



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 09-11-10**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 14 pages of the Resolution number
09-11-10 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 November 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandee Addison

RESOLUTION 09- 11-10

**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 1, 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:

TRACT I

A parcel of land located south of the City of Benton, west of U.S. Highway 641, at the west end of West 24th Street, and encompassing the southern portion of the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk and being more particularly described as follows:

Beginning at the northeast corner of the herein described tract in the south right of way line of West 24th Street (a.k.a. Mary Green Road) 30 feet from the centerline thereof, said point having Kentucky State Plane South Zone coordinates of North 1,835,786.1 and East 878,911.2;

Thence, South 6° 49' 55" West a distance of 140.91 feet to a point;

Thence, South 76° 38' 39" East a distance of 231.66 feet to a point;

Thence, South 3° 20' 26" West a distance of 392.15 feet to a found concrete block as called for in previous descriptions;

Thence, North 84° 08' 16" West, passing a found 1 ½" iron pipe at a distance of 278.64 feet, a total distance of 1160.18 feet to a found 1 ½" iron pin with a surveyors cap;

Thence, South 4° 20' 25" West a distance of 353.78 feet to a found 1 ½" iron pin with a surveyors cap;

Thence, North 83° 30' 00" West a distance of 620.13 feet to a found stone at the northwest corner of Bent Creek Estates Subdivision Unit 3 as shown on the plat of record in Plat Cabinet "D" Slide 60 of the records of the Marshall County Court Clerk;

Thence, with the north line of the said Bent Creek Estates, North 83° 19' 43" West, passing a found iron pin with a surveyors cap at a distance of 429.23 feet, a total distance of 552.19 feet to a point;

Thence, continuing with the north line of the said Bent Creek Estates, North 87° 37' 05" West a distance of 73.65 feet to a found iron pin with a surveyors cap;

Thence, continuing with the north line of the said Bent Creek Estates, North 88° 01' 05" West a distance of 428.13 feet to a found ½" iron pin at the southeast corner of Bent Creek Estates Subdivision Unit 1 and 2 as shown on the plat of record in Plat Cabinet "C" Slide 196 of the records of the Marshall County Court Clerk;

Thence, with the east line of the Bent Creek Estates, North 1° 43' 51" East a distance of 1075.13 feet to a point;

Thence, South 88° 12' 11" East a distance of 477.16 feet to a point;

Thence, North 2° 35' 32" East a distance of 272.71 feet to a found ½" iron pin;

Thence, North 2° 35' 32" East a distance of 299.31 feet to a point;

Thence, with a line crossing through the aforementioned Country Club Fairways Subdivision, South 86° 13' 23" East, passing a found ½" iron pin at a distance of 1156.68 feet, a total distance of 1757.32 feet to a found 2" iron pipe;

Thence, South 0° 28' 50" West, passing a found ½" iron pin at a distance of 49.22 feet, a total distance of 159.36 feet to a found ½" iron pin;

Thence, North 82° 30' 18" West a distance of 228.88 feet to a found iron pin with a surveyors cap;

Thence, North 82° 22' 55" West, passing a found witness iron pin with a surveyors cap at the top of a creek branch bank at a distance of 441.61 feet, a total distance of 471.61 feet to the centerline of the said creek branch;

Thence, with the centerline of the said creek branch, South 7° 28' 03" East a distance of 200.43 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 21° 26' 15" West a distance of 58.00 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 23° 38' 38" East a distance of 145.50 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 53° 04' 15" West a distance of 39.42 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 20° 07' 30" East a distance of 85.51 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 27° 14' 42" West a distance of 57.29 feet to a point;

Thence, leaving the said creek branch, South 83° 24' 57" East, passing a found ½" iron pin reference point at a distance of 30 feet, a total distance of 123.45 feet to a found ½" iron pin;

Thence, South 83° 22' 35" East a distance of 124.19 feet to a found ½" iron pin;

Thence, South 82° 46' 12" East a distance of 154.20 feet to a found 4" square concrete monument;

Thence, South 28° 51' 52" East a distance of 102.66 feet to a point in the northerly line of Augusta Lane;

Thence, with the northerly line of Augusta Lane, South 84° 06' 57" East a distance of 200.00 feet to a point;

Thence, crossing Augusta Lane, South 66° 55' 39" East a distance of 123.35 feet to a point in the southerly line of West 24th Street;

Thence, with the southerly line of West 24th Street, South 41° 14' 31" East a distance of 109.57 feet to a point;

Thence, continuing with the southerly line of West 24th Street, North 72° 18' 13" East a distance of 98.69 feet to a point;

Thence, continuing with the southerly line of West 24th Street, North 80° 04' 56" East a distance of 107.61 feet back to the point of beginning.

