

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2004-04 Passed JUNE 1, 2004
YEAR

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 68.552 ACRES, MORE OR LESS, IN PERRY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.

WHEREAS, a petition for annexation of certain territory containing 68.552 acres, more or less, in 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 March 4, 2004; and

WHEREAS, said petition for annexation of certain territory containing 68.552 acres, more or less, in Perry Township, to the City of Brookville was approved by the Board of County Commissioners of Montgomery County, Ohio by Resolution 04-629 on March 30, 2004; and

WHEREAS, on March 31, 2004, 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 Perry Township containing 68.552 acres, more or less, approved for annexation by the Board of County Commissioners of Montgomery County, Ohio on March 30, 2004, 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

Ordinance No.

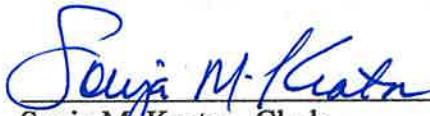
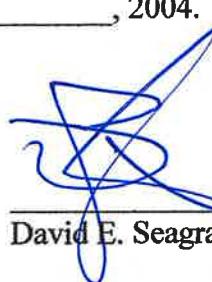
Passed _____, YEAR

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 1st day of June, 2004.

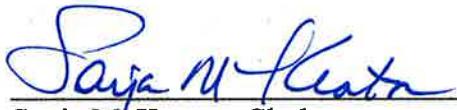
ATTEST:


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. 2004-04, passed by the Council of the City of Brookville, Ohio, on the 1st 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. 2004-04 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 2nd day of June, 2004 to the 2nd day of July, 2004, both days inclusive.

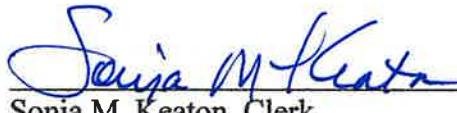

Sonja M. Keaton, Clerk

Exhibit "A"
DESCRIPTION OF
68.552 Acres
For the purpose of
Annexation to the
City of Brookville, Ohio
Located in
West Half, Section 2, Town 5, Range 4 East, 1st Meridian

Situate in the West Half, Section 2, Town 5, Range 4 East, 1st Meridian, Township of Perry, County of Montgomery, State of Ohio, being part of the remainder of a 51.73 acre tract conveyed to Clifford William Price (AKA Clifford W. Price) as Trustee of the Clifford William Price Trust Dated March 11, 2002, as recorded in I.R. No. Deed 03-038610 of the Deed Records of Montgomery County, Ohio, being part of a 19.762 acre tract conveyed to Thomas F. and Joan K. Mochty, as recorded in Deed Microfiche No. 00-0230B05 of the Deed Records of Montgomery County, Ohio and being more fully bounded and described as follows:

Commencing at a railroad spike found at the northwest corner of the West Half of Section 2, said spike lying in the centerline of Westbrook Road; thence with the north line of the West Half of Section 2, and the centerline of Westbrook Road, North 88° 55' 20" East, a distance of 1092.25 feet to a corner, said corner being the northeast corner of a 0.930 acre tract conveyed to Brian L. and Angie L. Weiss, as recorded in Deed Microfiche No. 01-0518E12 of the Deed Records of Montgomery County, Ohio, said 0.930 acre tract also known as Lot Numbered 1565 of the consecutive numbered lots of the City of Brookville, Ohio, said corner also being the northwesterly corner of said Price 51.73 acre remainder tract; thence with the east line of said Weiss 0.930 acre tract, known as Lot Numbered 1565, South 01° 20' 26" East, a distance of 30.00 feet to a corner, said corner lying in the current south right of way line of Westbrook Road, said corner being the **True Point of Beginning** of the hereinafter described annexation area;

Thence with the current south right of way line of said Westbrook Road, **South 88° 55' 20" East**, a distance of **324.07 feet to a corner in the east line of said Price 51.73 acre remainder tract**, said corner also lying in the west line of a 1.446 acre tract conveyed to Dennis M and Shannon R. Prikkel, as recorded in Instrument Record No. Deed 02-052020 of the Deed Records of Montgomery County, Ohio;

