

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 09-11-05

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 7 pages of the Resolution number
09-11-05 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 Kandice Adkinson

RESOLUTION 09- 11-05

**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 November 19, 1990, 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 south side of Kentucky Highway 408, east of the Julian M. Carroll Parkway, encompassing Colonial Drive, and being know as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 54, 55, 56, 57, 58, 59, 60, 61, 86, 87, 88, 89, 93, 97, and 98 of the Colonial Acres Subdivision as shown on the plat of record in Slide 166, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the point of intersection of the west right of way line of Colonial Drive and the south right of way line of Kentucky Highway 408, said point being located South 85° 31' 45" East along the southern right of way of Kentucky Highway 408 a distance of 140.69 feet from a found concrete right of way monument, said beginning point having Kentucky State Plane South Zone coordinates of North 1,843,125.5 and East 875,286.9;

Thence, from the point of beginning and with the said southern right of way line of Kentucky Highway 408, South 85° 31' 45" East a distance of 241.33 feet to a point;

Thence, leaving the said right of way in a southerly direction, South 2° 26' 32" East, passing a found 1" square rod at a distance of 293.87 feet, a total distance of 663.35 feet to a found iron pin with a surveyors cap;

Thence, South 2° 06' 46" East a distance of 1081.98 feet to a found steel "T" post;

Thence, South 3° 32' 22" East, passing a found fence post at a distance of 444.87 feet, a total distance of 820.08 feet to the southeastern most corner of the Colonial Acres Subdivision;

Thence, with the south line of the said Colonial Acres Subdivision, North $87^{\circ} 59' 25''$ West a distance of 427.70 feet to a point;

Thence, North $1^{\circ} 55' 07''$ East a distance of 333.68 feet to a point;

Thence, North $62^{\circ} 03' 23''$ East a distance of 69.24 feet to a point;

Thence, North $32^{\circ} 49' 14''$ West a distance of 107.70 feet to a point in the southerly right of way line of Karen Street;

Thence, with the said southerly right of way line of Karen Street 113.29 feet along an arc to the right to a point, said arc having a radius of 270.10 feet, said arc being subtended by a chord of which is North $75^{\circ} 38' 10''$ East a distance of 112.46 feet;

Thence, continuing with the said southerly right of way line of Karen Street, North $87^{\circ} 39' 06''$ East a distance of 31.05 feet to a point in the westerly right of way line of Colonial Drive;

Thence, with the said westerly right of way line of Colonial Drive, North $2^{\circ} 21' 49''$ West a distance of 40.00 feet to a point;

Thence, North $46^{\circ} 34' 18''$ West a distance of 324.31 feet to a found iron pin with a surveyors cap set in concrete;

Thence, North $27^{\circ} 25' 03''$ East a distance of 88.87 feet to a found iron pin with a surveyors cap;

Thence, North $29^{\circ} 51' 43''$ East a distance of 153.76 feet to a point;

Thence, North $39^{\circ} 16' 17''$ West a distance of 103.87 feet to a point in the southerly right of way line of Ken Street;

Thence, crossing Ken Street, North $19^{\circ} 45' 32''$ East a distance of 59.51 feet to a point;

Thence, North $2^{\circ} 21' 49''$ West a distance of 246.40 feet to a point in the southerly right of way line of Red Oak Drive;

Thence, with the southerly right of way line of Red Oak Drive, North $86^{\circ} 46' 11''$ East a distance of 18.63 feet to a point;

Thence, crossing Red Oak Drive, North $2^{\circ} 21' 49''$ West a distance of 165.23 feet to a point;

Thence, South 87° 38' 11" West a distance of 78.66 feet to a point;

Thence, North 2° 21' 49" West a distance of 600.00 feet to a point;

Thence, North 87° 38' 11" East a distance of 200.00 feet to a found 1" iron pipe in the westerly right of way line of Colonial Drive;

Thence, with the said westerly right of way line of Colonial Drive, North 2° 21' 49" West a distance of 452.72 feet back to the point of beginning.

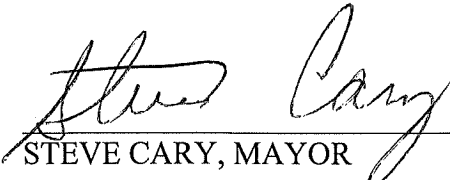
The above described parcel contains 21.665 acres more or less.

