

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2003-11**

Passed **DECEMBER 16, 2003**
YEAR

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 8.157 ACRES, MORE OR LESS, IN CLAY AND PERRY TOWNSHIPS TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.

WHEREAS, a petition for annexation of certain territory containing 8.157 acres, more or less, in Clay and Perry Townships, 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 August 28, 2003; and

WHEREAS, said petition for annexation of certain territory containing 8.157 acres, more or less, in Clay and Perry Townships, to the City of Brookville was approved by the Board of County Commissioners of Montgomery County, Ohio by Resolution 03-1680 on September 30, 2003; and

WHEREAS, on October 3, 2003, 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 Clay and Perry Townships containing 8.157 acres, more or less, approved for annexation by the Board of County Commissioners of Montgomery County, Ohio on September 30, 2003, 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.

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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 16th day of December, 2003.

ATTEST:


Sonja M. Keaton, Clerk


Carol A. Imler, 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. 2003-11, passed by the Council of the City of Brookville, Ohio, on the 16th day of December, 2003.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2003-11 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 17th day of December, 2003 to the 17th day of January, 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, 1st Meridian
NE ¼, Section 4, Town 5, Range 4 East, 1st Meridian

Situate in the SE ¼, Section 33, Town 6, Range 4 East, 1st Meridian and the NE ¼, Section 4, Town 5, Range 4 East, 1st 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

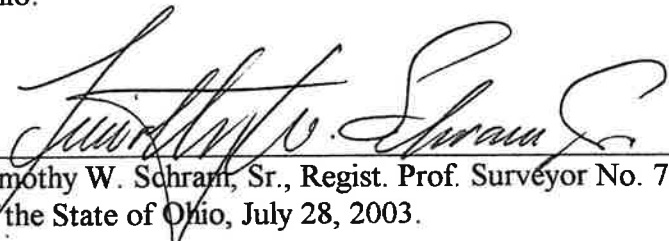
way of Westbrook Road and the south line of Lot Numbered 1991 of the consecutive numbered lots of the City of Brookville, Ohio;

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

the Grace Brethren Church;
2-012A09; 3.57 acre, less
yet 3.18 acres.

on Woods Development Co.,
rded in Deed M.F.
of the Deed Records of
County, Ohio; Dedicated
per record plan for
ods" subdivision, as
P.B. Vol. 164 Pg. 18 of the
of Montgomery County,

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