Thence with the east line of said Price 51.73 acre remainder tract and the west line of said Prikkel 1.446 acre tract, **South 01° 16' 16" East**, a distance of **250.00 feet to a corner**, said corner being the southwest corner of said Prikkel 1.446 acre tract, said corner being a westerly corner of said Mochty 19.762 acre tract;

Thence with the south line of said Prikkel 1.446 acre tract, **North 88° 55' 20" East**, a distance of **225.00 feet to a corner**, said corner being the southeast corner of said Prikkel 1.446 acre tract and a common corner of said Mochty 19.762 acre tract;

Thence with the east line of said Prikkel 1.446 acre tract, **North 01° 16' 16" West**, a distance of **250.00 feet to a corner**, said corner lying in the current south right of way line of Westbrook Road, said corner lying in the west line of said Mochty 19.762 acre tract;

Thence with the current south right of way of Westbrook Road, said right of way lying 30.00 feet distant from and parallel with the centerline and north line of the West Half of Section 2, **North 88° 55' 20" East**, a distance of **174.02 feet to a corner**, said corner lying in the east line of said Mochty 19.762 acre tract, said corner lying in the west line of a 5.803 acre remainder tract conveyed to James M. and Mary M. Jeffries, as recorded in Instrument Record No. Deed 02-159209 of the Deed Records of Montgomery County, Ohio;

Thence with the east line of said Mochty 19.762 acre tract and the west line of said Jeffries 5.803 acre remainder tract, **South 01° 59' 31" East**, a distance of **470.83 feet to a corner**, said corner being the southwest corner of said Jeffries 5.803 acre remainder tract and a common corner of said Mochty 19.762 acre tract;

Thence with the south line of said Jeffries 5.803 acre remainder tract, **North 89° 08' 24" East**, a distance of **539.88 feet to a corner**, said corner being the southeast corner of said Jeffries 5.803 acre remainder tract, said corner being an easterly corner of said Mochty 19.762 acre tract, said corner lying in the west line of a 23.12 acre tract conveyed to Shearbrook Land & Livestock Company, as recorded in Deed Microfiche No. 84-0403A10 of the Deed Records of Montgomery County, Ohio;

Thence with the east line of said Mochty 19.762 acre tract and the west line of said Shearbrook Land & Livestock Co. 23.12 acre tract, **South 00° 46' 11" East**, a distance of **347.82 feet to a corner**, said corner being the southwest corner of said Shearbrook Land & Livestock Co. 23.12 acre tract;

Thence with the south line of said Shearbrook Land & Livestock Co. 23.12 acre tract, **North 89° 28' 33" East**, a distance of **58.08 feet to a corner**, said corner being the northwest corner of a 87.00 acre tract conveyed to Shearbrook Land & Livestock Company, as recorded in Deed Microfiche No. 84-0403A10 of the Deed Records of Montgomery County, Ohio, said corner being a easterly corner of said Mochty 19.762 acre tract;

Thence with a east line of said Mochty 19.762 acre tract and the west line of said Shearbrook Land & Livestock Co. 87.00 acre tract, **South 00° 46' 11" East**, a distance of **403.93 feet to a corner**, said corner being the southeast corner of said Mochty 19.762 acre tract, said corner being a northeast corner of said Price 51.73 acre remainder tract;

Thence with the east line of said Price 51.73 acre remainder tract and continuing with the west line of said Shearbrook Land & Livestock Co. 87.00 acre tract, **South 00° 46' 11" East**, a distance of **762.50 feet to a corner**, said corner being the southeast corner of said Price 51.73 acre remainder tract, said corner being the northeast corner of a 5.772 acre tract conveyed to Marilyn S. Stout, as recorded in Deed Microfiche No. 89-0354D03 of the Deed Records of Montgomery County, Ohio;

