

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 09-10-08

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 4 pages of the Resolution number
09-10-08 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
October 19, 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 October, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE Oct 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandie Giddens

RESOLUTION 09- 10-08

**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 January 3, 2001, 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 East side of the U.S. Highway 641 By-Pass, South of Kentucky Highway 58, bordering on the West side of the Merrywood and the South Merrywood Subdivisions, Benton, Marshall County, Kentucky, and being more particularly described as follows;

Beginning at a found 3/8" iron pin at the northwest corner of Lot 4 of the South Merrywood Subdivision as shown on the plat of record in Slide 523 of the records of the Marshall County Court Clerk, said point being located North 2° 11' 50" East a distance of 142.64 feet from a found 1/2" iron pin at the Southwest corner of said Lot 4, said point also being the Southeast corner of the herein described tract, said point having Kentucky State Plane South Zone Coordinates of North 1,833,638.8 and East 873,089.8;

Thence, from the point of beginning, North 88° 09'29" West a distance of 149.79 feet to a found iron pin with survey cap #2417;

Thence, North 1° 26'47" East a distance of 60.06 feet to a found 1/2" iron pin;

Thence, North 88° 20'10" West a distance of 591.20 feet to a point on the East right-of way of U.S. Highway 641 Bypass;

Thence, along the said U.S. Highway 641 Bypass right-of-way, North 2° 00'58" East a distance of 1.66 feet to a point;

Thence, continuing with the said U.S. Highway 641 Bypass right-of-way, North 7° 15'26" East a distance of 273.69 feet to a point;

Thence, continuing with the said U.S. Highway 641 Bypass right-of-way, North 2° 21'27" West a distance of 358.85 feet to a point;

Thence, continuing with the said U.S. Highway 641 Bypass right-of-way, North 2° 51'38" West a distance of 143.92 feet to a point;

Thence, leaving the said U.S. Highway 641 Bypass, South 88° 18'08" East a distance of 758.83 feet to a point on the West line of the Merrywood Subdivision as shown on plat of record in Plat Book 2, Page 34 of the records of the Marshall County Court Clerk;

Thence, along the West line of the said Merrywood and South Merrywood Subdivisions, South 2° 11'50" West a distance of 835.60 feet to the point of beginning.

The above described area of annexation is 13.288 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 13, 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 19th day of October, 2009

Steve Cary
STEVE CARY, MAYOR

ATTEST:

Michelle Edwards
MICHELLE 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. 09-10-03 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 10-19-2009, all as appears in the official records of said City.

WITNESS my hand and seal the 19 day of October, 2009.

Michelle Edwards
MICHELLE EDWARDS, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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