

# RECORD OF ORDINANCES

(McMAKEN).

Dayton Legal Blank Co.—10116

Ordinance No. 1990-15

Passed November 6, 1990

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 41.88 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 August 21, 1990; and

WHEREAS, the Board of County Commissioners have approved the annexation of the territory to the Municipality of Brookville, Ohio, as hereinafter described on August 21, 1990; 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 September 14, 1990; 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 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 41.88 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 4th day of June, 1990 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 21st day of August, 1990, 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 then forthwith 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 6th day of November, 1990.

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. 1990-15 passed by the Council of said Municipality on the 6th day of November, 1990.

  
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. 1990-15 was posted at the Municipal Building, U. S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 13th day of November, 1990 to the 12th day of December, 1990, both days inclusive.

  
E. Eugene Roeser, Clerk

**DONALD R. BOWMAN**  
*Civil Engineer and Surveyor*

#9014  
May 30, 1990

DESCRIPTION OF PROPOSED NORTH ANNEXATION  
TO THE VILLAGE OF BROOKVILLE, OHIO  
FROM CLAY TOWNSHIP (41.488 ACRES)

The following described real estate situate in the Southwest Quarter of Section 27, Town 6, Range 4 East, Clay Township, Montgomery County, State of Ohio, and being part of the following tracts:

Tract No.	Owner	Microfiche Deed Reference	Deed Area (Acres)	Area to be Annexed (Acres)
1	Robert E. Spitler & Jennifer L. Ludy	80-255B05	2.500	2.328
2	Anthony H. & Kathleen J. Shaffer	82-207B09	5.0985	4.9845
3	Christ Life Center	86-301A03	31.7925	31.5725
4	James H. & Theresa L. McMaken	89-444C08	2.009	1.940
5	ditto	ditto	0.780	0.663

And being more fully bounded and described as follows:

Beginning at a buried iron pin found in the centerline of Upper Lewisburg & Salem Road at the southeast corner of said Southwest Quarter of Section 27, and at the southeast corner of said McMaken 0.780 acre tract; thence with the centerline of said Road, and with the south line of said Southwest Quarter of Section 27, South 89 degrees 24 minutes West, 989.65 feet to a PK nail found at the southeast corner of Lot Number 1497, as recorded in Plat Book 109, page 1, of the Montgomery County Plat Records, said corner being a corner in the present north corporation line of the said Village of Brookville, and said corner also being the southwest corner of the said Ludy 2.500 acre tract; thence with the east line of said Lot Number 1497, with the west line of said Ludy 2.500 acre tract, and with an east line of the said Brookville corporation line, North 01 degrees 19 minutes West, 30.00 feet to the true point of beginning for the herein described 41.488 acre tract.

Thence from said true point of beginning, with an east line of said Brookville corporation line, with the east line of said Lot Number 1497, with the east line of Lot Number 1495 in said plat, and with the west lines of said Ludy 2.500 acre tract, said Shaffer 5.0985 acre tract, and said Christ Life Center 31.7925 acre tract, North 01 degree 19 minutes West, 1822.83 feet to the northwest corner of said Christ Life Center 31.7925 acre tract, the northeast corner of said Lot Number 1495; and a northeast corner of said Brookville present north corporation line.

Thence leaving said corporation line, with the north line of said Christ Life Center 31.7925 acre tract, North 89 degrees 06 minutes 43 seconds East, 990.61 feet to the northeast corner thereof.

Thence with the east line of said Christ Life Center 31.7925 acre tract, and continuing with the east lines of said McMaken 2.009 acre and 0.780 acre tracts, South 01 degree 17 minutes 09 seconds East, 1827.80 feet to an iron pipe in the north right-of-way line of said Upper Lewisburg & Salem Road, said corner being 30.00 feet north of the southeast corner of said Southwest Quarter of Section 27.

Thence parallel to and 30 feet north of the centerline of said Road, and the south line of said Southwest Quarter of Section 27, South 89 degrees 24 minutes West, 989.67 feet, more or less, to the true point of beginning, and containing 41.488 acres, more or less.

The above description was prepared by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and based on surveys made in November 1979 by Donald R. Bowman, in May and June 1980 by Surveyor James E. Hudson, and May 1982 by Surveyor Harold J. Conkel. The bearings for the boundary were taken from the said Hudson surveys.



