

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2004-03**

Passed **JUNE 3, 2004**  
YEAR

## **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 8.157 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 8.157 acres, being Lots 2309, 2310, 2311 and 2312 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 3rd day of June, 2004.


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. 2004-03, passed by the Council of the City of Brookville, Ohio, on the 3rd day of June, 2004.

  
Sonja M. Keaton, Clerk

### **CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2004-03 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 June, 2004 to the 8th day of July, 2004, both days inclusive.

  
Sonja M. Keaton, Clerk

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

Located in  
**SE ¼, Section 33, Town 6, Range 4 East, 1<sup>st</sup> Meridian**  
**NE ¼, Section 4, Town 5, Range 4 East, 1<sup>st</sup> Meridian**

Situate in the SE ¼, Section 33, Town 6, Range 4 East, 1<sup>st</sup> Meridian and the NE ¼, 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 4.00 acre tract conveyed to **Brookville Grace Brethren Church, Inc.**, as recorded in **Deed Book Volume 2135, Page 666** of the Deed Records of Montgomery County, Ohio, all of a 0.390 acre tract conveyed to **The Brookville Grace Brethren Church, Inc.**, as recorded in **Deed Microfiche No. 82-356B02** of the Deed Records of Montgomery County, Ohio, all the remainder of a 3.57 acre tract conveyed to **Brookville Grace Brethren Church**, as recorded in **Deed Microfiche No. 72-012A09** of the Deed Records of Montgomery County, Ohio, and part of a 41.164 acre tract conveyed to **Arlington Woods Development Company, Inc.**, as recorded in **Deed Microfiche No. 95-0383C08** of the Deed Records of Montgomery County, Ohio and now dedicated right of way of **Westbrook Road** as dedicated by the **Arlington Woods Development Company, Inc.**, as recorded in "**Arlington Woods**" subdivision and recorded in **Record Plat Book Volume 164, Page 18** of the Plat 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 753.56 feet to a corner, said corner being the northeast corner of said **Grace Brethren Church 4.00 acre tract**, said corner being the **True Point of Beginning** of the hereinafter described annexation area;

**Thence** with the east line of said **Grace Brethren Church 4.00 acre tract**, South 02° 08' 36" East, a distance of 643.50 feet to the southeast corner of said **Grace Brethren Church 4.00 acre tract**;

**Thence** with the south line of said **Grace Brethren Church 4.00 acre tract** and 3.57 acre remainder tract, South 88° 41' 25" West, a distance of 512.52 feet to the southwest corner of said **Grace Brethren Church 3.57 acre remainder tract**;

**Thence** with the west line of said **Grace Brethren Church 3.57 acre remainder tract**, North 02° 07' 15" West, a distance of 643.50 feet to the northwest corner of said **Grace Brethren Church 3.57 acre remainder tract**, said corner lying in the north line of the Northeast Quarter of Section 4 and the south line of the Southeast Quarter of Section 33, said corner lying in the center line of **Westbrook Road**;

**Thence** with a line perpendicular to 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 01° 18' 36" West, a distance of 50.00 feet to a point, said point lying in the northerly dedicated right of

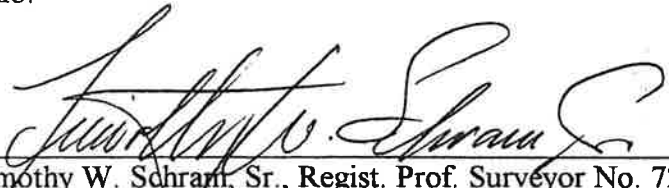
way of Westbrook Road and the south line of Lot Numbered 1991 of the consecutive numbered lots of the City of Brookville, Ohio;

**Thence** with the northerly right of way of Westbrook Road and the south line of Lots numbered 1991, 1990, 1989 and 1988 of the consecutive numbered lots of the City of Brookville, Ohio, **North 88° 41' 25" East**, a distance of **512.27 feet to a point**, said point lying perpendicular to and distant from the northeast corner of said Grace Brethren Church 4.00 acre tract;

**Thence** with a line perpendicular to 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, **South 01° 18' 36" East**, a distance of **50.00 feet to the True Point of Beginning**, containing **8.157 acres**, more or less, of which **0.587 acres being in Clay Township** and **7.57 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, July 28, 2003.



