

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1980-13

Passed

FEBRUARY 17, 1981

AN ORDINANCE TO ACCEPT THE APPLICATION FOR ANNEXATION OF CERTAIN TERRITORY CONTAINING 63.7 ACRES, MORE OR LESS, SITUATED IN SECTIONS 2 AND 3, TOWN 5 RANGE 4E, OF PERRY TOWNSHIP, MONTGOMERY COUNTY, OHIO, TO THE MUNICIPALITY OF BROOKVILLE.

WHEREAS, a petition for the annexation of certain territory in Perry Township was duly filed by John P. McHugh as agent for the Petitioners, and

WHEREAS, the petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on September 2, 1980, and

WHEREAS, the Board of County Commissioners has approved the annexation of territory to the Village of Brookville as hereinafter described, and

WHEREAS, the Board of County Commissioners certified the transcripts of the proceedings in connection with the annexation with the map and petition required in connection therewith to the Municipal Clerk who received the same on September 22, 1980, and

WHEREAS, sixty (60) days from the date of the filing have now elapsed in accordance with the provisions of Ohio Revised Code Section 709.04, now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, that:

SECTION I:

That the proposed annexation as applied for in the petition of John P. McHugh, as agent for the Petitioners and a majority of the owners of real estate in the territory sought to be annexed and filed with the Board of County Commissioners of Montgomery County, Ohio, on May 31, 1979, and which petition prayed for the annexation to the Municipality of Brookville, Ohio, of certain territory adjacent thereto as hereinafter described, and which petition was approved for annexation to the Municipality of Brookville, Ohio, by the Board of County Commissioners on September 2, 1980, be and the same is hereby accepted.

SECTION II:

That the territory in question is described as follows:

Located in Sections 2 and 3, Town 5, Range 4E, Perry Township, County of Montgomery, State of Ohio, and being a tract of land described as follows:

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Beginning at a point in the southeasterly Corporation Line of the said Village of Brookville, Ohio, said point being at the intersection of the centerlines of Wolf Creek Pike and Westbrook Road, said point being in the north line of said Section 3; thence with the centerline of said Westbrook Road and with the north line of said Section 3, and with the said Corporation Line of the Village of Brookville, Ohio, Eastwardly to the northeast corner of land conveyed to Dennis A. Shilt, et al., by deed recorded in Micro-75-528B06 in the Deed Records of Montgomery County, Ohio; thence with the east line of said Shilt land, Southwardly for forty-five (45) feet; thence Eastwardly parallel to and forty-five (45) feet south of the centerline of said Westbrook Road to a point in the east line of land conveyed to Peter H. Flora by deed recorded in book 1558 page 211 in the Deed Records of Montgomery County, Ohio; thence with the east line of said Flora land and with the east line of land conveyed to Robert Baker, et al., by deed recorded in Micro-79-211B07 in the Deed Records of Montgomery County, Ohio, Southwardly to the southeast corner of said Baker land; thence with the south line of said Baker land and with the south line of land conveyed to Floyd Payne, et al., by deed recorded in Micro-79-211B04 in the Deed Records of Montgomery County, Ohio, Westwardly to a point in the east line of said Section 3; thence with the east line of said Section 3, Northwardly to a corner in the north line of land conveyed to George J. Volk, et al., by deed recorded in book 1424 page 270 in the Deed Records of Montgomery County, Ohio; thence with the north line of said Volk land, Westwardly to the northwest corner of said Volk land, said point being in the centerline of Wolf Creek Pike; thence Westwardly at right angles to the centerline of said Wolf Creek Pike for fifty (50) feet; thence Southwardly parallel to and fifty (50) feet west of the centerline of said Wolf Creek Pike to a point in the south line of land conveyed to Sycamore Builders, Inc. by deed recorded in Micro-78-134 C01 in the Deed Records of Montgomery County, Ohio, said point being in the southeasterly Corporation Line of the Village of Brookville, Ohio; thence with the south line of said Sycamore Builders, Inc. land and with the southeasterly Corporation Line of the Village of Brookville, Ohio Westwardly to the southwest corner of said Sycamore Builders, Inc. land; thence continuing with the southeasterly Corporation Line of the Village of Brookville, Ohio, in a northerly direction to the point of beginning, containing 63.7 acres more or less.

SECTION III:

That the 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 this Municipality and have been for more than sixty (60) days.

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SECTION IV:

That the Municipal Clerk be and he is hereby authorized and directed to make three (3) copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, 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 (1) copy to the Montgomery County Auditor, one (1) copy to the Montgomery County Recorder, and one (1) copy to the Secretary of State and shall file notice of this annexation with the Board of Elections of Montgomery County within thirty (30) days after it becomes effective and the Clerk shall do all other things required by law.

PASSED THIS 17th DAY OF FEBRUARY, 19 81

AUTHENTICATION:

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 1980-13 passed by the Council of said Municipality on the 17th day of February, 1981.

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 #1980-13 was posted at the Municipal Building, U. S. Post Office and the Brookville National Bank, Brookville, Ohio on the 23rd day of February, 1981 to the 24th day of March, 1981 both days inclusive.

E. Eugene Roeser
E. Eugene Roeser, Clerk

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CERTIFICATION OF PUBLICATION

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1980-13 was published in the Brookville Star on the 25th day of February, 1981 and on the 4th day of March, 1981 both days inclusive.

E. Eugene Roeser
E. Eugene Roeser, Clerk