

# RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1986-16

Passed December 18, 1986

AN ORDINANCE TO ACCEPT THE APPLICATION FOR THE ANNEXATION OF CERTAIN TERRITORY CONTAINING 32.462 ACRES IN PERRY TOWNSHIP TO THE MUNICIPALITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Petition for the annexation of certain territory in Perry Township is duly filed by Gary E. Zuhl; and

WHEREAS, the Petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio on June 3, 1986; and

WHEREAS, the Board of County Commissioners has approved the annexation of the territory to the Municipality of Brookville as 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 the 6th day of August, 1986; 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, the petition for injunction that has been filed by the Perry Township Trustees has now been dismissed by the Common Pleas Court and a copy of the final judgment entry has been presented to the Clerk through the Law Director of the Municipality of Brookville, Ohio by the Clerk of Courts of Montgomery County.

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

## SECTION I:

The proposed annexation as applied for in the Petition of Gary E. Zuhl and the Petition of Gary E. Zuhl for certain territory in Perry Township containing 32.462 acres and the majority owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Montgomery County, Ohio on the 17th day of March, 1986, in which the Petition prayed for annexation to the Municipality of Brookville, Ohio, certain territory adjacent thereto as hereinafter described and which the Petition was approved for annexation to the Municipality of Brookville, Ohio by the Board of County Commissioners on

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the 22nd day of July, 1986, be and the same is hereby accepted. The territory is described as follows:

See 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.

## 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 18th day of December, 1986.

ATTEST:

  
E. EUGENE ROESSER, Clerk

  
GEORGE E. BROWN, Mayor

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## 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. 1986-16 passed by the Council of said Municipality on the 18th day of December, 1986.

  
E. Eugene Roeser, Clerk

## CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1986-16 was posted at the Municipal Building, U. S. Post Office, the Brookville National Bank, Brookville, Ohio on the 19th day of December, 1986 to the 17th day of January, 1987 both days inclusive.

  
E. Eugene Roeser, Clerk

**DONALD R. BOWMAN**  
*Civil Engineer and Surveyor*

EXHIBIT A

#85106, 85112  
December 27, 1985  
Rev. Feb. 7, 1986

**DESCRIPTION OF 32.462 ACRE AREA PROPOSED  
TO BE ANNEXED TO THE SOUTHWEST SIDE OF THE  
VILLAGE OF BROOKVILLE, MONTGOMERY COUNTY, OHIO**

The following described real estate situate in the West Half of Section 3, and in the East Half of Section 4, Town 5, Range 4 East, Perry Township, Montgomery County, State of Ohio, and being more fully bounded and described as follows:

Beginning at an iron pin found at the southwest corner of the Northwest Quarter of said Section 3, in the centerline of the Johnsville & Brookville Pike; thence with the south line of said Northwest Quarter of Section 3, Eastwardly, 30.00 feet to the southwest corner of the present corporation line of the Village of Brookville as recorded in Plat Book 78, page 71, of the Montgomery County Plat Records, the true point of beginning for the herein described area.

Thence from said true beginning point, with the south line of said present Brookville corporation line, and with the south line of said Northwest Quarter of Section 3, Eastwardly, 1037.64 feet to the northeast corner of the 9.82 acre tract conveyed to Fryman-Kuck General Contractors, Inc. as recorded in Microfiche 05-0500A01, of the Montgomery County Deed Records.

Thence with the east line of said Fryman-Kuck 9.82 acre tract, Due South, 400.60 feet to the southeast corner thereof.

Thence with the south line of said Fryman-Kuck 9.82 acre tract and its westward extension, Westwardly, 1097.64 feet to a point 30.00 feet westwardly from the southwest corner thereof.

Thence parallel to and 30 feet, as measured at right angles thereto, west of the centerline of said Johnsville & Brookville Pike, Due South, 112.12 feet to a point in the south line of the 1.48 acre tract conveyed to William W. and M. Jean Hinshaw by deed recorded in Microfiche 74-499A05, of the Montgomery County Deed Records, said corner being 30.00 feet westwardly from the southeast corner thereof.

Thence with the south line of said Hinshaw 1.48 acre tract, Westwardly, 420.35 feet to the southwest corner thereof, said corner also being a southeast corner of the 13.283 acre tract conveyed to the said William W. and M. Jean Hinshaw by deed recorded in Microfiche 72-587B12, of the Montgomery County Deed Records.

Thence with the south line of said Hinshaw 13.283 acre tract, Westwardly, 884.00 feet to the southwest corner thereof.

Thence with the west line of said Hinshaw 13.283 acre tract, Northwardly, 520.00 feet to the northwest corner thereof.

Thence with the north line of said Hinshaw 13.283 acre tract, Eastwardly, 1005.44 feet to the southwest corner of the 0.813 acre tract conveyed to Thomas M. and Barbara A. Webb by deed recorded in Microfiche 77-690E01, of the Montgomery County Deed Records.

Thence with the west line of said Webb 0.813 acre tract and its northward extension, and parallel to the east line of the Northeast Quarter of said Section 4, Due North, 642.00 feet to the northwest corner of the 0.813 acre tract conveyed to Mabel F. Little by deed recorded in Deed Book 1892, page 18, of the Montgomery County Deed Records.

Thence with the north line of said Little 0.813 acre tract, Eastwardly, 100.00 feet to the southwest corner of the 0.723 acre tract conveyed to Reginald W. Little by deed recorded in Deed Book 1980, page 582, of the Montgomery County Deed Records.

Thence with the west line of said Little 0.723 acre tract, Due North, 143.00 feet to a corner thereof.

Thence continuing with the west line of said Little 0.723 acre tract, Northeastwardly, 115.09 feet to the northwest corner thereof, said corner also being the southwest corner of the 0.484 acre tract conveyed to Reginald and Mabel M. Little by deed recorded in Microfiche 85-0018C12, of the Montgomery County Deed Records.

Thence with the west line of said Little 0.484 acre tract, Due North, 55.67 feet to the northwest corner thereof, and in the south side of the Brookville & Pymont Pike.

Thence with the south side of said Brookville & Pymont Pike, and with the north line of said Little 0.484 acre tract, Northeastwardly, 18.22 feet to a bend therein.

Thence continuing with the south side of said Brookville & Pymont Pike, and with the north line of said Little 0.484 acre tract, Northeastwardly, 247.45 feet to northeast corner thereof, and in the centerline of said Johnsville & Brookville Pike.

Thence Due East, 30.00 feet to a corner in the said present west corporation line of the Village of Brookville.

Thence with the said west corporation line, parallel to and 30 feet east of the centerline of said Johnsville & Brookville Pike, and the west line of said Northwest Quarter of Section 3, Due South, 1126.30 feet to the true point of beginning, and containing 32.462 acres, more or less, of which 10.596 acres are in said Section 3, and 21.866 acres are in said Section 4.

The above description was prepared by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and was based on the deeds, surveys and annexation of record. The centerline of said Johnsville & Brookville Pike was assumed to be Due South.



*Donald R. Bowman*

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