

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1988-14

Passed November 15 19 88

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 4.25 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 Rodney E. Mullins; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on September 6, 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 September 6, 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 Rodney E. Mullins for certain territory in Perry Township containing 4.25 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 15th day of June, 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 6th day of September, 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 hereto 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:

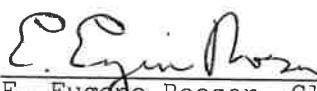
That the Village Clerk be and is hereby authorized and directed to make three copies of this Ordinance to each of which shall be attached a copy of the map accompanying the Petition for Annexation and a copy of the transcript, a copy of the transcript of proceedings of the Board of County Commissioners 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 15th day of November, 1988.

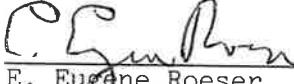
ATTEST:


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. 1988-14 passed by the Council of said Municipality on the 15th 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. 1988-14 was posted at The Municipal Building, U. S. Post Office, and the Brookville National Bank, Brookville, Ohio on the 17th day of November, 1988 to the 16th day of December, 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.
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

D88-67 (51)

May 17, 1988

Description of Proposed Annexation
Jane L. Andrews

Situate in the Township of Perry, County of Montgomery and State of Ohio, to wit:

Being part of the northeast quarter of Section 3, Town 5, Range 4 East, etc., bounded and described as follows:

Beginning at a stone in the middle of Wolf Creek in the half section line, it being Jacob Brandt's southeast corner;

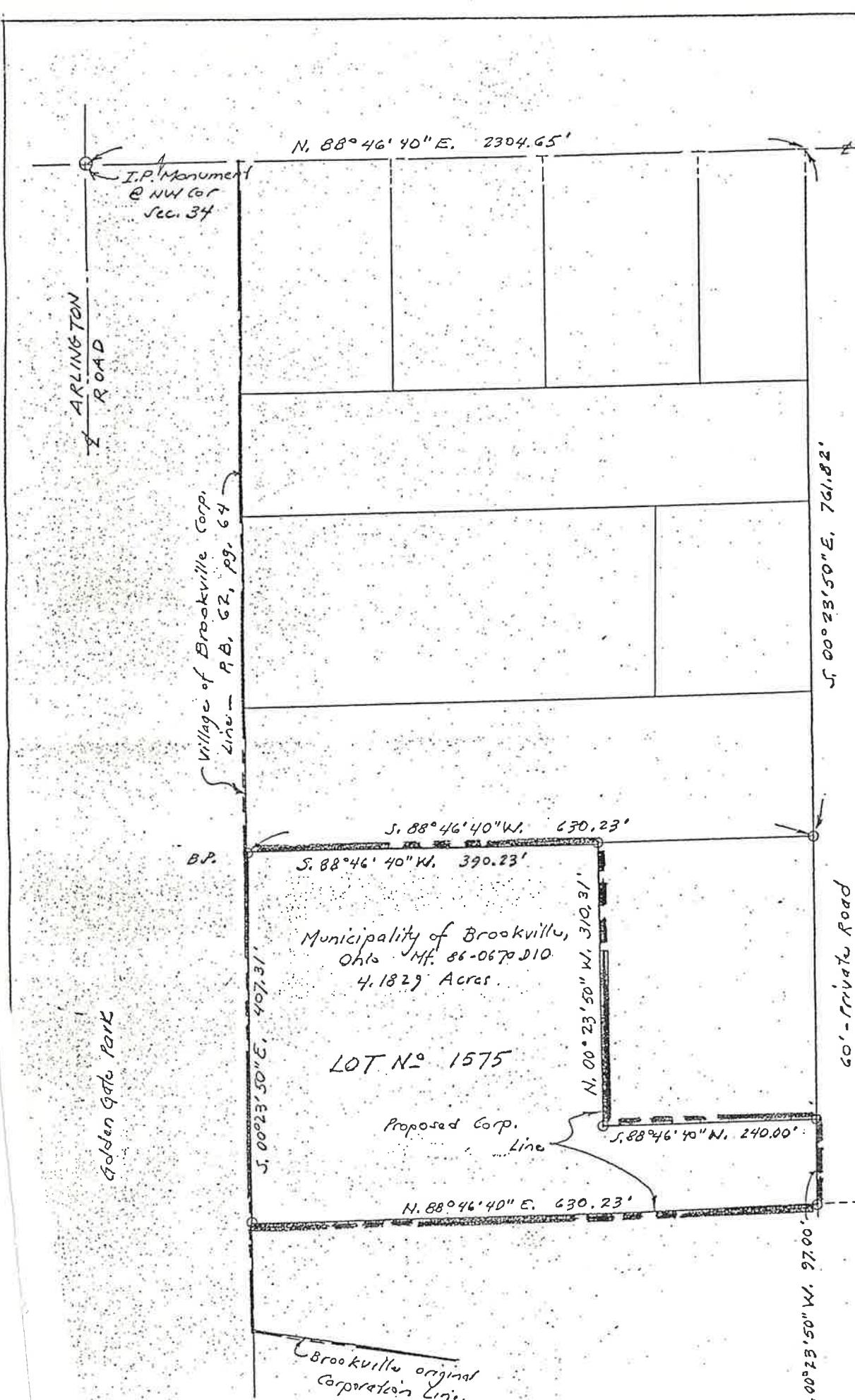
thence North eighty-seven degrees five minutes ($87^\circ 05'$) East for two hundred seventy-three and 90/100 (273.90) feet to a corner on the edge of Wolf Creek Pike;

