

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-12

Passed January 2, 2024, 20

## AN ORDINANCE ESTABLISHING THE ZONING CLASSIFICATION OF LOTS 2802 AND 2803 OF THE CITY OF BROOKVILLE, OHIO.

**WHEREAS**, the City of Brookville City Council accepted the annexation of 113.562 acres located in Perry Township to the City of Brookville on October 17, 2023; and

**WHEREAS**, the annexed territory of 113.562 acres is described in the annexation legal description and map attached hereto as Exhibits "A" and "B" and incorporated herein by reference; and

**WHEREAS**, City of Brookville Lot Numbers 2802 and 2803 were assigned to parcels within the annexation territory; 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 annexed property as required by Section 4.11 of the Charter, and upon recommendation of Planning Commission, Council of the City of Brookville hereby adopts this Ordinance to establish the zoning classification for the annexed land.

### NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO

**SECTION I:** The zoning classification of the annexed land, being City of Brookville Lots 2802 and 2803, as set forth and described in the annexation legal description in Exhibit "A" and the annexation map attached hereto as Exhibit "B", shall be R-1A Suburban Residential District.

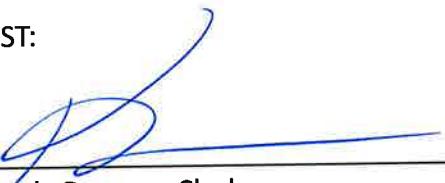
**SECTION II:** As required by Ohio Revised Code Section 709.023, Council has determined that the owner of the annexed territory shall provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The term "buffer" in Ohio Revised Code Section 709.023 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 2nd day of January 2024.

ATTEST:



Kimberly Duncan, Clerk



Charles Letner, Mayor

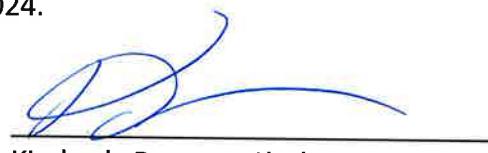
# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-12 Passed January 2, 2024

## CERTIFICATE

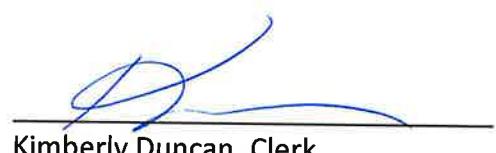
The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-12, passed by the Council of the City of Brookville, Ohio, on the 2nd day of January, 2024.



Kimberly Duncan, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No, 2023-12 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 3rd day of January 2024 to the 2nd day of February 2024, both days inclusive.



Kimberly Duncan, 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.

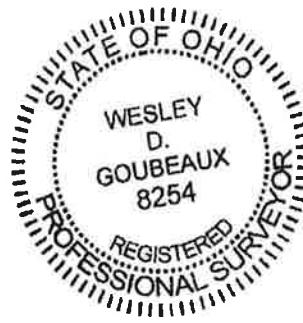
Containing 113.562 acres more or less and all being subject to any legal highways and easements of record.