Thence with the south line of said Price 51.73 acre remainder tract, the north line of said Stout 5.772 acre tract, the north line of a 24.929 acre tract conveyed to Nancy L. Settle, as recorded in Deed Microfiche No. 86-0321B05 of the Deed Records of Montgomery County, Ohio, **South 89° 48' 34" West**, a distance of **1737.63 feet to a corner**, said corner being the southwest corner of said Price 51.73 acre tract, said corner being the northwest corner of said Settle 24.929 acre tract, said corner lying in the east line of a 11.630 acre tract conveyed to Galen C. Woodhouse, as recorded in Deed Microfiche No. 00-0423B09 of the Deed Records of Montgomery County, Ohio;

Thence with the west line of said Price 51.73 acre tract, the east line of said Woodhouse 11.630 acre tract, the east line of Wolf Run subdivision, Section Two, as recorded in Record Plat Book Volume 156, Page 23 of the Plat records of Montgomery County, Ohio and the east line of Wolf Run

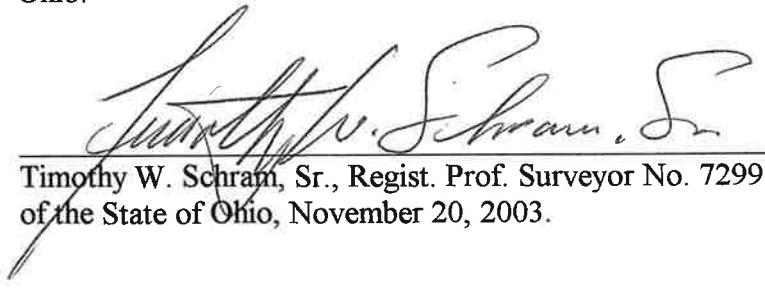
subdivision, Section One, as recorded in Record Plat Book Volume 137, Page 12 of the Plat Records of Montgomery County, Ohio, **North 01° 20' 26" West**, a distance of **1720.72 feet to a corner**, said corner being the southwest corner of a 0.867 acre tract conveyed to George W. and Ruby G. Flora, as recorded in Deed Microfiche No. 91-0432E07 of the Deed Records of Montgomery County, Ohio, said 0.867 acre tract being known as Lot Numbered 1567 of the consecutive numbered lots of the City of Brookville, Ohio;

Thence with the south line of said Flora 0.867 acre tract, Lot Numbered 1567, the south line of a 0.843 acre tract conveyed to James R. and Patricia A. Barnett, as recorded in Deed Microfiche No. 88-0243B01 of the Deed Records of Montgomery County, Ohio, said 0.843 acre tract known as Lot Numbered 1566 of the consecutive numbered lots of the City of Brookville, Ohio and the south line of said Weiss 0.930 acre tract, known as Lot numbered 1565, **North 88° 55' 20" East**, a distance of **426.00 feet to a corner**, said corner being the southeast corner of said Weiss 0.930 acre tract, known as Lot Numbered 1565;

Thence with the east line of said Weiss 0.930 acre tract, Lot Numbered 1565, **North 01° 20' 26" West**, a distance of 240.00 feet to the **True Point of Beginning**, containing **68.552 acres**, more or less, of which **68.552 acres being in Perry Township**.

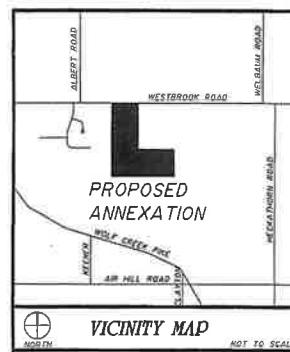
Bearing basis established as North 88° 55' 20" East along the north line of the West Half of Section 2 as referenced in Deed Microfiche No. 00-0230B05 of the Deed Records of Montgomery County, Ohio.

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, November 20, 2003.



