

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2004-07**

Passed \_\_\_\_\_ 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 East Westbrook Road east of Wolf Creek Street consisting of 68.552 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 68.552 acres, being Lots 2313 and 2314 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 September, 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. 2004-07, passed by the Council of the City of Brookville, Ohio, on the 21st day of September, 2004.

  
Sonja M. Keaton, Clerk

### CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2004-07 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 21st day of September, 2004 to the 21st day of October, 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, 1<sup>st</sup> Meridian**

Situate in the West Half, Section 2, Town 5, Range 4 East, 1<sup>st</sup> 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 care 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

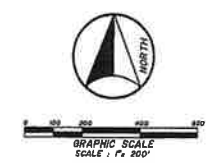
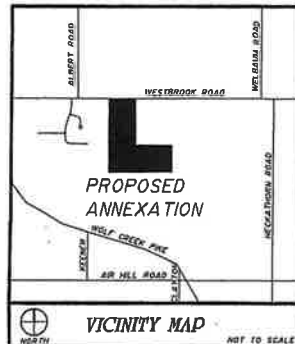
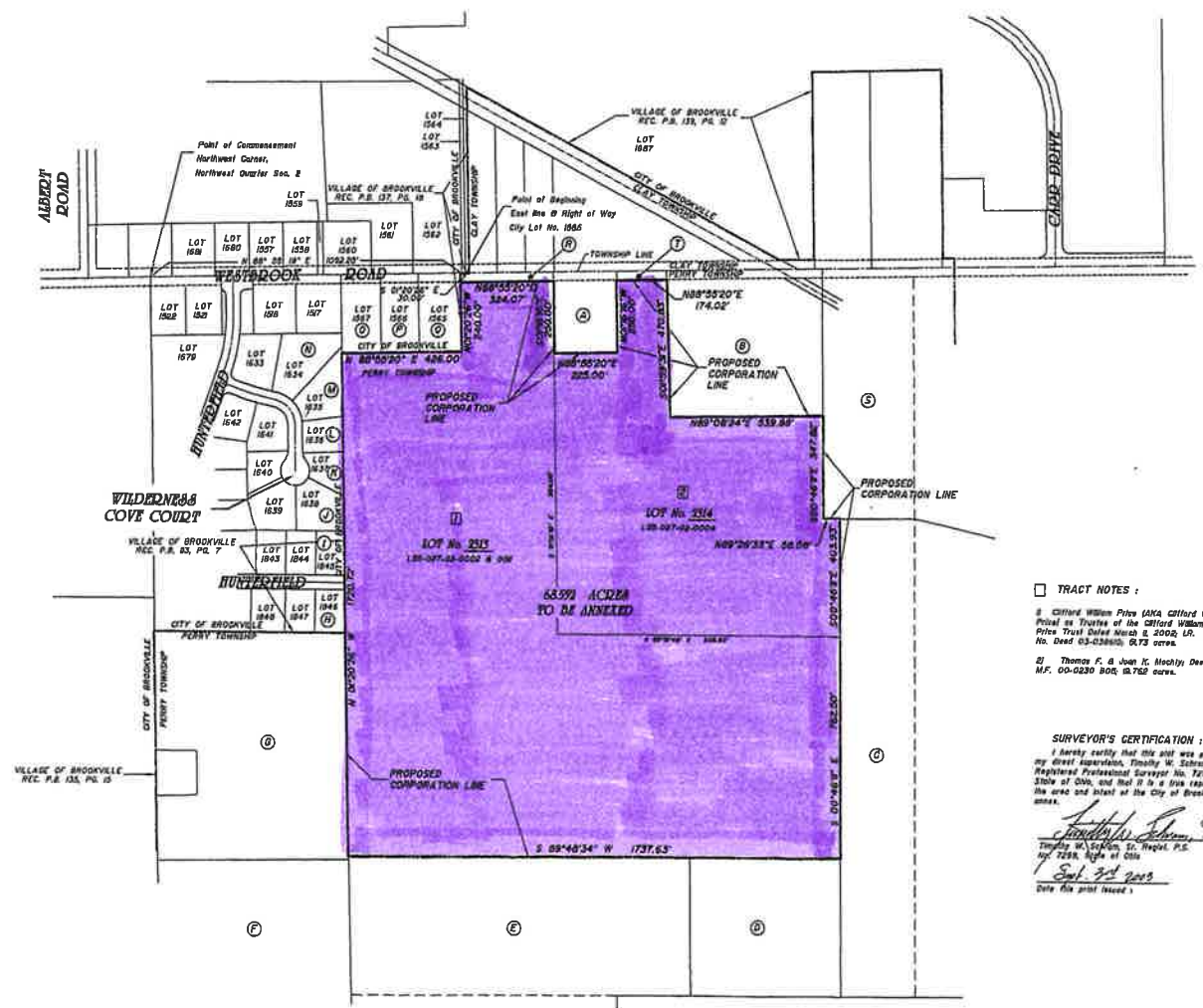