*Donald R. Bowman*

Donald R. Bowman  
Registered Surveyor Number 4323  
State of Ohio

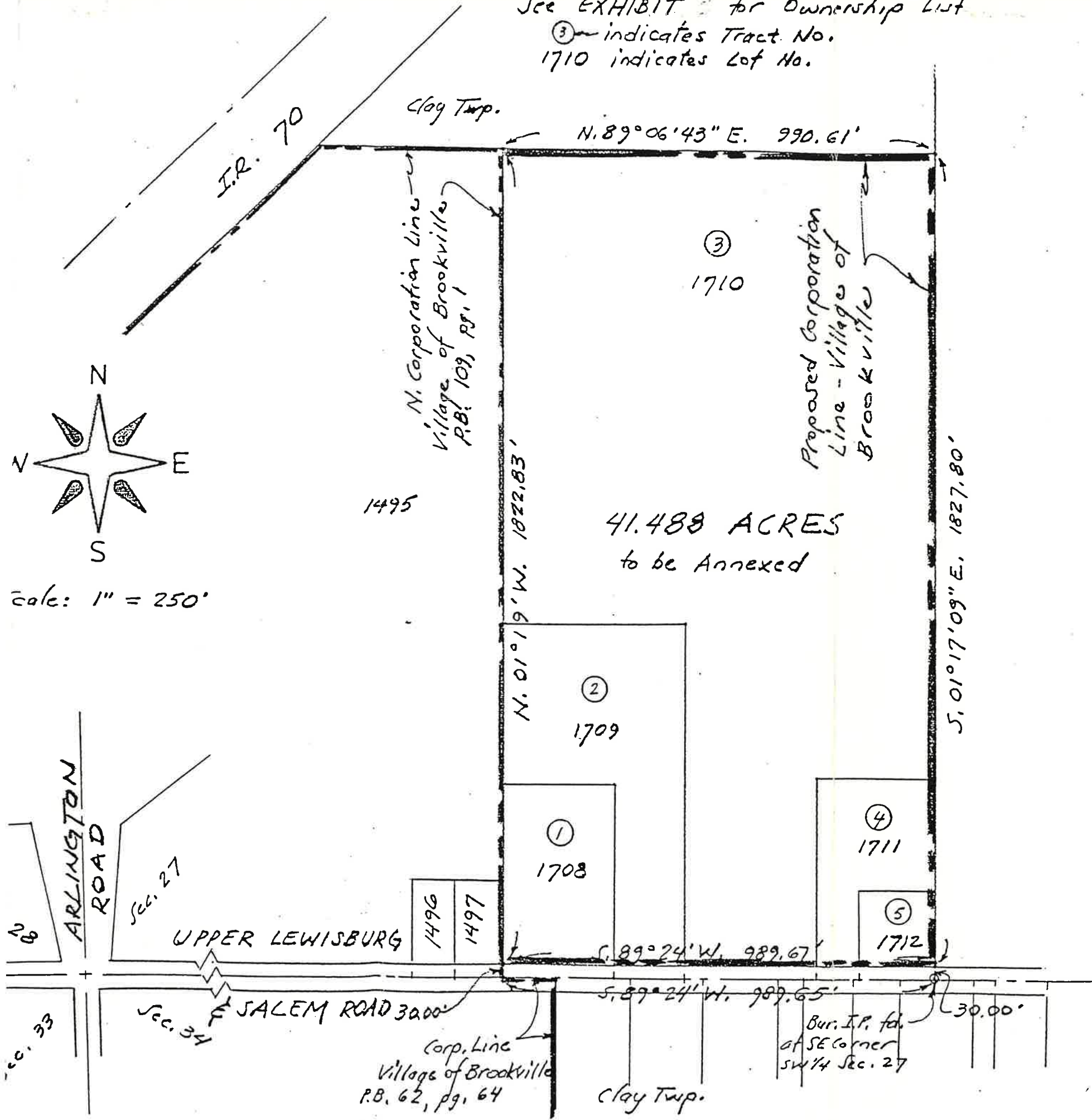
See EXHIBIT for Ownership List  
 ③ indicates Tract No.  
 1710 indicates Lot No.

# PLAT OF PROPOSED ANNEXATION

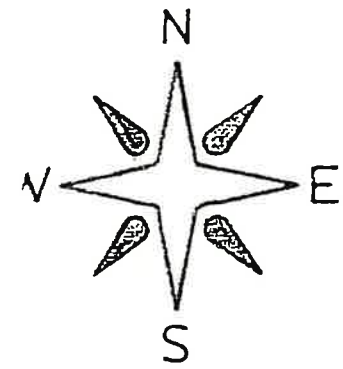
TO THE  
 VILLAGE OF BROOKVILLE  
 IN

SW 1/4 Sec. 27, T. 6, R. 4 E.  
 CLAY TOWNSHIP  
 MONTGOMERY COUNTY  
 OHIO

May 30, 1990

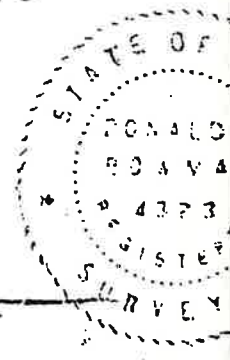


Scale: 1" = 250'



Prepared by: Donald R. Bowman  
 Civil Engineer & Surveyor  
 9349 Baltimore-Phillipsburg Pike  
 Brookville OH 45309  
 (513) 836-8888

*Donald R. Bowman*  
 Donald R. Bowman  
 Registered Surveyor N=4323  
 State of Ohio



∴ Bearings from May-June 1980 Surveys by Surveyor James E. Hudson.