



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 09-10-04**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 4 pages of the Resolution number
09-10-04 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 

RESOLUTION 09-

10-04

**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 July 27, 1987, 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 parcel of land located on the north side of the Oak Level Road (Kentucky Highway 408) west of the intersection with the Lynn Nelson Road, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a ½" iron pin found in the northerly right of way line of the Oak Level Road (Kentucky Highway 408), said iron pin being located North 0° 20' 57" West a distance of 71.85 feet from a found 1 ¼" iron pipe in the southerly right of way line of the Oak Level Road, said iron pin having Kentucky State Plane South Zone coordinates of North 1,843,169.2 and East 868,890.7;

Thence, from the point of beginning, North 0° 14' 25" East a distance of 796.01 feet to a found 1" iron pipe;

Thence, South 80° 57' 17" East a distance of 212.25 feet to a found iron pin with a surveyors cap in the west line of the City of Benton City Limits;

Thence, South 11° 35' 08" East a distance of 575.16 feet to a point in the northern right of way line of the Oak Level Road (Kentucky Highway 408);

Thence, with the said northern right of way line, South 57° 28' 14" West a distance of 110.99 feet to a point;

Thence, continuing with the said northern right of way line, South 59° 17' 29" West a distance of 273.18 feet back to the point of beginning.

The above described parcel contains 4.316 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 B

A parcel of land located on the east side of U.S. Highway 641 and on the south side of the Jackson Starks Cemetery Road, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a ½" iron pin found in the southern City Limits of the City of Benton at the intersection of the eastern right of way of U.S. Highway 641 and the southern right of way line of the Jackson Starks Cemetery Road, said iron pin having Kentucky State Plane South Zone coordinates of North 1,830,626.0 and East 879,405.8;

Thence, with the existing City Limits of the City of Benton and with a line 7.5 feet south of and parallel to the centerline of the Jackson Starks Cemetery Road, South 83° 38' 07" East a distance of 653.09 feet to a found ½" iron pin at a corner common to the Jackson Starks Cemetery tract;

Thence, with a line common to the said Cemetery tract, South 5° 13' 40" West a distance of 345.87 feet to a nail found in a railroad tie post;

Thence, North 83° 32' 27" West a distance of 637.63 feet to a point in the eastern right of way line of U.S. Highway 641, said point being located 2° 39' 35" East a distance of 54.16 feet from a found iron pin with a surveyors cap;

Thence, with the eastern right of way line of U.S. Highway 641, North 2° 39' 35" East a distance of 345.47 feet back to the point of beginning.

The above described parcel contains 5.115 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.

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 4 pages of Resolution No. 09-10-04 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, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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