

# RECORD OF ORDINANCES

Ordinance No. 2007-11Passed July 17, 2007

## AN ORDINANCE ZONING LOT 2529 OF THE REVISED CONSECUTIVE NUMBER OF LOTS OF THE CITY OF BROOKVILLE, OHIO TO A NEW CLASSIFICATION.

WHEREAS, the City of Brookville recently annexed certain territory along the south side of West Westbrook Road west of Arlington Road consisting of 96.688 acres; and

WHEREAS, it is deemed necessary and proper to provide zoning for this newly annexed territory.

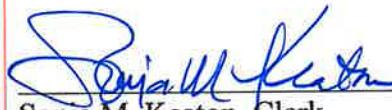
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

SECTION 1: The territory recently annexed to the City of Brookville consisting of 96.688 acres, and being Lot 2529 of the revised consecutive number of lots of the City of Brookville, being further described in Exhibits A and B attached hereto and incorporated herein by reference, is hereby zoned to the classification of "R-1A(PD)" Suburban Residential Planned Development Overlay District.

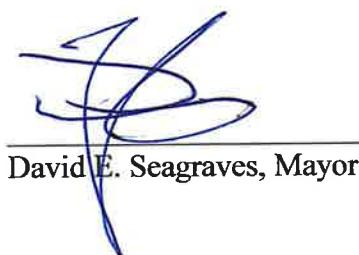
SECTION 2: This Ordinance shall be in full force and effect from and after the earliest period allowed by law after passage by the Council of the City of Brookville.

PASSED this 17th day of July 2007.

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. 2007-11, passed by the Council of the City of Brookville, Ohio, on the 17th day of July 2007.

  
\_\_\_\_\_  
Sonja M. Keaton, Clerk

### CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2007-11 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 20th day of July 2007 to the 20th day of August 2007, both days inclusive.

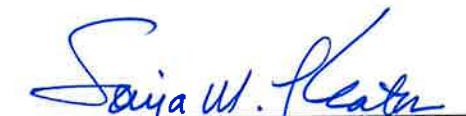
  
\_\_\_\_\_  
Sonja M. Keaton, Clerk

EXHIBIT A

LEGAL DESCRIPTION

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

BEING PART OF TRACTS OF LAND OWNED BY WERNER H. AND BARBARA L. WERLING AS DESCRIBED IN MF 87-239A03 AND MF 98-769D12 OF THE MONTGOMERY COUNTY DEED RECORDS, SITUATE IN THE SOUTHEAST QUARTER OF SECTION 33, TOWN 6, RANGE 4 EAST, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BY TERESA DELINGER AS DESCRIBED IN MF 78-381A09 OF THE MONTGOMERY COUNTY DEED RECORDS, SITUATE IN THE NORTH HALF OF SECTION 4, TOWN 5, RANGE 4 EAST, PERRY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Commencing for reference at a railroad spike found at the northeast corner of the northeast quarter of Section 4 and being the intersection of Westbrook Road and Johnsville-Brookville Road;

thence, South 88°-41'-25" West, 2264.17 feet, along the north line of Section 4 and the centerline of Westbrook Road to a railroad spike found at the northeast property corner of a tract of land owned by Teresa Denlinger as described in MF 78-381A09 and being on the existing corporation line of the City of Brookville and also being the principal place of beginning of the parcel herein conveyed;

thence, South 02°-09'-30" East, 2336.74 feet, along the east property line of said Denlinger tract and the existing corporation line of the City of Brookville to a point on the northwesterly right-of-way line of Brookville-Pyrmont Road;

thence, South 63°-49'-09" West, 227.91 feet, along the northwesterly right-of-way line of Brookville-Pyrmont Road to a point;

thence, South 54°-02'-54" West, 45.47 feet, along the northwesterly right-of-way line of Brookville-Pyrmont Road to a point on the south property line of said Denlinger tract and being on the south line of the northeast quarter of Section 4;

thence, South 89°-00'-37" West, 1481.79 feet, along the south line of the northeast quarter of Section 4 and the south property line of said Denlinger tract to a point, passing for reference a stone found at the southeast corner of the northwest quarter of Section 4 at 205.15 feet;

thence, North 02°-07'-33" West, 2420.16 feet, along the west property line of said Denlinger tract and the east property line of a tract of land owned by Jonathan and Marilyn Kay Eson as described in MF 96-662C02 of the Montgomery County Deed Records to a point on the south right-of-way line of Westbrook Road;

thence, North 88°-41'-25" East, 1051.80 feet, along the south right-of-way line of Westbrook Road to a point;

thence, North 00°-29'-30" East, 30.01 feet, to a point at the southwest corner of a tract of land owned by Werner H. and Barbara L. Werling as described in MF 87-239A03 of the Montgomery County Deed Records and being the southeast corner of a tract of land owned by Dull Homestead, Inc. as described in MF 98-355C03 of the Montgomery County Deed Records;

thence, North 00°-29'-30" East, 30.01 feet, along the east property line of said Dull Homestead tract and the west property line of said Werling tract to a point on the north right-of-way line of Westbrook Road and being on the existing corporation line of the City of Brookville;

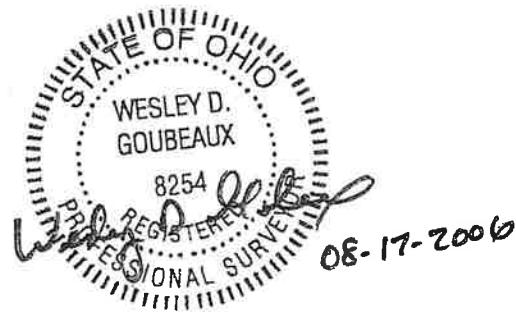
thence, North 88°-41'-25" East, 671.67 feet, along the north right-of-way line of Westbrook Road and the existing corporation line of the City of Brookville to a point;

thence, South 02°-09'-30" East, 30.00 feet, along the existing corporation line to the principal place of beginning.

