

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1989-06

Passed February 21, 1989

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 10.0336 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 K. C. Mosier, II; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on December 13, 1988; and

WHEREAS, the Board of County Commissioners have approved the annexation of the territory to the Municipality of Brookville, Ohio, as hereinafter described on December 13, 1988; 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 the 30th day of January, 1989; 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 K.C. Mosier, II for certain territory in Clay Township containing 10.0336 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 September, 1988 in which the Petition prayed for annexation to the Municipality of Brookville, Ohio, certain territory adjacent thereto 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 13th day of December, 1988, 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.

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1989-06

Passed February 21, 1989

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 21st day of February, 1989.

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. 1989-06 passed by the Council of said Municipality on the 21st day of February, 1989.


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. 1989-06 was posted at the Municipal Building, U. S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 2nd day of March, 1989 to the 31st day of March, 1989, both days inclusive.


E. Eugene Roeser, Clerk

The Professional Associates, Inc.

PROFESSIONAL ENGINEERS PLANNERS & SURVEYORS

SEPTEMBER 6, 1988.

Description for the proposed annexation of 10.0336 acres to the Village of Brookville, Ohio.

Situate in the southwest quarter of Section 35, Town 6, Range 4 East, M.R.S., Clay Township, Montgomery County, State of Ohio, and being bounded and described as follows:

Beginning at an iron pin found at the southwest corner of Section 35, and the intersection of Albert Road and Westbrook Road, thence North $88^{\circ}55'20''$ East, with the centerline of Westbrook Road and also being the South line of Section 35, a distance of 1336.21 feet to a railroad spike, thence with the East line of a 24' lane, and also being City lot no's. 1563 and 1564 of the Village of Brookville, North $01^{\circ}21'17''$ West, 633.44 feet to a concrete monument, and also being the true point of beginning:

Thence continuing with the same line, North $01^{\circ}21'17''$ West, 22.73 feet to an iron pin, and also being the northeast corner of City lot no. 1351 and the southwest corner of City lot no. 1444 of the Village of Brookville;

Thence North $88^{\circ}27'51''$ East, with the South line of lot no. 1444, 1221.39 feet to an iron pipe;

Thence South $01^{\circ}06'44''$ East, with the West line of lands owned by Horace B. and Connie R. Hedden as recorded in microfiche no. 79-218A01 of the official records of Montgomery County, Ohio, passing an iron pin at 620.93 feet, in all 635.93 feet to the north right-of-way line of Westbrook Road, and being northerly 30.00 feet from the centerline, and the south line of Section 35;

Thence with the right-of-way line, and parallel with the south line of Section 35, South $88^{\circ}55'20''$ West, 115.55 feet to a point in the north right-of-way line of the Consolidated Rail Corporation railroad;

Thence with the north right-of-way of said railroad, and 33.00 feet northeast and parallel to the centerline of the main track, North $62^{\circ}27'45''$ West, passing an iron pin at 31.32 feet, in all 1259.97 feet to the true point of beginning, containing 10.0336 acres, more or less, and subject to all easements and highways of record.

This description prepared from a actual survey of the above described tract owned by K.C. Mosier II, and recorded in microfiche no. 80-53A12 of the official records of Montgomery County, Ohio.

Prepared by: M.L. Oxner, P.E., P.S.

Regist. Surveyor no. 6209

September 6, 1988.

ANNEXATION - VILLAGE OF BROOKVILLE

Proposed annexation of approximately 10.0336 acres to the Village of Brookville situated in Section 35, Town 6, Range 4 East, Clay Township, Montgomery County, State of Ohio.

#88-23

Owners of Real Estate	1
Valid Signatures	1
Percent	100

