

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2005-08

Passed NOVEMBER 15, 2005

## AN ORDINANCE REZONING CERTAIN LOTS OF THE REVISED AND CONSECUTIVE NUMBERS OF LOTS OF THE CITY OF BROOKVILLE, OHIO, FROM ITS PRESENT CLASSIFICATION OF "GB" GENERAL BUSINESS TO THE NEW CLASSIFICATION OF "R-2" URBAN RESIDENTIAL.

WHEREAS, an application has been filed for rezoning of a certain property located at 19 N. Orchard Street in the City of Brookville, and further described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, after the Public Hearing on the application, and upon written recommendation of the Planning Commission, Council by this Ordinance, hereby approves said zoning amendment.

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

### SECTION I:

The zoning classification of certain property located at 19 N. Orchard Street in the City of Brookville, being lot numbered 544, part lot 545, and remainder 7653 S.F. Tract, as further described in Exhibit A, is hereby amended from its present zoning classification of GB, General Business, to the new classification of R-2, Urban Residential, pursuant to the zoning ordinances of the City of Brookville, Ohio.

### SECTION II:

This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances; and all Resolutions and parts of Resolutions that are in conflict herewith and shall be enforced from and after the earlier period allowed by law.

PASSED this 15th day of November, 2005.

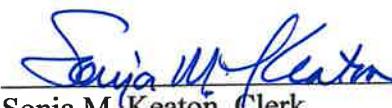
ATTEST:

  
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. 2005-08, passed by the Council of said City on the 15th day of November, 2005.

  
Sonja M. Keaton, Clerk

### CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio hereby certifies that the foregoing Ordinance No. 2005-08 was posted at the City Building, U.S. Post Office, and the Brookville Branch of the Montgomery County Library, Brookville, Ohio on the 17th day of November, 2005 to the 17th day of December, 2005, both days inclusive.

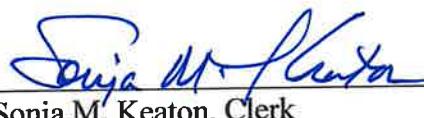
  
Sonja M. Keaton, Clerk

Exhibit "A"  
DESCRIPTION OF  
**Lot Numbered 544,**  
**Part Lot Numbered 545 &**  
**Remainder 7653 S.F. Tract**  
located in  
Village of Brookville  
Montgomery County, Ohio

C05-2-13-33,32,23

Situate in the Southwest Quarter of Section 34, Town 6, Range 4 East, First Meridian, Village of Brookville, County of Montgomery, State of Ohio, *being the remainder of a 7653 square foot tract conveyed to Douglas M. Shafner, as recorded in Microfiche No. 93-0756D07 of the Deed Records of Montgomery County, Ohio, also being all of Lot Numbered 544 and part of Lot Numbered 545 of the consecutive numbered lots of the Village of Brookville, Ohio, said Lot Numbered 544 and 545 being platted and more fully described in the Jesse C. Snider's Addition to Brookville, as recorded in Record Plat Book Volume "N", Page 51 of the Plat Records of Montgomery County, Ohio and being described as follows:*

C05-2-13-32

**Tract One:**

Being all of Lot Numbered 544 of the consecutive numbered lots of the Village of Brookville, Ohio, said lot being platted and more fully described in the Jesse C. Snider's Addition to Brookville, as recorded in Record Plat Book Volume "N", Page 51 of the Plat Records of Montgomery County, Ohio;

C05-2-13-33

**Tract Two:**

Being all the remainder of Lot Numbered 545 of the consecutive numbered lots of the Village of Brookville, Ohio, said lot being platted and more fully described in the Jesse C. Snider's Addition to Brookville, as recorded in Record Plat Book Volume "N", Page 51 of the Plat Records of Montgomery County, Ohio, excepting a 0.074 acre tract conveyed to the Village of Brookville, Ohio for right of way purposes, as recorded in Microfiche No. \_\_\_\_\_ of the Deed Records of Montgomery County, Ohio;

C05-2-12-23

**Tract Three:**

Being all the remainder of a 7653 square foot tract conveyed to Douglas M. Shafner, as recorded in Microfiche No. 93-0756D07 of the Deed Records of Montgomery County, Ohio;

Said tracts being more fully bounded and described in the following description, said description based on a retracement survey of said tracts and referenced in the Montgomery County Engineer's Record of Land Surveys, Survey Volume Number \_\_\_\_\_, Page \_\_\_\_\_, said survey being incorporated and made a part of this description as follows:

Commencing at a 5/8" iron pin set, said iron pin being the northwest corner of Lot Numbered 544 of the consecutive numbered lots of the Village of Brookville, Ohio, said Lot Numbered 544 being platted and more fully described in the Jesse C. Snider's Addition to Brookville, as recorded in Record Plat Book Volume "N", Page 51 of the Plat Records of Montgomery County, said iron pin also being the northeast corner of a 30 foot wide public right of way as platted and dedicated in said Jesse C. Snider's Addition to Brookville, said iron pin also being the True Point of Beginning for the hereinafter described tracts;

