

*Mayor*  
Steve Cary

*City Clerk*  
Michele Edwards

*City Treasurer*  
Bethany Cooper

*City Attorney*  
Martin Johnson

*Police Chief*  
Tracy Watwood

**Annexation to the City of Benton  
By  
Ordinance 95-11-01**

I certify I am the duly qualified City Clerk of the City of Benton,  
Kentucky, and the foregoing 4 pages of the Ordinance number  
95-11-01 is a true, correct and complete copy duly adopted  
by the City Council at a duly convened meeting held on  
November 20, 1995, 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 Handie Adkins

ORDINANCE ANNEXING PROPERTY OWNED BY JERRY  
SELLS AND JUANITA SELLS.

WHEREAS, the hereafter described property is owned by Jerry Sells and Juanita Sells; and

WHEREAS, the parties have requested that same be annexed into and made a part and portion of the City of Benton, KY; and

WHEREAS, the parties have consented to said annexation in accordance with the provisions of KRS 81A.412 the City may adopt an Ordinance annexing the same into the City without the necessity of giving notice of its intent to do so to any third parties owning property adjacent to that which is to be annexed or publication of an ordinance expressing the City's intent to annex the said property; and

WHEREAS, the City intends to annex the said property with a zoning classification of R-1;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Benton, KY as follows:

1. The written consent of Jerry Sells and Juanita Sells having been given to the City's annexation of that property and more particularly described in paragraph 2 hereof, same is hereby annexed into and made a part and portion of the City of Benton, Marshall County, Kentucky same having been found to have a boundary contiguous to the present corporate limits of this City, and the City having found it to be desirable for same to be annexed with a zoning classification of R-1.

2. The property annexed pursuant to the provisions of this Ordinance is described as follows:

The property to be annexed is described as follows:

TRACT I

A 73.99-acre tract of land as surveyed by Gammel, Travis and Williams of Benton, Kentucky in March, 1980, and being generally located South of Benton, West of Highway 641, at the West end of 24th Street (Mary Green Road), and more particularly described as:

Beginning at the Northeast corner of the herein described property, said corner being a 1/2" re-bar iron pin set in the South right-of-way of the Mary Green Road, 30 feet South of the centerline of the said Road, 13.13 feet South of an existing 1: bar at the edge of a bank and 74.33 feet East of the centerline of an existing concrete culvert; thence, South 1° 01' 35" West - 140.91 feet along the West boundary of the now or formerly Alva Green property (Will Book 3, page 160) to a nail set on the East side of an existing 20" Post Oak tree; thence, South 82° 26' 59" East - 231.66 feet along the South boundary of the said Green property to an existing iron bar, 1 foot West of an existing fence corner post, Northeast of a dog pen; thence, South 2° 32' 41" East - 392.82 feet generally following an existing fence line and the West boundary of the Elmer and James Brien property (Deed Book 85, page 160) to an existing concrete block, 1 foot West of a fence corner post; thence, North 89° 55' 24" West - 1,160.51 feet generally following the existing fence line and the North boundary of the said James Brien property and the North boundary of the James Goodman property (Deed Book 107, page 568) to a 1/2" re-bar iron pin set at an existing fence corner post; thence, South 1° 17'

