



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 09-11-03**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 10 pages of the Resolution number
09-11-03 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
November 16, 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 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
BY Karl A. Addison

RESOLUTION 09- 11 - 03

**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 17, 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 along Sunset Drive and along Forest Drive south of Kentucky Highway 408, Benton, Marshall County, Kentucky, and being known as Forest Hills Subdivision as shown on the plat of record in Slide 218 of the records of the Marshall County Court Clerk, and being more particularly described as follows:

Beginning at the point of intersection of the west right of way line of Forest Drive and the south right of way line of Kentucky Highway 408, said point being located South 88°46'26" East along the southern right of way line of Kentucky Highway 408 a distance of 156.68 feet from a 4" concrete monument with a surveyors cap located at the intersection of the west right of way line of Sunset Drive and the south right of way line of Kentucky Highway 408, said beginning point having Kentucky State Plane South Zone coordinates of North 1,843,260.6 and East 873,410.2;

Thence, from the point of beginning and with the south right of way line of Kentucky Highway 408, South 87° 07' 23" East a distance of 40.16 feet to a point;

Thence, with the eastern right of way line of Forest Drive and the eastern limits of the Forest Hills Subdivision as follows:

South 8° 00' 29" West a distance of 403.30 feet to a point;
South 81° 59' 32" East a distance of 10.00 feet to a point;
South 8° 00' 29" West a distance of 100.00 feet to a point;
South 78° 53' 31" East a distance of 58.26 feet to a point;

South 88° 55' 31" East a distance of 117.47 feet to a point;
South 72° 10' 31" East a distance of 125.96 feet to a point;
South 52° 52' 45" East a distance of 85.55 feet to a point;
South 18° 28' 39" East a distance of 97.52 feet to a point;
South 3° 47' 38" East a distance of 192.71 feet to a point;
South 40° 06' 05" West a distance of 105.97 feet to a point;
South 51° 07' 33" West a distance of 73.47 feet to a point;
South 37° 17' 31" West a distance of 67.76 feet to a point;
South 24° 16' 31" West a distance of 99.03 feet to a point;
South 13° 09' 31" West a distance of 92.73 feet to a point;
South 2° 09' 31" West a distance of 115.28 feet to a point;
South 14° 27' 29" East a distance of 36.87 feet to a point;
South 27° 45' 29" East a distance of 158.24 feet to a point;
South 1° 32' 31" West a distance of 164.19 feet to a point;
South 17° 07' 31" West a distance of 124.38 feet to a point;
South 28° 43' 31" West a distance of 126.74 feet to a point;
South 6° 57' 31" West a distance of 108.72 feet to a point; and,
South 7° 40' 29" East a distance of 152.69 feet to the northeast corner of Lot 35 of the Forest Hills Subdivision;

Thence, with the east line of the said Lot 35, South 36° 20' 54" East a distance of 369.10 feet;

Thence, continuing with the said east lot line, South 20° 32' 25" West a distance of 170.70 feet to a point;

Thence, with the south line of the Forest Hills Subdivision, North 87° 54' 35" West, passing a found ½" iron pin at a distance of 342.00 feet, a total distance of 802.32 feet to a found concrete stone at the southwest corner of the said subdivision;

Thence, with the west line of the said Forest Hills Subdivision, North 1° 26' 44" East, passing a found 5/8" iron pin at a distance of 232.27, a total distance of 1364.85 feet to a found 4" concrete monument;

Thence, continuing with the west line, North 1° 42' 31" East a distance of 515.17 feet to a found concrete monument;

Thence, North 87° 55' 22" East a distance of 206.68 feet to a found iron pin with a surveyors cap in the west right of way line of Sunset Drive;

Thence, North 87° 01' 45" East a distance of 140.90 feet to a point;

Thence, North 8° 25' 29" East a distance of 190.18 feet to a point in the west right of way line of Forest Drive;

Thence, with the said west right of way line of Forest Drive, North 8° 00' 29" East a distance of 547.07 feet back to the point of beginning.

The above described parcel contains 33.478 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 July 13, 2009.