EXHIBIT "B"

MAP OF  
PROPOSED ANNEXATION  
TO THE  
CITY OF BROOKVILLE, OHIO  
CONTAINING  
68.552 Acres  
IN  
WEST HALF, SECTION 2, TOWN 5, RANGE 4, EAST, 1st MERIDIAN  
TOWNSHIP OF PERRY  
MONTGOMERY COUNTY, OHIO

- ADJOINING OWNERS INDEX:
- (A) Dennis M. & Shannon R. Pfahler  
10725 Westbrook Road, Brookville, Ohio 45309  
LR. Deed No. 05-082080
  - (B) James M. & Mary M. Jeffries  
10680 Westbrook Road, Brookville, Ohio 45309  
LR. Deed No. 02-109909
  - (C) Schenckland Land-Livestock  
3229 Diamond Mill Road, Brookville, Ohio 45309  
M.F. No. 04-040510
  - (D) Martin S. Stull  
2661 S. Wolf Creek Pkwa, Brookville, Ohio 45309  
M.F. No. 09-030403
  - (E) Nancy L. Smith  
10012 S. Wolf Creek Pkwa, Brookville, Ohio 45309  
M.F. No. 06-032805
  - (F) Steven J. & Lucinda A. Sisk  
2881 S. Wolf Creek Pkwa, Brookville, Ohio 45309  
M.F. No. 09-030403
  - (G) John C. Woodhouse  
2307 S. Wolf Creek Pkwa, Brookville, Ohio 45309  
M.F. No. 00-062809
  - (H) Lori Beth Stone  
236 Hunterfield Drive, Brookville, Ohio 45309  
M.F. No. 01-010109
  - (I) Mary K. Payton, Trustee  
825 Hunterfield Drive, Brookville, Ohio 45309  
M.F. No. 06-070401
  - (J) Robert M. Rutherford & Charis A. Rupp-Rutherford  
30 Wilderness Cove Court, Brookville, Ohio 45309  
M.F. No. 03-020803
  - (K) Richard W. & Stephanie L. Jewell  
4 Nappoli Street, Dayton, Ohio 45426  
M.F. No. 03-072706
  - (L) Bradley J. & Michelle P. Boyd  
18 Market Street, Brookville, Ohio 45309  
M.F. No. 01-073003
  - (M) Mark D. Hare  
21 Wilderness Cove Court, Brookville, Ohio 45309  
M.F. No. 05-040802
  - (N) Dabry L. & Bruce A. Baker, Trustees  
10 Wilderness Cove Court, Brookville, Ohio 45309  
M.F. No. 01-077207
  - (O) George W. & Betty A. Flure  
342 E. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 01-043207
  - (P) James R. & Patricia A. Bennett  
348 E. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 08-043301
  - (Q) Brian L. & Angie L. Weiss  
304 E. Westbrook Road, Brookville, Ohio 45309  
M.F. No. 01-050602
  - (R) Clifford Wilson Pkwa, Trustee  
1510 Tanager Way, Sarasota, Florida 34239  
LR. No. Deed 03-038810
  - (S) Schenckland Land-Livestock  
3229 Diamond Mill Road, Brookville, Ohio 45309  
M.F. No. 04-040510
  - (T) Thomas F. & Jean H. Hochly  
264 Eaton-Gallburg Road, Eden, Ohio 45320  
M.F. No. 00-083005



- TRACT NOTES:
- 1. Clifford Wilson Pkwa (aka Clifford W. Pkwa) as Trustee of the Clifford Wilson Pkwa Trust Dated March 8, 2002, LR. No. Deed 03-038810, 0.73 acres.
  - 2. Thomas F. & Jean H. Hochly, Deed M.F. 00-0230 805, 0.762 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 area and intent of the City of Brookville, Ohio to annex.

*Timothy W. Schram, Sr.*  
Timothy W. Schram, Sr., Regd. P.S.  
No. 7299, State of Ohio  
Sept. 3rd 2015  
Date this plat issued.



ACREAGE BREAKDOWN:  
West Half Sec. 2, Perry Twp. 68.552 Acres

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

Prepared By:  
TW SCHRAM, PLS  
dba: Associated Land Surveying  
220 HAY AVENUE  
BROOKVILLE, OHIO 45309  
PH. (937) 833-5611  
twschram@twpls.com