

Mayor
Steve Cary

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

City Attorney
Martin Johnson

Police Chief
Tracy Watwood

**Annexation to the City of Benton
By
Ordinance 05-03-01**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 10 pages of the Ordinance number
05-03-01 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
March 21, 2005, 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 Kandie Adkins

**AN ORDINANCE ANNEXING PROPERTY OWNED
BY ROBERT J. SALVATORE AND WIFE, CHERYLANN SALVATORE**

WHEREAS, the hereinafter described property is now owned by Robert J. Salvatore and Cherylann Salvatore and recorded at Plat Cabinet D, Slide 337, of the Marshall County Court Clerk's Office; and

WHEREAS, the Salvatores requested that same be annexed into and made a part and portion of the City of Benton, Kentucky; and

WHEREAS, The Salvatores consented to said annexation in accordance with the provisions of KRS 81A.412 et. seq. and the City can adopt an Ordinance annexing same into the City without the necessity of giving notice of its intent to do so to any third parties or publication of an Ordinance expressing the City's intent to annex their property; and

WHEREAS, the City intended to annex the said property with a Zoning Classification of R-1, and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Benton, Kentucky, as follows:

1. The written consent of Robert J. Salvatore and wife, Cherylann Salvatore having been given for the City to annex that property more particularly described in paragraph 2, hereof same is hereby annexed into and made a part and portion of the City of Benton, Marshall County, Kentucky, same having been found to have a boundary contiguous to the existing corporate limits of the City and the City having found it to be desirable and in its interest for same to be annexed with a Zoning Classification of R-1.

2. The property subject of this Ordinance and so annexed into the City pursuant to the provisions hereof has been platted and a plat of same appears in Plat Cabinet D, slide 337, of the Marshall County Court Clerk's Office and is more particularly described as follows:

1.455 acre tract of land as surveyed in November 2004 by Geotech Engineering & Testing, Inc. and being known as Tract A-2 of a Minor Subdivision plat of the William Douglas and Maria Turner property as recorded in Plat Cabinet D, Slide 337, and being generally located on the north side and at the west end of West 24th Street in the City of Benton, Marshall County, Kentucky and being more particularly described as:

Beginning at the northwest corner of the herein described Tract A-2 said corner being an Iron Pin & Cap #3499 set in the south boundary and 303.63 feet west of the southeast corner of the Sandy J. David property (D.B. 301, Pg. 255) said iron pin & cap also being in the centerline of an existing drive and the center and north end of a 30 foot wide Ingress/Egress Easement to the David property (D.B. 301, Pg. 255);

THENCE, South 87 degrees 45 minutes 16 seconds East for a distance of 303.63 feet along the south boundary of the said David property to an existing Iron Pin & Cap #2417 found in the west boundary of the Joe T. Haltom property (D.B. 238, pg. 555);

THENCE, South 05 degrees 13 minutes 56 seconds East for a distance of 6.83 feet to an existing Iron Pin & Cap #3499 found at the southwest corner of the Haltom property;

THENCE North 88 degrees 49 minutes 34 seconds East for a distance of 90.12 feet along the south boundary of said Haltom to an Existing Iron Pipe & Cap #2236 found and being the northeast corner of the property herein described;

THENCE South 16 degrees 36 minutes 08 seconds West for a distance of 279.77 feet along the west boundary of the J. Matthew & Rita Aikins Tract B (D.B. 328, Pg. 557, Plat Cab., Slide C-351) to an Existing Iron Pin & Cap #3499 found on the northeast side of West 24;

THENCE North 46 degrees 35 minutes 17 seconds West for a distance of 60.42 feet along the northeast right-of-way of West 24th Street (60' R.O.W.) to an Existing Iron Pin & Cap #3499 found at the west end of said West 24th Street said iron pin & cap also being a corner with Tract A-1 and the eastern most corner of a 42.59 feet by 105 feet Access Easement A-2 (for the benefit of the herein described Tract A-2);

THENCE South 32 degrees 54 minutes 15 seconds West for a distance of 27.59 feet continuing with the common boundary of Tract A-1 and Tract A-2 and the west boundary of said Access Easement A-2 to an Iron Pin & Cap #3499 set in the centerline of the Existing 30 foot Ingress/Egress Easement (D.B. 301, Pg. 255);

THENCE North 52 degrees 03 minutes 08 seconds West for a distance of 118.42 feet continuing with the common boundary of Tract A-1 and Tract A-2 and the centerline of the said 30 foot Easement to an Iron Pin & Cap #3499 set;

THENCE North 28 degrees 20 minutes 37 seconds West for a distance of 155.37 feet continuing with the common boundary of Tract A-1 and Tract A-Z and the centerline of the said 30 foot Easement to the point of beginning.

