

# RECORD OF ORDINANCES

Ordinance No. 2012-08Passed AUGUST 21, 2012

**AN ORDINANCE AUTHORIZING THE ANNEXATION OF 0.822 ACRES OF CONTIGUOUS TERRITORY OWNED BY THE CITY OF BROOKVILLE AND DIRECTING THE LAW DIRECTOR TO PROSECUTE THE PROCEEDINGS NECESSARY TO EFFECT SAID ANNEXATION, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, the City of Brookville, Ohio is the owner of 0.822 acres of land which is located in the unincorporated area of Clay Township, Montgomery County, Ohio and contiguous to the corporate limits of the City of Brookville which tract is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

**WHEREAS**, the Council proposes to annex said city-owned property to the City of Brookville in accordance with the provisions of Section 709.16 of the Ohio Revised Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** The annexation of the 0.822 acres of city-owned property described in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized by the Council of the City of Brookville.

**SECTION II:** Rodney L. Stephan, Law Director, is hereby directed to prosecute the proceedings necessary to effect said annexation.

**SECTION III:** This Ordinance is hereby declared to be an emergency measure to preserve the public peace, health, safety and welfare of the citizens of the City of Brookville by permitting the immediate redevelopment of this property by the City of Brookville. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville, Ohio.

PASSED this 21st day of August 2012.

ATTEST:

  
Sonja M. Keaton

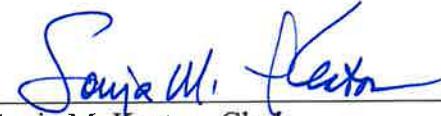
Sonja M. Keaton, Clerk

  
David E. Seagraves

David E. Seagraves, Mayor

## CERTIFICATE

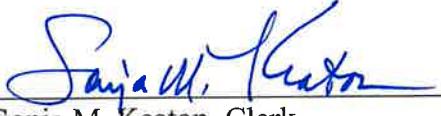
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2012-08, passed by the Council of the City of Brookville, Ohio, on the 21st day of August 2012.

  
Sonja M. Keaton

Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2012-08 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 22nd day of August 2012 to the 20th day of September 2012, both days inclusive.

  
Sonja M. Keaton

Sonja M. Keaton, Clerk

## LEGAL DESCRIPTION

### ANNEXATION OF 0.822 ACRES TO THE CITY OF BROOKVILLE

SITUATE IN THE NORTHEAST QUARTER OF SECTION 28, TOWN 6, RANGE 4, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING A 0.822 TRACT OF LAND OWNED BY THE CITY OF BROOKVILLE, OHIO, AS DESCRIBED IN IR DEED 12-00024692 OF THE MONTGOMERY COUNTY DEED RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a railroad spike found at the southeast corner of the northeast quarter of Section 28 and also being on the centerline of Arlington Brookville Pike;

thence, North 03°-32'-37" West, 1017.73 feet, along the centerline of Arlington Brookville Pike and the east line of said quarter section to a Mag nail found at the southeast corner of a said 0.822-acre City of Brookville tract, and the northeast corner of a 2.677-acre tract owned by Clayton L. Stupp as described in IR Deed 08-19524;

thence, South 88°-43'-30" West, 30.02 feet, along the north property line of said 2.677-acre tract to an iron pin found on the west right-of-way line of Arlington Brookville Pike, and being the principal place of beginning of the tract herein conveyed;

thence, South 88°-43'-30" West, 358.16 feet, along the north property line of said 2.677-acre tract to an iron pin found on the east line of Lot 2616 owned by Empire Developers, P.L.L. as Recorded in Record Plat Book 217, Page 36;

thence, North 03°-19'-22" West, 99.99 feet, along the east property line of said Lot 2616 to a 5/8" iron pin found on the south right-of-way line of Nutrition Way;

thence, North 88°-43'-30" East, 357.77 feet, along the south right-of-way line of Nutrition Way to an iron pin found on the west right-of-way line of Arlington Brookville Pike;

thence, South 03°-32'-37" East, 100.00 feet, along the west right-of-way line of Arlington Brookville Pike to the principal place of beginning.

Containing 0.822 acres more or less and all being subject to any legal highway and easements of record.

The bearing of South 88°-43'-30" West along the south right-of-way line of Nutrition Way was based on Record Plat Volume 217, Page 36.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on existing deeds and surveys of record and dated August 21, 2012.