**TW Schram, PLS**

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

# EXHIBIT "B"

## MAP OF PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE, OHIO CONTAINING 8.157 Acres

IN  
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

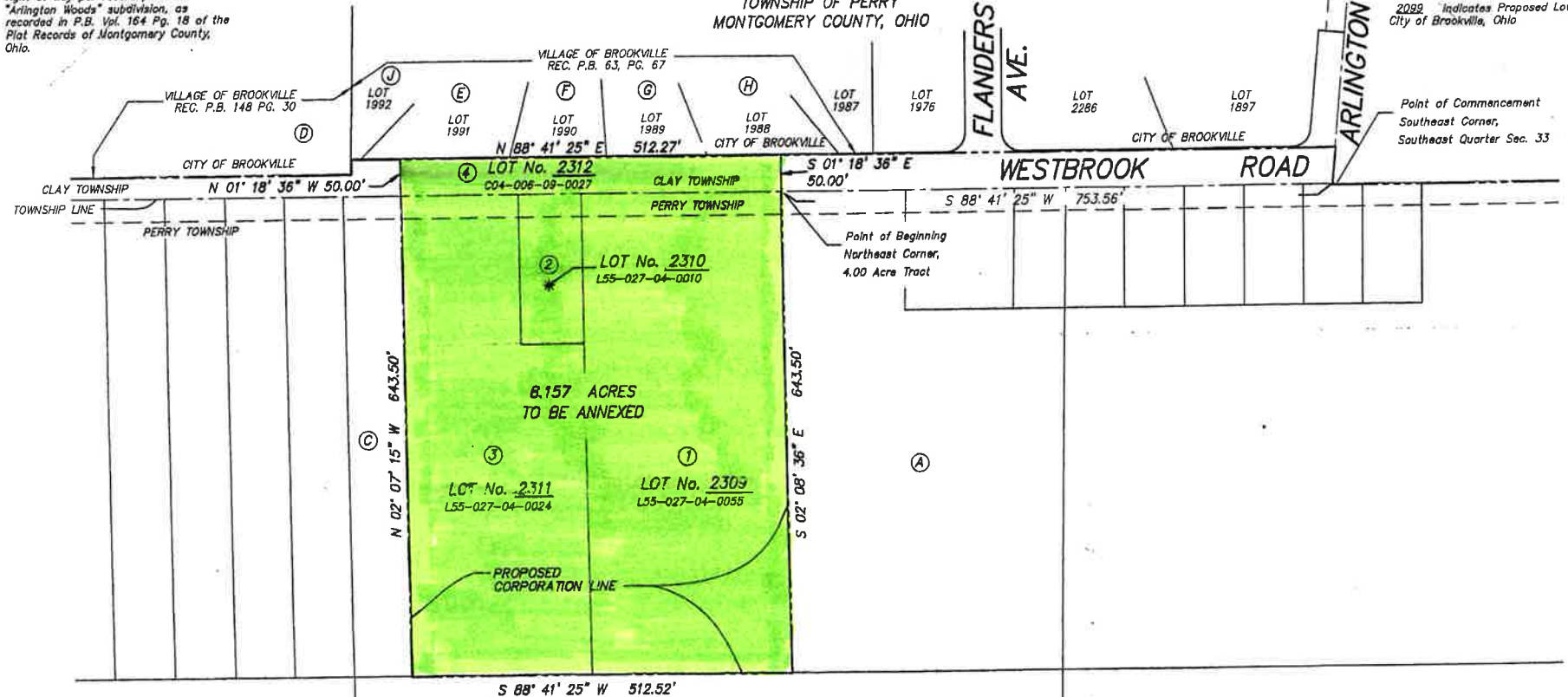
### TRACT NOTES :

- 1) Brookville Grace Brethren Church, Inc.; D.B. Vol. 2135 Pg. 666; 4.00 acres.
- 2) The Brookville Grace Brethren Church, Inc.; Deed M.F. 82-356802; 0.390 acres.
- 3) Brookville Grace Brethren Church; Deed M.F. 72-012A09; 3.57 acres, less 0.390 acre net 3.18 acres.
- 4) Arlington Woods Development Co., Inc., as recorded in Deed M.F. 95-0383C08 of the Deed Records of Montgomery County, Ohio; Dedicated right of way per record plan for "Arlington Woods" subdivision, as recorded in P.B. Vol. 164 Pg. 18 of the Plat Records of Montgomery County, Ohio.



0 50 100 200 300  
GRAPHIC SCALE  
SCALE: 1"=100'

LEGEND:  
① Indicates Tract Number.  
2089 Indicates Proposed Lot Number, City of Brookville, Ohio



### ADJOINING OWNERS INDEX:

- (A) William J. & Cathy J. Schuck  
12100 Westbrook Road, Brookville, Ohio 45309  
M.F. No. 93-0085A11
- (B) Doris Burns  
441 S. Wolf Creek Pike, Brookville, Ohio 45309  
M.F. No. 98-0723D11
- (C) Fred R. Sr. & Virginia L. Lowman  
12230 Westbrook Road, Brookville, Ohio 45309  
M.F. No. 86-0332C10
- (D) Werner H. & Barbara L. Werling  
718 W. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 93-0443D12

### ADJOINING OWNERS INDEX:

- (E) Russell & Donna Moore  
7188 Crestway Road, Clayton, Ohio 45315  
M.F. No. 00-056A05
- (F) Glen R. & Jean Rarick  
5713 Algoma Street, Dayton, Ohio 45415  
M.F. No. 95-383C08
- (G) Arlington Woods Development Co., Inc.  
8528 Byers Road, Miami, Ohio 45342  
M.F. No. 95-383C08
- (H) Darlene J. Partin  
7333 Paragon Road, Dayton, Ohio 45449  
M.F. No. 01-006A08

### ACREAGE BREAKDOWN:

SE Quarter Sec. 33, Clay Twp. 0.587 Acres  
NE Quarter Sec. 4, Perry Twp. 7.57 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

August 21, 2005.  
Date this print issued :



Prepared By :  
TW SCHRAM, PLS  
dba: Associated Land Surveying  
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