ACCESS EASEMENT A-2:

Also to be conveyed is an Access Easement for the benefit of the above described Tract A-2 and being more particularly described as:

Beginning at an Existing Iron Pin & Cap #3499 found in the northeast right-of-way of West 24th Street said iron pin and cap bears North 46 degrees 35 minutes 17 seconds West a distance of 60.42 feet from an Existing Iron Pin & Cap #3499 found at the southeast corner of the above described Tract A-2 and the southwest corner of the J. Matthew & Rita Aikins Tract B (D.B. 328, Pg. 557);

THENCE North 57 degrees 05 minutes 45 seconds West for a distance of 105.00 feet to an Iron Pin & Cap #3499 set;

THENCE South 32 degrees 54 minutes 15 seconds West for a distance of 42.59 feet to a point;

THENCE South 57 degrees 05 minutes 45 seconds East for a distance of 105.00 feet to a point at the west end of West 24th Street;

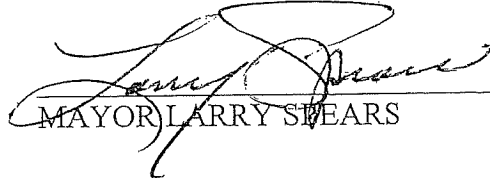
THENCE North 32 degrees 54 minutes 15 seconds East for a Distance of 42.59 feet to the point of beginning.

Together with and subject to covenants, easements, conditions, and restrictions of record.

Being a portion of the same property conveyed to Robert J. Salvatore, et ux, by deed dated December 7, 2004, of record in Deed Book 354, page 283, of the Marshall County Court Clerk's Office.

3. This Ordinance shall be effective upon the 1st day of January, 2005.

Passed this the 21 day of March, 2005.


MAYOR LARRY STEARS

ATTEST:


MICHELLE EDWARDS, CITY CLERK

FIRST READING: 2/21/05
SECOND READING: 2/21/05
Publication: 3-30-05

COUNCIL MEMBERS VOTING:

CHARLES EDMONDS
KENTON HOLLAND
JIMMY WISEMAN
STEVE CAREY
HOWARD DURHAM
MICKEY SIRLS

AYE

NAY

☒	☐
☒	☐
☒	☐
☒	☐
☒	☐
<u>absent</u>	☐

“AN ORDINANCE ANNEXING PROPERTY OWNED BY ROBERT J. SALVATORE AND WIFE, CHERYLANN SALVATORE.” This Ordinance is summarized as follows: Property belonging to Robert J. Salvatore and wife, Cherylann Salvatore be annexed into and made a part and portion of the City of Benton, Kentucky. A complete copy of this Ordinance is available for viewing at the City Hall during regular business hours.

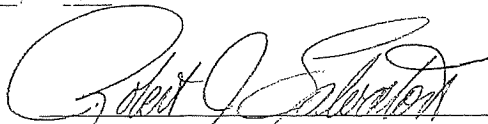
I hereby certify that the above is a true and correct summary of an Ordinance adopted by the City of Benton on 3-22, 2005.

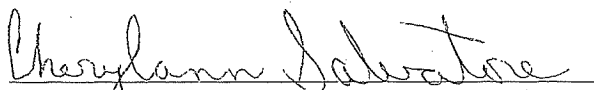
MARTIN W. JOHNSON
City Attorney
P. O. Box 450
Benton, KY 42025

CONSENT TO ANNEXATION

The undersigned, being the owner/owners of the property described in the deed attached hereto, consent and agree that said property is contiguous to the boundaries of the City of Benton, Kentucky and same should be annexed into, and made a part of, the corporate limits of the City of Benton, Kentucky, and a copy of this Consent may be filed with the City Clerk of the City of Benton, Kentucky, and relied upon by the City in any annexation of the property subject hereof.

This the 25 day of January, 2005.


ROBERT J. SALVATORE


CHERYLANN SALVATORE

246 West 24 Street, Benton, KY 42025

DEED BOOK 354 PAGE NUMBER 283

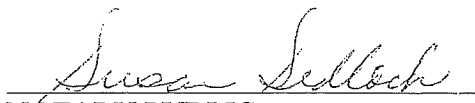
STATE OF KENTUCKY
COUNTY OF MARSHALL

The foregoing instrument was subscribed, sworn to and acknowledged before me on this the 25th day of January, 2005, by Robert J. Salvatore.


NOTARY PUBLIC

My commission expires: 3-4-07

The foregoing instrument was subscribed, sworn to and acknowledged before me on this the 25 day of January, 2005, by Cherylann Salvatore.


