



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 09-10-07**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 4 pages of the Resolution number
09-10-07 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 Randie Edmonson

RESOLUTION 09- ⁰⁷ 10-02

**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 19, 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:

A parcel of land located along Merrywood Drive on the north side of the Riley Road known as South Merrywood Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found 1" iron pipe with a surveyors cap at the southwest corner of the South Merrywood Subdivision as shown on the plat of record in Slide 523 of the records of the Marshall County Court Clerk, said iron pipe being located north of Riley Road and approximately 870 feet easterly along Riley Road from the intersection with the U.S. Highway 641 By-Pass, said iron pipe having Kentucky State Plane South Zone coordinates of North 1,832,773.3 and East 873,056.6;

Thence, with the west line of the South Merrywood Subdivision, North 2° 11' 50" East, passing a found ¾" iron pine at a distance of 580.49 feet, passing a found ½" iron pin at a distance of 723.49, a total distance of 1376.39 feet to a point at the northeast corner of Lot 1;

Thence, with the north line of Lot 1, South 88° 57' 26" East a distance of 191.45 feet to a found ½" iron pin in the west right of way line of Merrywood Drive;

Thence, crossing Merrywood Drive, South 88° 57' 26" East a distance of 60.01 feet to a point in the east right of way line of Merrywood Drive;

Thence, with the said east right of way line, South 2° 08' 50" West a distance of 1382.40 feet to a point;

Thence, crossing Merrywood Drive and with the south line of Lot 9, North 87° 35' 21" West a distance of 252.62 feet back to the point of beginning.

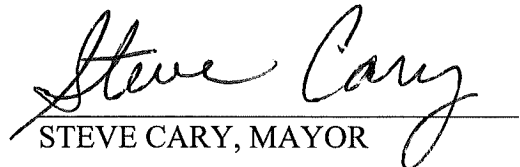
The above described parcel contains 7.980 acres more or less.

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 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 3 pages of Resolution No. 9-10-07 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.