

Mayor
Steve Cary

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

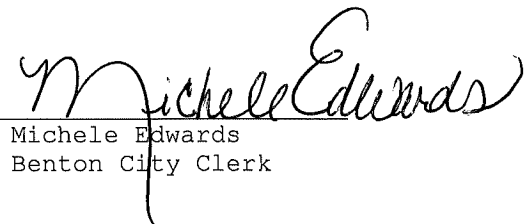
City Attorney
Martin Johnson

Police Chief
Tracy Watwood

Resolution of the City of Benton Number 09-11-09

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

RESOLUTION 09- 11-09

**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 5, 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 located on the north side of Cope Road, encompassing Tara Court and Ashley Drive, west of U.S. Highway 641, and being known as Southland Estates Subdivision – Unit 1, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found iron pin with a surveyors cap in the north line of Cope Road approximately two tenths of a mile from the intersection of Cope Road and Main Street (U.S. Highway 641), said iron pin being the southeast corner of the Southland Estates Subdivision – Unit 1 as shown on the plat of record in Plat Cabinet "C" Slide 92 of the records of the Marshall County Court Clerk, said beginning iron pin having Kentucky State Plane South Zone coordinates of North 1,833,431.6 and East 878,521.8.;

Thence, from the point of beginning and with the north right of way line of Cope Road, North 83° 04' 50" West a distance of 218.56 feet to a point;

Thence, North 6° 28' 53" East a distance of 171.51 feet to a point;

Thence, North 83° 32' 27" West a distance of 300.04 feet to a point in the east line of Scarlett Drive;

Thence, with the east line of Scarlett Drive, South 6° 28' 28" West a distance of 185.98 feet to a point;

Thence, South 6° 14' 18" West a distance of 9.00 feet to a point;

Thence, North 82° 04' 49" West a distance of 50.05 feet to a point in the west line of Scarlett Drive;

Thence, with the west line of Scarlett Drive, North 6° 28' 28" East a distance of 311.35 feet to a point;

Thence, North 82° 39' 31" West a distance of 115.25 feet to a found iron pin with a surveyors cap;

Thence, with the west line of the aforementioned Southland Estates Subdivision – Unit 1, North 7° 06' 55" East, passing iron pins with surveyors' caps found at distances of 50.14 feet, 133.55 feet, and 266.87 feet, a total distance of 354.70 feet to an iron pin with a surveyors cap at the northwest corner of the said Subdivision;

Thence, with the north line of the said Southland Estates Subdivision – Unit 1, South 82° 23' 34" East, passing found iron pins at a distance of 90.36 feet and 270.19 feet, a total distance of 689.79 feet to a found ½" iron pin;

Thence, with the east line of the said Southland Estates Subdivision – Unit 1, South 7° 21' 45" West, passing an iron pin at a distance of 65.53 feet, a total distance of 633.62 feet back to the point of beginning.

The above described parcel contains 8.166 acres more or less.

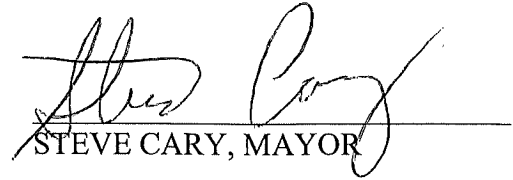
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on October 26, 2009.

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.

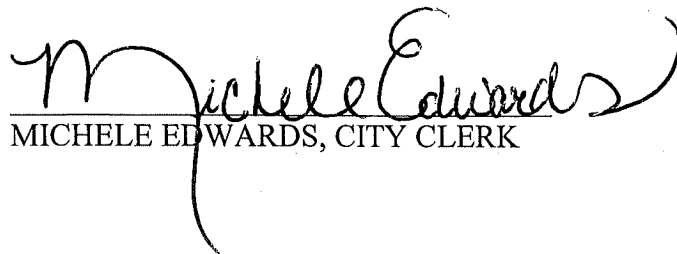
SECTION 4: If the City of Benton annexes property in the future, it shall be the duty of the City Clerk to have the area to be annexed surveyed by a registered land surveyor and that surveyor is to prepare a written legal description of the area to be annexed. The City attorney shall utilize that written 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

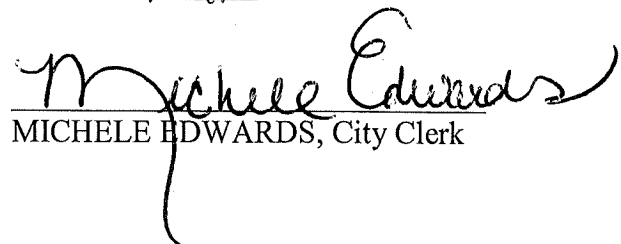
ATTEST:


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. 09-11-09 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 95-05-05
2009 Resolution Description

A parcel of land located on the north side of Cope Road, encompassing Tara Court and Ashley Drive, west of U.S. Highway 641, and being known as Southland Estates Subdivision - Unit 1, Benton, Marshall County, Kentucky, and being more particularly described as follows:

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Thence, North 83° 32' 27" West a distance of 300.04 feet to a point in the east line of Scarlett Drive;

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The above described parcel contains 8.166 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 26, 2009.

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

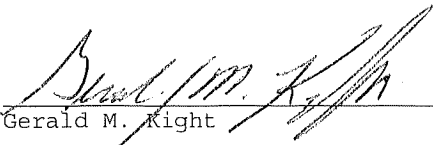
Gerald M. Kight

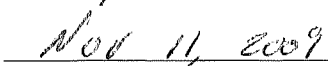
Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003


Gerald M. Kight


Date

A22 Ord 95-05-05.doc
Gerald M. Kight
November 9, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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