57" East - 353.49 feet generally following the existing fence line and the West boundary of the said Goodman property to a 1/2" re-bar iron pin set at the intersection of the existing fence lines; thence, North 89° 18' 47" West - 619.87 feet generally following the existing fence line and the North boundary of the now or formerly Loyd Hicks property (Deed Book 133, page 131) to an existing stone at a fence corner post; thence, North 89° 03' 08" West - 552.19 feet along the North boundary of the now or formerly Deborah Cope property (Deed Book 158, page 562) to an existing 1/4" x 1" iron bar; thence South 86° 21' 36" West - 501.41 feet and passing the Northwest corner of the said Cope property at approximately 30 feet and continuing along the North boundary of the now or formerly Valera Peck property (Deed Book 158, page 96) to a 1/2" re-bar iron pin set at an existing stone beside a 1" dead Pine tree, 20 feet West of a dead Oak; thence, North 4° 02' 55" West - 1,075.13 feet along the East boundary of the Willard Moore property (Deed Book 109, page 516) to a point; thence, North 3° 10' 55" West - 566.25 feet to an existing 2" pipe at a stone in a fence line, South east of the old Wadesboro Roadbed, on the West side of a ditch; thence, North 87° 49' 43" East - 1,757.34 feet and passing by a 1" aluminum pipe on the East side of a stone at 532.52 feet and continuing along the South boundary of the Bill Morgan property (Deed Book 161, page 613) to an existing 1/4" x 1" iron bar, 2" pipe and stone located in an old fence line; thence, South 5° 13' 57" East - 159.85 feet generally following the existing fence line and the West boundary of the David Inman property (Deed Book 104, page 630) to an existing stone located in the said fence line; thence, North 88° 11' 12" West - 709.63 feet along the North side of the Dr. Paul Schaper property (Deed Book 117, page 397) to a point in the centerline of the existing branch, 30 feet on a bearing of North 88° 11' 12" West from an iron pin found on the East bank of the said branch; thence, following the meanders of the branch in a westernly direction and when projected on straight lines: South 9° 00' 06" East - 253.74 feet, South 29° 31' 02" East - 145.50 feet, South 47° 11' 51" West - 39.42 feet, South 25° 38' 28" East - 85.51 feet and South 21° 48' 38" West - 57.29 feet, to a point in the centerline of the said creek at an old road bed crossing, 12 feet West of a 1/2" re-bar iron pin set on the North side of an existing 15" Sycamore; thence, South 88° 58' 57" East - 401.55 feet and passing the said 1/2" re-bar iron pin at 12 feet and continuing, generally along the centerline of an old road bed, to an existing concrete monument; thence, South 34° 40' 12" East - 102.66 feet along the Southwest boundary of the now or formerly Levi Scott property (Deed Book 173, page 370) to an existing concrete monument; thence, South 89° 55' 17" East - 200.00 feet along the South boundary of the said Scott property to a 1/2" re-bar iron pin set in the Southwest right-of-way of the Mary Green Road, 37.81 feet South of an existing concrete monument, 40.7 feet Southeast of a telephone pedestal and 22.65 feet West of an existing power pole; thence, following the South right-of-way of the Mary Green Road and when projected on straight lines: South 72° 43' 59" East - 123.35 feet, South 47° 02' 51" East - 109.57 feet, North 66° 29' 53" East - 98.69 feet and North 74° 16' 36" East - 107.61 feet, to a point of beginning.

The above described property is subject to any previously conveyed legal easements of record or in existence.

Being part of the same property conveyed to Jerry Sells et ux by deed dated March 28, 1980 of record in Deed Book 184, page 427, Marshall County Court Clerk's Office.

#### TRACT II

A 0.637-acre tract of land as surveyed by Kenar Architectural and Engineering, Inc. of Benton, Kentucky, in February 1993, and being generally located on the west side of and near the west end of West 24th Street (Mary

Green Road), on the south side of the City of Benton, Marshall County, Kentucky, and being more particularly described as:

Beginning at the southeast corner of the property herein described, said corner being an existing concrete monument found on the southwest side of West 24th Street (Mary Green Road); thence, North 89° 55' 17" ; West - 200.76 feet, with the north boundary of the J.C. Sells P.S.C. Retirement Plan property (Deed Book 184, page 427), to an existing concrete monument found at a fence post; thence North 35° 13' 39" West - 102.67 feet to an existing concrete monument found in an old road bed, said concrete monument being in the original south boundary of the Mary Green property (Deed Book 84, page 288); thence, North 35° 13' 39" : West - 50.00 feet to a 1/2 inch re-bar iron pin (set); thence, North 78° 05' 20" East - 163.26 feet to an existing 3/4 inch iron pipe found at the base of a 40 inch Oak tree, said iron pipe being on the southwest side of West 24th Street (Mary Green Road) and near the end of the said roadway; thence, South 41° 15' 53" East - 104.70 feet, with the southwest side of said West 24th Street (Mary Green Road), to a point, said point being in the south boundary of the said Mary Green property; thence, South 36° 53' 09" East - 100.00 feet, continuing with the southwest side of West 24th Street (Mary Green Road), to the point of beginning.

