



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 09-11-08**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 6 pages of the Resolution number
09-11-08 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 Addison

RESOLUTION 09- 11-08

**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 4, 1995, 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 known as the Goheen Girls Estates Subdivision as shown on the plat of record in Cabinet "C" Slide 48 of the records of the Marshall County Court Clerk, said parcel encompassing the southern portion of Lacey Faye Lane and Deborah Lee Drive, east of U.S. Highway 641, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the northeast corner of Lot 3 of the Goheen Girls Estates Subdivision in west right of way line of Lacey Faye Lane, said point also being the southeast corner of Lot 5 of Block D of the Haltom Subdivision as shown on the plat of record in Slide 527 of the records of the Marshall County Court Clerk, said beginning point having Kentucky State Plane South Zone coordinates of North 1,834,685.7 and East 880,480.7;

Thence, with the north line of the said Goheen Girls Estates Subdivision in an easterly direction crossing the aforementioned Lacey Faye Lane, South 82° 36' 31" East a distance of 610.18 feet to a found iron pin with a surveyors cap at the northeast corner of Lot 9;

Thence, with the east line of the said Goheen Girls Estates Subdivision, South 6° 20' 31" West a distance of 549.65 feet to a point;

Thence, with the south line of the said Goheen Girls Estates Subdivision, North 83° 39' 29" West, passing a found ½" iron pin at a distance of 362.43 feet, a total distance of 913.35 feet to a point;

Thence, with the west line of the said Goheen Girls Estates Subdivision, North 3° 07' 29" East, passing a found ½" iron pin at a distance of 245.40 feet, a total distance of 567.64 feet to a point;

Thence, South 82° 36' 52" East, passing a found ½" iron pin at a distance of 21.76 feet, and passing a found ½" iron pin at a distance of 147.61 feet, a total distance of 203.69 feet to a point;

Thence, South 82° 41' 38" East a distance of 131.49 feet back to the point of beginning.

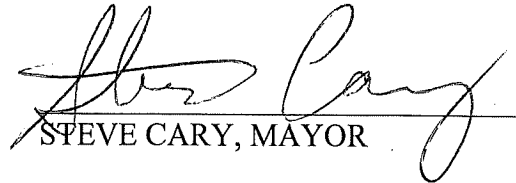
The above described parcel contains 11.906 acres more or less.

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.

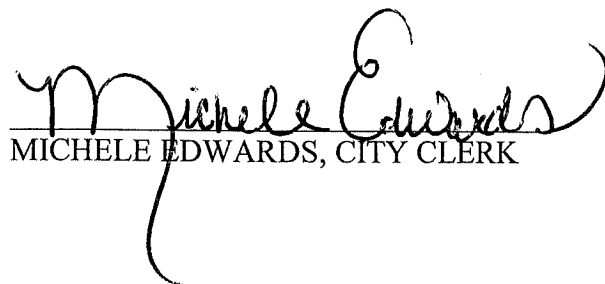
SECTION 3: A copy of the new survey and plat shall be filed by the City Attorney with the Marshall County Court Clerk's Office within sixty (60) days and a list of the property owners and all registered voters that reside in those areas identified in the new survey shall be provided to the Clerk in compliance 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. 09-11-08 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 95-05-04
2009 Resolution Description

A parcel of land known as the Goheen Girls Estates Subdivision as shown on the plat of record in Cabinet "C" Slide 48 of the records of the Marshall County Court Clerk, said parcel encompassing the southern portion of Lacey Faye Lane and Deborah Lee Drive, east of U.S. Highway 641, Benton, Marshall County, Kentucky, and being more particularly described as follows:

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Thence, with the north line of the said Goheen Girls Estates Subdivision in an easterly direction crossing the aforementioned Lacey Faye Lane, South 82° 36' 31" East a distance of 610.18 feet to a found iron pin with a surveyors cap at the northeast corner of Lot 9;

Thence, with the east line of the said Goheen Girls Estates Subdivision, South 6° 20' 31" West a distance of 549.65 feet to a point;

Thence, with the south line of the said Goheen Girls Estates Subdivision, North 83° 39' 29" West, passing a found $\frac{1}{2}$ " iron pin at a distance of 362.43 feet, a total distance of 913.35 feet to a point;

Thence, with the west line of the said Goheen Girls Estates Subdivision, North 3° 07' 29" East, passing a found $\frac{1}{2}$ " iron pin at a distance of 245.40 feet, a total distance of 567.64 feet to a point;

Thence, South 82° 36' 52" East, passing a found $\frac{1}{2}$ " iron pin at a distance of 21.76 feet, and passing a found $\frac{1}{2}$ " iron pin at a distance of 147.61 feet, a total distance of 203.69 feet to a point;

Thence, South 82° 41' 38" East a distance of 131.49 feet back to the point of beginning.

The above described parcel contains 11.906 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:

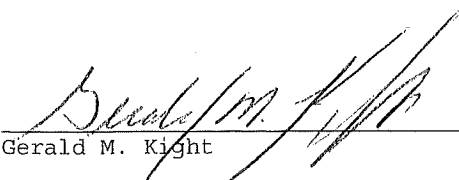
Gerald M. Right

Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003


Gerald M. Kight

Nov 6, 2009
Date

A21 Ord 95-05-04.doc
Gerald M. Kight
November 6, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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