

RECORD OF ORDINANCES

(WERLING)

Dayton Legal Blank Co.—10116

Ordinance No. 1991-11

Passed SEPTEMBER 3, 1991

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 78.11 ACRES, MORE OR LESS, IN CLAY TOWNSHIP TO THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Petition for the annexation of certain territory in Clay Township has been duly filed by Gary Zuhl; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on April 2, 1991; and

WHEREAS, the Board of County Commissioners have approved the annexation of the territory to the Municipality of Brookville, Ohio, as hereinafter described on June 25, 1991; 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 therewith to the Municipal Clerk of Council who received the same on August 6, 1991; 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 Gary Zuhl for certain territory in Clay Township containing 78.11 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 17th day of January, 1991 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 25th day of June, 1991, be and the same is hereby accepted. The Territory is described in the description attached hereto and marked Exhibit "A".

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:

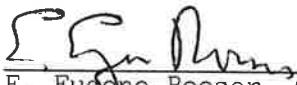
That the Village Clerk be and is hereby authorized and directed to make three copies of this Ordinance to each of which shall be attached a copy of the map accompanying the Petition for annexation and a copy of the transcript, a copy of the transcript of proceedings of the Board of County Commissioners 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 3rd day of September, 1991.

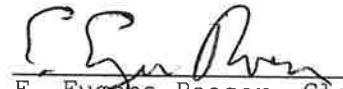
ATTEST:


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. 1991-11 passed by the Council of said Municipality on the 3rd day of September, 1991.


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. 1991-11 was posted at the Municipal Building, U. S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 5th day of September, 1991 to the 4th day of October, 1991, both days inclusive.

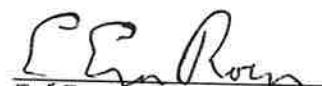
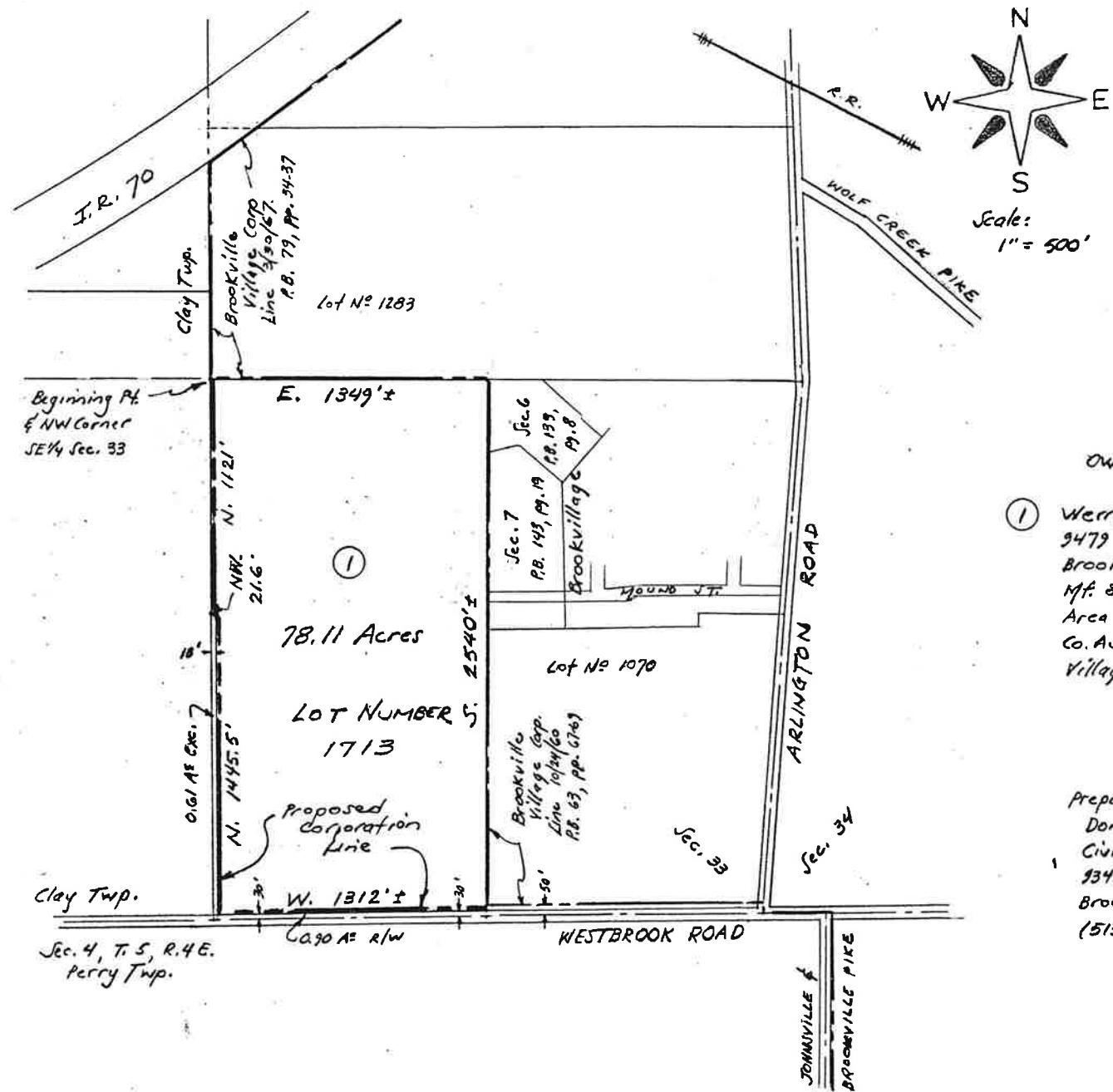

E. Eugene Roeser, Clerk

EXHIBIT 4



78.11 ACRES
PLAT OF PROPOSED
ANNEXATION
TO THE
VILLAGE OF BROOKVILLE

SE 1/4 Sec. 33, T. 6, R. 4 E.
CLAY TOWNSHIP
MONTGOMERY COUNTY
OHIO

December 15, 1990

OWNERSHIP LIST

① Werner H. & Barbara L. Werling
9479 Arlington Road
Brookville OH 45309
MFT 87-0239 A03 80 Acres w/ exceptions
Area to be Annexed - 78.11 Acres
Co. Auditor Index No - pt. 6-9-28
Village Lot Number - 1713

Prepared by:
Donald R. Bowman
Civil Engineer & Surveyor
9349 Baltimore-Phillipsburg Pike
Brookville OH 45309
(513) 636-8888



Donald R. Bowman
Registered Surveyor No 4823
State of Ohio

#9057