

RECORD OF ORDINANCES

Ordinance No. 2008-05 Passed JULY 1, 2008

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 1.142 ACRES, MORE OR LESS, IN CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.

WHEREAS, a petition for annexation of certain territory containing 1.142 acres, more or less, in Clay Township, to the City of Brookville, under the special procedure for annexation provided in Section 709.023 of the Ohio Revised Code was duly filed by Rodney L. Stephan, agent for the Petitioners, on March 14, 2008; and

WHEREAS, said petition for annexation of certain territory containing 1.142 acres, more or less, in Clay Township, to the City of Brookville was approved by the Board of County Commissioners of Montgomery County, Ohio by Resolution 08-0773 on April 22, 2008; and

WHEREAS, on April 28, 2008, the Clerk of the Board of County Commissioners of Montgomery County, Ohio delivered a certified transcript of the annexation proceedings with the map and petition for annexation to the Clerk of the City of Brookville; and

WHEREAS, sixty (60) days from the date of filing with the Clerk of the City of Brookville have now elapsed in accordance with the provisions of Revised Code 709.04, and the Clerk of the City of Brookville has now laid before this Council the Resolution of Board of County Commissioners of Montgomery County, Ohio granting the petition for annexation and the accompanying map and petition.

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

SECTION I:

The petition for annexation for certain territory in Clay Township containing 1.142 acres, more or less, approved for annexation by the Board of County Commissioners of Montgomery County, Ohio on April 22, 2008, is hereby accepted by the City of Brookville. The territory to be annexed is described in the description attached hereto and marked Exhibit A, and the map attached hereto and marked Exhibit B.

A certified transcript of the proceedings for annexation with an accurate map of the territory, together with the Petition for annexation and all other papers relating to the proceedings thereto of the Board of County Commissioners are all on file with the Clerk of Council of the City of Brookville and have been for more than sixty (60) days.

SECTION II:

The Clerk of Council shall and is hereby authorized and directed to deliver copies of this Ordinance, together with said petition, map, transcript of the proceedings of the Board of County Commissioners of Montgomery County, Ohio and resolutions and ordinances in relation to said annexation to the Auditor and Recorder of Montgomery County, Ohio, and to the Secretary of State of Ohio, together with a certificate of the Clerk that each copy is correct, as required by Section 709.06 of the Ohio Revised Code. The Clerk shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective, and the Clerk shall do all other things required by law.

RECORD OF ORDINANCES

Ordinance No. 2008-05

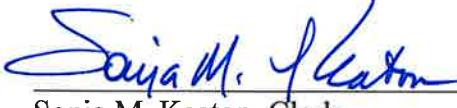
Passed JULY 1, 20 08

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 and to permit the immediate provision of municipal services to the territory.

PASSED this 1st day of July 2008.

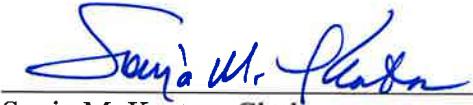
ATTEST:


Sonja M. Keaton, Clerk


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. 2008-05, passed by the Council of the City of Brookville, Ohio, on the 1st day of July 2008.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2008-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8th day of July 2008 to the 8th day of August 2008, both days inclusive.

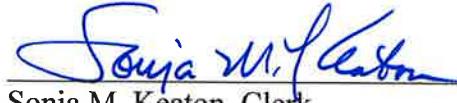

Sonja M. Keaton, Clerk

EXHIBIT A

LEGAL DESCRIPTION

**PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE, OHIO
1.142 ACRES**

BEING PART OF TRACTS OF LAND OWNED BY CHRISTINE L. PETERS AS DESCRIBED IN IR 07-082601D AND BY PAUL R. CHASE III AND DONNA R. CHASE DESCRIBED IN IR 07-007340D OF THE MONTGOMERY COUNTY DEED RECORDS, SITUATE IN THE NORTH HALF OF SECTION 34, TOWN 6 NORTH, RANGE 4 EAST, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a monument box with iron pin found at the northwest corner of the northwest quarter of Section 34;

thence, North 88°-46'-40" East, 2364.65 feet, along the north line of Section 34 and being the existing centerline of East Upper Lewisburg & Salem Road to a P.K. nail found at the northwest corner of tract owned by Christine L. Peters as described in IR 07-082601D;

thence, South 00°-06'-33" West, 30.00 feet, along the west property line of said Peters tract to a point intersecting the existing south right-of-way of East Upper Lewisburg & Salem Road and being the principal place of beginning of the parcel herein conveyed;

thence, North 88°-46'-40" East, 220.01 feet, along the south right-of-way of said East Upper Lewisburg & Salem Road to a point on the east property line of tract owned by Paul R. CHASE III and Donna R. Chase as described in IR 07-007340D;

thence, South 00°-06'-33" West, 226.34 feet, along the said Chase tract's east property line to a point at the southeast corner of said Chase tract, also being a point on the existing corporation line of the City of Brookville;

thence, South 88°-46'-40" West, 220.01 feet, along the existing corporation line of the City of Brookville and the said south property lines of both Peters and Chase tracts to an iron pin found at the southwest corner of said Peters tract;

thence, North 00°-06'-33" East, 226.34 feet, along the west property line of said Peters tract to the principal place of beginning.

Containing a total of 1.142 acres more or less, with 0.571 acres being a part of the Peters tract, and 0.571 acres being a part of the Chase tract.

Bearings are based on North 88°-46'-40" East of the north line of Section 34 as described in Recorder's Plat Book 204 Page 10 & 10A.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a survey performed under his direction and dated January 31, 2008.



Exhibit B

**PROPOSED ANNEXATION TO
THE CITY OF BROOKVILLE, OHIO**

**CONTAINING 1.142 ACRES TOTAL
NORTH HALF SEC 34, T 6 N, R 4 E, CLAY TOWNSHIP**

