest corner of the City of Benton annexation by the ordinance of December 7, 1964, said point being located 230 feet North of the centerline of the Oak Level Road (KY Hwy. 408);

Thence, with the said City of Benton annexation line, South 17° 35' 16" West a distance of 231.10 feet to a point;

Thence, continuing with the said City of Benton annexation line, South 28° 04' 16" West a distance of 240.09 feet back to the point of beginning.

The above described area of annexation is 20.406 acres more or less.

Tract "C"

A parcel of land located approximately 650 feet West of Kentucky Highway 58 and approximately 690 feet North of Phillips Road, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a the point of intersection of the driveway leading to the now or former residence of William Stone and the northwest City of Benton City Limits line as adopted by the Ordinance of December 7, 1964, said point being located approximately 650 feet northwest of the centerline of Kentucky Highway 58, said point having Kentucky State Plane South Zone Coordinates of North 1,835,883.4 and East 869,425.9;

Thence, from the point of beginning, South 74° 22' 12" West a distance of 50.00 feet;

Thence, North 53° 18' 49" West a distance of 187.00 feet to a fence corner post;

Thence, with a line approximately along a woven wire fence, North 0° 21' 03" East a distance of 175.50 feet to a fence gate post;

Thence, South 84° 48' 53" East, passing a power pole at approximately 152 feet, a total distance of 167.22 feet to a point in a gravel drive leading to the now or former residence of William Stone;

Thence, with the said gravel drive, South 1° 09' 23" West a distance of 195.04 feet to a point;

Thence, continuing with the said gravel drive, South 17° 32' 23" East a distance of 49.11 feet to a point;

Thence, continuing with the said gravel drive, South 49° 25' 35" East a distance of 25.85 feet back to the point of beginning.

The above described area of annexation is 0.887 acres more or less.

Tract "D"

A parcel of land located along the East and West sides of Kentucky Highway 58 as it existed in November 1986 (the date of the original ordinance description), from North of Phillips Road, West and South of the Cherry Grove Subdivision, Southwest of the City of Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the existing southwestern City Limits of the City of Benton as described by the ordinance of annexation of December 7, 1964 and as shown on the plat of record in Slide 149 of the records of the Marshall County Court Clerk, said point being located 250 feet north of the centerline of Phillips Road and approximately 250 feet northwesterly of the former location of the Kentucky Highway 58 bridge over Gibson Creek, said point having Kentucky State Plane South Zone coordinates of North 1,835,462.0 and East 869,510.9;

Thence, from the point of beginning and with a line 250 feet north of and parallel to the centerline of Phillips Road, South 87° 27' 47" West a distance of 1250.66 feet to a point in the centerline of a drainage ditch;

Thence, with the centerline of the said ditch, South 35° 00' 37" West a distance of 68.13 feet to a point;

Thence, continuing with the centerline of the said ditch, South 2° 38' 04" East a distance of 52.02 feet to a point;

Thence, continuing with the centerline of the said ditch, South 41° 54' 52" West a distance of 62.48 feet to a point;

Thence, continuing with the centerline of the said ditch, South 13° 56' 21" West a distance of 47.94 feet to a point;

Thence, continuing with the centerline of the said ditch, South 36° 31' 34" West a distance of 25.19 feet to a point;

Thence, continuing with the centerline of the said ditch, South 8° 50' 28" West a distance of 10.29 feet to a point on the north side of Phillips Road;

Thence, continuing with the centerline of the said ditch and crossing Phillips Road, South 5° 59' 50" West a distance of 50.07 feet to a point;

Thence, continuing with the centerline of the said ditch, South 8° 19' 47" East a distance of 142.82 feet to a point;

Thence, continuing with the centerline of the said ditch, South 37° 31' 27" East a distance of 48.12 feet to a point;

Thence, continuing with the centerline of the said ditch, South 31° 58' 49" East a distance of 49.04 feet to a point located 250 feet south of the centerline of Phillips Road;

Thence, in an easterly direction and with a line 250 feet south of the centerline of Phillips Road, North 87° 27' 47" East a distance of 137.47 feet to a point in the west line of the Cherry Grove Subdivision (unrecorded);

Thence, with the said west line of the Cherry Grove Subdivision, South 5° 19' 13" West a distance of 275.42 feet to a found $\frac{3}{4}$ " iron pipe with a surveyors cap;

Thence, continuing with the said west line of the Cherry Grove Subdivision, South 5° 19' 13" West a distance of 455.19 feet to a point;

Thence, with the south line of the said Cherry Grove Subdivision, North 87° 50' 12" East a distance of 498.98 feet to a found steel fence post;

Thence, South 19° 08' 52" West a distance of 140.18 feet to a found steel fence post;

Thence, South 82° 21' 08" East a distance of 266.49 feet to a point in the centerline of Kentucky Highway 58;

Thence, in a southerly direction with the centerline of Kentucky Highway 58, South 17° 10' 07" West a distance of 185.00 feet to a point;

Thence, with a line perpendicular to the centerline of Kentucky Highway 58 in a southeasterly direction, South 72° 49' 53" East a distance of 250.00 feet to a point;

Thence, with a line 250 feet east of and parallel to the centerline of Kentucky Highway 58 as it existed in November 1986, North 17° 10' 07" East a distance of 734.61 feet to a point;

Thence, continuing with a line 250 east of the centerline of Kentucky Highway 58 as it existed in November 1986, 697.18 feet along an arc to the right to a point, said arc having a radius of 1350.00 feet, said arc being subtended by a chord of which is North 31° 57' 48" East a distance of 689.46 feet;

Thence, continuing with a line 250 east of the centerline of Kentucky Highway 58 as it existed in November 1986, North 46° 45' 29" East a distance of 314.37 feet to a point in the existing City Limits of the City of Benton as described by the ordinance of annexation of December 7, 1964;

Thence, with the existing City Limits, South 82° 00' 17" West a distance of 381.22 feet to a point;

Thence, continuing with the existing City Limits, South 80° 33' 42" West a distance of 53.15 feet to a point in the center of Kentucky Highway 58 as it existed in November 1986 at the previous location of the Gibson Creek bridge;

Thence, continuing with the existing City Limits, North 15° 33' 19" West a distance of 247.04 feet back to the point of beginning.

