

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 05-12-02**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 7 pages of the Ordinance number
05-12-02 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
December 19, 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

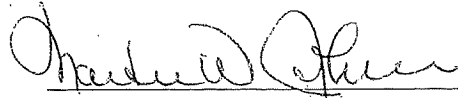
RECEIVED AND FILED
DATE December 23, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Phanie Adkins

7

"AN ORDINANCE ANNEXING A 4.71 ACRE TRACT OWNED BY ALLEN BEARD AND SCOTT PHILLIPS ADJACENT TO THE SOUTHLAND ESTATES SUBDIVISION INTO THE CITY WITH A ZONING CLASSIFICATION OF R-2". This Ordinance is summarized as follows: The property owned by Allen Beard and Scott Phillips which is adjacent to the Southland Estates Subdivision shall be annexed into the corporate limits of the City of Benton, KY, with a Zoning Classification of R-2. 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 December 9, 2005.


MARTIN W. JOHNSON
CITY ATTORNEY
Post Office Box 450
Benton, Kentucky 42025

ORDINANCE NO. 05- 12-02

AN ORDINANCE ANNEXING A 4.71 ACRE TRACT
OWNED BY EDWARD ALLEN BEARD AND SCOTT D. PHILLIPS
ADJACENT TO THE SOUTHLAND ESTATES SUBDIVISION
INTO THE CITY WITH A ZONING CLASSIFICATION OF R-2

WHEREAS, the hereinafter described property owned by Edward Allen Beard and Scott D. Phillips adjacent to the Southland Estates Subdivision is subject to annexation under the provisions of KRS 81A.412 *et seq*; and

WHEREAS, the Benton Planning and Zoning Commission has conducted a public hearing on the proposed annexation in compliance with the provisions of KRS 100.209(1); and

WHEREAS, the Benton Planning and Zoning Commission has recommended the subject property be annexed into the corporate limits of the City with a Zoning Classification of R-2.

NOW THEREFORE, IT IS ORDAINED by the Council of the City of Benton, KY as follows:

1. The owners of the hereinafter described property having petitioned the City Council for the City to annex said property, and the Council having determined that said property has a boundary contiguous to the existing corporate limits of the City, and the City's Planning Commission having recommended same be annexed with a Zoning Classification of R-2.

2. The property subject of this Ordinance that shall be annexed into the City pursuant to the provisions of this Ordinance is described as follows:

A tract of land containing 5.21 acres located South of Benton and on the west side of the Southland Estates Subdivision near the old Wal-Mart Store, said tract of land is bounded on the West by Douglas Dotson et al, on the South by Loyd Hicks, on the North by Jimmy D. Young, and on the East by the Southland Estates Subdivision, said tract is located at the northwest corner of said subdivision and near the intersection of Tara and Scarlett Drives and is more particularly described as follows:

Unless stated otherwise, any monument referred to herein as a "rebar with cap" is a set 5/8" diameter steel rebar 18" in length with a yellow plastic cap stamped "Holt PLS 2132". All bearings stated herein are referred to the magnetic meridian as observed February 22, 2002, along the east line of the tract described herein.

Beginning at an existing 1/2" rebar with cap stamped FHT #1842 set in the northwest corner of the Southland Estates Subdivision (Slide C-92) and set in the south line of Jimmy Young's property (Deed Book 233, page 638); thence, North 76° 02' 31" West, 647.89 feet along the south side of Young's property to an existing 1/2" rebar with cap stamped Travis #1933; thence, South 8° 32' 43" West, 362.90 feet along the east side of Doug Dotson's property (D-59) and Jerry English's property (D-59) to an existing 1 1/2" pipe and passing over an existing rebar 96.40 feet before reaching said pipe; thence, South 76° 38' 04" East, 618.91 feet along the north side of Loyd Hicks' property (Deed Book 300, page 231) to a re-bar with cap set in the southwest corner of the undeveloped portion of Ashley Drive; thence, North 13° 06' 53" East, 354.92 feet along the west side of Southland Estates Subdivision (Slide C-92) to the point of beginning.

Per survey of Carl L. Holt with Holt Surveying Company, 1328 Mt. Moriah Rd., Benton, Kentucky, Land Surveyor 2132, surveyed February 22, 2002.

The Grantees are granted the right of ingress and egress on Tara Court as shown on Slide C-92, Marshall County Court Clerk's Office. The Grantees are also granted the right to extend utilities presently located in the Tara Court right-of-way to the above described property.

