

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1988-13

Passed November 1, 1988

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 1.57 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 Benchmark Homes; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on August 23, 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 August 23, 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 7th day of October, 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 Benchmark Homes for certain territory in Clay Township containing 1.57 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 26th day of May, 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 23rd day of August, 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 1st day of November, 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. 1988-13 passed by the Council of said Municipality on the 1st day of November, 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. 1988-13 was posted at the Municipal Building, U. S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 8th day of November, 1988 to the 7th day of December, 1988, both days inclusive.


E. Eugene Roeser, Clerk

DONALD R. BOWMAN
Civil Engineer and Surveyor

EXHIBIT "A"

#8817
March 24, 1988

DESCRIPTION OF 1.57 ACRE TRACT (PART OF HICKS FARM)
PROPOSED ANNEXATION TO THE VILLAGE OF BROOKVILLE
MONTGOMERY COUNTY, OHIO

The following described real estate situate in the Northeast Quarter of Section 34, and in the Northwest Quarter of Section 35, Town 6, Range 4 East, Clay Township, Montgomery County, State of Ohio, and being part of the 10.83 acre tract with exceptions described in a certificate of transfer to H. Douglas Hicks, et al, and recorded in Microfiche 81-002A07, of the Montgomery County Deed Records, and being part of the 25-foot right-of-way dedicated for Albert Road in E. P. Landis Plat, recorded in Plat Book W, page 5, of the Montgomery County Plat Records, and being more fully bounded and described as follows:

Beginning at an iron pin in the centerline of said Albert Road, in the east line of said Northeast Quarter of Section 34, in the west line of said Northwest Quarter of Section 35, at the southwest corner of said E. P. Landis Plat, and in the present north corporation line of the Village of Brookville, as annexed and recorded in Plat Book 97, page 44, of the Montgomery County Plat Records, said beginning point being Due North, 1303.55 feet from an iron pin at the southeast corner of said Northeast Quarter of Section 34.

Thence with the said present north corporation line, Westwardly, 30 feet to a corner thereof.

Thence parallel to and 30 feet west of the centerline of said Albert Road, and with the said north corporation line, Due South, 309 feet, more or less, to a corner thereof, and in the north line of the original incorporation of the said Village of Brookville, as recorded in Plat Book B, page 5, of the Montgomery County Plat Records.

Thence with the said original and present north corporation line, Westwardly, 372 feet, more or less, to its intersection with the south right-of-way line of Brookville & Salem Pike, said line being located 30 feet southeast of the centerline thereof, as measured at right angles thereto.

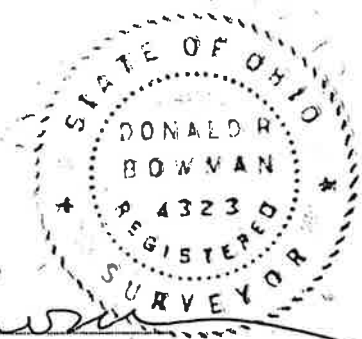
Thence on a proposed north corporation line, parallel to the centerline of said Brookville & Salem Pike (which centerline is also the north line of said Hicks described 10.83 acre tract with exceptions), and 30 feet southeast thereof, as measured at right angles thereto, North-eastwardly, 522 feet, more or less, to its intersection with the centerline of said Albert Road, and in the common division line between the said Northeast Quarter of Section 34, and the Northwest Quarter of Section 35.

Thence continuing on a proposed north corporation line, Due East, 25 feet to a new corner in the east right-of-way line of said Albert Road, as dedicated in said E. P. Landis Plat.

Thence continuing on a proposed north corporation line, parallel to and 25 feet east of the said centerline of Albert Road, and with the said east right-of-way line thereof, Due South, 68 feet, more or less, to its intersection with the south line of said E. P. Landis Plat, and in the said present north corporation line of the Village of Brookville.

Thence with the said present north corporation line, Westwardly, 25 feet to the point of beginning, and containing 1.57 acres, more or less, of which 1.53 acres are located in the said Northeast Quarter of Section 34, and 0.04 acre is located in the said Northwest Quarter of Section 35, subject to all legal highways and easements of record.

The above description was prepared by and based on surveys made in July 1972, and August 1981, by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and based on other surveys made in July 1941, by Surveyor A. E. Bauer, in June 1980, and March 1988, by Surveyor J. E. Hudson. The said centerline of Albert Road was assumed to be Due South.



Donald R. Bowman
Donald R. Bowman
Registered Surveyor No. 4323
State of Ohio

CLAY TWP. - 34 & 35, T.6, R.4E.

PROPOSED
ANNEXATION TO THE
VILLAGE OF BROOKVILLE
MONTGOMERY COUNTY
OHIO

1.57 ACRES

FROM
CLAY TOWNSHIP

Scale: 1" = 100'

Owners: H. Douglas Hicks, et al 1.53 AS
Ded. Rd. R/W - Montg. Co. 0.04 AS

Surveys:
D.R.B. July 1972, Apr. 1981
A.E. BAUER Jul. 1941
J.E. HADSON Jun. 1980
Mar. 1988

Clay Twp.
Village of Brookville

Orig. Inc. Village
P.B. B, P. 5

SALEM ST.
0.034 AS
0.04 AS
0.18 AS
0.434 AS

H. Douglas Hicks,
et al
10.83 AS exc.
0.434 AS, 0.44 AS, 0.18 AS
C of T. M. 81-002407

0.04 AS in Sec. 35 (R/W)
1.53 AS in Sec. 34
1.57 AS Total Annex.

Prepared: March 24, 1988

By:

Donald R. Bowman

Civil Engineer & Surveyor

9349 Baltimore-Phillipsburg Pike

Brookville OH 45309

(513) 836-8888

Donald R. Bowman
Reg. Surveyor N=4923
State of Ohio



#8817