The above described parcel contains 74.181 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 September 8, 2009 and November 2, 2009.

TRACT II

A parcel of land located south of the City of Benton, west of U.S. Highway 641, at the west end of West 24th Street, adjacent to the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk and being more particularly described as follows:

Beginning at a the southeast corner of the herein described tract at the intersection of the southerly line of West 24th Street and the northerly line of Augusta Lane, said beginning point having Kentucky State Plane South Zone coordinates of North 1,835,868.3 and East 878,525.5;

Thence, with the northerly line of Augusta Lane, North 84° 06' 57" West a distance of 200.00 feet to a point;

Thence, North 28° 51' 52" West a distance of 102.66 feet to a found 4" square concrete monument;

Thence, North 28° 51' 52" West a distance of 50.00 feet to a point;

Thence, North 84° 07' 11" East a distance of 161.49 feet to a found ¾" iron pipe;

Thence, South 36° 53' 13" East, passing a found iron pin with a surveyors cap at a distance of 47.42 feet, a total distance of 104.70 feet to a point;

Thence, South 29° 28' 06" East a distance of 99.93 feet back to the point of beginning.

The above described parcel contains 0.639 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 September 8, 2009 and November 2, 2009.

TRACT III

A tract of land being generally located approximately 500 feet south of the south end of Golf Course Road, south of the City of Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the northeast corner of the herein described tract in the west line of the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk, said beginning point having Kentucky State Plane South Zone coordinates of North 1,836,750.2 and East 876,785.3;

Thence, South 2° 35' 32" West a distance of 299.31 feet to a found ½" iron pin;

Thence, North 88° 12' 11" West a distance of 197.00 feet to a point;

Thence, North 7° 44' 07" East a distance of 300.56 feet to a found ½" iron pin;

Thence, South 88° 19' 01" East a distance of 170.06 feet back to the point of beginning.

The above described parcel contains 1.260 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 September 8, 2009 and November 2, 2009.

TRACT IV

A tract of land being generally located south of the City of Benton, on the west side of the Golf Course Road if extended, and adjacent to the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the northwest corner of the herein described tract, said point having Kentucky State Plane South Zone coordinates of North 1,836,466.3 and East 876,290.7;

Thence, South 88° 12' 11" East a distance of 481.28 feet to a found ½" iron pin in the west line of the aforementioned Country Club Fairway Subdivision;

Thence, with the west line of the said Subdivision, South 2° 35' 32" West a distance of 272.71 feet to a point;

Thence, North 88° 12' 11" West a distance of 477.16 feet to a point;

Thence, North 1° 43' 36" East a distance of 272.68 feet back to the point of beginning.

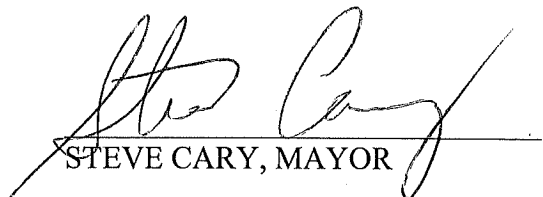
The above described parcel contains 3.000 acres more or less. The original ordinance this description is to clarify noted that the area of this parcel was 1.22 acres. The original description reveals the 3 acres is encompassed when the area is computed from the provided exterior directions and distances.

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 September 8, 2009 and November 2, 2009.

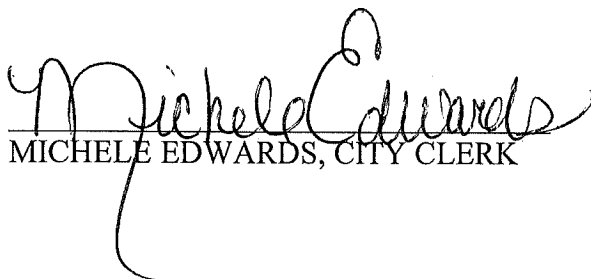
SECTION 3: A copy of the new survey and plat shall be filed by the City Attorney with the Marshall County Court Clerk's Office within sixty (60) days and a list of the property owners and all registered voters that reside in those areas identified in the new survey shall be provided to the Clerk in compliance 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 14 pages of Resolution No. 89-11-10 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 16²⁰⁰⁹, 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 95-11-01
Tract I
2009 Resolution Description

A parcel of land located south of the City of Benton, west of U.S. Highway 641, at the west end of West 24th Street, and encompassing the southern portion of the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk and being more particularly described as follows:

