

**Mayor**  
Steve Cary

**City Clerk**  
Michele Edwards

**City Treasurer**  
Bethany Cooper

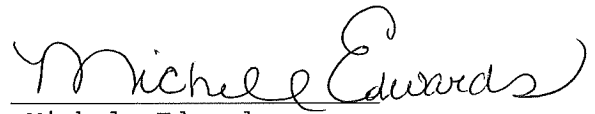
**City Attorney**  
Martin Johnson

**Police Chief**  
Tracy Watwood

**Resolution of the City of Benton  
Number 09-12-10**

I certify I am the duly qualified City Clerk of the City of Benton,  
Kentucky, and the foregoing 4 pages of the Resolution number  
09-12-10 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 Kurtis Adkinson

**RESOLUTION 09- 12-10**

**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 November 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 Tract III 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 the Southwest corner of Lot 4 of the Merrywood East Subdivision as shown on the plat of record in Slide 345 of the records of the Marshall County, Kentucky, Court Clerk, said point having Kentucky State Plane South Zone coordinates of North 1,835,195.8 and East 874,323.2;

Thence, with the Southern line of the said Lot 4, South 89° 02' 46" East a distance of 60.00 feet to a point;

Thence, South 14° 46' 15" West a distance of 107.00 feet to a point;

Thence, North 79° 13' 49" West a distance of 50.00 feet to the Southeastern corner of Lot 5 of the said Merrywood East Subdivision;

Thence, North 9° 47' 12" East a distance of 96.52 feet with the East line of the said Lot 5, back to the point of beginning.

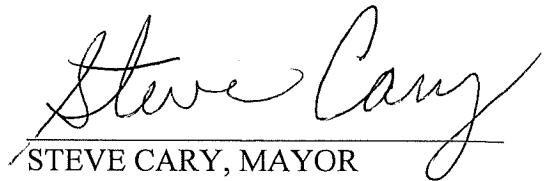
The above described area of annexation is 0.127 acres more or less.

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 October 1, 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 4 pages of Resolution No. 09-12-10 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.