

# RECORD OF ORDINANCES

Ordinance No. 2005-13

Passed FEBRUARY 21, 2006

## AN ORDINANCE ZONING CERTAIN LOTS 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 7.245 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 7.245 acres, being Lots 2348, 2349, 2350, 2351, 2352, 2353, and 2354 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" Suburban Residential.

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 21st day of February, 2006.

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. 2005-13, passed by the Council of the City of Brookville, Ohio, on the 21st day of February, 2006.

  
Sonja M. Keaton, Clerk

### CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2005-13 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 February, 2006 to the 22nd day of March, 2006, 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  $\frac{1}{4}$ , Section 33, Town 6, Range 4 East, 1<sup>st</sup> Meridian**  
**NE  $\frac{1}{4}$ , Section 4, Town 5, Range 4 East, 1<sup>st</sup> Meridian**

Situate in the SE  $\frac{1}{4}$ , Section 33, Town 6, Range 4 East, 1<sup>st</sup> Meridian and the NE  $\frac{1}{4}$ , Section 4, Town 5, Range 4 East, 1<sup>st</sup> 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.

  
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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



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 Microfilm No.  
93-0443D12 of the Deed Records of  
Montgomery County, Ohio.

ADJOINING OWNERS INDEX:

- (A) Kevin Y. & Glenda L. Springhart  
12240 Westbrook Road, Brookville, Ohio 45309  
M.F. No. 86-037009
- (B) Henry Deale  
1250 Brookville-Perryton Road, Brookville, Ohio 45309  
M.F. No. 01-0280012
- (C) Terry A. Dallier  
12445 Westbrook Road, Brookville, Ohio 45309  
M.F. No. 78-381009
- (D) Werner H. & Barbara L. Wierling  
718 W. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 93-0443D12
- (E) Werner H. & Barbara L. Wierling  
718 W. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 87-0239A03
- (F) Werner H. & Barbara L. Wierling  
718 W. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 98-0769012

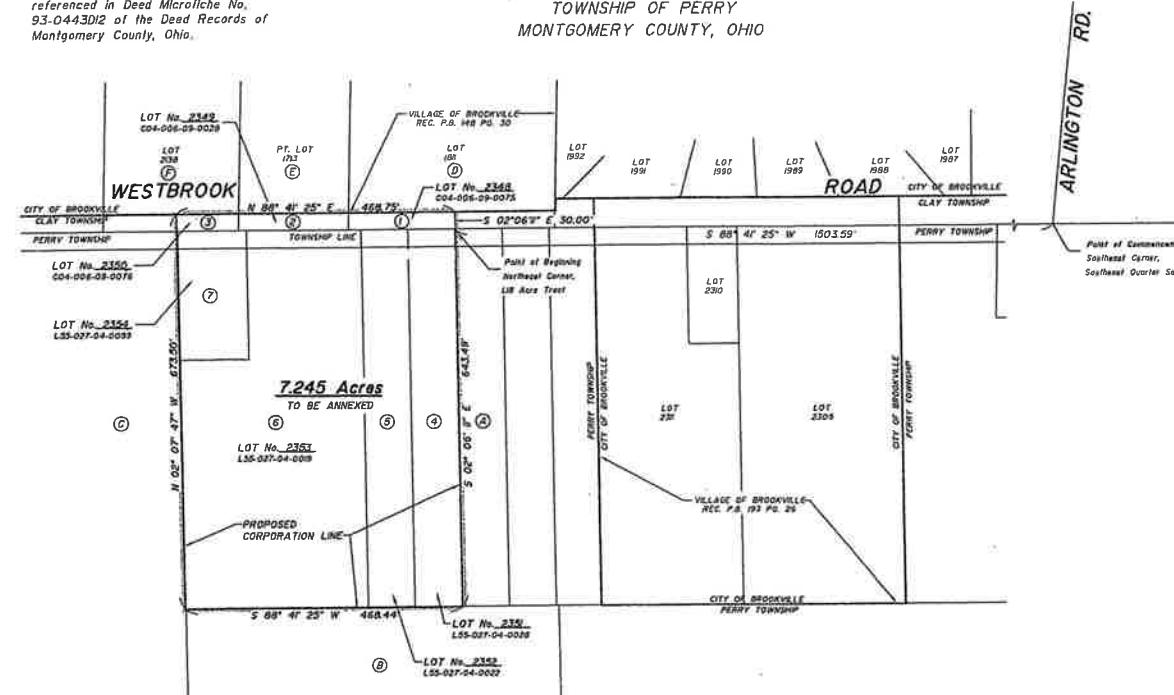
TRACT NOTES:

- (1) Werner H. & Barbara L. Wierling  
0.086 Acres to be Annexed (Clay Township)  
M.F. No. 93-0443D12
- (2) Werner H. & Barbara L. Wierling  
0.127 Acres to be Annexed (Clay Township)  
M.F. No. 87-0239A03
- (3) Werner H. & Barbara L. Wierling  
0.077 Acres to be Annexed (Clay Township)  
M.F. No. 98-0769012
- (4) Terry A. & Vickie L. Dallier  
1.081 Acres to be Annexed (Perry Township)  
M.F. No. 81-0354A04
- (5) Karl N. & Kerma J. Werdow  
0.081 Acres to be Annexed (Perry Township)  
M.F. No. 77-582009
- (6) Arthur R. & Marla A. Bevington  
3.975 Acres to be Annexed (Perry Township)  
M.F. No. 00-0838C01
- (7) Joel L. Burkett  
0.586 Acres to be Annexed (Perry Township)  
LR. No. Deed 05-006327

EXHIBIT "B"

MAP OF  
PROPOSED ANNEXATION  
TO THE  
CITY OF BROOKVILLE, OHIO  
CONTAINING  
7.245 Acres

S.E. QTR. SEC. 33, T. 6, R. 4, E., 1st MERIDIAN  
TOWNSHIP OF CLAY  
N.E. QTR. SEC. 4, T. 5, R. 4, E., 1st MERIDIAN  
TOWNSHIP OF PERRY  
MONTGOMERY COUNTY, OHIO



LEGEND:

(1) Indicates Tract Number.  
2099 Indicates Proposed Lot Number,  
City of Brookville, Ohio

ACREAGE BREAKDOWN:

SE Quarter Sec. 33, Clay Twp. 0.322 Acres  
NE Quarter Sec. 4, Perry Twp. 6.923 Acres

SURVEYOR'S CERTIFICATION:  
I hereby certify that this plat was prepared under  
my direct supervision, Timothy W. Schram, Sr.,  
Registered Professional Surveyor No. 7299, of the  
State of Ohio, and that it is a true representation of  
the acre and intent of the City of Brookville, Ohio to  
annex.

*Timothy W. Schram, Sr.*  
Timothy W. Schram, Sr. Regist. P.S.  
No. 7299, State of Ohio  
8/16/2005  
Date this plat issued:



Prepared By:  
TW SCHRAM, PLS  
dba: Associated Land Surveying  
220 HAY AVENUE P.O. BOX 126  
BROOKVILLE, OHIO 45309  
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