

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2002-09

Passed SEPTEMBER 3, 2002  
YEAR

## **AN ORDINANCE ACCEPTING THE APPLICATION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 75.522 ACRES, MORE OR LESS, IN CLAY TOWNSHIP TO THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, a petition for annexation of certain territory containing 75.522 acres, more or less, in Clay Township, to the City of Brookville was duly filed by Rodney L. Stephan, agent for the Petitioners, on October 24, 2001; and

**WHEREAS**, a public hearing on said annexation petition was held by the Board of County Commissioners of Montgomery County, Ohio on January 29, 2002; and

**WHEREAS**, said petition for annexation of certain territory containing 75.522 acres, more or less, in Clay Township, to the City of Brookville was approved by the Board of County Commissioners of Montgomery County, Ohio by Resolution 02-757 on April 30, 2002; and

**WHEREAS**, on June 25, 2002, 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

**WHEREAS**, no petition for injunction of the annexation has been timely filed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:

### **SECTION 1:**

The proposed annexation, as applied for in the Petition of Rodney L. Stephan, agent for the Petitioners, for certain territory in Clay Township containing 75.522 acres, more or less, approved for annexation by the Board of County Commissioner of Montgomery County, Ohio on April 30, 2002, 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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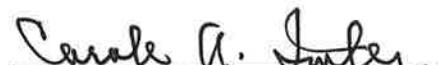
## SECTION 3:

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 by permitting said annexation territory to be immediately available for economic development within the City of Brookville and for the immediate provision of municipal services to the territory.

PASSED this 3rd day of September, 2002.

ATTEST:

  
Sonja M. Keaton, Clerk

  
Carole 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. 2002-09, passed by the Council of the City of Brookville, Ohio, on the 3rd day of September, 2002.

  
Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2002-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 4th day of September, 2002 to the 4th day of October, 2002, both days inclusive.

  
Sonja M. Keaton, Clerk

## EXHIBIT "A"

The following described real estate situate in the Northeast quarter of Section 28 and the Northwest quarter of Section 27, Town 6, Range 4 East, First Meridian, Clay Township, Montgomery County, State of Ohio, being part of the following tracts;

Tract No.	Owner	Microfiche Deed Book	Deed Area (Acres)	Area to be Annexed (Acres)	Proposed Village Lot Number
1	Ranndall A. & Beverly A. Robbins	91-116E05	1.348	1.348	2225
2 & 3	Warren A. & Ruth E. Henninger	D.B. 2234, Pg. 555 D.B. 2275, Pg. 480	1.794 0.448	2.242	2226 & 2227
4	Chad A. & Christine M. Mullennix	95-217A02	1.948	1.948	2228
5	Diane Lynn Long		50.789	0.425	Right of Way

And being more fully bounded and described as follows:

Beginning at the East Quarter Corner of Section 28 and being the True Point of Beginning.

Thence South 88°43'30" West along the quarter Section line of Said Section 28 and the existing corporation line a distance of three hundred ninety two and ten hundredths feet (392.10') to the southwest corner of said Robbins Parcel 1 (1.348 acre tract).

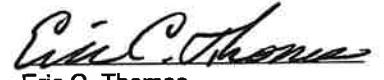
Thence North 03°19'22" West along the existing corporation line distance of six hundred seventeen and thirty seven hundredths feet (617.37') to the northwest corner of said Mullennix Parcel 4 (1.948 acre tract).

Thence North 88°43'30" East along the north property line of said Mullennix Parcel 4 (1.948 acre tract) a distance of four hundred nineteen and seventy four hundredths feet (419.74') to a point.

Thence South 03°32'37" East along the east Right-of-Way line of Arlington Brookville Pike a distance of six hundred seventeen and forty four hundredths feet (617.44') to a point.

Thence South 88°41'14" West along the quarter section line of said Section 27 and the existing corporation line a distance of thirty and two hundredths feet (30.02') to a Railroad Spike for the true point of Beginning, containing 5.963 acres, more or less

The above description was prepared by Eric C. Thomas, Registered Surveyor Number 7236, State of Ohio

  
Eric C. Thomas  
Registered Surveyor Number 7236  
State of Ohio

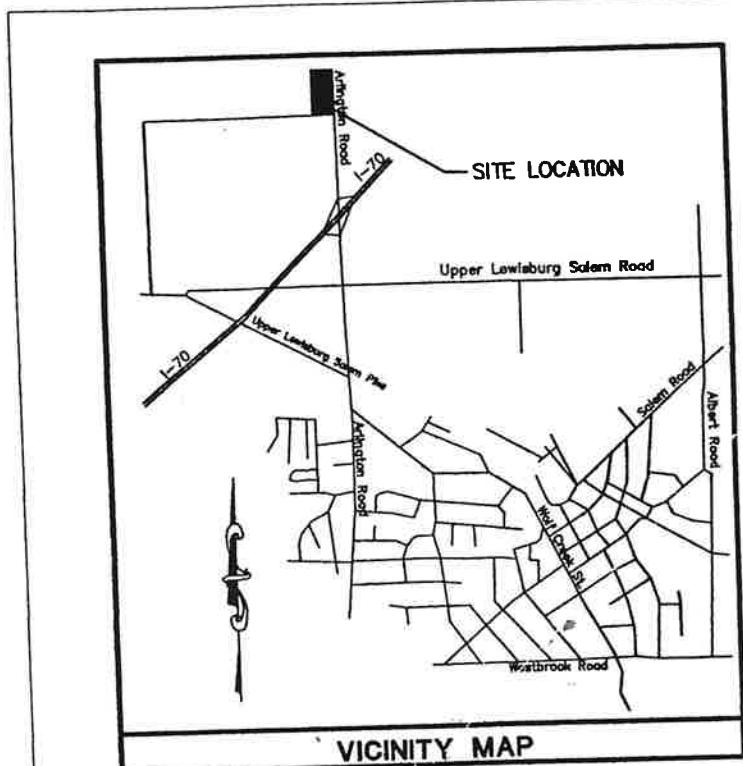
This instrument prepared: October 16, 2001

