

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2002-10**

Passed **SEPTEMBER 3**, **2002**
YEAR

AN ORDINANCE ACCEPTING THE APPLICATION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 5.963 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 5.963 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 5.963 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 02-758 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 5.963 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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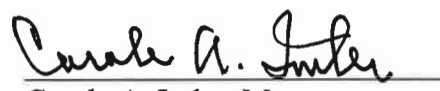
SECTION 3:

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 ____ day of _____, 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. 2002-10, 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. 2002-10 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"

DESCRIPTION OF PROPOSED LONG ANNEXATION
TO THE CITY OF BROOKVILLE, OHIO
75.522 ACRES
FROM CLAY TOWNSHIP

The following described real estate situate in the North Half of Section 27, Town 6, Range 4 East, First Meridian, Clay Township, Montgomery County, State of Ohio, being part of the following tract:

Tract No.	Owner	Microfiche Deed Book	Deed Area (Acres)	Area to be Annexed (Acres)	Proposed City Lot Number
1	Diane Lynn Long	95-0195 A07 Parcel 1	51.705	50.789	2222

and being all of the following tracts:

2	Diane Lynn Long	95-0195 A07 Parcel 2	15.077	15.077	2223
3	Diane Lynn Long	95-0195 A07 Parcel 3	9.656	9.656	2224

and being more fully bounded and described as follows:

Beginning at the northwest corner of said Section 27.

Thence with the west line of said Section 27, and with the centerline of the Brookville & Arlington Pike, South 05 degrees 45 minutes East, 1320.00 feet to the northwest corner of said Long Parcel 1 (51.705 acre tract).

Thence with the north line of said Long Parcel 1 (51.705 acre tract), North 86 degrees 30 minutes East, 30.02 feet to a point in the east right-of-way line of said Brookville & Arlington Pike, said point being the northwest corner of the herein described 75.522 acre tract, the northwest corner of Tract No. 1 above, and the true point of beginning for the herein described 75.522 acre tract.

Thence continuing with the north line of said Long Parcel 1 (51.705 acre tract), and with the north line of said Tract No. 1, North 86 degrees 30 minutes East, 1685.98 feet to the northeast corner thereof, also being the northwest corner of said Long Parcel 2 (15.077 acre tract), and said Tract No. 2.

Thence with the north line of said Long Parcel 2 (15.077 acre tract), and with the north line of said Tract No. 2, North 89 degrees 39 minutes East, 673.08 feet to the northeast corner thereof, also being the northwest corner of said Long Parcel 3 (9.656 acre tract), and said Tract No. 3.

Thence with the north line of said Long Parcel 3 (9.656 acre tract), and with the north line of said Tract No. 3, North 89 degrees 47 minutes 10 seconds East, 1250.42 feet to the northeast corner thereof.

Thence with the east line of said Long Parcel 3 (9.656 acre tract), and with the east line of said Tract No. 3, South 00 degrees 39 minutes 56 seconds East, 127.54 feet to the southeast corner thereof, and in the north right-of-way line of Interstate Highway Route 70.

Thence Southwestwardly on a curve to the left with the north right-of-way line of said Interstate Highway Route 70, with the south line of said Long Parcels 3 (9.656 acre tract), 2 (15.077 acre tract), and 1 (51.705 acre tract), and also with the south line of said Tracts No. 3, 2 and 1, a total distance of 2376.65 feet to its intersection with the south line of the Northwest Quarter of Section 27, and being a southeast corner of said Long Parcel 1 (51.705 acre tract), and said Tract No. 1, and said corner being in the present north corporation line of the City of Brookville.

Thence with the said present north corporation line of the City of Brookville, with the south line of said Northwest Quarter of Section 27, with the south line of said Long Parcel 1 (51.705 acre tract), and with the south line of said Tract No. 1, South 86 degrees 30 minutes West, 1511.54 feet to a point in the east right-of-way line of said Brookville & Arlington Pike, said point being the southwest corner of the herein described 75.522 acre tract, and said point being North 86 degrees 30 minutes East, 30.02 feet from the southwest corner of said Northwest Quarter of Section 27, and the southwest corner of said Long Parcel 1 (51.705 acre tract).

Thence leaving the said present north corporation line of the City of Brookville, with the east right-of-way line of said Brookville & Arlington Pike, parallel to and 30.00 feet as measured at right angles from the centerline of said Brookville & Arlington Pike, the west line of said Northwest Quarter Section, and the west line of said Long Parcel 1 (51.705 acre tract), North 05 degrees 45 minutes West, 1329.70 feet to the true point of beginning, and containing 75.522 acres, more or less.

The above description was prepared by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio.



Donald R. Bowman
Donald R. Bowman
Registered Surveyor Number 4323
State of Ohio

This instrument prepared: September 8, 2001
By: Donald R. Bowman
Civil Engineer & Surveyor
9349 Baltimore-Phillipsburg Pike
Brookville OH 45309-9644
(937) 884-5714