Beginning at the northeast corner of the herein described tract in the south right of way line of West 24th Street (a.k.a. Mary Green Road) 30 feet from the centerline thereof, said point having Kentucky State Plane South Zone coordinates of North 1,835,786.1 and East 878,911.2;

Thence, South 6° 49' 55" West a distance of 140.91 feet to a point;

Thence, South 76° 38' 39" East a distance of 231.66 feet to a point;

Thence, South 3° 20' 26" West a distance of 392.15 feet to a found concrete block as called for in previous descriptions;

Thence, North 84° 08' 16" West, passing a found 1 ½" iron pipe at a distance of 278.64 feet, a total distance of 1160.18 feet to a found 1 ½" iron pin with a surveyors cap;

Thence, South 4° 20' 25" West a distance of 353.78 feet to a found 1 ½" iron pin with a surveyors cap;

Thence, North 83° 30' 00" West a distance of 620.13 feet to a found stone at the northwest corner of Bent Creek Estates Subdivision Unit 3 as shown on the plat of record in Plat Cabinet "D" Slide 60 of the records of the Marshall County Court Clerk;

Thence, with the north line of the said Bent Creek Estates, North 83° 19' 43" West, passing a found iron pin with a surveyors cap at a distance of 429.23 feet, a total distance of 552.19 feet to a point;

Thence, continuing with the north line of the said Bent Creek Estates, North 87° 37' 05" West a distance of 73.65 feet to a found iron pin with a surveyors cap;

Thence, continuing with the north line of the said Bent Creek Estates, North 88° 01' 05" West a distance of 428.13 feet to a found ½" iron pin at the southeast corner of Bent Creek Estates Subdivision Unit 1 and 2 as shown on the plat of record in Plat Cabinet "C" Slide 196 of the records of the Marshall County Court Clerk;

Thence, with the east line of the Bent Creek Estates, North 1° 43' 51" East a distance of 1075.13 feet to a point;

Thence, South 88° 12' 11" East a distance of 477.16 feet to a point;

Thence, North 2° 35' 32" East a distance of 272.71 feet to a found ½" iron pin;

Thence, North 2° 35' 32" East a distance of 299.31 feet to a point;

Thence, with a line crossing through the aforementioned Country Club Fairways Subdivision, South 86° 13' 23" East, passing a found ½" iron pin at a distance of 1156.68 feet, a total distance of 1757.32 feet to a found 2" iron pipe;

Thence, South 0° 28' 50" West, passing a found ½" iron pin at a distance of 49.22 feet, a total distance of 159.36 feet to a found ½" iron pin;

Thence, North 82° 30' 18" West a distance of 228.88 feet to a found iron pin with a surveyors cap;

Thence, North 82° 22' 55" West, passing a found witness iron pin with a surveyors cap at the top of a creek branch bank at a distance of 441.61 feet, a total distance of 471.61 feet to the centerline of the said creek branch;

Thence, with the centerline of the said creek branch, South 7° 28' 03" East a distance of 200.43 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 21° 26' 15" West a distance of 58.00 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 23° 38' 38" East a distance of 145.50 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 53° 04' 15" West a distance of 39.42 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 20° 07' 30" East a distance of 85.51 feet to a point;

Thence, continuing with the centerline of the said creek branch, South 27° 14' 42" West a distance of 57.29 feet to a point;

Thence, leaving the said creek branch, South 83° 24' 57" East, passing a found ½" iron pin reference point at a distance of 30 feet, a total distance of 123.45 feet to a found ½" iron pin;

Thence, South 83° 22' 35" East a distance of 124.19 feet to a found ½" iron pin;

Thence, South 82° 46' 12" East a distance of 154.20 feet to a found 4" square concrete monument;

Thence, South 28° 51' 52" East a distance of 102.66 feet to a point in the northerly line of Augusta Lane;

Thence, with the northerly line of Augusta Lane, South 84° 06' 57" East a distance of 200.00 feet to a point;

Thence, crossing Augusta Lane, South 66° 55' 39" East a distance of 123.35 feet to a point in the southerly line of West 24th Street;

Thence, with the southerly line of West 24th Street, South 41° 14' 31" East a distance of 109.57 feet to a point;

Thence, continuing with the southerly line of West 24th Street, North 72° 18' 13" East a distance of 98.69 feet to a point;

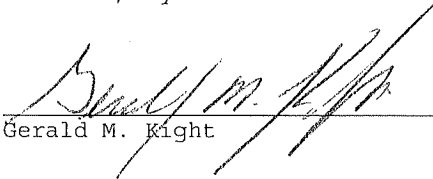
Thence, continuing with the southerly line of West 24th Street, North 80° 04' 56" East a distance of 107.61 feet back to the point of beginning.