thence North thirty-two degrees (32°) West for two hundred nine and 88/100 (209.88) feet to a stone in the center of Wolf Creek Pike;

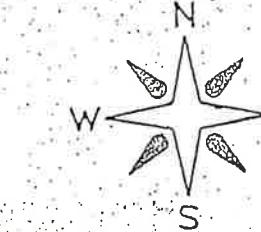
thence North twenty degrees fifteen minutes ($20' 15'$) West for three hundred ninety-two and 04/100 (392.04) feet to a stone in the center of Wolf Creek Pike;

thence South sixty degrees thirty minutes ($60^\circ 30'$) West for four hundred sixty-three and 32/100 (463.32) feet to a stone in the center of Wolf Creek (witness stone 34.32 feet North $60^\circ 30'$ East from the corner);

thence along the middle of said creek with all its meanderings to the place of beginning, containing 4.75 acres, more or less excepting from the above description a strip of land thirty (30) feet wide off the east side for Wolf Creek Pike and a strip of land sixteen (16) feet wide off the south side, leaving a total of 4.25 acres more or less.



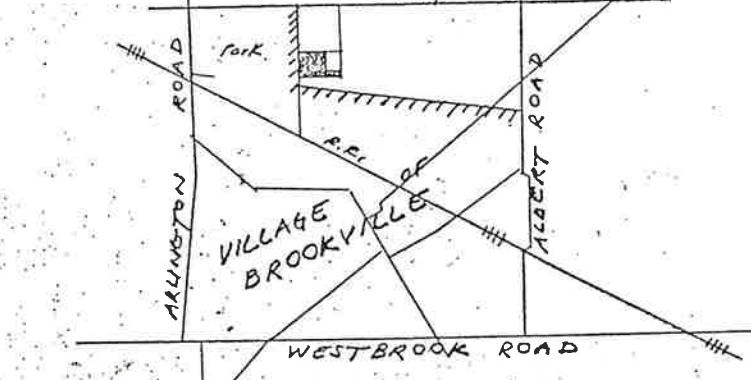
UPPER LEWISBURG
& SALEM ROAD



Scale: 1" = 100'

October 27, 1987

UPPER LEWISBURG & SALEM ROAD



VICINITY MAP

Scale 1" = 2000'

MAP
OF
PROPOSED ANNEXATION
TO THE
VILLAGE OF BROOKVILLE
CONTAINING
4.1829 ACRES

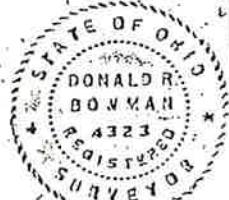
Part of NW 1/4 Sec. 34, T. 6, R. 4 E.
CLAY TOWNSHIP
MONTGOMERY COUNTY
OHIO

All of 4.1829 Acre Tract conveyed
to Municipality of Brookville,
Ohio - Mf. 86-0670 010
of Montgomery Co. Deed Records

Owner of Area to be Annexed:
Municipality of Brookville
Municipal Building, P.O. Box B
Brookville OH 45309
(513) 833-2135
Proposed Lot Number 1575

Survey References:

Surveyor H. J. Conkel
" R. L. Hough (boundary Oct. 1986)
Bearings & distances from Hough survey.



Donald R. Bowman
Donald R. Bowman
Civil Engineer & Surveyor
9349 Baltimore-Phillipsburg Pike
Brookville OH 45309
(513) 836-8888
Registered Engineer No 20138
Surveyor No 4323
State of Ohio

#8779