

# RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1983-02

Passed

April 19, 1983

AN ORDINANCE REZONING CERTAIN LOTS OF THE REVISED AND CONSECUTIVE NUMBER OF LOTS OF THE VILLAGE OF BROOKVILLE, OHIO FROM THEIR PRESENT CLASSIFICATION TO THE NEW CLASSIFICATION OF R-4.

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

SECTION I:

The classification of the following described real estate, commonly known as 375 Baker Street, Brookville, Ohio, to be and the same is hereby changed and rezoned from R-1 to R-4 pursuant to zoning ordinances of the Municipality of Brookville, Ohio **providing the drainage ditch is not rechanneled.**

The following described real estate situate in the Northeast Quarter of Section 34, Town 6, Range 4 East, Municipality of Brookville, Montgomery County, State of Ohio, and being part of the 1.21 acre tract described in a deed conveyed to Calmer R. and Geraldine M. Ernst as recorded in Microfiche 73-536C05, of the Montgomery County Deed Records, and being more fully bounded and described as follows:

Beginning at the north corner of Lot Number 408, and southwest corner of Maple Avenue (now Baker Street) as recorded in Baker et al Subdivision, Plat Book F, page 66, of the Montgomery County Plat Records, said beginning point also being the east corner of the said Ernst 1.21 acre tract, and said beginning point also being the most easterly corner of a 0.619 acre tract conveyed to the Village of Brookville by quit claim deed recorded in Deed Book 1980, page 537, of the Montgomery County Deed Records.

Thence with the northwesterly extension of said Maple Avenue (now Baker Street), with the extreme northeast line of said Brookville 0.619 acre tract, and with the northeast line of said Ernst 1.21 acre tract, North 44 degrees 15 minutes 40 seconds West, 30.19 feet to an iron pin found at a corner in said Brookville 0.619 acre tract, and at the extreme east corner and the true point of beginning for the herein described tract.

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Thence with a northwest line of said Brookville 0.619 acre tract, and parallel to and 30 feet northwest of the southeast line of said Ernst 1.21 acre tract, South 52 degrees 12 minutes 10 seconds West, 220.78 feet to a corner, said corner also being a corner in the said Brookville 0.619 acre tract.

Thence continuing with a northeast line of said Brookville 0.619 acre tract, and parallel to and 30 feet northeast of a southwest line of said Ernst 1.21 acre tract, North 61 degrees 57 minutes West, 100.83 feet to a point in the west line of said Ernst 1.21 acre tract, and in the east line of the 1.009 acre tract described in a deed conveyed to Genevieve M. Wilson and recorded in Deed Book 2463, page 373, of the Montgomery County Deed Records.

Thence with the east line of said Wilson 1.009 acre tract, and with the west line of said Ernst 1.21 acre tract, North 05 degrees 59 minutes West, 182.35 feet to an iron pin found at the northwest corner thereof, at the northeast corner of said Wilson 1.009 acre tract, and in the south line of the 5.20 acre tract conveyed to Wayne T. and Judith D. Wolfe by deed recorded in Microfiche 74-542B02, of the Montgomery County Deed Records.

Thence with the south line of said Wolfe 5.20 acre tract, and with the north line of said Ernst 1.21 acre tract,

South 86 degrees 37 minutes 50 seconds East, 203.38 feet to an iron pin set for the northwest corner thereof, said corner also being a southeast corner of said Wolfe 5.20 acre tract.

Thence with the northeast line of said Ernst 1.21 acre tract, South 44 degrees 15 minutes 40 seconds East, 113.81 feet to the true point of beginning, and containing 0.980 acre, more or less, subject to all legal highways and easements of record.

The above description was prepared by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and based on a boundary survey made in April 1970, by Surveyor Wesley E. Bradley. Bearings were assumed from the said Bradley Survey.

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This description was prepared by Donald R. Bowman,  
Surveyor Number 4323, to correct the description as set  
forth in Deed at Microfiche Number 82-174E08.

## SECTION II:

This Ordinance shall revoke and rescind all Ordinances,  
parts of Ordinances, and Resolution and parts of Resolution  
that are in conflict herewith and shall be enforced from and  
after the earliest period allowed by law.

PASSED this 19th day of April, 1983.

E. Eugene Roeser  
E. EUGENE ROESER, Clerk

Robert N. Apgar  
ROBERT N. APGAR, 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. 1983-02 passed by the Council of said Municipality on the 19th day  
of April, 1983.

E. Eugene Roeser  
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. 1983-02 was posted at  
the Municipal Building, U. S. Post Office and the Brookville National Bank,  
Brookville, Ohio on the 21st day of April, 1983 to the 20 day  
of May, 1983 both days inclusive.

E. Eugene Roeser  
E. Eugene Roeser, Clerk