



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 09-12-05**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 6 pages of the Resolution number
09-12-05 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 Randie Adkins

RESOLUTION 09- 12-05

**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 March 2, 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 encompassing a portion of Bent Creek Drive, located on the South side of the Country Club Fairways Subdivision and the Bent Creek Estates Subdivision-Unit II, bordering on the West side of the Emerald Hills Estates Subdivision, Benton, Marshall County, Kentucky, and being more particularly described as follows;

Beginning at a found 1/2" iron pin in the South line of Lot 12 of the Bent Creek Estates Subdivision-Unit II as shown on the plat of record in Plat Cabinet "C", Slide 291 of the records of the Marshall County Court Clerk, said point being located North 87° 40' 02" West a distance of 37.14 feet from a found 1/2" iron pin at the Southwest corner 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 point also being the Northwest corner of the herein described tract, said point having Kentucky State Plane South Zone Coordinates of North 1,835,120.6 and East 876,212.9;

Thence, from the point of beginning, along the South line of the Bent Creek Estates Subdivision-Unit II, South 87° 40' 02" East a distance of 37.14 feet to a found 1/2" iron pin at the Southwest corner of the Country Club Fairways Subdivision;

Thence, along the South line of the Country Club Fairways Subdivision, South 88° 01' 05" East a distance of 428.13 feet to a found iron pin with survey cap #1933;

Thence, continuing with the said South line of Country Club Fairways Subdivision, South 87° 37' 05" East a distance of 73.65 feet to a point;

Thence, continuing with the said South line of Country Club Fairways Subdivision, South $83^{\circ} 19' 42''$ East a distance of 102.78 feet to the Northwest corner of the Emerald Hills Estates Subdivision as shown on the plat of record in Plat Cabinet "E", Slide 99 of the records of the Marshall County Court Clerk;

Thence, leaving the South line of the Country Club Fairways Subdivision, and along the West line of the Emerald Hills Estates Subdivision, South $5^{\circ} 59' 41''$ West a distance of 283.88 feet to a point;

Thence, continuing with the said West line, North $86^{\circ} 06' 06''$ West a distance of 54.91 feet to a point on the East right of way of Bent Creek Drive;

Thence, along the East right of way of Bent Creek Drive, South $9^{\circ} 23' 15''$ East a distance of 59.70 feet to a point;

Thence, continuing with the said East right of way, South $2^{\circ} 39' 37''$ East a distance of 90.95 feet to a point;

Thence, continuing with the said East right of way, South $1^{\circ} 15' 12''$ West, passing a found iron pin with survey cap #1933 at a distance of 14.17 feet, a total distance of 130.63 feet to a point;

Thence, continuing with the said East right of way, South $2^{\circ} 11' 58''$ West a distance of 94.46 feet to a point;

Thence, continuing with the said East right of way, South $5^{\circ} 20' 17''$ West a distance of 127.31 feet to a found $1/2''$ iron pin;

Thence, leaving the said East right of way of Bent Creek Drive, along the West boundary of the Emerald Hills Estates Subdivision, South $87^{\circ} 57' 29''$ East, passing a found iron pin with survey cap #1933 at a distance of 73.07 feet, a total distance of 90.98 feet to a point in the center of a branch of Town Creek as noted on aforementioned plat of survey of Emerald Hills Estates Subdivision;

Thence, continuing with the West line of the Emerald Hills Estates Subdivision and with chords subtending the meanders of the centerline of said creek branch as follows:

South $19^{\circ} 32' 09''$ East a distance of 88.32 feet to a point;

South $25^{\circ} 21' 40''$ East a distance of 83.71 feet to a point;

South $26^{\circ} 05' 46''$ East, a distance of 115.36 feet to the Southwest corner of the Emerald Hills Estates Subdivision;

Thence, leaving the said West line of Emerald Hills Estates Subdivision, but continuing with chords subtending the meanders of the centerline of said creek branch as follows:

South $26^{\circ} 05' 46''$ East a distance of 35.78 feet to a point;