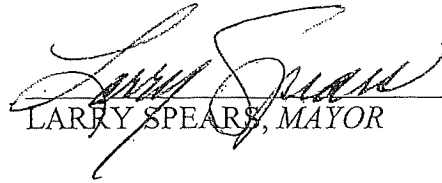
The above described property is subject to any previously conveyed legal easements of record or in existence.

LESS AND EXCEPT: That .50 acre tract of land conveyed to Lloyd and Ina J. Hicks by deed dated August 12, 2002 of record in Deed Book 335, page 383, Marshall County Court Clerk's Office.

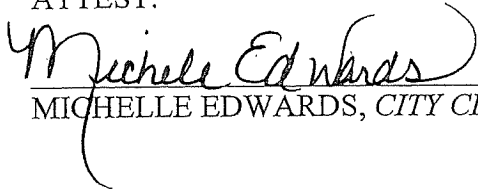
Being the same property conveyed to Scott D. Phillips and Edward Allen Beard by virtue of a deed from Doug Dotson and wife Rita Dotson, on May 20, 2005 of record in Deed Book 368, page 242, Marshall County Court Clerk's Office.

3. This Ordinance shall be effective upon its passage and publication in the manner required by law. A plat of the subject property shall be recorded in the County Court Clerk's Office and the Office of the Secretary of State.

Passed this the 19th day of December, 2005.


LARRY SPEARS, MAYOR

ATTEST:


MICHELLE EDWARDS, CITY CLERK

FIRST READING: 11/21/05
SECOND READING: 12/19/05
PUBLICATION: 12-28-05

COUNCIL MEMBERS VOTING:

	<u>AYE</u>	<u>NAY</u>
CHARLES EDMONDS	<u>Absent</u>	_____
KENTON HOLLAND	<u>✓</u>	_____
JIMMY WISEMAN	<u>Absent</u>	_____
STEVE CAREY	<u>✓</u>	_____
HOWARD DURHAM	<u>✓</u>	_____
MICKEY SIRLS	<u>✓</u>	_____

BEFORE THE CITY OF BENTON, KY
PLANNING AND ZONING COMMISSION

IN RE: PETITION OF EDWARD ALLEN BEARD AND
SCOTT D. PHILLIPS TO ANNEX A 4.71 ACRE TRACT
AS R-2 AND TO AMEND THE CITY'S COMPREHENSIVE
PLAN AND ZONING MAP ACCORDINGLY

WHEREAS, Edward Allen Beard and Scott D. Phillips have requested that the City annex a 4.71 acre tract they own adjacent to the Southland Estates Subdivision with a Zoning Classification of R-2; and

WHEREAS, the City Council referred the proposed annexation to the Planning Commission for a public hearing under the provisions of KRS 100.209(1); and

WHEREAS, a public hearing on the proposed annexation was held on November 7, 2005; and

WHEREAS, there was no opposition to the annexation of the subject property with a R-2 Zoning Classification; and

WHEREAS, the Planning Commission voted unanimously to recommend that the subject property, upon annexation, be zoned as R-2;

NOW THEREFORE, IT IS RECOMMENDED that the City adopt an Ordinance annexing the following described property in to the corporate limits of the City; that the zoning classification assigned to the said property upon annexation be and R-2 classification; and that the City's Zoning Map and its Comprehensive Plan be amended accordingly. Said property is described as follows:

A tract of land containing 5.21 acres located South of Benton and on the west side of the Southland Estates Subdivision near the old Wal-Mart Store, said tract of land is bounded on the West by Douglas Dotson et al, on the South by Loyd Hicks, on the North by Jimmy D. Young, and on the

East by the Southland Estates Subdivision, said tract is located at the northwest corner of said subdivision and near the intersection of Tara and Scarlett Drives and is more particularly described as follows:

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LESS AND EXCEPT: That .50 acre tract of land conveyed to Lloyd and Ina J. Hicks by deed dated August 12, 2002 of record in Deed Book 335, page 383, Marshall County Court Clerk's Office.

Being the same property conveyed to Scott D. Phillips and Edward Allen Beard by virtue of a deed from Doug Dotson and wife Rita Dotson, on May 20, 2005 of record in Deed Book 368, page 242, Marshall County Court Clerk's Office.

This the ____ day of November, 2005.

LOIS CUNNINGHAM,
Zoning Administrator

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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