

**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 09-11-04**

I certify I am the duly qualified City Clerk of the City of Benton,  
Kentucky, and the foregoing 6 pages of the Resolution number  
09-11-04 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 November 23, 2009  
\_\_\_\_\_  
TREY GRAYSON  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY Randie Adkins

**RESOLUTION 09- 11 - 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 August 21, 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 on the west side of the U.S. Highway 641 By-Pass, on the east side of Kentucky Highway 1311 (Slickback Road), and on the south side of the Church Grove Road (a.k.a. Hitte Road), Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the point of intersection of the east right of way line of Kentucky Highway 1311 (a.k.a. Slickback Road) and the south right of way line of the Church Grove Road (a.k.a. Hitte Road), said point being 30 feet east of the centerline of Kentucky Highway 1311 and 20 south of the Church Grove Road centerline, said point having Kentucky State Plane South Zone coordinates of North 1,831,138.6 and East 871,336.6;

Thence, from the point of beginning and with the south right of way line of the Church Grove Road, North 87° 41' 09" East a distance of 549.67 feet to a point in the western right of way line of the U.S. Highway 641 By-Pass;

Thence, with the said west right of way line of the U.S. Highway 641 By-Pass, South 56° 30' 50" East a distance of 138.24 feet to a point, said point being located 130 feet west of the centerline of the U.S. Highway 641 By-Pass;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 3° 37' 42" West a distance of 722.66 feet to a point located 150 feet west of the said centerline;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 0° 58' 06" East a distance of 525.46 feet to a point located 150 feet west of the said centerline;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South  $11^{\circ} 35' 32''$  East a distance of 252.29 feet to a point;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South  $18^{\circ} 51' 01''$  East a distance of 143.69 feet to a point;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South  $24^{\circ} 22' 54''$  East a distance of 151.30 feet to a found iron pipe with a surveyors cap;

Thence, leaving the said right of way line, South  $88^{\circ} 43' 33''$  West a distance of 350.47 feet to a found 2" iron pipe;

Thence, North  $1^{\circ} 52' 09''$  West a distance of 347.46 feet to a found 4" square concrete monument;

Thence, South  $89^{\circ} 07' 53''$  West a distance of 473.41 feet to a found 4" square concrete monument in the east right of way line of Kentucky Highway 1311;

Thence, with the said east right of way line of Kentucky Highway 1311 and with a line 30 feet east of the centerline of said Highway, North  $1^{\circ} 50' 22''$  East a distance of 1490.07 feet back to the point of beginning.

The above described parcel contains 24.871 acres more or less.

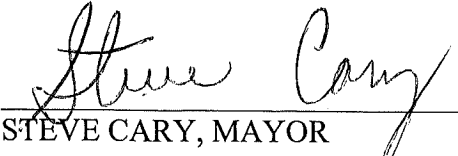
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on October 14, 2009.

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.

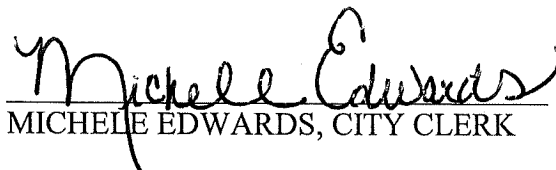
SECTION 4: If the City of Benton annexes property in the future, it shall be the duty of the City Clerk to have the area to be annexed surveyed by a registered land surveyor and that surveyor is to prepare a written legal description of the area to be annexed. The City attorney shall utilize that written 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 6 pages of Resolution No. 09-11-04 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 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 August 21, 1989  
2009 Resolution Description

A parcel of land located on the west side of the U.S. Highway 641 By-Pass, on the east side of Kentucky Highway 1311 (Slickback Road), and on the south side of the Church Grove Road (a.k.a. Hitte Road), Benton, Marshall County, Kentucky, and being more particularly described as follows:

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Thence, from the point of beginning and with the south right of way line of the Church Grove Road, North 87° 41' 09" East a distance of 549.67 feet to a point in the western right of way line of the U.S. Highway 641 By-Pass;

Thence, with the said west right of way line of the U.S. Highway 641 By-Pass, South 56° 30' 50" East a distance of 138.24 feet to a point, said point being located 130 feet west of the centerline of the U.S. Highway 641 By-Pass;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 3° 37' 42" West a distance of 722.66 feet to a point located 150 feet west of the said centerline;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 0° 58' 06" East a distance of 525.46 feet to a point located 150 feet west of the said centerline;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 11° 35' 32" East a distance of 252.29 feet to a point;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 18° 51' 01" East a distance of 143.69 feet to a point;

Thence, continuing with the said west right of way line of the U.S. Highway 641 By-Pass, South 24° 22' 54" East a distance of 151.30 feet to a found iron pipe with a surveyors cap;

Thence, leaving the said right of way line, South 88° 43' 33" West a distance of 350.47 feet to a found 2" iron pipe;

Thence, North 1° 52' 09" West a distance of 347.46 feet to a found 4" square concrete monument;

Thence, South 89° 07' 53" West a distance of 473.41 feet to a found 4" square concrete monument in the east right of way line of Kentucky Highway 1311;

Thence, with the said east right of way line of Kentucky Highway 1311 and with a line 30 feet east of the centerline of said Highway, North 1° 50' 22" East a distance of 1490.07 feet back to the point of beginning.

The above described parcel contains 24.871 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.

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

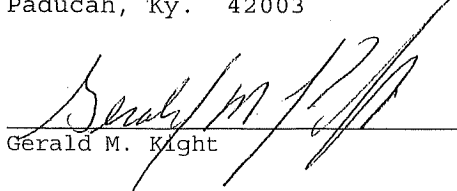
Gerald M. Kight

Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003

  
\_\_\_\_\_  
Gerald M. Kight

Oct 27, 2009  
\_\_\_\_\_  
Date

A17 August 21 1989.doc  
Gerald M. Kight  
October 26, 2009

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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