

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1988-15

Passed November 15, 1988

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY LOCATED IN SECTION 34, TOWN 6, RANGE 4 EAST, CLAY TOWNSHIP, MONTGOMERY COUNTY, STATE OF OHIO AND CONTAINING 4.1829 ACRES TO THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY

WHEREAS, Petition for the annexation of certain territory in Clay Township, Montgomery County, Ohio has been duly filed by Petitioners so designated in an Ordinance by the Municipality of Brookville, Ohio; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio on October 11, 1988; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory of the Municipality of Brookville, Ohio pursuant to statute that is hereinafter described; and

WHEREAS, the Board of County Commissioners certified 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 or about the first day of November, 1988; and

WHEREAS, the Municipality of Brookville, Ohio now desires to accept the annexed territory.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO THAT:

SECTION I:

The proposed annexation is applied for in the Petition of the Municipality of Brookville, Ohio for certain territory in Clay Township containing a total of 4.1829 Acres as applied for by the Municipality of Brookville, Ohio and the territory sought to be annexed and filed with the Board of County Commissioners of Montgomery County, Ohio, in which the Petition prayed for annexation of the Municipality of Brookville, Ohio certain territory adjacent thereto as hereinafter described in which the Petition was approved for annexation to the Municipality of Brookville, Ohio by the Board of County Commissioners on the 11th day of October, 1988 be and the same is hereby accepted. A description of the territory is attached hereto and marked Exhibit "A".

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A certified transcript of the proceedings for the annexation with an accurate map of the territory, together with the Petition for its annexation and other papers related to the proceedings thereto of the County Commissioners are all on file with the Clerk of Council of this Municipality.

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 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, a copy to the County Recorder and one copy to the Secretary of State and 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.

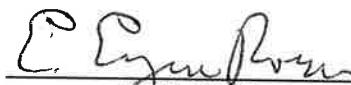
ATTEST:


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. 1988-15 passed by the Council of said Municipality on the 15th day of November, 1988.


E. EUGENE ROESER, Clerk

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1988-15 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

E. Eugene Roeser, Clerk

DONALD R. BOWMAN
Civil Engineer and Surveyor

#8779

October 27, 1987

EXHIBIT "A"

**DESCRIPTION OF 4.1829 ACRE TRACT FOR
PROPOSED ANNEXATION TO THE VILLAGE OF
BROOKVILLE - GOLDEN GATE PARK ANNEX**

The following described real estate situate in the Northwest Quarter of Section 34, Town 6, Range 4 East, Clay Township, Montgomery County, State of Ohio, and being all of the 4.1829 acre tract conveyed to the Municipality of Brookville, Ohio, by deed recorded in Microfiche B6-0670 D10 of the Montgomery County Deed Records, and being more fully bounded and described as follows:

Beginning at a iron pin monument at the northwest corner of said Section 34, at the intersection of the centerlines of Arlington Road and Upper Lewisburg & Salem Road; thence with the centerline of said Upper Lewisburg & Salem Road, North 88 degrees 46 minutes 40 seconds East, 2304.65 feet to a point; thence with the west line of a private 60-foot road, South 00 degrees 23 minutes 50 seconds East, 761.82 feet to a 1/2-inch iron pipe; thence South 88 degrees 46 minutes 40 seconds West, 630.23 feet to a 1/2-inch iron pipe at the northwest corner of said 4.1829 acre tract, in the east line of the present Village of Brookville Corporation Line, as recorded in Flat Book 62, page 64, of the Montgomery County Plat Records, the true point of beginning for the herein described 4.1829 acre tract.

Thence from the said true point of beginning, with the east line of said Village of Brookville Corporation Line, and with the west line of said 4.1829 acre tract, South 00 degrees 23 minutes 50 seconds East, 407.31 feet to a 1/2-inch iron pipe at the southwest corner of said 4.1829 acre tract.

Thence leaving the said east Corporation Line, with the south line of said 4.1829 acre tract, North 88 degrees 46 minutes 40 seconds East, 630.23 feet to a 5/8-inch iron pin at the southeast corner thereof, and in the west line of said private 60-foot road.

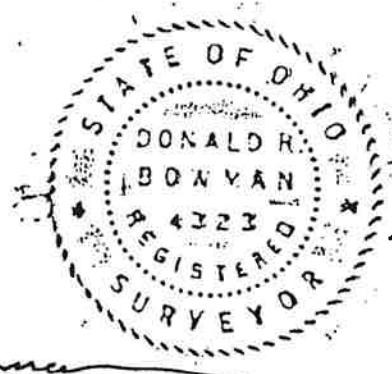
Thence with the west line of said private 60-foot road, and with the east line of said 4.1829 acre tract, North 00 degrees 23 minutes 50 seconds West, 97.00 feet to a 5/8-inch iron pin at a northeast corner thereof.

Thence with a north line of said 4.1829 acre tract, South 88 degrees 46 minutes 40 seconds West, 240.00 feet to a 5/8-inch iron pin at a corner thereof.

Thence with an east line of said 4.1829 acre tract,
North 00 degrees 23 minutes 50 seconds West, 310.31 feet to
a 5/8-inch iron pin at the northeast corner thereof.

Thence with the north line of said 4.1829 acre tract,
South 88 degrees 46 minutes 40 seconds West, 390.23 feet to
the true point of beginning, and containing 4.1829 acres,
more or less, subject to all easements of record.

The above description was prepared by Donald R. Bowman,
Registered Surveyor Number 4323, State of Ohio, and based on
surveys made by Surveyors H. J. Conkel, and R. L. Hough.
The bearings and distances were taken from the survey in
October 1986, by said Surveyor R. L. Hough.



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