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

## PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE

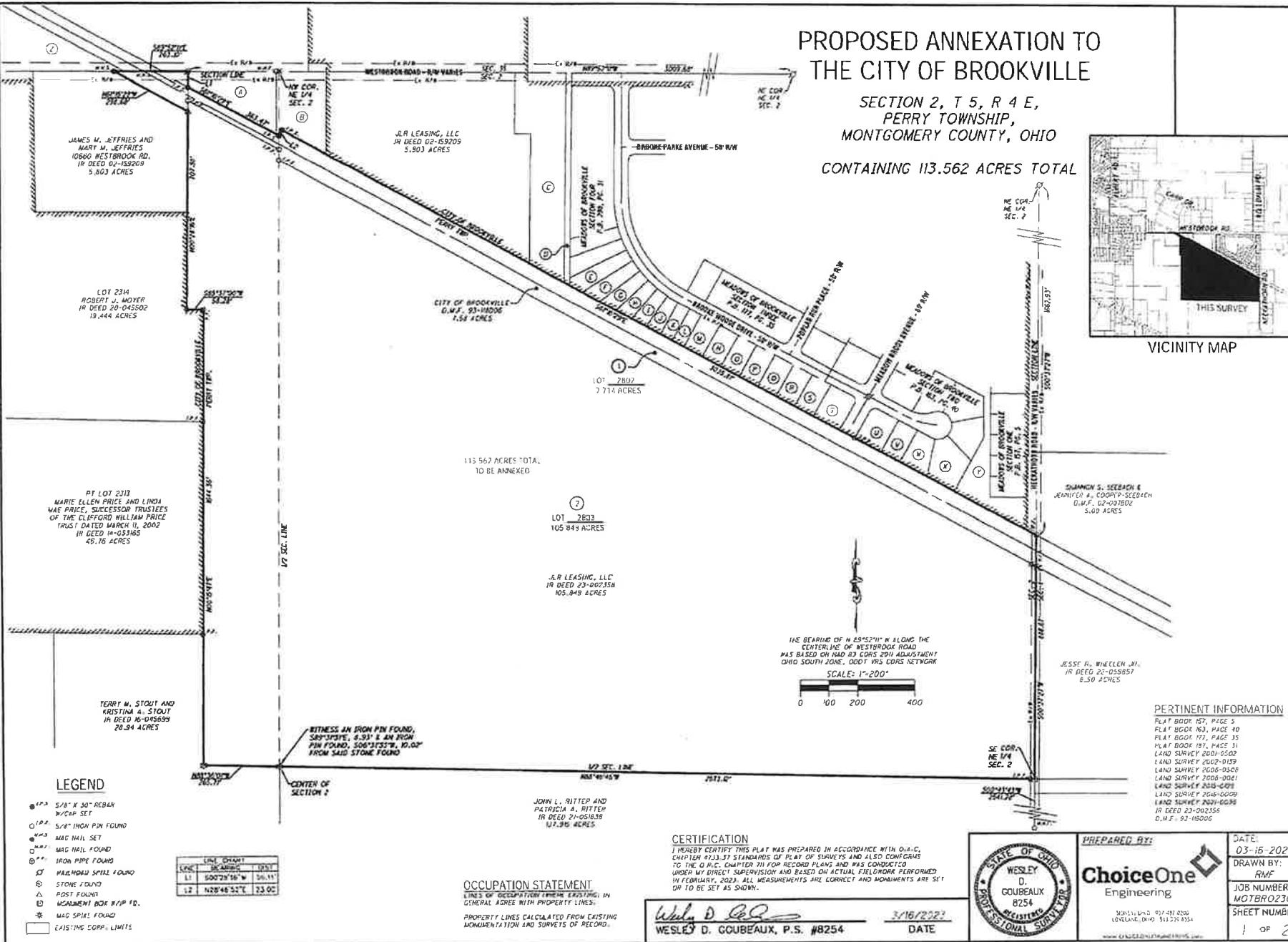
SECTION 2, T 5, R 4 E,  
PERRY TOWNSHIP,  
MONTGOMERY COUNTY, OHIO

CONTAINING 113.562 ACRES TOTAL



## VICINITY MAP

卷之三



PROPOSED ANNEXATION TO  
THE CITY OF BROOKVILLE

SECTION 2, T 5, R 4 E,  
PERRY TOWNSHIP,  
MONTGOMERY COUNTY, OHIO

CONTAINING 113.562 ACRES TOTAL

ADJOINING OWNERS INDEX & TAX MAILING ADDRESS

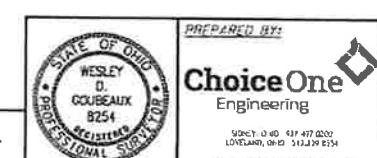
MARK A. HEAVER 10555 WESTBROOK RD. IR DEED 20-066319 L55-027-02-0079	LOT 2155 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0009	LOT 2157 SCOTTYE OSBORN 105 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 21-064569 L54-005-28-0011	LOT 2151 TIMOTHY F. NELSON & REBECCA M. NELSON 213 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017	ROBERT J. MOYER 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 72-024469 IR DEED 20-045501 L56-005-19-0002
ALI L. HILLCS 10555 WESTBROOK RD. BROOKVILLE, OH 45309 IR DEED 21-023445 L55-027-02-0079	LOT 2154 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 16-051507 L55-005-14-0001	LOT 2156 ELISA A. LITTLEJOHN 171 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 20-009591 L54-005-09-0022	LOT 1580 JAMES A. LAUER & RADON D. LAUER 219 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 06-024859 L54-006-01-0012	JAMES M. JEFFRIES & MARY M. JEFFRIES 12727 WESTBROOK RD. BROOKVILLE, OH 45309 IR DEED 02-159203 L55-027-02-0003
ALR LEASING, LLC 354 CARR DR. BROOKVILLE, OH 45309 IR DEED 16-051507 L55-005-14-0001	LOT 2157 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0007	LOT 2155 MICHAEL J. ORENDOOR, TRUSTEE 171 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 22-024862 L54-006-03-0021	LOT 1589 JAMES R. BROWN & MARY ANN BROWN 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 D.M.F. 99-262401 L55-006-01-0011	SHANNON S. SEABACH & JENNIFER A. COOPER-SEABACH 5078 N. CAMPBELL RD. BROOKVILLE, OH 45309 D.M.F. 02-007802 L55-027-01-0070
CLIFFORD E. SMITH & DELMIA E. SMITH 10128 WESTBROOK RD. #3 BROOKVILLE, OH 45309 IR DEED 16-051506 L54-005-14-0002	LOT 2158 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0008	LOT 2154 THOMAS R. BRAHOT & MARGARET BRAHOT 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 03-022241 L54-006-09-0020	LOT 1590 JAMES R. BROWN & ELIZABETH J. KNAPP 307 BROOKE WOOD DR. BROOKVILLE, OH 45309 D.M.F. 99-262401 L54-006-01-0011	JESSE R. WHEELER, JR. 1029 CAMPBELL ST. SUITE 104 JACKSON, TN 38301 IR DEED 22-059857 L55-027-01-0005
