

# RECORD OF ORDINANCES

This Ordinance is voided due to court granting the petition for

Dayton Legal Blank Co.—10116 an injunction against Annexation pursuant to R.C. #709.07 9/13/95

Ordinance No. 1995-06

Passed May 2nd 19 95

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 31.993 ACRES, MORE OR LESS, IN CLAY AND PERRY TOWNSHIP TO THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.

WHEREAS, the Petition for the annexation of certain territory in Clay and Perry Township has been duly filed by Rodney Stephan; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on December 6, 1994; and

WHEREAS, the Board of County Commissioners have approved the annexation of the territory to the Municipality of Brookville, Ohio, as hereinafter described on February 28, 1995; and

WHEREAS, the Board of County Commissioners certified that the transcript of the proceedings in connection with the annexation with the map and petition required in connection herewith to the Municipal Clerk of Council who received the same on March 15, 1995; and

WHEREAS, sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Revised Code 709.04; and

WHEREAS, no Petitions or other objections have heretofore been filed by anyone opposing said annexation.

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

## SECTION I:

The proposed annexation as applied for in the Petition of Rodney Stephan for certain territory in Clay and Perry Township containing 31.993 acres, more or less, and further containing the names and signatures of the majority of owners of real estate in the territory sought to be annexed and which was filed with the Board of County Commissioners of Montgomery County, Ohio on the 9th day of September, 1994 in which the Petition prayed for annexation as hereinafter described and which the said Petition was approved by annexation to the Municipality of Brookville, Ohio by the Board of County Commissioners on the 28th day of February, 1995, be and the same is hereby accepted. The Territory is described in the description 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 its annexation and other papers relating to the proceedings therto of the County Commissioners are all on file with the Clerk of Council of this Municipality and have been for more than sixty (60) days.

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## SECTION II:

That the Village Clerk be and is hereby authorized and directed to make three (3) copies of this Ordinance to each of which shall be attached a copy of the map accompanying the Petition for annexation and a copy of the transcript, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Clerk shall thenforthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall file a notice of this annexation with the Board of Elections within thirty (30) days after it becomes effective and the Clerk shall do all other things required by law.

## SECTION III:

This Ordinance is hereby declared to be an emergency ordinance for the immediate preservation of public peace, health, safety and welfare of the citizens of the Municipality of Brookville, Ohio and this Ordinance shall take effect and be in force from and after its passage.

PASSED this 2nd day of May, 1995.

ATTEST:

  
E. Eugene Roeser, Clerk

  
Michael A. Duncan, Mayor

## CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1995-06 passed by the Council of said Municipality on the 2nd day of May, 1995.

  
E. Eugene Roeser, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1995-06 was posted at the Municipal Building, U.S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 5th day of May, 1995 to the 5th day of June, 1995, both days inclusive.

  
E. Eugene Roeser, Clerk

## LEGEND :

① Indicates Tract Number

1879 Indicates Proposed Lot  
(1879 - 1897)  
Village of Brookville

For Ownership List - See Exhibit

For Description - See Exhibit

### Acreage Breakdown :

SE Qtr. Sec. 33 Clay Twp.

NW Qtr. Sec. 3 Perry Twp.

NE Qtr. Sec. 4 Perry Twp.

