

RESOLUTION NO. 23-34

No.

Passed

October 17

Yr. 2023

**A RESOLUTION ACCEPTING THE ANNEXATION OF 113.562 ACRES, MORE OR LESS, IN PERRY TOWNSHIP, MONTGOMERY COUNTY, OHIO TO THE CITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.**

**WHEREAS**, a petition for annexation of 113.562 acres, more or less, in Perry Township, Montgomery County, Ohio to the City of Brookville, Ohio described in Exhibit "A" and shown on the annexation map or plat attached as Exhibit "B" was filed with the Montgomery County Commissioners on June 16, 2023, utilizing the expedited type 2 annexation process provided for in Ohio Revised Code Section 709.023 et. seq.; and

**WHEREAS**, the petition was signed by all of the owners of real estate in the unincorporated territory proposed for annexation; and

**WHEREAS**, by Resolution 23-1019 adopted on August 1, 2023, the Board of County Commissioners of Montgomery County, Ohio approved the annexation of that 113.562 acres in Perry Township to the City of Brookville, Ohio ; and

**WHEREAS**, the Clerk of the Montgomery County Board of County Commissioners had a certified copy of the entire record of the annexation proceedings, including all resolutions of the board held in connection with the 113.562 acre annexation, delivered to the City Clerk on August 4, 2023; and

**WHEREAS**, more than sixty (60) days from the date of delivery of the record of the annexation proceedings to the City has elapsed in accordance with the provisions of Section 709.04 of the Ohio Revised Code and the city clerk has now laid the resolution of the Montgomery County Commissioners granting the annexation and the annexation papers before City Council at this next regularly scheduled meeting to accept or reject the annexation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** The annexation of 113.562 acres, described in Exhibit "A" and shown on the annexation map or plat attached as Exhibit "B" previously approved by the Montgomery County Board of County Commissioners in Resolution 23-1019 on August 23, 2022, be and hereby is accepted by the City of Brookville.

**SECTION II:** The City Clerk is hereby directed to send and file certified copies of the annexation petition, map or plat, and transcript and record of the annexation proceedings including this Resolution to the Ohio Secretary of State, Montgomery County Auditor, Montgomery County Recorder, and Montgomery County Board of Elections, to pay any associated fees and costs and to take any other action required by statute.

**SECTION III:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**SECTION IV:** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or welfare of the City and its residents for the reason that the annexation territory has an immediate need for City services, and the owner of the annexation territory desires to have its property immediately subject to the City's authority and for City services to be immediately available to their property.

PASSED this 17th day of October 2023.

ATTEST:



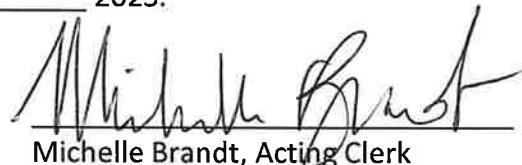
Michelle Brandt, Acting Clerk



Charles Letner, Mayor

#### CERTIFICATE

The undersigned, Acting Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Resolution No. 23-34, passed by the Council of the City of Brookville, Ohio, on the 17th day of October 2023.



Michelle Brandt, Acting Clerk

#### CERTIFICATE OF POSTING

The undersigned, Acting Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Resolution No. 23-34 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19th day of October 2023, to the 20th day of November 2023, both days inclusive.



Michelle Brandt, Acting Clerk

EXHIBIT A

**LEGAL DESCRIPTION**

**ANNEXATION OF 113.562 ACRES TO THE CITY OF BROOKVILLE, OHIO**

SITUATE IN THE NORTHEAST AND NORTHWEST QUARTERS OF SECTION 2, TOWN 5, RANGE 4 E, PERRY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Beginning at a monument box with iron pin found at the southeast corner of the northeast quarter of Section 2 and being at the northeast corner of a tract of land owned by John L. Ritter and Patricia A. Ritter as conveyed in IR Deed 21-051838 and on the centerline of Heckathorn Road;

thence, North 88°46'46" West, 2673.12 feet, along the south line of said northeast quarter of Section 2 and north line of said Ritter tract to a stone found at the center of said Section 2 and being on the east line of a tract of land owned by Terry M. Stout and Kristina A. Stout as conveyed in IR Deed 16-045699;

thence, North 88°36'01" West, 265.71 feet, along the east line of said Stout tract to a stone found;

thence, North 00°15'47" East, 1644.36 feet, along the east line of said Stout tract to an iron pipe found on the east line of a tract of land owned by Robert J. Moyer as conveyed in IR Deed 20-045502;

thence, South 89°37'00" West, 58.28 feet, along the east line of said Moyer tract to an iron pipe found;

thence, North 00°28'16" East, 707.98 feet, along the east line of said Moyer tract to a post found at the northeast corner of a tract of land owned by James M. Jeffries and Mary M. Jeffries as conveyed in IR Deed 02-159209;

thence, North 61°16'29" West, 298.68 feet, along the north line of said Jeffries tract to a Mag nail set on north line of said Section 2 and centerline of Westbrook Road;

thence, South 89°52'11" East, 263.10 feet, along the north line of said Section 2 and centerline of Westbrook Road to a railroad spike found at the northwest corner of a tract of land owned by Mark A. Weaver as conveyed in IR Deed 20-066819;

thence, South 00°28'16" West, 56.11 feet, along the east line of said Weaver tract to an iron pin with cap set;

thence, South  $61^{\circ}16'29''$  East, 363.47 feet, along the south line of said Weaver tract to an iron pin with cap set on the south line of a tract of land owned by A.E.I. II LLC as conveyed in IR Deed 07-103844;

thence, North  $28^{\circ}46'52''$  East, 23.00 feet, along the south line of said A.E.I. II LLC tract to an iron pin with cap set;

thence, South  $61^{\circ}16'29''$  East, 3035.81 feet, along the south line of said A.E.I. II LLC to an iron pin found on the east line of said Section 2 and on the centerline of Heckathorn Road;

thence, South  $00^{\circ}37'27''$  West, 888.67 feet, along the east line of said Section 2 and centerline of Heckathorn Road to the place of beginning.

Containing 113.562 acres more or less and all being subject to any legal highways and easements of record.

The bearing of North  $89^{\circ}52'11''$  West along the centerline of Westbrook Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated March 16, 2023.

All iron pins set are  $5/8''$  x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

  
Wesley D. Goubeaux, PS #8254



03/16/2023  
Date



