



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 09-11-06**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 6 pages of the Resolution number
09-11-06 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 Adkins

RESOLUTION 09- 11-06

**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 2, 1994, 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 Hutchenson, Inc. by Gerald M. Kight, a Licensed Professional Land Surveyor No. 2547 is as follows:

A parcel of land located on the east side of Kentucky Highway 58, south of the intersection with Cherry Grove Drive, encompassing the northern five lots of the Elizabeth Vaughn Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the centerline of Kentucky Highway 58 in line with the northern line of the Elizabeth Vaughn Subdivision as shown on the plat of record in Slide 744 of the records of the Marshall County Court Clerk, said point being located 811 +/- feet southerly along the centerline of Kentucky Highway 58 from the intersection with the centerline of the Cherry Grove Drive, said beginning point having Kentucky State Plane South Zone coordinates of North 1,833,551.8 and East 868,852.6;

Thence, from the point of beginning and crossing the eastern side of Kentucky Highway 58, South $76^{\circ} 29' 34''$ East a distance of 24.88 feet to a concrete monument found in the eastern right of way line of Kentucky Highway 58 at the northwestern corner of the aforementioned Elizabeth Vaughn Subdivision;

Thence, with the north line of the said subdivision, South $76^{\circ} 29' 34''$ East a distance of 278.72 feet to a point located 300 feet east of the centerline of Kentucky Highway 58;

Thence, with a line 300 feet east of and parallel to the centerline of Kentucky Highway 58, 632.65 feet along an arc to the right to a point, said arc having a radius of 2209.86 feet, said arc being subtended by a chord of which is South $29^{\circ} 54' 40''$ West a distance of 630.50 feet;

Thence, continuing with a line 300 feet east of and parallel to the centerline of Kentucky Highway 58, South $38^{\circ} 06' 46''$ West a distance of 141.23 feet to a point;

Thence, North $81^{\circ} 49' 26''$ West a distance of 346.19 feet to a point in the centerline of Kentucky Highway 58;

Thence, with the centerline of Kentucky Highway 58, North 38° 06' 46" East a distance of 313.99 feet to a point;

Thence, continuing with the centerline of Kentucky Highway 58, 503.45 feet along an arc to the left back to the point of beginning, said closing arc having a radius of 1909.86 feet, said closing arc being subtended by a chord of which is North 30° 33' 40" East a distance of 501.99 feet.

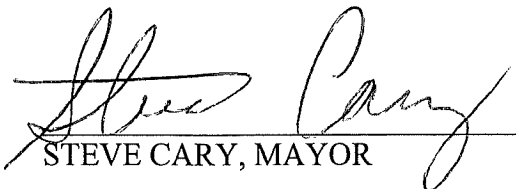
The above described parcel contains 5.480 acres more or less.

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 22, 2009.

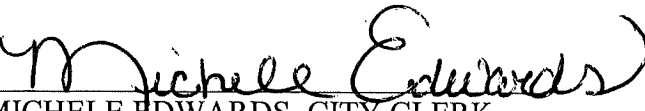
SECTION 3: A copy of the new survey and plat shall be filed by the City Attorney with the Marshall County Court Clerk's Office within sixty (60) days and a list of the property owners and all registered voters that reside in those areas identified in the new survey shall be provided to the Clerk in compliance 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. 09-11-06 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
By Ordinance 94-05-02
2009 Resolution Description

A parcel of land located on the east side of Kentucky Highway 58, south of the intersection with Cherry Grove Drive, encompassing the northern five lots of the Elizabeth Vaughn Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a point in the centerline of Kentucky Highway 58 in line with the northern line of the Elizabeth Vaughn Subdivision as shown on the plat of record in Slide 744 of the records of the Marshall County Court Clerk, said point being located 811 +/- feet southerly along the centerline of Kentucky Highway 58 from the intersection with the centerline of the Cherry Grove Drive, said beginning point having Kentucky State Plane South Zone coordinates of North 1,833,551.8 and East 868,852.6;

Thence, from the point of beginning and crossing the eastern side of Kentucky Highway 58, South $76^{\circ} 29' 34''$ East a distance of 24.88 feet to a concrete monument found in the eastern right of way line of Kentucky Highway 58 at the northwestern corner of the aforementioned Elizabeth Vaughn Subdivision;

Thence, with the north line of the said subdivision, South $76^{\circ} 29' 34''$ East a distance of 278.72 feet to a point located 300 feet east of the centerline of Kentucky Highway 58;

Thence, with a line 300 feet east of and parallel to the centerline of Kentucky Highway 58, 632.65 feet along an arc to the right to a point, said arc having a radius of 2209.86 feet, said arc being subtended by a chord of which is South $29^{\circ} 54' 40''$ West a distance of 630.50 feet;

Thence, continuing with a line 300 feet east of and parallel to the centerline of Kentucky Highway 58, South $38^{\circ} 06' 46''$ West a distance of 141.23 feet to a point;

Thence, North $81^{\circ} 49' 26''$ West a distance of 346.19 feet to a point in the centerline of Kentucky Highway 58;

Thence, with the centerline of Kentucky Highway 58, North $38^{\circ} 06' 46''$ East a distance of 313.99 feet to a point;

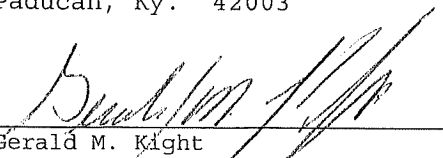
Thence, continuing with the centerline of Kentucky Highway 58, 503.45 feet along an arc to the left back to the point of beginning, said closing arc having a radius of 1909.86 feet, said closing arc being subtended by a chord of which is North $30^{\circ} 33' 40''$ East a distance of 501.99 feet.

The above described parcel contains 5.480 acres more or less.

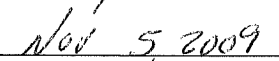
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on October 22, 2009.

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

A19 Ord 94-05-02.doc
Gerald M. Kight
November 4, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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