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



ADJOINING OWNERS INDEX:

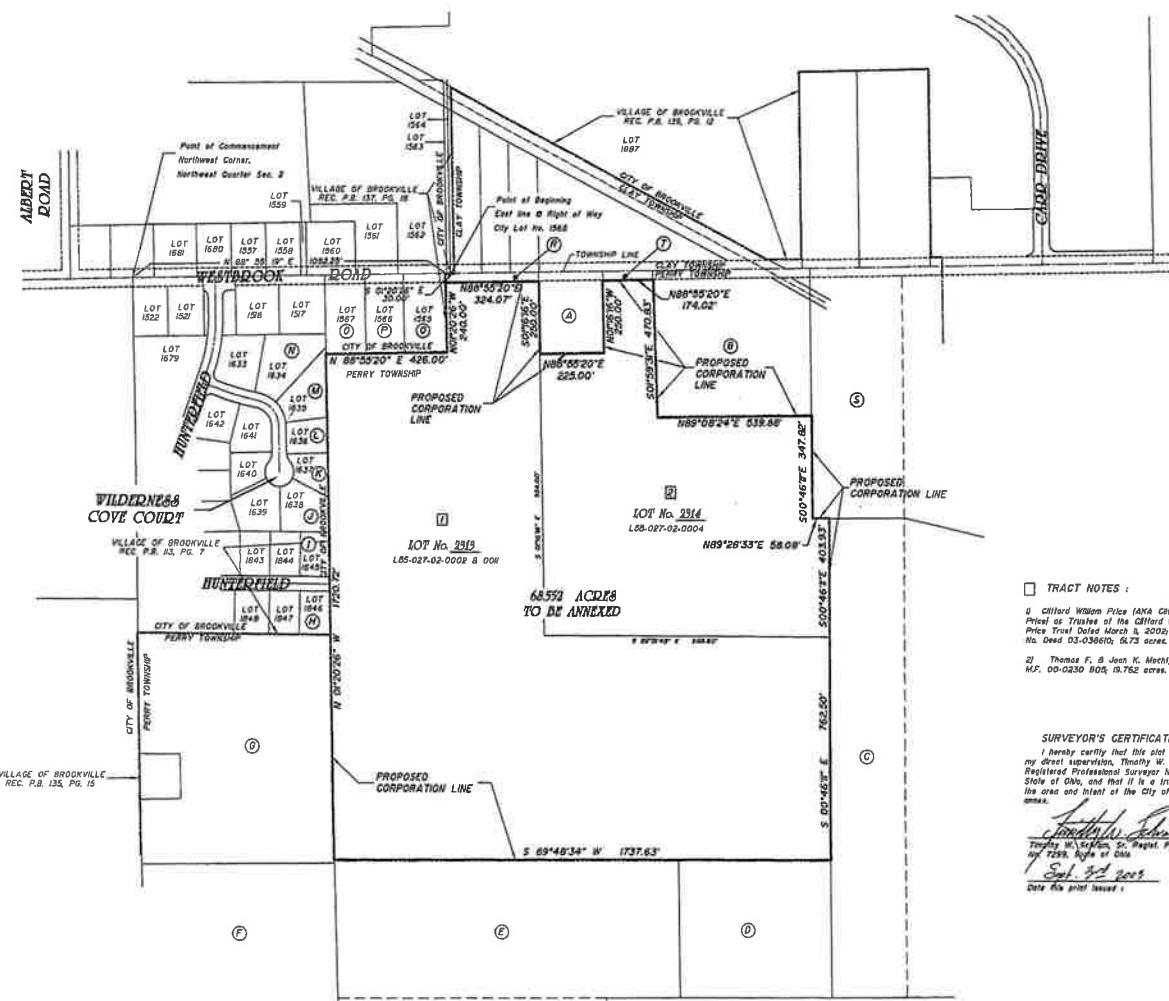
- (A) Dennis M. & Shannan R. Piskal
10450 E. Westbrook Road, Brookville, Ohio 45309
I.R. Deed No. 02-052120
- (B) James M. & Mary L. Jeffries
10450 Westbrook Road, Brookville, Ohio 45309
I.R. Deed No. 02-109209
- (C) Schenck Land-Livestock
3229 Diamond MD Road, Brookville, Ohio 45309
M.F. No. 84-040310
- (D) Marilyn S. Stouf
#651 E. Wolf Creek Pike, Brookville, Ohio 45309
M.F. No. 89-0354003
- (E) Nancy L. Selle
10150 S. Wolf Creek Pike, Brookville, Ohio 45309
M.F. No. 86-0328005
- (F) Steven J. & Lutzvahide A. Stark
10450 S. Wolf Creek Pike, Brookville, Ohio 45309
M.F. No. 89-0345003
- (G) Gabe C. Wieschesser
12387 S. Wolf Creek Pike, Brookville, Ohio 45309
M.F. No. 00-0423809
- (H) Lori Beth Stase
235 Hinterfield Drive, Brookville, Ohio 45309
M.F. No. 01-0032001
- (I) Harry K. Pugham, Trustee
233 Hinterfield Drive, Brookville, Ohio 45309
M.F. No. 86-0784001
- (J) Robert M. Rutherford & Charles A. Ross-Rutherford
39 Wilderness Cove Court, Brookville, Ohio 45309
M.F. No. 02-0066003
- (K) Michael W. & Gwendolyn L. Jeffries
10450 Westbrook Road, Brookville, Ohio 45309
M.F. No. 83-0727806
- (L) Brody, J. B. Michael P. doo
18 Mortel Street, Brookville, Ohio 45309
M.F. No. 91-0276402
- (M) Mark D. Hora
31 Wilderness Cove Court, Brookville, Ohio 45309
M.F. No. 95-0408002
- (N) Dennis L. & Bruce A. Weber, Trustees
15 Wilderness Cove Court, Brookville, Ohio 45309
M.F. No. 01-0877401
- (O) George W. & Ruby G. Flora
342 E. Westbrook Road, Brookville, Ohio 45309
M.F. No. 86-0238001
- (P) James R. & Shirley A. Barnett
149 E. Westbrook Road, Brookville, Ohio 45309
M.F. No. 88-0243001
- (Q) Brian L. & Angie L. Wiles
354 E. Westbrook Road, Brookville, Ohio 45309
M.F. No. 01-0886101
- (R) Clifford William Price, Trustee
1301 Temple Way, Sarasota, Florida 34239
I.R. Deed No. 03-036610
- (S) Schenck Land-Livestock
3229 Diamond MD Road, Brookville, Ohio 45309
M.F. No. 84-040310
- (T) Thomas F. & Jean K. Masley
200 Euclid Avenue, Room 100, Eaton, Ohio 45320
M.F. No. 00-0232005