The above described property is subject to any easements or right-of-way previously conveyed or in existence.

Being the same property conveyed to Jerry Sells et ux by virtue of a deed dated February 5, 1993 of record in Deed Book 261, page 407, Marshall County Court Clerk's Office.

#### TRACT III

A 1.249-acre tract of land as surveyed by Kenar Architectural and Engineering, Inc. of Benton, Kentucky, in July 1992, and December 1993, and being generally located approximately 600 feet South of the south end of Golf Course Road, in the City of Benton, Marshall County, Kentucky, and being more particularly described as:

Beginning at the northeast corner of the property herein described, said corner an existing 2 inch iron pipe found at the southwest corner of the Billy B. Morgan property (Deed Book 161, page 613), said iron pipe also being at the northwest corner of the J.C. Sells PSC Retirement Plan property (Deed Book 184, page 427); thence, South 03° 11' 57" East - 293.67 feet, with the west boundary of the said J.C. Sells PSC Retirement Plan property, to an existing iron pin found at the northeast corner of the Jerry Sells 3-acre tract (Deed Book 184, page 425); thence, South 86° 09' 51" West - 197.00 feet, with the north boundary of the said Jerry Sells 3-acre tract, to a point; thence, North 01° 57' 02" East - 300.29 feet, with a new line and the east boundary of Hole #18 of the Benton Golf and Country Club, to a point; thence, North 87° 53' 07" East - 170.06 feet, continuing with a new line, to the point of beginning.

The above described property is subject to any easements or right-of-ways previously conveyed or in existence.

Being the same property conveyed to Jerry Sells et ux by virtue of a deed dated January 6, 1994 of record in Deed Book 268, page 168, Marshall County Court Clerk's Office.

#### TRACT IV

A 1.22 acre tract of land as partially surveyed by Gammel, Travis, and Williams of Benton, Kentucky in March, 1980, and being generally located south of Benton Southeast of the old Wadesboro Roadbed, Southeast of the Benton Golf and Country Club, on the West side of Golf Course Road, if extended, and more particularly described as:

Beginning at the Northwest corner of the herein described property, said corner being an existing aluminum pipe at a stone located East of the #5 green of the Benton Golf and Country Club and on the Northwest side of the old Wadesboro Roadbed; thence, North 86° 08' 50" East 481.28 feet to an existing iron pin located beside a stone on the Northeast side of a White oak tree, 36.49 feet Southwest of another stone; thence, South 3° 10' 55" East 272.71 feet to a point; thence, South 86° 08' 50" West 477.16 feet to a point in the original West boundary line; thence, North 4° 02' 55" West 272.70 feet along the original West boundary line to the point of beginning.

The above described property is subject to an easement for an existing old roadbed across the Northwest corner and to any other previously conveyed easements of record or in existence.

Being the same property conveyed to Jerry Sells et ux by virtue of a deed dated March 28, 1980 of record in Deed Book 184, page 425 Marshall County Court Clerk's Office.

3. This Ordinance shall be effective upon its reading and passage in the manner required by law.

Passed this the 20 day of November, 1995.

Cory Creason  
MAYOR CORY CREASON

ATTEST:

Linda Riley  
LINDA RILEY, CITY CLERK

COUNCIL MEMBERS VOTING:

|                  | YEA      | NAY           |
|------------------|----------|---------------|
| HAROLD BECK      | <u>X</u> | <u>      </u> |
| DOUG DOTSON      | <u>X</u> | <u>      </u> |
| KENTON HOLLAND   | <u>X</u> | <u>      </u> |
| ELEZABETH HUDSON | <u>X</u> | <u>      </u> |
| DENNIS JOSEPH    | <u>X</u> | <u>      </u> |
| JAMES WISEMAN    | <u>X</u> | <u>      </u> |

OVERSIZE MAP INCLUDED WITH  
SUBMISSION.

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