

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2024-01

Passed January 16, 2024

AN ORDINANCE ACCEPTING THE ANNEXATION OF 85.611 ACRES, MORE OR LESS, IN CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO TO THE CITY OF BROOKVILLE, OHIO AND DECLARING AN EMERGENCY.

**WHEREAS**, a petition for annexation of 85.611 acres, more or less, in Clay 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 September 28, 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 23-1421 adopted on October 31, 2023, the Board of County Commissioners of Montgomery County, Ohio approved the annexation of that 85.611 acres in Clay 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 85.611-acre annexation, delivered to the City Clerk on November 7, 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 ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** The annexation of 85.611 acres in Clay Township, 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 23-1421 on October 31, 2023, 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 ordinance 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 Ordinance 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 Ordinance 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.

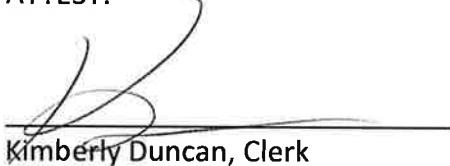
# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2024-01 Passed January 16, 2024

PASSED this 16th day of January, 2024.

ATTEST:



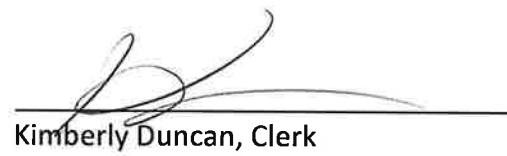
Kimberly Duncan, Clerk



Charles Letner, Mayor

## CERTIFICATE

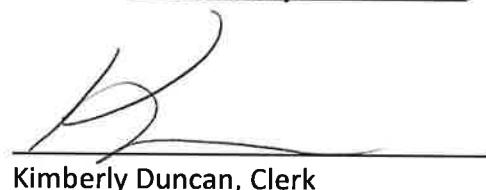
The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2024-01, passed by the Council of the City of Brookville, Ohio, on the 16th day of January, 2024.



Kimberly Duncan, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2024-01 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 17th day of January, 2024, to the 15th day of February, 2024, both days inclusive.



Kimberly Duncan, Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION**

**ANNEXATION OF 85.611 ACRES TO THE CITY OF BROOKVILLE, OHIO**

SITUATE IN THE NORTHEAST, NORTHWEST AND SOUTHEAST QUARTERS OF SECTION 27 AND THE NORTHEAST QUARTER OF SECTION 34, TOWN 6, RANGE 4 E, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

Commencing for reference at a monument box with iron pin found at the southwest corner of the southeast corner of Section 27 and being on the centerline of East Upper Lewisburg Salem Road;

thence, North 89°36'11" East, 485.56 feet, along the south line of said Section 27 and centerline of East Upper Lewisburg Salem Road to a Mag nail set at the southeast corner of a 30.00-acre tract of land owned by Beverly J. Shank and David L. Shank as described in D.M.F 94-0139C05;

thence, North 00°38'31" West, 30.00 feet, along the east line of said Shank tract to an iron pin found on the north right-of-way line of East Upper Lewisburg Salem Road and being the principal place of beginning of the tract herein conveyed;

thence, North 00°38'31" West, 2658.74 feet, along the east line of said Shank tract to an iron pin found;

thence, North 89°42'56" West, 485.36 feet, along the north line of said Shank tract to an iron pin with cap set at the northeast corner of Lot 1899 as shown on Record Plat Book 159, Page 43 and being owned by HJW Holdings I, LLC as described in IR Deed 20-031085;

thence, South 89°41'29" West, 248.63 feet, along the north line of said Lot 1899 to an iron pin with cap set at the southeast corner of a 0.75-acre tract of land owned by HJW Holdings I, LLC as described in IR Deed 21-088908;

thence, North 00°40'43" West, 196.34 feet, along the east line of said 0.75-acre HJW Holdings tract to an iron pin with cap set on the south limited access right-of-way line of Interstate 70;

thence, along a curve to the right, with a radius of 5529.58 feet, a curve length of 884.50 feet, a delta angle of 09°09'54" and a chord bearing North 60°03'07" East, 883.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set;

thence, North 62°23'22" East, 513.56 feet, along the south limited access right-of-way line of Interstate 70 to an iron pin with cap set at the northwest corner of a tract of land owned by Alexander J. Clericus and Jennifer M. Clericus as described in IR Deed 19-036540;

thence, South 00°40'40" East, 879.02 feet, along the west line of said Clericus tract to an iron pin with cap set;

thence, South 89°42'56" East, 666.37 feet, along the south line of said Clericus tract to an iron pin found at the northwest corner of Lot 2749 as shown on Plat Book 240, Page 4 and being owned by WLW, LLC as described in IR Deed 09-038959;

thence, South 00°04'26" West, 2705.00 feet, along the west line of said WLW tract to an iron pin found;

thence, South 89°36'11" West, 252.92 feet, to a Mag nail set;

thence, North 00°28'32" East, 60.01 feet, to an iron pin with cap set on the north right-of-way line of East Upper Lewisburg Salem Road;

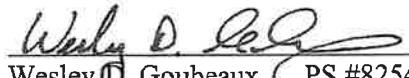
thence, South 89°36'11" West, 875.45 feet, along the north right-of-way line of East Upper Lewisburg Salem Road to the principal place of beginning.

Containing 85.611 acres more or less and all being subject to any legal highways and easements of record. With 85.434 acres being within Section 27 and 0.174 acres being within Section 34.