The above described area of annexation is 39.852 acres more or less.

Tract "E"

A tract of land located on the East side of the U.S. Highway 641 By-Pass, South of Kentucky Highway 58, on the West side of the Merrywood Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows;

Beginning at the Southeast corner of the herein described tract in the West line of the Merrywood Subdivision, said point having Kentucky State Plane South Zone Coordinates of North 1,835,935.2 and East 872,566.4;

Thence, from the point of beginning, North 87° 56' 35" West a distance of 552.02 feet to a found ½" rebar in the Easterly right of way line of the U.S. Highway 641 By-Pass, said point being 125 feet opposite of the aforementioned roadway centerline design station 923+84.83;

Thence, with the said Easterly right of way line, North 15° 46' 33" West a distance of 207.66 feet to a point;

Thence, North 1° 47' 27" East a distance of 336.91 feet found ½" rebar;

Thence, North 55° 19' 21" East a distance of 455.03 feet to a point;

Thence, South 82° 10' 47" East a distance of 224.95 feet to a found ½" rebar in the West line of the Merrywood Subdivision;

Thence, with the West line of the said subdivision, South 0° 02' 20" East a distance of 784.68 feet back to the point of beginning.

The above described area of annexation is 9.802 acres more or less.

Tract "F"

A tract of land located at the southwest intersection of the Julian M. Carroll Parkway (a.k.a. Jackson Purchase Parkway) and Kentucky Highway 408 (a.k.a. the Oak Level Road), Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the point of intersection of the southern right of way line of Kentucky Highway 408 and the western easement line of a 20 foot wide roadway easement for Deerwood Lane (a.k.a. Joe Wallace Lane), said point having Kentucky State Plane South Zone coordinates of North 1,843,182.8 and East 874,316.2;

Thence, from the point of beginning and with the west easement line of the 20 foot wide easement for Deerwood Lane, South 6° 33' 54" East a distance of 232.20 feet to a point;

Thence, continuing with the said west easement line, South 20° 52' 12" East a distance of 94.09 feet to a point;

Thence, continuing with the said west easement line, South 29° 38' 04" East a distance of 110.09 feet to a point;

Thence, continuing with the said west easement line, South 14° 30' 09" East a distance of 53.16 feet to a point;

Thence, continuing with the said west easement line, South 14° 27' 57" West a distance of 242.99 feet to a point;

Thence, continuing with the said west easement line, South 14° 15' 08" East a distance of 84.24 feet to a point;

Thence, continuing with the said west easement line, South 2° 48' 38" West a distance of 167.97 feet to a point;

Thence, continuing with the said west easement line, South 6° 10' 37" West a distance of 109.44 feet to a point;

Thence, continuing with the said west easement line, South 14° 39' 35" West a distance of 71.36 feet to a point;

Thence, continuing with the said west easement line, South 23° 07' 59" West a distance of 159.46 feet to a point;

Thence, continuing with the said west easement line, South 3° 04' 15" West a distance of 260.39 feet to a point at the southern terminus of the said easement;

Thence, South 1° 12' 46" West a distance of 199.08 feet to a point;

Thence, South 6° 55' 54" West a distance of 271.39 feet to a point in the western right of way line of the Julian M. Carroll Parkway (a.k.a. Jackson Purchase Parkway);

Thence, with the said Parkway right of way line, 1357.34 feet along an arc to the left to a point, said arc having a radius of 4463.66 feet, said arc being subtended by a chord of which is North 16° 23' 37" East a distance of 1352.12 feet;

Thence, continuing with the said Parkway right of way line, North 7° 40' 55" East a distance of 658.98 feet to a point;

Thence, continuing with the said Parkway right of way line, North 66° 28' 55" West a distance of 83.16 feet to a point in the southern right of way line of Kentucky Highway 408;

Thence, with the said southern line of Kentucky Highway 408, North 86° 31' 47" West a distance of 330.28 feet back to the point of beginning.

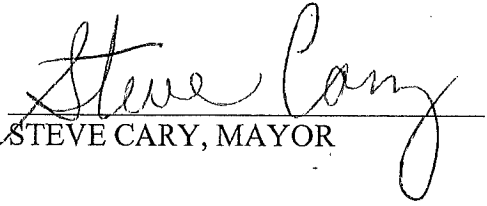
The above described area of annexation is 9.348 acres more or less.

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 21st day of September, 2009


STEVE CARY, MAYOR

ATTEST:


MICHELE EDWARDS, City Clerk

First Reading: 9-21-2009

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 11 pages of Resolution No. 09-09-01 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 September 21, 2009, all as appears in the official records of said City.

WITNESS my hand and seal the 21 day of September, 2009.


MICHELLE EDWARDS, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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