

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1988-01

Passed April 5, 1988

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 21.98 ACRES MORE OR LESS IN PERRY TOWNSHIP TO THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, the Petition for the annexation of certain territory in Perry Township has been duly filed by Robert C. Herkins; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on February 2, 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 February 2, 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 8th day of March, 1988; 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 Robert C. Herkins for certain territory in Perry Township containing 21.98 acres 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 19th day of November, 1987 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 2nd day of February, 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.

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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 5th day of April, 1988.

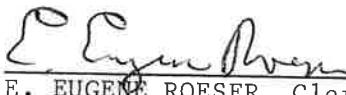
ATTEST:

  
E. EUGENE ROESER, Clerk

  
GEORGE E. BROWN, Mayor

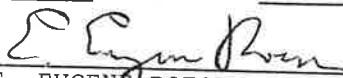
## CERTIFICATE

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1988-01 passed by the Council of said Municipality on the 5th day of April, 1988.

  
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. 1988-01 was posted at the Municipal Building, U.S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 14th day of April, 1988, to the 13th day of May, 1988, both days inclusive.

  
E. EUGENE ROESER, Clerk

## TRI-CITY ENGINEERING COMPANY



CIVIL ENGINEERS AND SURVEYORS

2151 EMBURY PARK ROAD

DAYTON, OHIO 45414

TELEPHONE 513 278-4803

ABRAHAM BODENSTEIN, PE, PS

DON MEEK, PS

LUIS RIANCHO, PS

SCOTT VAGEDES, PE

KENNETH GRIFFITHS, PE, PS

DARRELL BALL, PS

GERALD MACY, PS

JEFFREY JONES, PS

JAMES RUEMPING, PS

JAMES VANDEN BOSCH, PS

CHARLES HAUGHT, PE

D74-191.8 (XXIII)

October 16, 1987

Description of 21.981 Acres to be Annexed  
Wolf Creek Pike, Brookville, Ohio

Located in Section 3, Town 5, Range 4E, Perry Township, County of Montgomery, State of Ohio and being a tract of land described as follows:

beginning at the northeast corner of said Section 3;

thence with the east line of said Section 3, South one degree twenty-three minutes twelve seconds ( $1^{\circ} 23' 12''$ ) East for one thousand ninety and 82/100 (1090.82) feet to a corner in the existing corporation line of the Village of Brookville and the southeast corner of land conveyed to Clyde O. Shilt, et al., by deed recorded in Book 2524 Page 429 in the Deed Records of Montgomery County, Ohio and the true point of beginning of this parcel;

thence continuing with the east line of said Section 3 in a southerly direction and with the west line of land conveyed to Paul E. & JoAnn Kuck by deed recorded in Micro 85-0322B05 in the Deed Records of Montgomery County, Ohio and with the west line of land conveyed to Beverly Felts by deed recorded in Micro 86-313B11 in the Deed Records of Montgomery County, Ohio, South one degree twenty-three minutes twelve seconds ( $1^{\circ} 23' 12''$ ) East for four hundred sixty-seven and 11/100 (467.11) feet to an iron pin in the north line of a fifty (50) foot wide ingress and egress easement, said iron pin being also the northeast corner of land conveyed to Donald Volk, et al., by deed recorded in Micro 86-748E02 in the Deed Records of Montgomery County, Ohio, passing an iron pin at a corner of the existing corporation line of the Village of Brookville at one hundred eleven and 30/100 (111.30) feet;

thence with the north line of said ingress and egress easement and with the north line of said Donald Volk land, in a westerly direction, North seventy-six degrees thirty-eight minutes twenty-five seconds ( $76^{\circ} 38' 25''$ ) West for one hundred three and 41/100 (103.41) feet to an iron pin at the northwest corner of said Donald Volk land;

thence with the west line of said Donald Volk land, in a southerly direction, South one degree twenty-three minutes twelve seconds ( $1^{\circ} 23' 12''$ ) East for four hundred forty-five and 66/100 (445.66) feet to an iron pin in the north line of land conveyed to Charles Doll, et al., by deed recorded in Micro 74-249C01 in the Deed Records of Montgomery County, Ohio;

thence with the north line of said Doll land, in a westerly direction, North eighty degrees forty-eight minutes two seconds ( $80^{\circ} 48' 02''$ ) West for seven hundred thirty-one and 20/100 (731.20) feet to an iron pin at an angle point in the north line of said Doll land, said iron pin being also the southeast corner of land conveyed to Conrad E. Volk, et al., by deed recorded in Book 1761 Page 227 in the Deed Records of Montgomery County, Ohio;

thence continuing with the north line of said Doll land, in a westwardly direction, and with the south line of said Conrad E. Volk land, South seventy-five degrees twenty-eight minutes fifteen seconds ( $75^{\circ} 28' 15''$ ) West for one hundred eighty-three and 53/100 (183.53) feet to a railroad spike in the centerline of said Wolf Creek Pike;

thence in a westerly direction at right angles to said Wolf Creek Pike, South sixty-eight degrees nine minutes fifteen seconds ( $68^{\circ} 09' 15''$ ) West for fifty and 00/100 (50.00) feet to a point fifty (50) feet west of the east line of land conveyed to the Village of Brookville by deed recorded in Book 801 Page 532 in the Deed Records of Montgomery County, Ohio, said point being in the said existing corporation line of the Village of Brookville;

thence in a northerly direction fifty (50) feet west of and parallel to the centerline of said Wolf Creek Pike and with the said existing corporation line of the Village of Brookville, North twenty-one degrees fifty minutes forty-five seconds ( $21^{\circ} 50' 45''$ ) West for one hundred fifty-nine and 90/100 (159.90) feet to an angle point;

thence continuing in a northerly direction fifty (50) feet west of and parallel to the centerline of said Wolf Creek Pike and with the said existing corporation line of the Village of Brookville, North twenty-six degrees forty-three minutes zero seconds West for five hundred nineteen and 63/10 (519.63) feet to a point in the south line of land conveyed to Fryman & Kuck, General Contractors, by deed recorded in Micro 86-13A10 in the Deed Records of Montgomery County, Ohio;

thence in a northerly direction fifty (50) feet west of and parallel to the east line of said Fryman & Kuck land, North twenty-six degrees forty-three minutes zero seconds ( $26^{\circ} 43' 00''$ ) West for one hundred ninety-three and 64/10 (193.64) feet to a corner in the said existing corporation line of the Village of Brookville;

thence in an easterly direction with the said existing corporation line of the Village of Brookville, North sixty-three degrees seventeen minutes zero seconds ( $63^{\circ} 17' 00''$ ) East for fifty and 00/100 (50.00) feet to a railroad spike in the centerline of said Wolf Creek Pike, said railroad spike also being the southwest corner of land conveyed to Red Oak Construction Co. by deed recorded in Micro 86-280D01 in the Deed Records of Montgomery County, Ohio;

thence in an easterly direction with the said existing corporation line of the Village of Brookville and with the south line of said Red Oak Construction Co. land and with the south line of land conveyed to Dwayne F. O'Dell by deed recorded in Micro 79-739E04 in the Deed Records of Montgomery County, Ohio and with the south line of said Shilt land, North eighty-eight degrees forty-eight minutes twenty-two seconds ( $88^{\circ} 48' 22''$ ) East for one thousand three hundred fifty-nine and 91/100 (1359.91) feet to the point of beginning, containing 21.981 acres more or less.