EXHIBIT "B"

MAP OF
PROPOSED ANNEXATION
TO THE
CITY OF BROOKVILLE, OHIO

CONTAINING
68.552 Acres

IN
WEST HALF, SECTION 2, TOWN 6, RANGE 4, EAST, 1ST MERIDIAN
TOWNSHIP OF PERRY
MONTGOMERY COUNTY, OHIO



TRACT NOTES :

① Clifford William Price (AKA Clifford W. Price) as Trustee of the Clifford William Price Trust dated March 5, 2002, I.R. Deed No. 03-036610, 68.552 acres.

② Thomas F. & Jean K. Masley Deed
M.F. No. 00-0232005 19.762 acres.

SURVEYOR'S CERTIFICATION :
I hereby certify that this plot 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 area and intent of the City of Brookville, Ohio, to
scale.

Timothy W. Schram, Sr., Registered P.S.
No. 7299, State of Ohio
Sept. 30, 2003
Date this print issued:

ACREAGE BREAKDOWN:

West Half Sec. 2, Perry Twp. 68.552 Acres

LEGEND:
① Indicates Tract Number.
② Indicates Proposed Lot Number, City of Brookville, Ohio.

Printed by :
TW SCHRAM, PLS
dba: Associated Land Surveying
220 HAY AVENUE P.O. BOX 126
BROOKVILLE, OHIO 45309
PH: (937) 833-5611
tw.schram@arris.com