The bearing of North 89°-36'-11" East along the centerline of East Upper Lewisburg Salem Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

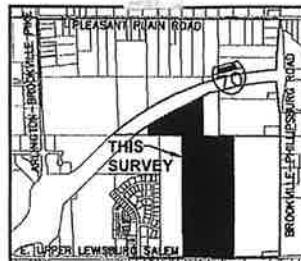
The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated March 29, 2023.

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

  
Wesley D. Goubeaux, PS #8254



03/29/2023  
Date



## PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE

SECTION 27, TOWN 6, RANGE 4 E  
SECTION 34, TOWN 6, RANGE 4 E  
CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO

85.611 ACRES TOTAL

ANNEXATION PLAT TO THE CITY OF BROOKVILLE  
REC. P.B. 158, PG. 43

THE BEARING OF N 09°36'11" E ALONG THE CENTERLINE OF EAST UPPER LEWISBURG SALEM ROAD WAS BASED ON NAD 83 CORS 99 ADJUSTMENT, OHIO SOUTH ZONE, CDT VRS CORS NETWORK

HJW HOLDINGS I, LLC  
IR DEED 21-068908  
0.75 ACRES

SCALE: 1"=200'  
0 200 400

LOT 1829  
HJW HOLDINGS I, LLC  
IR DEED 20-031085

CURVE DATA  
R=5529.56'  
L=09°09'24"  
AL=00°50'  
CL=03°56'  
CB=1603'07"E

W. MEYER FARMS, LLC  
IR DEED 20-077955  
15.47 ACRES

LOT 2800  
15.588 ACRES

ALEXANDER J. CLERICUS &  
JENNIFER M. CLERICUS  
(IR DEED 19-036540)

### ADJOINING OWNERS INDEX & TAX MAILING ADDRESS

W. MEYER FARMS, LLC 11150 BALTIMORE-PHILIPSBURG PIKE BROOKVILLE, OH 45309 IR DEED 20-077955 C04-008-03-0008	JAY S. KINSLEY & LINDA R. KINSLEY 10316 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 IR DEED 20-031083 & IR DEED 21-068906 C04-008-03-0011
ALEXANDER J. CLERICUS & JENNIFER M. CLERICUS 7405 BROOKVILLE PHILIPSBURG RD. BROOKVILLE, OH 45309 IR DEED 19-036540 C04-008-03-0021	MARK HAWORTH 10332 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 IR DEED 05-009391 C04-008-10-0016
CITY OF BROOKVILLE 301 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 05-009391 (2.735 AC. DEED) C04-008-03-0032	THOMAS R. HEMMICK & TOMAS R. HEMMICK 10368 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 IR DEED 05-037417 C04-008-10-0021
ANNEXATION PLAT TO THE CITY OF BROOKVILLE REC. P.B. 240, PG. 4	MARK HAWORTH 10332 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 IR DEED 19-009351 C04-008-10-0019
LOT 2749 W.W. LLC. IR DEED 09-036859 59.847 AC. DEED	JENA R. EAGLE & COLE R. EAGLE 10334 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 IR DEED 03-101461 C04-008-10-0022
LINE CHART LINE BEARING DIST. L1 N00°36'31"W 30.00' L2 S89°36'11"W 252.92' L3 N00°28'32"E 80.01'	DEVERLY J. SHANK & DAVID L. SHANK 10427 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 D.B. 2276, PG. 467 C04-008-03-0010
ANNEXATION NOTE: PERIMETER OF ANNEXATION AREA=10425.83 FT. CONTIGUOUS BOUNDARY WITH CITY=3206.68 FT.	JAMES L. FEISLEY & KATHLEEN P. FEISLEY 10446 UPPER LEWISBURG SALEM RD. BROOKVILLE, OH 45309 D.M.F. 57-G407811 C04-008-10-0012

I HEREBY CERTIFY THIS PLAT WAS PREPARED IN ACCORDANCE WITH O.A.C. CHAPTER 4733.37 STANDARDS OF PLAT OF SURVEYS AND ALSO CONFORMS TO THE O.R.C. CHAPTER 711 FOR RECORD PLATS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND BASED ON ACTUAL FIELDWORK PERFORMED IN NOVEMBER, 2022. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE SET OR TO BE SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC.

*Wesley D. Goubeaux*  
WESLEY D. GOUBEAX, P.S. #8254

3/29/2023  
DATE



PREPARED BY:  
WESLEY D. GOUBEAX  
Engineering

DATE:  
03-29-2023  
DRAWN BY:  
RMF

DRAWN BY:  
RMF

JOB NUMBER:  
MOT-BRO-2215

SHEET NUMBER:  
1 OF 1

### ANNEXATION OWNERS INDEX

① CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, OH 45309  
IR DEED 05-009391  
(2.735 AC. DEED)  
C04-008-03-0032

② W. MEYER FARMS, LLC.  
11150 BALTIMORE-PHILIPSBURG PIKE  
BROOKVILLE, OH 45309  
IR DEED 20-077955  
C04-008-03-0008

③ W. MEYER FARMS, LLC.  
11150 BALTIMORE-PHILIPSBURG PIKE  
BROOKVILLE, OH 45309  
IR DEED 20-077955  
C04-008-03-0084

### PERTINENT INFORMATION

PLAT BOOK 214, PAGE 16A  
PLAT BOOK 240, PAGE 4  
LAND SURVEY 2003-0857  
LAND SURVEY 2006-0570  
LAND SURVEY 2007-0363  
LAND SURVEY 2011-0204  
LAND SURVEY 2021-0138

LEGEND  
① 5/8" X 30" REBAR  
W/CAP SET  
② 5/8" IRON PIN FOUND  
③ MAG NAIL SET  
④ MAG NAIL FOUND  
⑤ MONUMENT BOX W/PI PLACED  
⑥ EXISTING CORP. LIMITS