South 27° 21' 07" West a distance of 46.96 feet to a point;
South 53° 18' 24" West a distance of 34.02 feet to a point;
North 82° 52' 56" West a distance of 61.37 feet to a point;
South 47° 25' 49" West a distance of 29.87 feet to a point;
South 69° 09' 15" West a distance of 45.67 feet to a point;
South 88° 02' 05" West a distance of 24.19 feet to a point;
South 55° 09' 10" West a distance of 23.11 feet to a point;
South 71° 34' 35" West a distance of 40.32 feet to a point;
South 36° 36' 18" West a distance of 21.32 feet to a point;
South 73° 38' 15" West a distance of 11.21 feet to a point;
North 28° 58' 46" West a distance of 35.97 feet to a point;
North 82° 29' 08" West a distance of 12.08 feet to a point;
South 62° 55' 43" West a distance of 50.76 feet to a point;

Thence, leaving the meanders of the said creek branch, North 55° 23' 29" West a distance of 26.01 feet to a found iron pin with survey cap #3573 in the Southeasterly right of way of Bent Creek Drive;

Thence, along the Southeasterly right of way of Bent Creek Drive, 60.99 feet along an arc to the right to a found iron pin with survey cap #3573 at the Northeast corner of a 50 foot wide ingress/egress easement as shown on a plat of survey of the Bent Creek Estates Subdivision-Unit III located in Plat Cabinet "D", Slide 60 of the records of the Marshall County Court Clerk, said arc having a radius of 175.00 feet, said arc being subtended by a chord of which is South 70° 07' 52" West, 60.69 feet;

Thence, leaving the Southeasterly right of way of Bent Creek Drive, along the Southeasterly line of the said ingress/egress easement, South 64° 20' 20" West a distance of 425.05 feet to a found iron pin with survey cap #1933 at the Southeast corner of the said ingress/egress easement, said iron pin being the Southernmost corner of the aforementioned Bent Creek Estates Subdivision-Unit III;

Thence, North 38° 07' 22" West, passing a found iron pin with survey cap #3573 at a distance of 51.11 feet, a total distance of 307.09 feet to a point in the South property line of Lot 34 of the Bent Creek Estates Subdivision-Unit III;

Thence, along the South property line of said Lot 34, South 83° 47' 21" West a distance of 103.74 feet to a found 1/2" iron pin at the Southwest corner of said Lot 34;

Thence, along the West property line of said Lot 34, North 1° 42' 01" East a distance of 269.82 feet to a found iron pin with survey cap at the Northwest corner of said Lot 34;

Thence, along the North property line of said Lot 34, South 88° 24' 29" East a distance of 300.05 feet to a found 1/2" iron pin;

Thence, leaving the said North property line of Lot 34, and along the West line of the herein described tract, North 1° 34' 08" East, passing found 1/2" iron pins at distances of 687.03 feet and 736.84 feet, a total distance of 935.81 feet to the point of beginning.

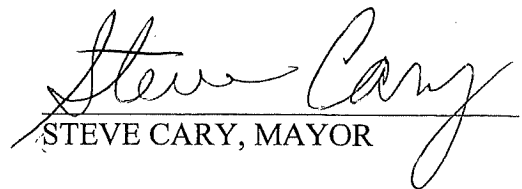
The above described area of annexation is 21.168 acres more or less.

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, and December 7, 2009.

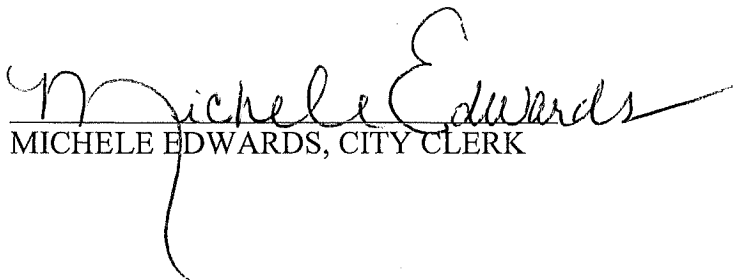
SECTION 3: A copy of the new survey and plat shall be filed by the City Attorney with the Marshall County Court Clerk's Office within sixty (60) days and a list of the property owners and all registered voters that reside in those areas identified in the new survey shall be provided to the Clerk in compliance 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

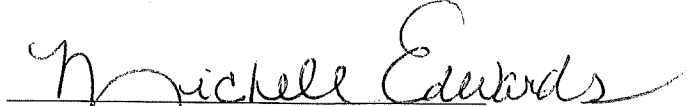
ATTEST:


MICHELE EDWARDS, CITY CLERK

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 6 pages of Resolution No. 9-12-09 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.