NOTARY PUBLIC

My commission expires: 3-4-07



DEED

BE IT KNOWN that WILLIAM DOUGLAS TURNER and wife, MARIA TURNER, GRANTORS, of 1160 Upchurch Road, McDonough, GA 30252, for and in consideration of Sixty Three Thousand One Hundred and no/100 Dollars (\$63,100). being the full actual consideration, the receipt of all of which is hereby acknowledged, hereby convey unto ROBERT J. SALVATORE and wife, CHERYLANN SALVATORE, jointly and equally, with right of remainder in fee simple to the survivor of them, their heirs and assigns, GRANTEES, whose address is 246 W. 24th Street, Benton, KY 42025, the following described land lying in Marshall County, Kentucky, viz,

1.455 acre tract of land as surveyed in November 2004 by Geotech Engineering & Testing, Inc. and being known as Tract A-2 of a Minor Subdivision plat of the William Douglas & Maria Turner property as recorded in Plat Cabinet D, Slide 337, and being generally located on the north side and at the west end of West 24th Street in the City of Benton, Marshall County, Kentucky and being more particularly described as:

Beginning at the northwest corner of the herein described Tract A-2, said corner being an Iron Pin & Cap #3499 set in the south boundary and 303.63 feet west of the southeast corner of the Sandy J. David property (D.B. 301, Pg. 255) said iron pin & cap also being in the centerline of an existing drive and the center and north end of a 30 foot wide Ingress/Egress Easement to the David property (D.B. 301, Pg. 255);

THENCE, South 87 degrees 45 minutes 16 seconds East for a distance of 303.63 feet along the south boundary of the said David property to an existing Iron Pin &

THENCE North 28 degrees 20 minutes 37 seconds West for a distance of 155.37 feet continuing with the common boundary of Tract A-1 and Tract A-Z and the centerline of the said 30 foot Easement to the point of beginning.

ACCESS EASEMENT A-2:

Also to be conveyed is an Access Easement for the benefit of the above described Tract A-2 and being more particularly described as:

Beginning at an Existing Iron Pin & Cap #3499 found in the northeast right-of-way of West 24th Street said iron pin & cap bears North 46 degrees 35 minutes 17 seconds West a distance of 60.42 feet from an Existing Iron Pin & Cap #3499 found at the southeast corner of the above described Tract A-2 and the southwest corner of the J. Matthew & Rita Aikins Tract B (D.B. 328, Pg. 557);

THENCE North 57 degrees 05 minutes 45 seconds West for a distance of 105.00 feet to an Iron Pin & Cap #3499 set;

THENCE South 32 degrees 54 minutes 15 seconds West for a distance of 42.59 feet to a point;

THENCE South 57 degrees 05 minutes 45 seconds East for a distance of 105.00 feet to a point at the west end of West 24th Street;

THENCE North 32 degrees 54 minutes 15 seconds East for a Distance of 42.59 feet to the point of beginning.

Together with and subject to covenants, easements, conditions, and restrictions of record.

Being a portion of the same property conveyed to William Douglas Turner and wife, Maria Turner by deed dated September 17, 1999 of record in Deed Book 314, page 5, Marshall County Court Clerk's Office.

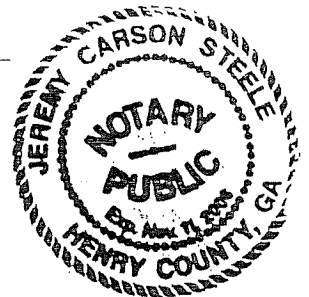
TO HAVE AND TO HOLD the said property unto the said Grantees, jointly and equally, with right of remainder in fee simple title to the survivor of them, their heirs and assigns, forever with "Covenant of General Warranty".

STATE OF GEORGIA
COUNTY OF _____

The foregoing Deed and Certificate of Consideration were subscribed, sworn to and acknowledged before me this the 3rd day of December, 2004, by William Douglas Turner and wife, Maria Turner, Grantors.

My Comm. Expires: 11/11/06

Jeremy C. Steele
Notary Public



STATE OF KENTUCKY
COUNTY OF MARSHALL

The foregoing Deed and Certificate of Consideration were subscribed, sworn to and acknowledged before me this the 7th day of December, 2004, by Robert J. Salvatore and wife, Cherylann Salvatore, Grantees.

My Comm. Expires: 6-30-2006

[Signature]
Notary Public

This Instrument Prepared By:
TOM BLANKENSHIP, ATTORNEY AT LAW
P.O. Box 571, 909 Main Street
Benton, Kentucky 42025-0571

CONSENT TO ANNEXATION

The undersigned, being the owner/owners of the property described in the deed attached hereto, consent and agree that said property is contiguous to the boundaries of the City of Benton, Kentucky and same should be annexed into, and made a part of, the corporate limits of the City of Benton, Kentucky, and a copy of this Consent may be filed with the City Clerk of the City of Benton, Kentucky, and relied upon by the City in any annexation of the property subject hereof.

This the ____ day of _____, 20__.

ROBERT J. SALVATORE

CHERYLANN SALVATORE

246 West 24 Street, Benton, KY 42025

DEED BOOK 354 PAGE NUMBER 283

STATE OF KENTUCKY
COUNTY OF MARSHALL

The foregoing instrument was subscribed, sworn to and acknowledged before me on this the ____ day of _____, 2005, by Robert J. Salvatore.

NOTARY PUBLIC

My commission expires: _____

The foregoing instrument was subscribed, sworn to and acknowledged before me on this the ____ day of _____, 2005, by Cherylann Salvatore.

NOTARY PUBLIC

My commission expires: _____