The above described parcel contains 74.181 acres more or less.

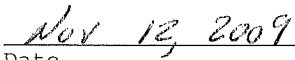
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on September 8, 2009 and November 2, 2009.

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

A23-1 Ord 95-011-01.doc
Gerald M. Kight
November 12, 2009

Annexation to the City of Benton, Marshall County, Kentucky
By Ordinance 95-11-01
Tract II
2009 Resolution Description

A parcel of land located south of the City of Benton, west of U.S. Highway 641, at the west end of West 24th Street, adjacent to the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk and being more particularly described as follows:

Beginning at a the southeast corner of the herein described tract at the intersection of the southerly line of West 24th Street and the northerly line of Augusta Lane, said beginning point having Kentucky State Plane South Zone coordinates of North 1,835,868.3 and East 878,525.5;

Thence, with the northerly line of Augusta Lane, North 84° 06' 57" West a distance of 200.00 feet to a point;

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Thence, North 28° 51' 52" West a distance of 50.00 feet to a point;

Thence, North 84° 07' 11" East a distance of 161.49 feet to a found ¾" iron pipe;

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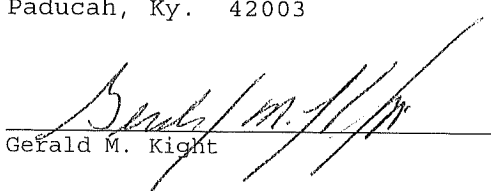
Thence, South 29° 28' 06" East a distance of 99.93 feet back to the point of beginning.

The above described parcel contains 0.639 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 September 8, 2009 and November 2, 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

Nov 12, 2009
Date

Annexation to the City of Benton, Marshall County, Kentucky
By Ordinance 95-11-01
Tract III
2009 Resolution Description

A tract of land being generally located approximately 500 feet south of the south end of Golf Course Road, south of the City of Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the northeast corner of the herein described tract in the west line of the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk, said beginning point having Kentucky State Plane South Zone coordinates of North 1,836,750.2 and East 876,785.3;

Thence, South 2° 35' 32" West a distance of 299.31 feet to a found ½" iron pin;

Thence, North 88° 12' 11" West a distance of 197.00 feet to a point;

Thence, North 7° 44' 07" East a distance of 300.56 feet to a found ½" iron pin;

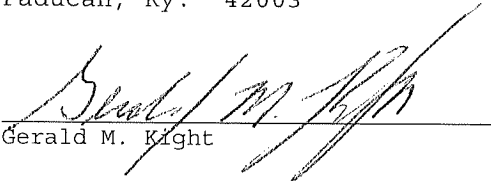
Thence, South 88° 19' 01" East a distance of 170.06 feet back to the point of beginning.

The above described parcel contains 1.260 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 September 8, 2009 and November 2, 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

Nov 12, 2009
Date

Annexation to the City of Benton, Marshall County, Kentucky
By Ordinance 95-11-01
Tract IV
2009 Resolution Description

A tract of land being generally located south of the City of Benton, on the west side of the Golf Course Road if extended, and adjacent to the Country Club Fairways Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 42 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at the northwest corner of the herein described tract, said point having Kentucky State Plane South Zone coordinates of North 1,836,466.3 and East 876,290.7;

Thence, South 88° 12' 11" East a distance of 481.28 feet to a found ½" iron pin in the west line of the aforementioned Country Club Fairway Subdivision;

Thence, with the west line of the said Subdivision, South 2° 35' 32" West a distance of 272.71 feet to a point;

Thence, North 88° 12' 11" West a distance of 477.16 feet to a point;

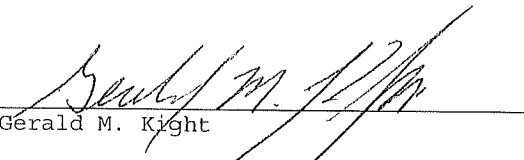
Thence, North 1° 43' 36" East a distance of 272.68 feet back to the point of beginning.

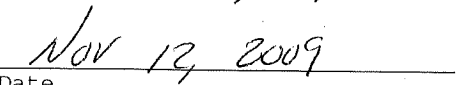
The above described parcel contains 3.000 acres more or less. The original ordinance this description is to clarify noted that the area of this parcel was 1.22 acres. The original description reveals the 3 acres is encompassed when the area is computed from the provided exterior directions and distances.

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 September 8, 2009 and November 2, 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.