Containing a total of 96.688 acres more or less, with 0.088 acres being part of said Werling tract described in MF 87-239A03, 0.375 acres being part of said Werling tract described in MF 98-355C03, and 96.225 acres being part of said Denlinger tract described in MF 78-381A09.

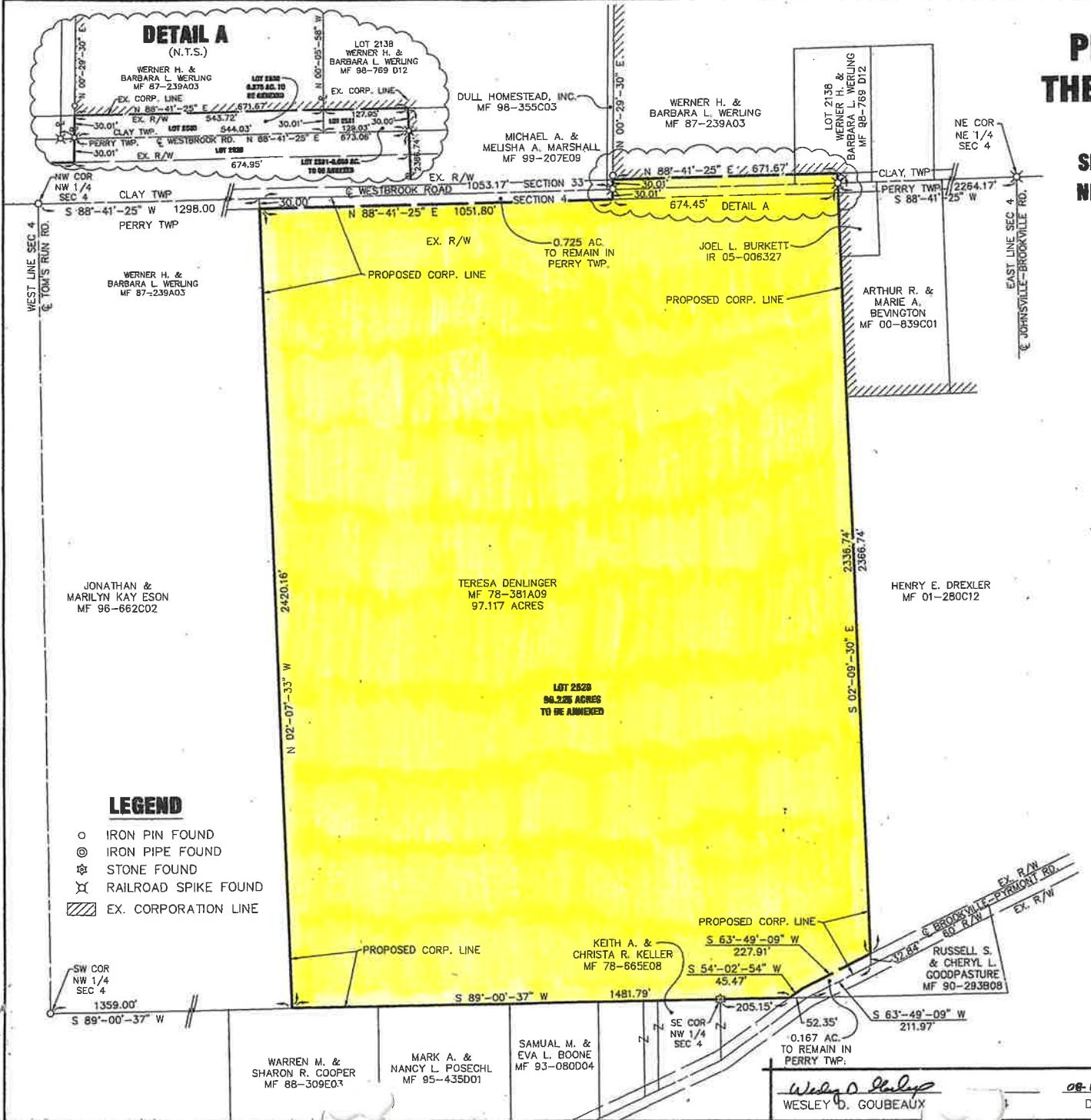
The bearing of South 88°-41'-25" West along the north line of Section 4 was based on Plat Book 201, Page 22 of the Montgomery County Plat Records.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a survey performed under his direction and dated August 17, 2006.



MOTBRO0605LGLannex

**EXHIBIT B**



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

**CONTAINING 96.688 ACRES TOTAL  
SE 1/4 SEC 33, T 6, R 4 E, CLAY TOWNSHIP  
NE 1/4 SEC 4, T 5, R 4 E, PERRY TOWNSHIP**

10

THE BEARING OF SOUTH 88°-41'-25" WEST  
ALONG THE NORTH LINE OF SECTION 4  
WAS BASED ON PLAT BOOK 201, PG. 22

## ACREAGE BREAKDOWNS:

0.463 AC. SE COR SEC 33, CLAY TWP.  
96.225 AC. NE COR SEC 4, PERRY TWP.  
96.688 ACRES TOTAL TO BE ANNEXED

WERLING, MF 98-769D12 (LOT 2531): 0.088 AC.  
WERLING, MF 87-239A03 (LOT 2530): 0.375 AC.  
**DENLINGER, MF 78-381A09 (LOT 2529): 96.225 AC.**  
TOTAL AC. TO BE ANNEXED: 96.888 AC.

## VICINITY MAP

