

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 09-11-12

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 6 pages of the Resolution number
09-11-12 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 Handie Adkins

RESOLUTION 09- 11-12

**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 6, 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 south of Championship Drive and north of West 24th street on the east side of the Country Club Fairways Subdivision, and being known as a Survey for Bruce David as shown on the plat of record in Plat Cabinet "C" Slide 293 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found iron pin with a surveyors cap at the Southeast corner of the herein described tract, said iron pin having Kentucky State Plane South Zone coordinates of North 1,836,275.1 and East 878,535.6;

Thence, with the southerly line of the herein described tract, North 82° 08' 13" West a distance of 304.13 feet to a found ½" iron pin;

Thence, continuing with the said southerly line, North 81° 53' 25" West, passing a found ½" reference iron pin set at the top of the bank of a creek branch at a distance of 348.82 feet, a total distance of 368.82 feet to a point at the southwest corner of the herein described tract in the centerline of the said creek branch in the easterly 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;

Thence, with the said easterly line of the Country Club Fairways Subdivision, North 7° 28' 03" West, a distance of 200.43 feet to a point in the centerline of the said creek branch;

Thence, leaving the said creek branch with the northerly line of the herein described tract, South 82° 22' 55" East, passing a found reference iron pin with a surveyors cap set at the top of the bank of the said creek branch at a distance of

30.00 feet, a total distance of 471.61 to a found iron pin with a surveyors cap at the southwest corner of Lot 73 of the aforementioned Country Club Fairways Subdivision;

Thence, continuing with the northerly line of the herein described tract, South 82° 30' 18" East, a distance of 228.88 feet to a found ½" iron pin at the southeast corner of Lot 73 of the aforementioned Country Club Fairways Subdivision, said iron pin also being the northeast corner of the herein described tract;

Thence, with the easterly line of the herein described tract, South 0° 33' 04" West, a distance of 200.00 feet back to the point of beginning.

The above described parcel contains 3.091 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 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

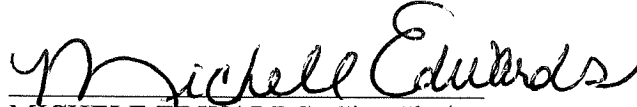
ATTEST:


MICHELE EDWARDS, CITY CLERK

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 6 pages of Resolution No. 09-11-12 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 98-12-06
2009 Resolution Description

A tract of land located south of Championship Drive and north of West 24th street on the east side of the Country Club Fairways Subdivision, and being known as a Survey for Bruce David as shown on the plat of record in Plat Cabinet "C" Slide 293 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found iron pin with a surveyors cap at the Southeast corner of the herein described tract, said iron pin having Kentucky State Plane South Zone coordinates of North 1,836,275.1 and East 878,535.6;

Thence, with the southerly line of the herein described tract, North 82° 08' 13" West a distance of 304.13 feet to a found ½" iron pin;

Thence, continuing with the said southerly line, North 81° 53' 25" West, passing a found ½" reference iron pin set at the top of the bank of a creek branch at a distance of 348.82 feet, a total distance of 368.82 feet to a point at the southwest corner of the herein described tract in the centerline of the said creek branch in the easterly 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;

Thence, with the said easterly line of the Country Club Fairways Subdivision, North 7° 28' 03" West, a distance of 200.43 feet to a point in the centerline of the said creek branch;

Thence, leaving the said creek branch with the northerly line of the herein described tract, South 82° 22' 55" East, passing a found reference iron pin with a surveyors cap set at the top of the bank of the said creek branch at a distance of 30.00 feet, a total distance of 471.61 to a found iron pin with a surveyors cap at the southwest corner of Lot 73 of the aforementioned Country Club Fairways Subdivision;

Thence, continuing with the northerly line of the herein described tract, South 82° 30' 18" East, a distance of 228.88 feet to a found ½" iron pin at the southeast corner of Lot 73 of the aforementioned Country Club Fairways Subdivision, said iron pin also being the northeast corner of the herein described tract;

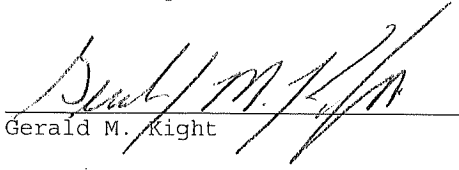
Thence, with the easterly line of the herein described tract, South 0° 33' 04" West, a distance of 200.00 feet back to the point of beginning.

The above described parcel contains 3.091 acres more or less.

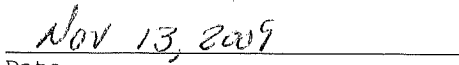
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on November 2, 2009.

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

A25 Ord 98-12-06.doc
Gerald M. Kight
November 13, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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