

RECORD OF ORDINANCES

Ordinance No. 2005-07 Passed SEPTEMBER 20, 2005

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 7.245 ACRES, MORE OR LESS, IN CLAY TOWNSHIP AND PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.

WHEREAS, a petition for annexation of certain territory containing 7.245 acres, more or less, in Clay Township and Perry 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 June 6, 2005; and

WHEREAS, said petition for annexation of certain territory containing 7.245 acres, more or less, in Clay Township and Perry Township, to the City of Brookville was approved by the Board of County Commissioners of Montgomery County, Ohio by Resolution 05-1157 on July 12, 2005; and

WHEREAS, on July 14, 2005, 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 1:

The petition for annexation for certain territory in Clay Township and Perry Township containing 7.245 acres, more or less, approved for annexation by the Board of County Commissioners of Montgomery County, Ohio on July 12, 2005, 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 2:

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

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-07

Passed SEPTEMBER 20, 2005


SECTION 3:

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 20TH day of SEPTEMBER, 2005.

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. 2005-07, passed by the Council of the City of Brookville, Ohio, on the 20TH day of SEPTEMBER, 2005.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2005-07 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 SEPTEMBER, 2005 to the 20TH day of OCTOBER, 2005, both days inclusive.


Sonja M. Keaton, Clerk

Exhibit "A"
DESCRIPTION OF
7.245 Acres
For the purpose of
Annexation to the
City of Brookville, Ohio

Located in
SE ¼, Section 33, Town 6, Range 4 East, 1st Meridian
NE ¼, Section 4, Town 5, Range 4 East, 1st Meridian

Situate in the SE ¼, Section 33, Town 6, Range 4 East, 1st Meridian and the NE ¼, Section 4, Town 5, Range 4 East, 1st Meridian, Township of Clay, Township of Perry, County of Montgomery, State of Ohio, being all of a 0.586 acre tract conveyed to Joel L. Burkett, as recorded in I.R. No. Deed 05-006327 of the Deed Records of Montgomery County, Ohio, all the remainder of a 4.56 acre tract conveyed to Arthur R. and Marie A. Bevington, as recorded in Deed Microfiche No. 00-0839C01 of the Deed Records of Montgomery County, Ohio, all of a 1.18 acre tract conveyed to Karl N. and Kerma J. Wardlaw, as recorded in Deed Microfiche No. 77-582D09 of the Deed Records of Montgomery County, Ohio, all of a 1.18 acre tract conveyed to Terry A. and Vickie L. Dafler, as recorded in Deed Microfiche No. 91-0354A04 of the Deed Records of Montgomery County, Ohio, being part of a 2.972 acre tract conveyed to Werner H. and Barbara L. Werling, as recorded in Deed Microfiche No. 93-0443D12 of the Deed Records of Montgomery County, Ohio, being part of a 25.115 acre remainder tract conveyed to Werner H. and Barbara L. Werling, as recorded in Deed Microfiche No. 87-0239A03 of the Deed Records of Montgomery County, Ohio and being part of a 2.191 acre tract conveyed to Werner H. and Barbara L. Werling, as recorded in Deed Microfiche No. 98-0769D12 of the Deed Records of Montgomery County, Ohio, and being more fully bounded and described as follows:

Commencing at the southeast corner of Section 33 in the center line of intersection of Arlington Road and Westbrook Road; thence with the north line of the Northeast Quarter of Section 4, the south line of the Southeast Quarter of Section 33 and the center line of Westbrook Road, South 88° 41' 25" West, a distance of 1503.59 feet to a corner, said corner being the northeast corner of said Dafler 1.18 acre tract, said corner being the **True Point of Beginning** of the hereinafter described annexation area;

Thence with the east line of said Dafler 1.18 acre tract, South 02° 06' 11" East, a distance of 643.50 feet to the southeast corner of said Dafler 1.18 acre tract;

Thence with the south line of said Dafler 1.18 acre tract, south line of said Wardlaw 1.18 acre tract and the south line of said Bevington 4.56 acre remainder tract, South 88° 41' 25" West, a distance of 468.44 feet to the southwest corner of said Bevington 4.56 acre tract;

Thence with the west line of said Bevington 4.56 acre remainder tract, the west line of said Burkett 0.586 acre tract and an extension thereof, North 02° 07' 47" West, passing the northwest corner of said Burkett 0.586 acre tract at 643.50 feet, in all a distance of 673.50 feet to a point in the current northerly right of way line of Westbrook Road, said point lying 30.00 feet distant from and north of the north line of the Northeast Quarter of Section 4 and the south line of the Southeast Quarter of Section 33;

Thence with a line 30.00 feet distant from and parallel with the center line of Westbrook Road and the north line of the Northeast Quarter of Section 4 and the south line of the Southeast Quarter of Section 33, **North 88° 41' 25" East**, a distance of **468.75 feet to a point**, said point lying in the northerly dedicated right of way of Westbrook Road and the south line of Lot numbered 1811 of the consecutive numbered lots of the City of Brookville, Ohio;

Thence, South 01° 06' 11" East, a distance of **30.00 feet to the True Point of Beginning**, containing **7.245 acres**, more or less, of which **0.322 acres being in Clay Township** and **6.923 acres being in Perry Township**.

Bearing basis established as South 88° 41' 25" West along the north line of the Northeast Quarter of Section 4 and the south line of the Southeast Quarter of Section 33 as referenced in Deed Microfiche No. 93-0443D12 of the Deed Records of Montgomery County, Ohio.

This description was prepared from deed and plat records and was prepared under my direct supervision, Timothy W. Schram, Sr., Registered Professional Surveyor number 7299 of the State of Ohio.



Timothy W. Schram, Sr., Regist. Prof. Surveyor No. 7299
of the State of Ohio, February 20, 2005.



TW Schram, PLS

DbA: Associated Land Surveying
P.O. Box 126, 220 Hay Avenue
Brookville, Ohio 45309-0126
(937) 833-5611

