

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 09-11-11**

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

RESOLUTION 09- 11-11

**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 December 5, 1998, 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 tract of land located on the south side of Kentucky Highway 408 and on the west side of Sunset Drive and being known as Sunset Woods of Benton as shown on the plat of record in Plat Cabinet "C" Slide 206 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a 4" concrete monument with a surveyors cap imbedded found at the intersection of the southerly right of way line of Kentucky Highway 408 and the westerly right of way line of Sunset Circle, said monument being located approximately 1600.6 feet westerly along Kentucky Highway 408 from the centerline of the Julian Carroll Parkway, said monument having Kentucky State Plane South Zone coordinates of North 1,843,264.0 and East 873,253.5;

Thence, with the said westerly right of way line of Sunset Circle, South 0° 41' 15" West a distance of 82.45 feet to a point;

Thence, continuing with the said westerly right of way line of Sunset Circle, 123.09 feet along an arc to the right to a point, said arc having a radius of 463.31 feet, said arc being subtended by a chord of which is South 7° 51' 01" West a distance of 122.73 feet;

Thence, continuing with the said westerly right of way line of Sunset Circle, South 14° 08' 21" West, passing a found iron pin with a surveyors cap at a distance of 142.38 feet, a total distance of 289.17 feet to a point;

Thence, continuing with the said westerly right of way line of Sunset Circle, 125.85 feet along an arc to the left to a point, said arc having a radius of 353.25

feet, said arc being subtended by a chord of which is South 5° 46' 57" West a distance of 125.19 feet;

Thence, continuing with the said westerly right of way line of Sunset Circle, South 5° 34' 58" East, passing a found iron pin with a surveyors cap at a distance of 52.17 feet, a total distance of 132.16 feet to a found iron pin with a surveyors cap in the north line of the Forest Hills Subdivision as shown on the plat of record in Slide 218 of the records of the Marshall County Court Clerk;

Thence, with the north line of the said Forest Hills Subdivision, South 87° 55' 22" West a distance of 206.68 feet to a found 4" square concrete monument;

Thence, North 3° 22' 36" East a distance of 449.03 feet to a point;

Thence, North 1° 18' 02" West a distance of 305.73 feet to a found 4" concrete monument with a surveyors cap embedded in the southerly right of way line of Kentucky Highway 408;

Thence, with the said southerly right of way line of Kentucky Highway 408, South 88° 46' 26" East a distance of 275.24 feet back to the point of beginning.

The above described parcel contains 3.823 acres more or less.

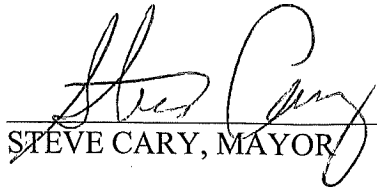
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on October 26, 2009.

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. 09-11-11 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 98-12-05
2009 Resolution Description

A tract of land located on the south side of Kentucky Highway 408 and on the west side of Sunset Drive and being known as Sunset Woods of Benton as shown on the plat of record in Plat Cabinet "C" Slide 206 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a 4" concrete monument with a surveyors cap imbedded found at the intersection of the southerly right of way line of Kentucky Highway 408 and the westerly right of way line of Sunset Circle, said monument being located approximately 1600.6 feet westerly along Kentucky Highway 408 from the centerline of the Julian Carroll Parkway, said monument having Kentucky State Plane South Zone coordinates of North 1,843,264.0 and East 873,253.5;

Thence, with the said westerly right of way line of Sunset Circle, South 0° 41' 15" West a distance of 82.45 feet to a point;

Thence, continuing with the said westerly right of way line of Sunset Circle, 123.09 feet along an arc to the right to a point, said arc having a radius of 463.31 feet, said arc being subtended by a chord of which is South 7° 51' 01" West a distance of 122.73 feet;

Thence, continuing with the said westerly right of way line of Sunset Circle, South 14° 08' 21" West, passing a found iron pin with a surveyors cap at a distance of 142.38 feet, a total distance of 289.17 feet to a point;

Thence, continuing with the said westerly right of way line of Sunset Circle, 125.85 feet along an arc to the left to a point, said arc having a radius of 353.25 feet, said arc being subtended by a chord of which is South 5° 46' 57" West a distance of 125.19 feet;

Thence, continuing with the said westerly right of way line of Sunset Circle, South 5° 34' 58" East, passing a found iron pin with a surveyors cap at a distance of 52.17 feet, a total distance of 132.16 feet to a found iron pin with a surveyors cap in the north line of the Forest Hills Subdivision as shown on the plat of record in Slide 218 of the records of the Marshall County Court Clerk;

Thence, with the north line of the said Forest Hills Subdivision, South 87° 55' 22" West a distance of 206.68 feet to a found 4" square concrete monument;

Thence, North 3° 22' 36" East a distance of 449.03 feet to a point;

Thence, North 1° 18' 02" West a distance of 305.73 feet to a found 4" concrete monument with a surveyors cap embedded in the southerly right of way line of Kentucky Highway 408;

Thence, with the said southerly right of way line of Kentucky Highway 408, South 88° 46' 26" East a distance of 275.24 feet back to the point of beginning.

The above described parcel contains 3.823 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:

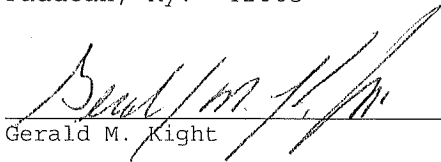
Gerald M. Kight

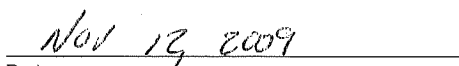
Ky. Licensed Prof. Surveyor 2547

Florence & Hutcheson, Inc.

2550 Irvin Cobb Drive

Paducah, Ky. 42003


Gerald M. Kight


Date

A24 Ord 98-12-05.doc
Gerald M. Kight
November 12, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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