LOT 1600 ALR LEASING, LLC 354 CARR DR. BROOKVILLE, OH 45309 IR DEED 23-002358 L55-027-02-0003	LOT 2159 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0009	LOT 2155 MATTHEW L. EKBERG & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0005	LOT 1591 SHERRI L. EKBERG & MATTHEW L. EKBERG 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 16-068364 L54-006-09-0019	JOHN L. RITTER & PATRICIA A. RITTER 1220 MURKIN HILL RD. BROOKVILLE, OH 45309 IR DEED 21-051839 L55-027-02-0103
LOT 1601 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064566 L54-005-28-0010	LOT 2160 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0004	LOT 2156 JENNIFER L. WALLACE 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 15-017721 L54-006-09-0016	LOT 1592 GAVIN L. WRIGHT & ALICE LEE WRIGHT 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 D.M.F. 99-781001 L54-006-01-0009	TERRY M. STOUT & KRISTINA A. STOUT 1121 WOLF CREEK PIKE BROOKVILLE, OH 45309 IR DEED 16-051837 L55-027-02-0017
LOT 1602 ALR LEASING, LLC 354 CARR DR. BROOKVILLE, OH 45309 IR DEED 23-002358 L55-027-02-0003	LOT 2161 MARTIN F. HUMMEL & JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IR DEED 21-064567 L54-005-28-0010	LOT 2157 WESLEY D. GOUBEAUX 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017	LOT 1593 GREGORY L. RANDALL & SANDRA L. RANDALL 101 BROOKE WOOD DR. BROOKVILLE, OH 45309 IR DEED 08-020571 L54-006-01-0008	MARIE ELLEN PRICE, TRUSTEE & LINDA MAE PRICE, TRUSTEE 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 14-051815 L56-006-19-0001
LOT 1603 ALR LEASING, LLC 354 CARR DR. BROOKVILLE, OH 45309 IR DEED 23-002358 L55-027-02-0005	LOT 2162 WESLEY D. GOUBEAUX 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017	LOT 2158 WESLEY D. GOUBEAUX 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017	LOT 1594 WESLEY D. GOUBEAUX 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017	WESLEY D. GOUBEAUX 101 SYCAMORE ST. BROOKVILLE, OH 45309 IR DEED 03-048311 L54-005-17-0017

ANNEXATION OWNERS INDEX

① CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, OH 45309  
D.M.F. 97-18006  
L55-027-02-0028

② ALR LEASING, LLC  
354 CARR DR.  
BROOKVILLE, OH 45309  
IR DEED 23-002358  
L55-027-02-0003

Wesley D. Goubeaux  
WESLEY D. GOUBEAUX, P.S. #8254  
3/16/2023  
DATE



PREPARED BY:

ChoiceOne

Engineering

WESLEY D.  
GOUBEAUX  
P.S. #8254  
REGISTRATION  
NUMBER  
3/16/2023

DATE:  
03-16-2023

DRAWN BY:  
RMF

JOB NUMBER:  
MOTBRO2303

SHEET NUMBER  
2 OF 2