



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 09-12-01**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 4 pages of the Resolution number
09-12-01 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
December 21, 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 22 day
of December, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE December 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Hannie Adkins

RESOLUTION 09- 12-01

**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 Hutcheson, 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 7, 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 parcel of land located on the west side of U.S. Highway 641, on the south side of Cope Road, and being known as the Southwind Estates Subdivision as shown on the plat of record in Plat Cabinet "C" Slide 186 of the records of the Marshall County Court Clerk, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Commencing from the point of intersection of the west right of way line of U.S. Highway 641 (removed 30 feet from the centerline thereof) and the south right of way line of Cope Road (removed 18 feet from the centerline thereof);

Thence, with the south right of way line of Cope Road, North 83° 21' 59" West a distance of 303.02 feet to a found ½" iron pin;

Thence, South 5° 04' 48" West a distance of 7.42 feet to the northeast corner of Lot 1 of the aforementioned Southwind Estates Subdivision and the TRUE point of beginning, said beginning point having Kentucky State Plane South Zone coordinates of North 1,833,307.1 and East 879,093.4;

Thence, from the point of beginning and continuing with the south right of way line of Cope Road (removed 25 feet from the centerline thereof), North 82° 50' 08" West, passing ½" iron pipes found at northeast corner of Lot 3, the northeast corner of Lot 4, and the northeast corner of Lot 8, a total distance of 1036.00 feet to a point;

Thence, continuing with the right of way line of Cope Road, 96.25 feet along an arc to the left to a found ½" iron pin, said arc having a radius of 55.44 feet, said arc being subtended by a chord of which is South 47° 25' 50" West a distance of 84.61 feet;

Thence, with the eastern right of way line of Cope Road, South 2° 18' 12" East, passing a found iron pin with a surveyors cap at a distance of 186.95 feet, a total distance of 546.48 feet to a found iron pin with a surveyors cap;

Thence, leaving the right of way line of Cope Road in an easterly direction with the south line of the Southwinds Estates Subdivision, South 83° 42' 59" East, passing 6 found iron pins at Lot corners, a total distance of 1066.41 feet to a point;

Thence, North 78° 30' 04" East a distance of 306.53 feet to a point in the west right of way line of U.S. Highway 641;

Thence, with the said west right of way line of U.S. Highway 641 (removed 30 feet from the centerline thereof), North 1° 05' 13" East a distance of 393.24 feet to the northeast corner of Lot 20 of the Southwind Estates Subdivision;

Thence, leaving the right of way of U.S. Highway 641 and with the north line of the said Lot 20, North 86° 41' 17" West a distance of 185.60 feet to a point;

Thence, North 5° 04' 49" East a distance of 10.00 feet to a point;

Thence, North 83° 44' 13" West a distance of 125.00 feet to a point in the east line of Lot 1 of the Southwind Estates Subdivision;

Thence, North 5° 04' 48" East a distance of 102.58 feet back to the point of beginning.

The above described parcel contains 17.817 acres more or less.

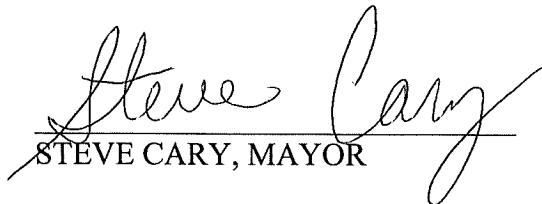
All bearings and coordinates referred to in this description are based on the Kentucky State Plane South Zone coordinate system as derived from GPS observations performed on July 15, 2009 and November 4, 2009.

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 21 day of December, 2009.


STEVE CARY, MAYOR

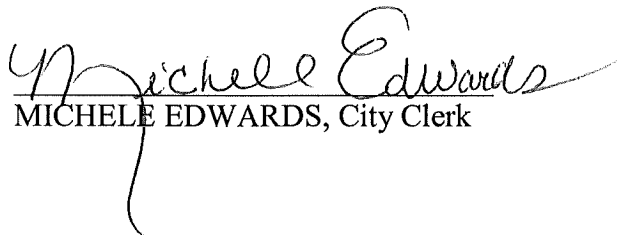
ATTEST:


MICHELE EDWARDS, CITY CLERK

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 4 pages of Resolution No. 04-12-01 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 12-21-2009, all as appears in the official records of said City.

WITNESS my hand and seal the 21 day of December, 2009.


MICHELE EDWARDS, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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