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 16, 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 7 pages of Resolution No. 09-11-05 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 November 19, 1990
2009 Resolution Description**

A parcel of land located on the south side of Kentucky Highway 408, east of the Julian M. Carroll Parkway, encompassing Colonial Drive, and being know as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 54, 55, 56, 57, 58, 59, 60, 61, 86, 87, 88, 89, 93, 97, and 98 of the Colonial Acres Subdivision as shown on the plat of record in Slide 166, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the point of intersection of the west right of way line of Colonial Drive and the south right of way line of Kentucky Highway 408, said point being located South 85° 31' 45" East along the southern right of way of Kentucky Highway 408 a distance of 140.69 feet from a found concrete right of way monument, said beginning point having Kentucky State Plane South Zone coordinates of North 1,843,125.5 and East 875,286.9;

Thence, from the point of beginning and with the said southern right of way line of Kentucky Highway 408, South 85° 31' 45" East a distance of 241.33 feet to a point;

Thence, leaving the said right of way in a southerly direction, South 2° 26' 32" East, passing a found 1" square rod at a distance of 293.87 feet, a total distance of 663.35 feet to a found iron pin with a surveyors cap;

Thence, South 2° 06' 46" East a distance of 1081.98 feet to a found steel "T" post;

Thence, South 3° 32' 22" East, passing a found fence post at a distance of 444.87 feet, a total distance of 820.08 feet to the southeastern most corner of the Colonial Acres Subdivision;

Thence, with the south line of the said Colonial Acres Subdivision, North 87° 59' 25" West a distance of 427.70 feet to a point;

Thence, North 1° 55' 07" East a distance of 333.68 feet to a point;

Thence, North 62° 03' 23" East a distance of 69.24 feet to a point;

Thence, North 32° 49' 14" West a distance of 107.70 feet to a point in the southerly right of way line of Karen Street;

Thence, with the said southerly right of way line of Karen Street 113.29 feet along an arc to the right to a point, said arc having a radius of 270.10 feet, said arc being subtended by a chord of which is North 75° 38' 10" East a distance of 112.46 feet;

Thence, continuing with the said southerly right of way line of Karen Street, North 87° 39' 06" East a distance of 31.05 feet to a point in the westerly right of way line of Colonial Drive;

Thence, with the said westerly right of way line of Colonial Drive, North 2° 21' 49" West a distance of 40.00 feet to a point;

Thence, North 46° 34' 18" West a distance of 324.31 feet to a found iron pin with a surveyors cap set in concrete;

Thence, North 27° 25' 03" East a distance of 88.87 feet to a found iron pin with a surveyors cap;

Thence, North 29° 51' 43" East a distance of 153.76 feet to a point;

Thence, North 39° 16' 17" West a distance of 103.87 feet to a point in the southerly right of way line of Ken Street;

Thence, crossing Ken Street, North 19° 45' 32" East a distance of 59.51 feet to a point;

Thence, North 2° 21' 49" West a distance of 246.40 feet to a point in the southerly right of way line of Red Oak Drive;

Thence, with the southerly right of way line of Red Oak Drive, North 86° 46' 11" East a distance of 18.63 feet to a point;

Thence, crossing Red Oak Drive, North 2° 21' 49" West a distance of 165.23 feet to a point;

Thence, South 87° 38' 11" West a distance of 78.66 feet to a point;

Thence, North 2° 21' 49" West a distance of 600.00 feet to a point;

Thence, North 87° 38' 11" East a distance of 200.00 feet to a found 1" iron pipe in the westerly right of way line of Colonial Drive;

Thence, with the said westerly right of way line of Colonial Drive, North 2° 21' 49" West a distance of 452.72 feet back to the point of beginning.

The above described parcel contains 21.665 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 16, 2009.

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

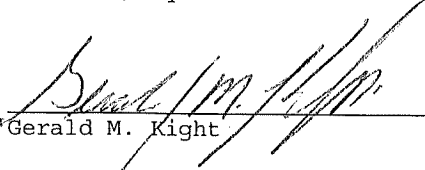
Gerald M. Kight

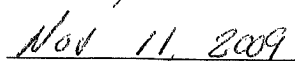
Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003


Gerald M. Kight


Date

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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