By: Eric C. Thomas  
Fanning/Howey Associates, Inc.  
1200 Irmscher Blvd.  
Celina OH, 45822  
(419) 586-2292

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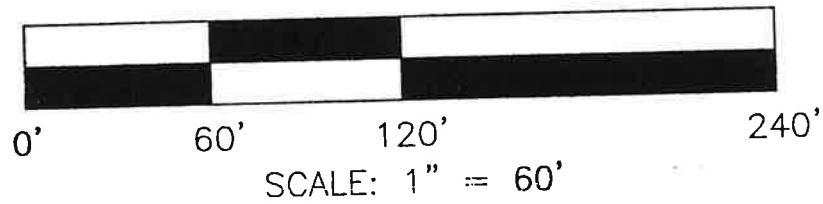
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VICINITY MAP

NORTH

GRAPHIC SCALE



LEGEND:

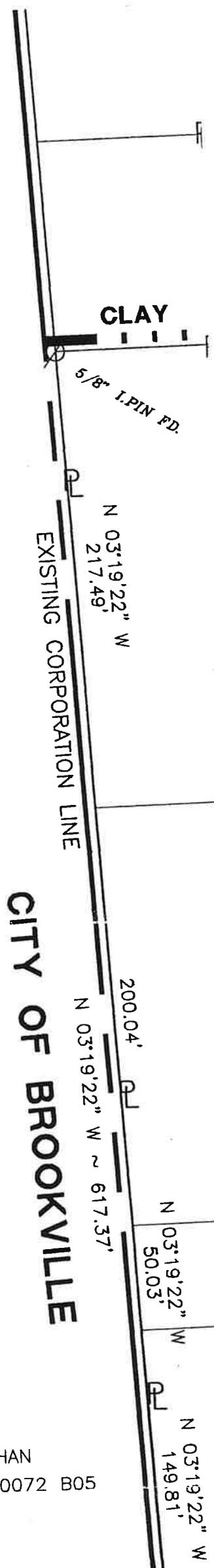
① INDICATES TRACT NUMBER

**#3000** INDICATED PROPOSED LOT NUMBER  
CITY OF BROOKVILLE

FOR DESCRIPTION - SEE EXHIBIT "A"

IRON PIN FOUND

PT. LOT No. 1758  
HENRY JOE WALKER SR., CONNIEJ. WALKER  
HENRY JOE WALKER JR., KRIS ELIZABETH LOUTHAN  
D.B. 2433, PG. 15; DEED 93 797 C11 & DEED 94 0072 B05  
(90.716 ACRES DEED)  
(REMAINING ACRES 23.982)



LIST: PROPOSED LOT No.'S

ANDALL A. & BEVERLY A. ROBBINS	2225
ARREN A. & RUTH E. HENNINGER	2226 & 2227
HAD A. & CHRISTINE M. MULLENNIX	2228
IANE LYNN LONG	ROAD R/W ONLY

BREAKDOWN:

28 - 1.243 ACRES LOT NUMBER 2228  
- 2.072 ACRES LOT NUMBER 2226 & 2227  
- 1.798 ACRES LOT NUMBER 2225  
- 0.425 ACRES IN ROAD R/W

27 - 0.425 ACRES IN ROAD R/W

*MAP*  
*OF*  
***PROPOSED ANNEXATION***  
***TO THE***  
***CITY OF BROOKVILLE***  
***CONTAINING***  
***5.963 AC.***  
***IN***  
***SECTION 27 & SECTION 28, TOWN 6,***  
***RANGE 4E, FIRST MERIDIAN***  
***CLAY TOWNSHIP, MONTGOMERY CO., OHIO***  
***OCTOBER 2001***



*Eric C. Thomas*  
ERIC C. THOMAS, REGISTERED PROFESSIONAL SURVEYOR  
No. 7236, STATE OF OHIO

# EXHIBIT "B"

OWNERSHIP

- ①
- ② ③
- ④
- ⑤

BYRON E & MARCILLE V.  
STUPP  
0.893 Ac.  
D.B. 2138-108

PROPOSED CORPORATION LINE  
N 88°43'30" E ~ 419.74'  
S 88°43'30" W  
389.72'

TOWNSHIP

ACREAGE  
NE 1/4

CHAD A. & CHRISTINE  
M. MULLENNIX  
1.948 Ac.  
Mf. No. 95-217A02

④

**LOT #2225**

S 88°43'30" W  
390.56'

WARREN A. & RUTH  
E. HENNINGER  
1.794 Ac. & 0.448 Ac.  
D.B. 2234, PG. 555

③

**LOT #2226**

DIANE LYNN L  
50.789 ACR

S 88°43'30" W

391.33'

**LOT #2227**  
D.B. 2275, PG. 480  
N 88°43'30" E

391.52'

②

RANDALL A. & BEVERLY  
A. ROBBINS  
1.348 Ac.  
Mf. No. 91-116E05

①

NW 1/4  
SECTION 27

EAST QUARTER

NE 1/4