### Note :

Tract 20 shall become a part of

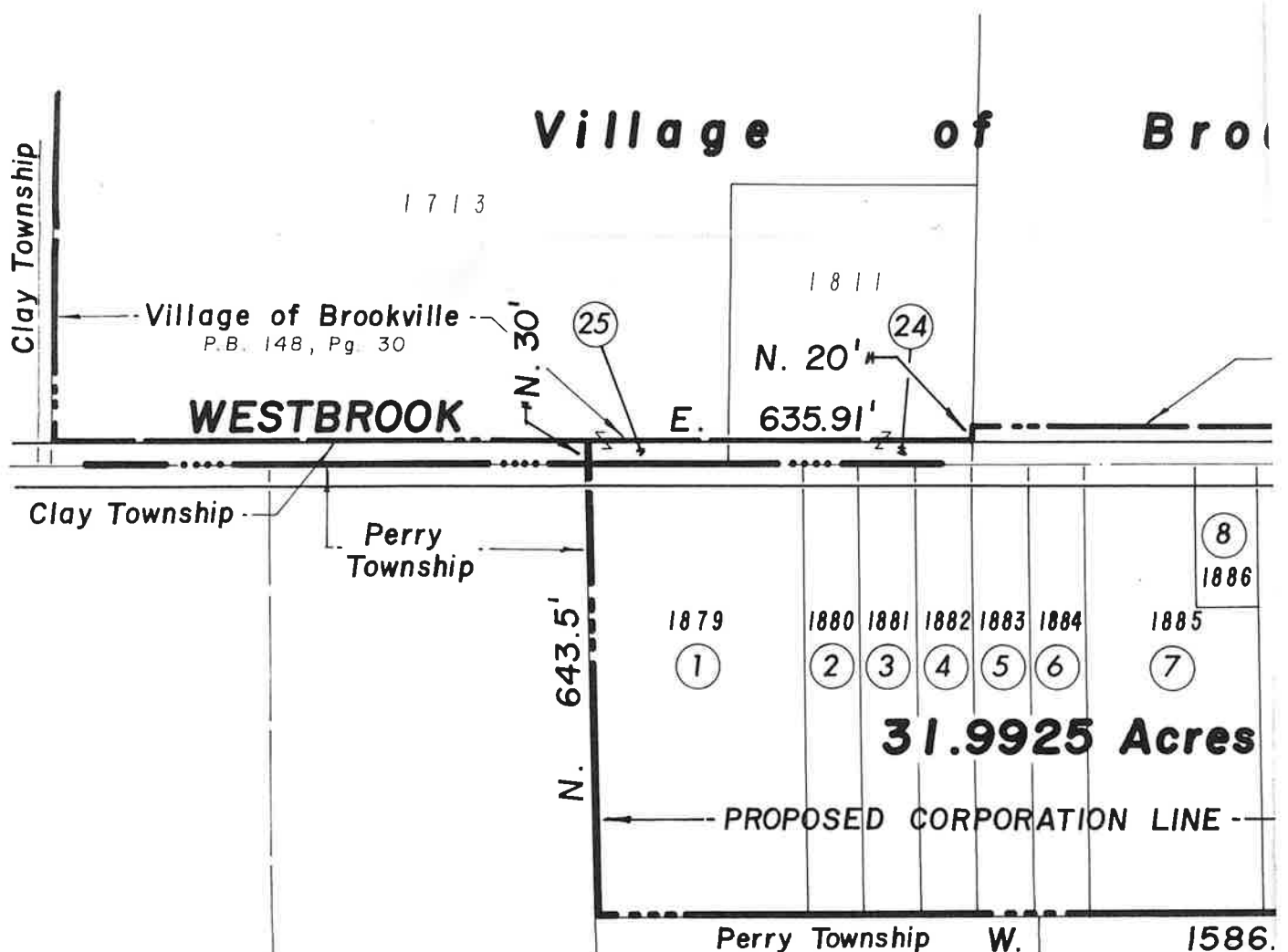
Tract 21 " " " "

Tract 22 " " " "

Tract 23 " " " "

Tract 24 " " " "

Tract 25 " " " "

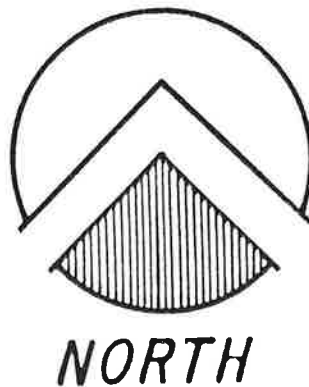


# EXHIBIT "B"

umber

bit "C"

"A"

