

Mayor
Steve Cary

City Clerk
Michele Edwards

City Treasurer
Bethany Cooper

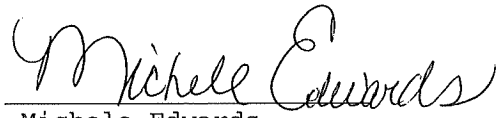
City Attorney
Martin Johnson

Police Chief
Tracy Watwood

Resolution of the City of Benton Number 09-12-09

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 4 pages of the Resolution number
09-12-09 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 Kandie Adkins

RESOLUTION 09- 12-09

**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 September 2, 2008, 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 known as Tracts I and II of the subdivision of the Keith and Janet Riley property as shown on the plat of record in Plat Cabinet "E" Slide 218 of the records of the Marshall County, Kentucky, Court Clerk, said parcel of land being located Southeasterly of the Merrywood East Subdivision, South of Bent Creek Drive, Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at a found steel "t" post at the northeast corner of the aforementioned Tract I in the south right of way line of Bent Creek Drive, said post being located approximately 1,179 feet more or less southeasterly along Bent Creek Drive from the intersection with Wood Trace, said point having Kentucky State Plane South Zone coordinates of North 1,835,486.1 and East 874,964.8;

Thence, South 1° 34' 37" West a distance of 464.36 feet to found iron pin with a surveyors cap;

Thence, North 87° 14' 30" West, passing a found iron pin with a surveyors cap at a distance of 312.80 feet, a total distance of 653.92 feet to a point in the east line of Lot 6 of the Merrywood East Subdivision as shown on the plat of record in Slide 345 of the records of the Marshall County Court Clerk;

Thence, with the east line of the said Lot 6, North 9° 47' 12" East a distance of 48.00 feet to a point;

Thence, South 79° 13' 49" East a distance of 50.00 feet to a point;

Thence, North 14° 46' 15" East a distance of 107.00 feet to a point in the south line of Lot 4 of the said Merrywood East Subdivision;

Thence, with the south line of the said Lot 4, South 89° 02' 46" East a distance of 141.18 feet to a found ½" iron pin;

Thence, North 2° 35' 31" East a distance of 246.81 feet to a found ½" iron pin;

Thence, North 67° 53' 01" East a distance of 244.21 feet to a point in the southerly right of way line of Bent Creek Drive;

Thence, with the said southerly right of way line of Bent Creek Drive, 129.76 feet along an arc to the left to a point, said arc having a radius of 125.00 feet, said arc being subtended by a chord of which is South 65° 01' 05" East a distance of 124.01 feet;

Thence, continuing with the southerly right of way line of Bent Creek Drive, North 85° 14' 35" East a distance of 90.73 feet back to the point of beginning.

The above described area of annexation is 5.073 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 and November 6, 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
STEVE CARY, MAYOR

ATTEST:

Michele Edwards
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. 09-12-067 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
MICHELE EDWARDS, City Clerk

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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