



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 09-11-13**

I certify I am the duly qualified City Clerk of the City of Benton,
Kentucky, and the foregoing 7 pages of the Resolution number
09-11-13 is a true, correct and complete copy duly adopted
by the City Council at a duly convened meeting held on
November 16, 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 20 day
of November, 2009.


Michele Edwards
Benton City Clerk

S E A L

RECEIVED AND FILED
DATE December 30, 2009

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Kandice Asherom

RESOLUTION 09- 11-13

**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 August 9, 2003, 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 31.077 acre tract of land as surveyed by the firm of Geotech Engineering and Testing Inc. of Murray, KY in October of 2006, said tract of land being located on the southwest side of the Old Symsonia Road near the west side of the City of Benton, Marshall County, Kentucky, and being more particularly described as follows:

Beginning at an iron pin with cap #3499 set on the southwest side of Old Symsonia Road (30' southwest of the centerline), said iron pin being located South 34° 09' 28" East 531.09 feet from the apparent centerline intersection of the Old Symsonia Road and Kentucky Highway 348, said iron pin being at the northwest corner of "New Tract A" as shown on the plat of record titled Boundary Survey of the Cone & Edwards Property as recorded in Plat Cabinet E Slide 139 of the records of the Marshall County, Kentucky Court Clerk.

Thence, with the south right of way line of the Old Symsonia Road, South 50° 54' 23" East a distance of 461.61 feet to an iron pin with cap #3499;

Thence, South 0° 20' 35" West a distance of 219.38 feet with the west line of the Larry & Nancy Ackley property (D.B. 171, Pg. 265) to an existing iron pin with cap #1933, said iron pin also being at the northwest corner of the Jan D. Frick property (D.B. 307, Pg. 422);

Thence, South 0° 45' 00" East a distance of 618.26 feet with the west line of Frick, same being the existing City boundary, to an iron pin with cap #1933;

Thence, North 89° 36' 28" West a distance of 360.58 feet with a north line of Frick and the existing City boundary to an iron pin with cap #1933 in the east line

of the formerly Robert and Ramona Cone property (D.B. 155, Pg. 486, D.B. 97, Pg. 157, D.B. 94, Pg. 127);

Thence, South 2° 21' 29" East a distance of 272.12 feet with a west line of Frick and the existing City boundary to an iron pin with cap #3499, said iron pin being at the northeast corner of the Gus & Norma Wyatt property (D.B. 179, Pg. 314) and a southeast corner of the herein described tract of land;

Thence, North 88° 01' 50" West a distance of 567.21 feet, leaving the existing City boundary and with the north line of Wyatt to an iron pin with cap #3499;

Thence, North 32° 25' 00" West a distance of 385.52 feet along the north boundary of the remaining portion of the said Cone property to an iron pin with cap #3499 at the southeast corner of the formerly Ernest & Janet Evans property (D.B. 315, Pg. 266);

Thence, North 4° 05' 19" West a distance of 181.06 feet with the east line of said Evans to an 1" rebar;

Thence, North 4° 33' 19" West a distance of 527.63 feet continuing with the east line of said Evans to an iron pin with cap #3499, said iron pin being in the approximate 100 year flood boundary per flood hazard boundary maps of the City of Benton;

Thence in a northeasterly direction with the approximate 100 year flood boundary along the following bearings and distances:

North 39° 25' 44" East a distance of 227.66 feet to an iron pin with cap #3499,
North 74° 32' 08" East a distance of 97.40 feet to an iron pin with cap #3499,
North 64° 59' 58" East a distance of 127.50 feet to an iron pin with cap #3499,
North 78° 56' 09" East a distance of 126.46 feet to an iron pin with cap #3499,
and North 48° 55' 31" East a distance of 130.78 feet to an iron pin with cap #3499;

Thence, North 5° 32' 07" East a distance of 157.11 feet leaving the approximate flood boundary line to an iron pin with cap #3499 in the south right of way line of the Old Symsonia Road and being the northwest corner of the herein described tract of land;

Thence, South 55° 51' 36" East a distance of 33.00 feet with the south right of way of the Old Symsonia Road to an iron pin with cap #3499 located 30 feet south of the centerline of the Old Symsonia Road;

Thence, South 50° 54' 45" East a distance of 249.29 feet with the south right of way line of the Old Symsonia Road back to the point of beginning.

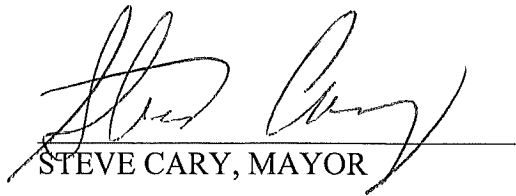
The above described area of annexation is 31.077 acres more or less.

Prepared from information in the description in the Ordinance of the City of Benton No. 08-09-03 and in accordance with the plat of record by Geotech Engineering and Testing, Inc. as recorded in Plat Cabinet E Slide 139 of the Marshall County Court Clerk's Office.

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 16 day of November, 2009


STEVE CARY, MAYOR

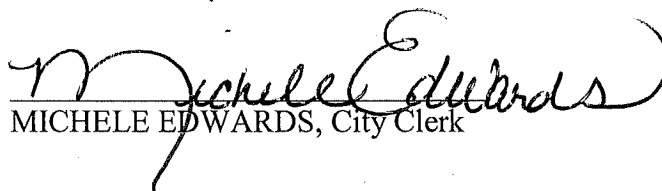
ATTEST:


MICHELE EDWARDS, CITY CLERK

CERTIFICATION

I certify that I am the duly qualified City Clerk of the City of Benton, and the foregoing 7 pages of Resolution No. 09-11-13 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 November 16, 2009, all as appears in the official records of said City.

WITNESS my hand and seal the 16 day of November, 2009.


MICHELE EDWARDS, City Clerk

Annexation to the City of Benton, Marshall County, Kentucky
By Ordinance 08-09-03
2009 Resolution Description

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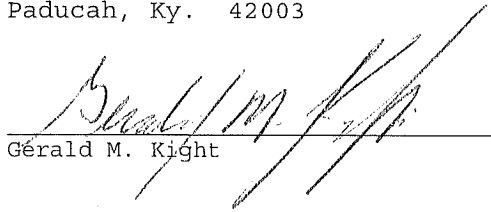
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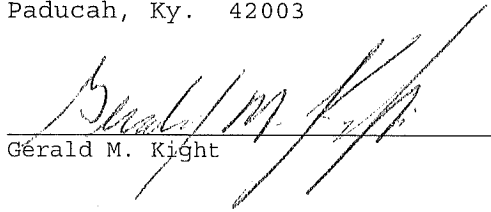
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Gerald M. Kight

Ky. Licensed Prof. Surveyor 2547
Florence & Hutcheson, Inc.
2550 Irvin Cobb Drive
Paducah, Ky. 42003


Gerald M. Kight


Date Aug 14, 2009

A42 Ord 08-09-03.doc
Gerald M. Kight
August 14, 2009

OVERSIZE MAP INCLUDED WITH
SUBMISSION.

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