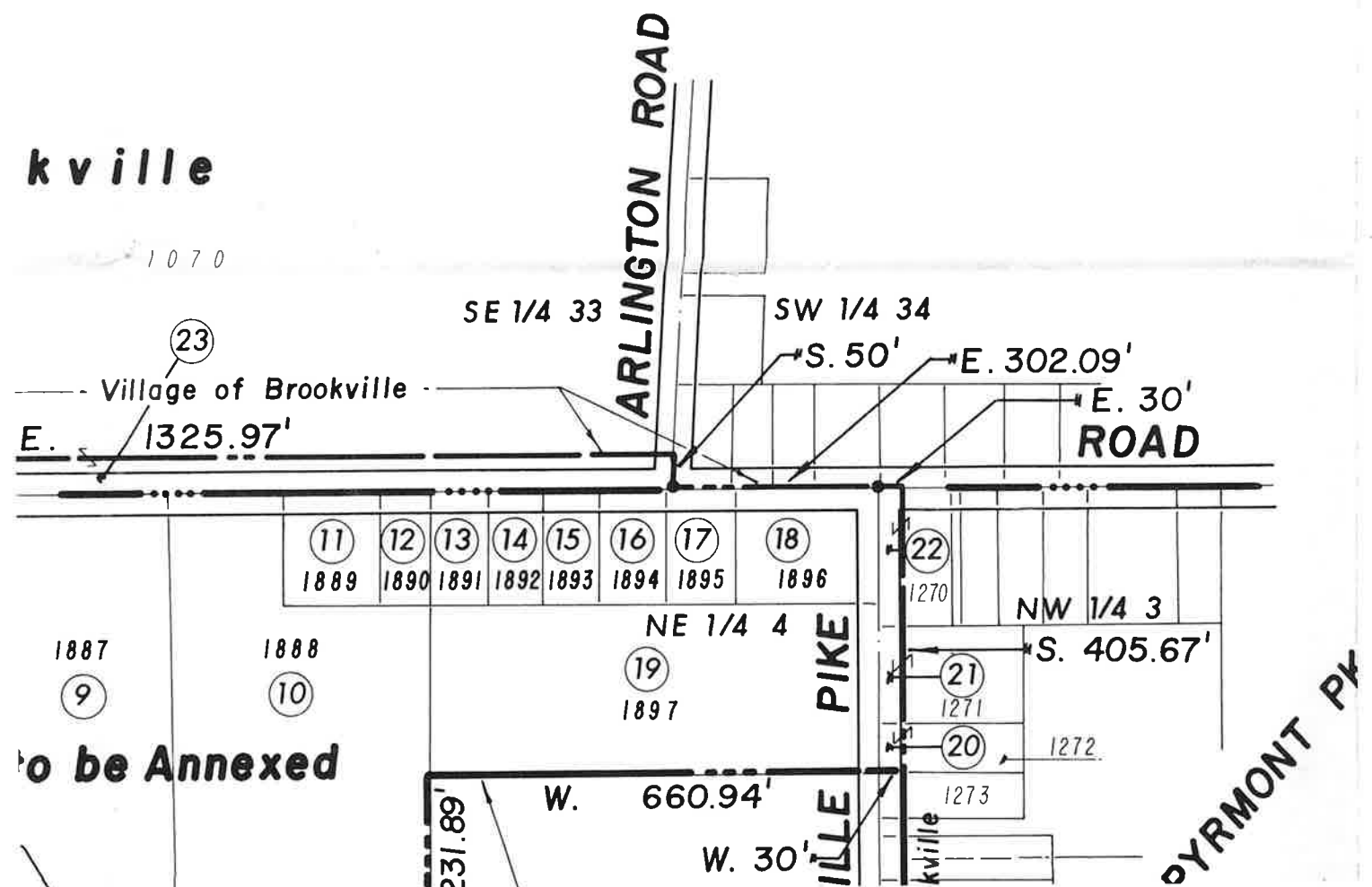


1.960 acres  
0.279 acre  
29.7535 acres

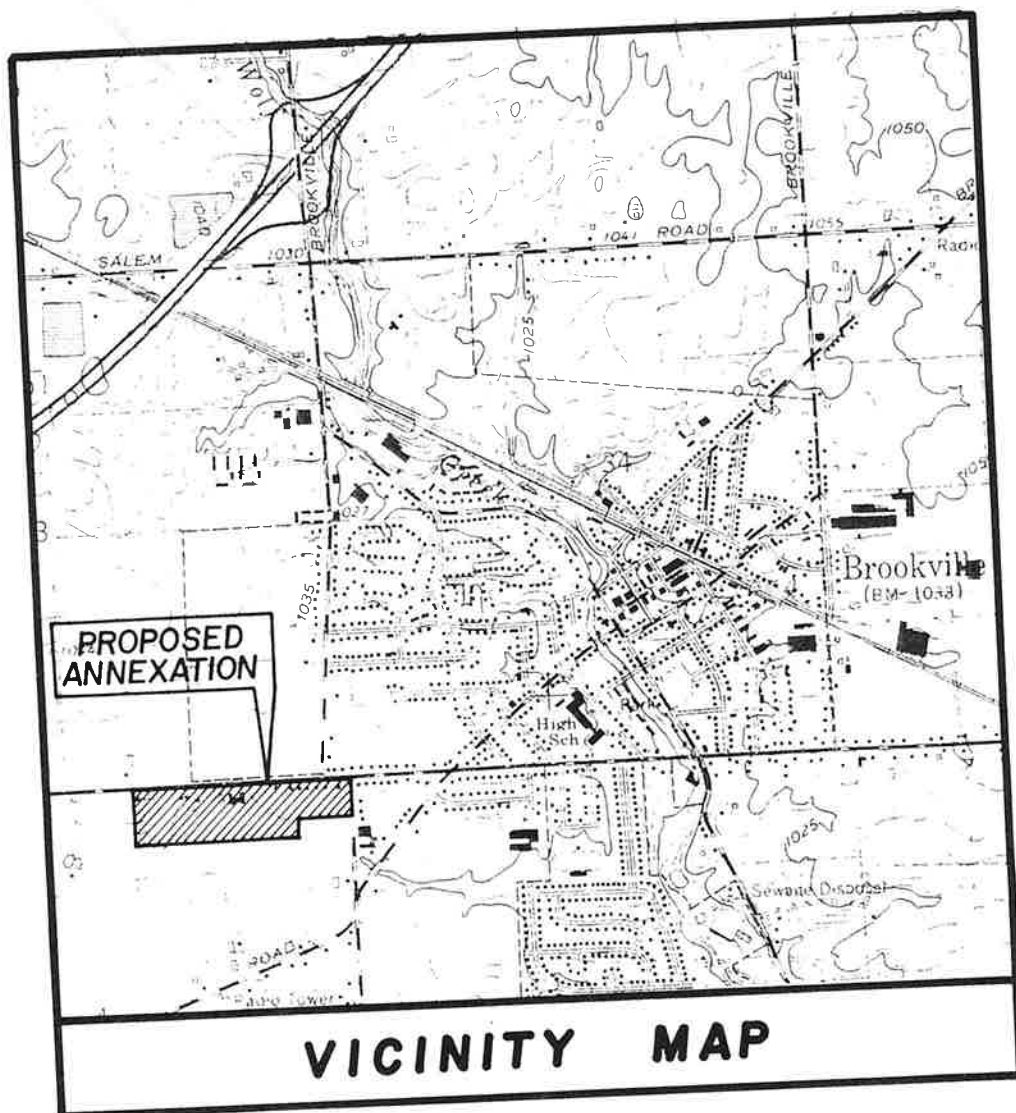


- of Lot No. 1272 — created with recorded
- " Lot No. 1271 — Plat Book 78, pages 71-75.
- " Lot No. 1270
- " Lot No. 1070 — created with recorded Plat Book 63, pages 67-69.
- " Lot No. 1811 — assigned by recorded Microfiche Deed 93-443D12.
- " Lot No. 1713 — created with recorded Plat Book 148, page 30.

1" = 250'







MAP  
of  
**PROPOSED ANNEXATION**  
to the  
**VILLAGE OF BROOKVILLE**  
containing

**31.9925 ACRES**

in

SE QTR. SEC. 33 · CLAY TOWNSHIP, T6, R4E.  
NW QTR. SEC. 3 · PERRY TOWNSHIP,  
NE QTR. SEC. 4 · " "

T5, R4E.

1<sup>st</sup> MERIDIAN  
MONTGOMERY COUNTY,  
OHIO

JULY 23, 1994.

REVISED AUGUST 23, 1994.