TRACT II

A parcel of land located on the west and east sides of Kyabram Drive on the south side of the Julian M. Carroll Parkway, north of Kentucky Highway 58, and known as the northern portion of The Kyabram Subdivision as shown on the plat of record in Slide 531 of the records of the Marshall County Court Clerk, and being more particularly described as follows:

Beginning at a point in the west line of Lot 107 of the Kyabram Subdivision, said point being located 500 feet north of the centerline of Kentucky Highway 58, said point also being located North 2° 00' 24" East a distance of 57.93 feet from a found ½" iron pin at the southwest corner of the said Lot 7 in the northern right of way line of East Lane, said point having Kentucky State Plane South Zone coordinates of North 1,838,504.9 and East 873,760.7;

Thence, with the west line of the said Kyabram Subdivision passing a series of found iron pins and lot corner survey markers, North 2° 00' 24" East a total distance of 1551.18 feet to a point in the southern right of way line of the Julian M. Carroll Parkway (formerly known as the Jackson Purchase Parkway);

Thence, with the said southern right of way line, North 38° 38' 07" East a distance of 251.89 feet to a point;

Thence, continuing with the said southern right of way line, North 34° 20' 46" East a distance of 415.11 feet to the northwest corner of the Colonial Acres Subdivision as shown on the plat of record in Slide 166 of the records of the Marshall County Court Clerk;

Thence, South 88° 07' 33" East a distance of 33.36 feet to a point;

Thence, with the east line of the Kyabram Subdivision, passing a series of found iron pins and lot corner survey markers, South 1° 52' 27" West a total distance of 1731.46 feet to a point in the east line of Lot 110 of the said subdivision;

Thence, continuing with the east line of the Kyabram Subdivision, South 0° 33' 07" East a distance of 187.99 feet to a point located 500 feet north of the centerline of Kentucky Highway 58;

Thence, with a line parallel to the said Kentucky Highway 58 centerline, South 68° 09' 13" West a distance of 457.14 feet back to the point of beginning.

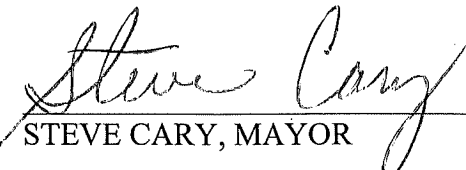
The above described parcel contains 16.424 acres more or less.

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 14, 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 16 day of November, 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 10 pages of Resolution No. 09-11-03 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 November 16, 2009, all as appears in the official records of said City.

WITNESS my hand and seal the 16 day of November, 2009.


MICHELE EDWARDS, City Clerk

Annexation to the City of Benton, Marshall County, Kentucky
Of July 17, 1989
Tract 1
2009 Resolution Description

A parcel of land located along Sunset Drive and along Forest Drive south of Kentucky Highway 408, Benton, Marshall County, Kentucky, and being known as Forest Hills Subdivision as shown on the plat of record in Slide 218 of the records of the Marshall County Court Clerk, and being more particularly described as follows:

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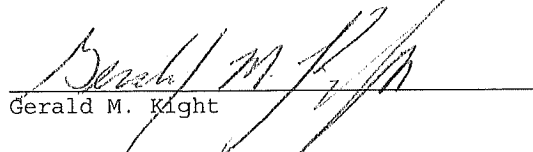
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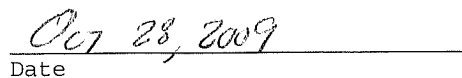
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Prepared by and in accordance with a partial survey performed under the supervision of:

Gerald M. Kight
Ky. Licensed Prof. Surveyor 2547
Florence & Hutcheson, Inc.
2550 Irvin Cobb Drive
Paducah, Ky. 42003


Gerald M. Kight


Date

A16-1 July 17 1989.doc
Gerald M. Kight
October 28, 2009

Annexation to the City of Benton, Marshall County, Kentucky
Of July 17, 1989
Tract 2
2009 Resolution Description

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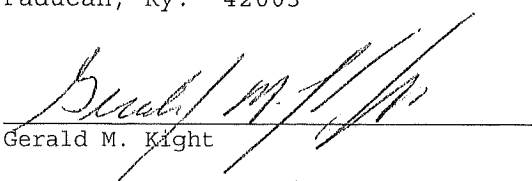
Prepared by and in accordance with a partial survey performed under the supervision of:

Gerald M. Kight

Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive
Paducah, Ky. 42003



Gerald M. Kight

Oct 23, 2009
Date

A16-2 July 17 1989.doc
Gerald M. Kight
October 23, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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