

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-05 Passed April 4, 2023

## AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2749, 2750 AND 2751 OF THE CITY OF BROOKVILLE, OHIO.

WHEREAS, the City of Brookville has recently annexed 59.401 acres located on Brookville-Phillipsburg Rd. and Upper Lewisburg-Salem Rd. in Clay Township, a copy of said annexation map being attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, Section 1117.04(c) of the Code of Ordinances provides that within three months after the effective date of an annexation, Planning Commission shall recommend the appropriate permanent zoning districts for the annexed land; and

WHEREAS, after public hearing on the establishment of a zoning classification of the property as required by Section 4.11 of the Charter, and upon recommendation of Planning Commission, Council hereby adopts this Ordinance to establish zoning classifications for the annexed land.

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

**SECTION I:** The zoning classification of Lots 2750, 2751, and part of Lot 2749, being approximately 23.4 acres within Lot 2749, are hereby assigned the zoning classification of (GB) General Business District. The remainder of Lot 2749, being approximately 35.5 acres, is hereby assigned the zoning classification of (R-1B) Urban Residential District. The zoning classifications are depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

**SECTION II:** As required by Ohio Revised Code Section 709.023, Council has determined that the owner of the annexed territory shall provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer" in Ohio Revised Code Section 709.023 includes open space, landscaping, fences, walls, and other structured elements, streets and street right-of-way, and bicycle and pedestrian paths and sidewalks.

**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 shall take effect thirty (30) days after passage by the Council of the City of Brookville as provided by the Charter of the City of Brookville.

PASSED this 4th day of April 2023.

ATTEST:



Kimberly Duncan, Clerk



Charles Letner, Mayor

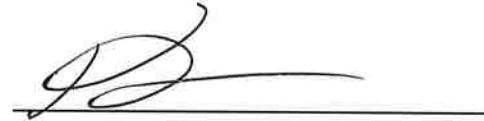
# RECORD OF ORDINANCES

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Ordinance No. 2023-05 Passed April 4, 20 23

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-05, passed by the Council of the City of Brookville, Ohio, on the 4th day of April 2023.



Kimberly Duncan, Clerk

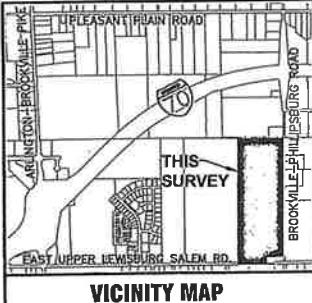
## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 5th day of April 2023, to the 4th day of May 2023, both days inclusive.



Kimberly Duncan, Clerk

## EXHIBIT "A"



VICINITY MAP

## ANNEXATION NOTE:

PERIMETER OF ANNEXATION AREA=7361.16 FT.  
CONTIGUOUS BOUNDARY WITH CITY=608.42 FT.

## ANNEXATION OWNERS INDEX

① HW, LLC.  
6043 GEORGETOWN-VERONA RD.  
LEWISBURG, OH 45338  
IR DEED 09-038959  
(58.847 AC. DEED)  
C04-006-03-0007

② CITY OF BROOKVILLE  
301 Sycamore St.  
Brookville, OH 45309  
IR DEED 09-009391  
(2.735 AC. DEED)  
C05-001-09-0032

③ CITY OF BROOKVILLE  
301 Sycamore St.  
Brookville, OH 45309  
IR DEED 22-003013  
(18.631 AC. DEED)  
C05-001-09-0020

LINE CHART		
LINE	BEARING	DIST.
L1	N00°04'26"E	30.00'

## LEGEND

- UPS 5/8" X 30" REBAR  
W/CAP SET
- U.P.F. 5/8" IRON PIN FOUND
- M.N.S. MAG NAIL SET
- M.N.F. MAG NAIL FOUND
- MONUMENT BOX W/PI PLACED
- EXISTING CORP. LIMITS

