

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1993-11

Passed October 5, 1993

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 54.658 ACRES, MORE OR LESS, IN CLAY & PERRY TOWNSHIPS TO THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, the Petition for the annexation of certain territory in Clay & Perry Townships 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 April 13, 1993; and

WHEREAS, the Board of County Commissioners have approved the annexation of the territory to the Municipality of Brookville, Ohio, as hereinafter described on July 27, 1993; 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 August 3, 1993; 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 & Perry Township containing 54.658 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 27th day of January, 1993 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 7th day of July, 1993, 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 thereto 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 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 5th day of October, 1993.

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. 1993-11 passed by the Council of said Municipality on the 5th day of October, 1993.

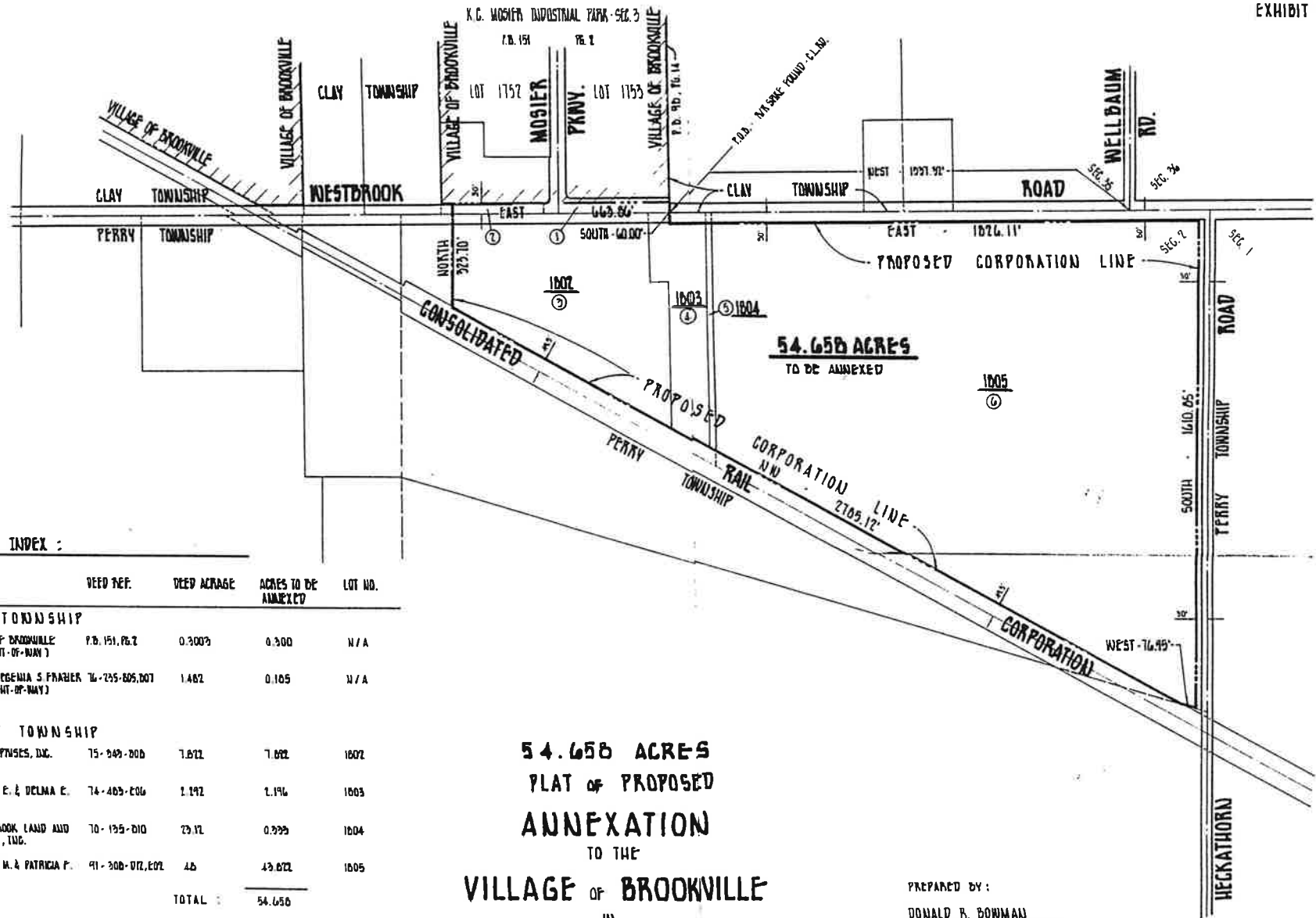
  
E. Eugene Roeser, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1993-11 was posted at the Municipal Building, U.S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 8th day of October, 1993 to the 6th day of November, 1993, both days inclusive.

  
E. Eugene Roeser, Clerk

SCALE: 1" = 750'



## OWNERSHIP INDEX:

INDEX NO.	OWNERS	DEED REF.	DEED ACRAGE	ACRES TO BE ANNEXED	LOT NO.
<b>CLAY TOWNSHIP</b>					
1	VILLAGE OF BROOKVILLE (ROAD RIGHT-OF-WAY)	P.D. 151, P.B. 2	0.3003	0.300	N/A
2	DILLY & REGEMIA S. PRATHER (ROAD RIGHT-OF-WAY)	76-295-805, 807	1.482	0.105	N/A
<b>PERRY TOWNSHIP</b>					
3	E.P. ENTERPRISES, INC.	75-349-200	7.872	7.872	1802
4	CLIFFORD E. & DELMA E. SMITH	74-485-806	2.192	2.194	1803
5	SCHEARERBROOK LAND AND LIVESTOCK, INC.	70-135-010	23.12	0.333	1804
6	RAYMOND M. & PATRICIA P. WALKER	91-300-072, 071	4.6	43.872	1805
TOTAL:				54.658	

**54.658 ACRES  
PLAT OF PROPOSED  
ANNEXATION  
TO THE  
VILLAGE OF BROOKVILLE  
IN**

0.485 ACRES IN SE 1/4 SEC. 35, T. 6, R. 6E. 4 E., 181 P.M.  
CLAY TOWNSHIP  
54.173 ACRES IN NE 1/4 SEC. 2, T. 5, R. 6E. 4 E., 181 P.M.  
PERRY TOWNSHIP  
MONTGOMERY COUNTY, OHIO

NOVEMBER 30, 1992.

PREPARED BY:

DONALD R. BOWMAN  
CIVIL ENGINEER & SURVEYOR  
9309 BALTIMORE - PHILLIPSBURG PK.  
BROOKVILLE, OHIO 45309  
(513) 836-0886

REX A. DICKEY  
COUNTY ENGINEER  
MONTGOMERY COUNTY, OHIO  
PRIOR APPROVAL SEC.  
DESCRIPTION ONLY  
BY H.F.M. DATE 12-11-92  
MAP DEPARTMENT

0 125 250 500 750  
SCALE IN FEET  
GRAPHIC SCALE

Donald R. Bowman  
DONALD R. BOWMAN  
REGISTERED SURVEYOR NO. 4329  
STATE OF OHIO