



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 09-10-06**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 6 pages of the Resolution number
09-10-06 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 Adkins

RESOLUTION 09- ⁰⁴10-07

**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 May 15, 1989, 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 Bohannon Road south of the Oak Level Road (Kentucky Highway 408), Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the western right of way line of the Bohannon Road, said point being removed 12.5 feet from the centerline of the asphalt pavement, said point also being located 400 south of the south line of the Oak Level Road (Kentucky Highway 408), said point having Kentucky State Plane South Zone coordinates of North 1,842,959.6 and East 870,417.8;

Thence, parallel with the west line of the Bohannon Road, South 1° 09' 49" West a distance of 420.00 feet to a point;

Thence, North 88° 50' 11" West a distance of 105.00 feet to a point;

Thence, parallel to the west line of the Bohannon Road, North 1° 09' 49" East a distance of 420.00 feet to a point;

Thence, South 88° 50' 11" East a distance of 105.00 feet back to the point of beginning.

The above described parcel contains 1.012 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 October 1, 2009.

Tract II

A parcel of land located on the south side of Kentucky Highway 408 east of the Colonial Acres Subdivision and west of the Green Hill Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a ½" iron pin found in the southern right of way line of Kentucky Highway 408, said pin being located 30 feet from the centerline of the roadway, said iron pin having Kentucky State Plane South Zone coordinates of North 1,843,086.2 and East 875,868.4;

Thence, with the southern right of way line of Kentucky Highway 408, South 88° 27' 27" East a distance of 131.88 feet to a found ½" iron pin;

Thence, leaving the southern right of way line of Kentucky Highway 408 in a southerly direction, South 2° 47' 32" East a distance of 311.75 feet to a found ½" iron pin;

Thence, North 80° 43' 33" East a distance of 225.37 feet to a found ¾" iron pipe;

Thence, South 2° 12' 02" East a distance of 363.05 feet to a found ¾" iron pipe in the west line of the Green Hill Subdivision;

Thence, South 89° 55' 51" West a distance of 696.02 feet to a found 1 ½" iron pipe with a surveyors cap in the east line of the Colonial Acres Subdivision;

Thence, with the east line of the said Colonial Acres Subdivision, North 2° 26' 32" West a distance of 369.48 feet to a found 1" square marker;

Thence, North 75° 46' 54" East a distance of 310.38 feet to a found 1" iron pipe;

Thence, North 7° 57' 23" East a distance of 198.76 feet back to the point of beginning.

The above described area of annexation is 7.012 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 October 2, 2009.

Tract III

A parcel of land located on the south side of the Old Symsonia Highway (formerly Kentucky Highway 348) and on the west side of the Julian Carroll Parkway (formerly the Jackson Purchase Parkway), Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found $\frac{3}{4}$ " iron pipe with a surveyors cap at the northwest corner of the herein described tract in the southern right of way line of the Old Symsonia Road (formerly Kentucky Highway 348), said iron pipe having Kentucky State Plane South Zone coordinates of North 1,845,521.7 and East 874,875.3;

Thence, from the point of beginning and with the southern right of way line of the Old Symsonia Road, South $42^{\circ} 07' 39''$ East a distance of 211.13 feet to a found 1" iron pipe with a surveyors cap;

Thence, continuing with the southern right of way line of the Old Symsonia Road, South $42^{\circ} 04' 01''$ East a distance of 113.95 feet to a found $\frac{3}{4}$ " iron pipe with a surveyors cap at the intersection of the said southern right of way line of the Old Symsonia Road and the western right of way line of the Julian Carroll Parkway (formerly the Jackson Purchase Parkway);

Thence, with the western right of way line of the Julian Carroll Parkway, South $17^{\circ} 02' 07''$ West a distance of 66.45 feet to a found steel fence post with a plastic surveyors cap attached;

Thence, continuing with the western right of way line of the Julian Carroll Parkway, South $15^{\circ} 36' 33''$ West a distance of 205.32 feet to a found steel fence post with a plastic surveyors cap attached;

Thence, continuing with the western right of way line of the Julian Carroll Parkway, South $14^{\circ} 05' 42''$ West a distance of 168.76 feet to a found 1" iron pipe with a surveyors cap;

Thence, continuing with the western right of way line of the Julian Carroll Parkway, South $11^{\circ} 44' 09''$ West a distance of 34.70 feet to a found steel fence post with a plastic surveyors cap attached;

Thence, continuing with the western right of way line of the Julian Carroll Parkway, South $14^{\circ} 32' 09''$ West a distance of 205.25 feet to a found steel fence post with a plastic surveyors cap attached;

Thence, continuing with the western right of way line of the Julian Carroll Parkway, South $8^{\circ} 48' 17''$ West a distance of 415.12 feet to a found $\frac{3}{4}$ " iron pipe with a surveyors cap;

Thence, leaving the right of way line of the Julian Carroll Parkway, North $89^{\circ} 27' 48''$ West a distance of 558.40 feet to a found $\frac{3}{4}$ " iron pipe with a surveyors cap;

Thence, North $0^{\circ} 35' 46''$ West a distance of 665.17 feet to a found $\frac{3}{4}$ " iron pipe with a surveyors cap;

Thence, South 87° 40' 46" East a distance of 361.71 feet to a found ¾" iron pipe with a surveyors cap;

Thence, North 1° 08' 52" East a distance of 618.21 feet to a found ¾" iron pipe with a surveyors cap;

Thence, South 80° 53' 53" East a distance of 212.80 feet to a found ½" iron pin;

Thence, North 1° 06' 53" East a distance of 68.89 feet back to the point of beginning.

The above described area of annexation is 14.439 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 October 5, 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 19th 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 56 pages of Resolution No. 09-10-06⁶ 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.