DEEDS 20-0379 B10

Thence with the north line of said Lot Numbered 544 and the north line of said Jesse C. Snider's Addition to Brookville, also the north line of said Shafner 7653 square foot tract, **North 86° 57' 00" East**, passing a corner at 37.59 feet, said corner being the northeast corner of Lot Numbered 544 and said Jesse C. Snider's Addition to Brookville, said corner also being the northwest corner of said Shafner 7653 square foot tract, in all a distance of **122.82 feet to a 5/8" iron pin set**, said iron pin being the northeast corner of said Shafner 7653 square foot tract, said iron pin lying in the west right of way line of Orchard Street, said Orchard Street being platted and dedicated in the John Snyder, Et.Al., Addition to the Village of Brookville, Ohio, as recorded in Record Plat Book Volume "F", Page 68 of the Plat Records of Montgomery County, Ohio;

Thence with the east line of said Shafner 7653 square foot tract and the west right of way line of Orchard Street, **South 02° 47' 06" East**, a distance of **82.41 feet to a railroad spike set**, said spike being the northeast corner of a 0.074 acre tract conveyed to the Village of Brookville, Ohio for right of way purposes and recorded in Microfiche No. \_\_\_\_\_ of the Deed Records of Montgomery County, Ohio, reference a Mag nail set at the southeast corner of said Shafner 7653 square foot tract, South 02° 47' 06" East, 17.94 feet, said Mag nail also being the intersection of the west right of way of Orchard Street and a northwesterly right of way of a public alley as platted and dedicated in the Noah Baker's Addition to Brookville, as recorded in Record Plat Book Volume "A", Page 232 of the Plat Records of Montgomery County, Ohio;

Thence with a new division line through said Shafner 7653 square foot tract and Lot Numbered 545 and the north and northwesterly line of said Village of Brookville, Ohio 0.074 acre right of way tract on the following four (4) courses,

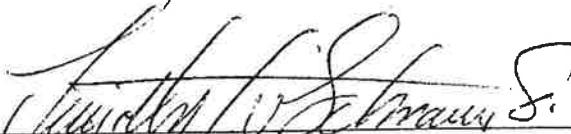
- 1) **South 48° 30' 00" West**, a distance of **14.59 feet to a railroad spike set**, said spike lying in the northeasterly line of said Lot Numbered 545 and the northeasterly line of the Jesse C. Snider's Addition to Brookville, said spike lying in the southwesterly line of said Shafner 7653 square foot tract, reference a point at the northeast corner of said Lot Numbered 545, North 41° 48' 00" West, 4.41 feet;
- 2) Thence, **South 48° 30' 00" West**, a distance of **42.78 feet to a railroad spike set**, said spike being a point of curvature for a curve to the right;
- 3) Thence with said curve to the right having **a delta angle of 38° 27' 10"**, **a radius of 100.00 feet**, **an arc length of 67.11 feet and a chord bearing and distance of South 67° 43' 35" West, 65.86 feet to a railroad spike set**, said spike being a point of tangency of said curve;
- 4) Thence, **South 86° 57' 10" West**, a distance of **15.29 feet to a railroad spike set**, said spike being an angle point in the west line of said Lot Numbered 545 and the southeast corner of said dedicated 30 foot right of way, said railroad spike also being the northeast corner and end of Church Street as dedicated on the Jesse C. Snider's Addition to Brookville, said spike also being the northwest corner of said Village of Brookville, Ohio 0.074 acre right of way tract;

Thence with the east line of said dedicated 30 foot wide right of way and the west line of Lot Numbered 545 and the west line of Lot Numbered 544, **North 03° 03' 41" West**, passing a railroad spike set at 59.90 feet, said spike being the common corner of Lot Numbered 545 and Lot Numbered 544, in all a distance of **139.77 feet to the True Point of Beginning**, containing **0.342 acres**, more or

less, of which 0.137 acre being Lot Numbered 544, 0.105 acre being all the remainder of Lot Numbered 545 and 0.100 acre being all the remainder of said Shafner 7653 square foot tract.

Bearing basis established as North 86° 57' 00" East along the north line of the Jesse C. Snider's Addition to Brookville, as recorded in Record Plat Book Volume "N", Page 51 of the Plat Records of Montgomery County, Ohio.

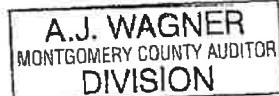
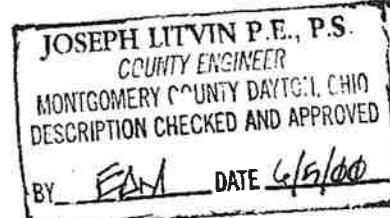
This description prepared from an actual field survey performed under my direct supervision, Timothy W. Schram, Sr., Registered Professional Surveyor number 7299 of the State of Ohio, and that all monuments referenced herein and placed on the ground represents the boundaries of the herein described tract.

  
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Timothy W. Schram, Sr., Regist. Prof. Surveyor No. 7299

of the State of Ohio, June 5, 2000.



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