PROPOSED ANNEXATION TO  
THE CITY OF BROOKVILLE

2022 NOV -7 AM 11:30

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

59.401 ACRES TOTAL

## ADJOINING OWNERS INDEX &amp; TAX MAILING ADDRESS

W. MEYER FARMS, LLC.  
11150 BALTIMORE-PHILIPSBURG PIKE  
BROOKVILLE, OH 45309  
IR DEED 20-077955  
C04-006-03-0008

ALEXANDER J. CLERICUS &  
JENNIFER M. CLERICUS  
749 BROOKVILLE-PHILIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 19-036540  
C04-006-03-0021

SYCAMORE RIDGE  
COMMUNITY CHURCH  
P.O. BOX 88  
BROOKVILLE, OH 45309  
IR DEED 04-105836  
C04-006-03-0029

HARRY EDWIN ARMSTRONG, TRUSTEE &  
BETTY A. ARMSTRONG, TRUSTEE  
749 BROOKVILLE-PHILIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 11-045249  
C04-006-03-0065

DONALD G. SCHNEIDER &  
CAROL J. SCHNEIDER, TRUSTEES  
7554 BROOKVILLE-PHILIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 08-037446  
C04-006-02-0006

MALCOLM R. SMOOT, RHONDA L. THOMAS,  
MARK L. SMOOT, MICHAEL SMOOT &  
KIRK D. SMOOT  
7400 BROOKVILLE-PHILIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 19-033220  
C04-006-02-0009  
C04-006-02-0010

JARED A. HOOPS &  
AMBER L. HOOPS  
10047 UPPER LEWISBURG SALEM RD.  
BROOKVILLE, OH 45309  
IR DEED 19-057313  
C04-006-03-0071

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

## PLAT BOOK 240 PAGE:

4

W. MEYER FARMS, LLC.  
IR DEED 20-077955  
58.843 ACRES  
SUR. 2011/204

①  
LOT 2740  
58.882 ACRES

59.401 ACRES TOTAL  
TO BE ANNEXED

HW, LLC.  
IR DEED 09-038959  
58.847 AC. DEED

SYCAMORE RIDGE  
COMMUNITY CHURCH  
IR DEED 04-105836  
SUR. 2004/332

HARRY EDWIN ARMSTRONG, TRUSTEE &  
BETTY A. ARMSTRONG, TRUSTEE  
IR DEED 11-045249

MARK R. SMOOT &  
RHONDA L. THOMAS,  
MARK L. SMOOT, MICHAEL SMOOT &  
KIRK D. SMOOT  
IR DEED 19-033220  
3.280 ACRES

RAY D. CORDER &  
SUSAN CORDER  
D.M.F. 76-0171A01  
IR DEED 05-082683  
17.63 AC. DEED

CURT P. HEFFELINGER &  
LISA M. MESCHER  
IR DEED 05-015768  
8254

DONALD G. SCHNEIDER, TRUSTEE &  
CAROL J. SCHNEIDER, TRUSTEE  
IR DEED 08-037446

## PERTINENT INFORMATION

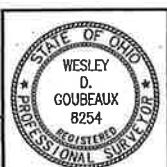
PLAT BOOK 214, PAGE 16A  
LAND SURVEY 2003-0657  
LAND SURVEY 2006-0570  
LAND SURVEY 2007-0563  
LAND SURVEY 2011-0204  
LAND SURVEY 2021-0138

THE BEARING OF N 80°36'11" E ALONG THE  
CENTERLINE OF EAST UPPER LEWISBURG SALEM  
ROAD WAS BASED ON NAD 83 CORS 88  
ADJUSTMENT, OHIO SOUTH ZONE,  
ODOT VRS CORS NETWORK  
ADJUST: 1"=200'

0 200 400

CERTIFICATION  
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 PLANS AND WAS CONDUCTED  
UNDER MY DIRECT SUPERVISION AND BASED ON ACTUAL FIELDWORK PERFORMED  
IN FEBRUARY, 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, P.S. #8254 2/8/2022  
WESLEY D. GOUBEAUX, P.S. #8254 DATE



PREPARED BY:  
DATE: 02-08-2022  
DRAWN BY: RMF  
JOB NUMBER: MOT-BRO-2204  
SHEET NUMBER: 1 OF 1  
ChoiceOne  
Engineering  
SIDNEY, OHIO 45364-0000  
LOVELAND, OHIO 45140-5554  
www.CHOICEONEENGINEERING.com

