

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

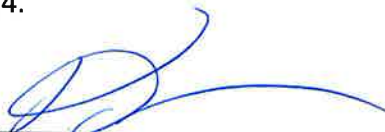
RECORD OF ORDINANCES

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.

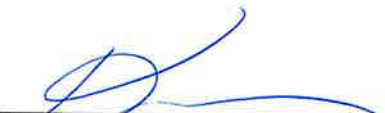
  
Kimberly Duncan, Clerk

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°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°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°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°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°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."

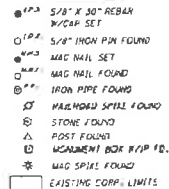
  
Wesley D. Goubeaux, PS #8254



03/16/2023  
Date

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

EXHIBIT B

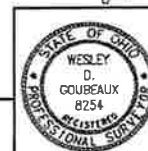


LINE GRANT		
LINE	READING	DATE
1.1	500'25"16" W	26.11
1.2	N28°48'52"E	23.02

PROPERTY LINES CALCULATED FROM EXISTING  
MONUMENTATION AND SURVEYS OF RECORD.

I HEREBY CERTIFY THIS PLAT WAS PREPARED IN ACCORDANCE WITH D.A.C. CHAPTER 73.37 STANDARDS OF PRACTICE FOR SURVEYS AND ALSO CONFORMS TO THE D.R.C. CHAPTER 711 FOR RECORD PLANS AND WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND BASED ON ACTUAL FIELDWORK PERFORMED IN FEBRUARY, 2023. ALL MEASUREMENTS ARE CORRECT AND MONUMENTS ARE SET OR TO BE SET AS SHOWN.

3/16/2023  
DATE



**ChoiceOne**  
Engineering

DATE:	03-15-2023
DRAWN BY:	RMF
JOB NUMBER:	MOTBRO2303
SHEET NUMBER:	1 OF 2

# 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

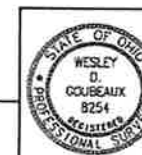
<p>MARK A. MEYER 19355 WESTBROOK RD. BROOKVILLE, OH 45309 IN DEED 20-066819 L55-027-02-0078</p>	<p>LOT 2155 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0009</p>	<p>LOT 2137 SCOTTIE OSBORN 165 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 21-064229 L54-006-09-0023</p>	<p>LOT 2131 TIMOTHY F. NELSON &amp; REBECCA M. NELSON 213 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 03-048311 L54-006-09-0017</p>	<p>CITY OF BROOKVILLE 301 STYCAMORE ST. BROOKVILLE, OH 45309 IN DEED 22-043469 L54-005-17-0017</p>	<p>ROBERT J. MOYER 1545 TURNING LEAF CROSSING SPRINGBORO, OH 45066 IN DEED 20-045502 L56-006-19-0002</p>
<p>A.E.I. II LLC 10532 WESTBROOK RD. BROOKVILLE, OH 45309 IN DEED 97-103444 L55-027-02-0079</p>	<p>LOT 2154 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0008</p>	<p>LOT 2136 ELISA A. LITTLEJOHN 171 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 20-060591 L54-006-09-0022</p>	<p>LOT 1830 GARY A. LAUVER &amp; RACHEL D. LAUVER 219 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 06-034855 L54-006-01-0012</p>	<p>LOAN J. BOOTH &amp; JESSICA R. BOOTH 12721 WESTBROOK RD. BROOKVILLE, OH 45309 IN DEED 16-064086 C04-009-11-0033</p>	<p>JAMES M. JEFFRIES &amp; MARY M. JEFFRIES 10669 WESTBROOK RD. BROOKVILLE, OH 45309 IN DEED 02-188203 L55-027-02-0003</p>
<p>J.R. LEASING, LLC 354 CAMP DR. BROOKVILLE, OH 45309 IN DEED 18-057501 L68-005-14-0001</p>	<p>LOT 2153 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0007</p>	<p>LOT 2135 MICHAEL J. ORRHOOD, TRUSTEE 177 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 22-044662 L54-006-09-0021</p>	<p>LOT 1839 JAMES R. BROWN &amp; MARY ANNE BROWN 301 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 89-062401 L54-006-01-0011</p>	<p>SHANNON S. SEEBACH &amp; JENNIFER A. COOPER-SEEBACH 5678 HECKATHORN RD. BROOKVILLE, OH 45309 IN DEED 02-007802 L55-027-01-0070</p>	<p>JESSE R. WHEELER, JR. 1029 LAUREL ST. SUITE 104 JACKSON, TN 38301 IN DEED 22-059857 L55-027-01-0005</p>
<p>LOT 1804 J.R. LEASING, LLC 354 CAMP DR. BROOKVILLE, OH 45309 IN DEED 23-002358 L54-005-14-0003</p>	<p>LOT 2152 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0005</p>	<p>LOT 2134 THOMAS R. BARNETT &amp; KAREN S. BARNETT 183 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 03-022281 L54-006-09-0020</p>	<p>LOT 1838 JAMES L. KNAPP &amp; ELIZABETH J. KNAPP 301 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 86-073005 L54-006-01-0010</p>	<p>JOHN L. RITTER &amp; PATRICIA A. RITTER 12271 AIR HILL RD. BROOKVILLE, OH 45309 IN DEED 21-001019 L55-027-02-0103</p>	<p>TERRY M. STOUT &amp; KRISTINA A. STOUT 11221 WOLF CREEK PIKE BROOKVILLE, OH 45309 IN DEED 16-043639 L55-027-02-0017</p>
<p>LOT 2157 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064566 L54-005-28-0011</p>	<p>LOT 2151 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0005</p>	<p>LOT 2133 SHERI L. EKERBERG &amp; MATTHEW G. EKERBERG 301 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 16-068564 L54-006-02-0013</p>	<p>LOT 1837 DAVID A. WRIGHT &amp; ALVA LEE WRIGHT 313 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 86-181001 L54-006-01-0009</p>	<p>LOT 1836 GREGORY L. RANDALL &amp; SANDRA L. RANDALL 319 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 06-012577 L54-006-01-0008</p>	<p>MARIE ELLEN PRICE, TRUSTEE &amp; LINDA MAE PRICE, TRUSTEE 3608 N DIAMOND HILL RD. BROOKVILLE, OH 45309 IN DEED 14-053165 L56-006-19-0001</p>
<p>LOT 2156 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064566 L54-005-28-0010</p>	<p>LOT 2150 MARTIN F. HUMMEL &amp; JOAN M. HUMMEL 428 ABERDEEN AVE. OAKWOOD, OH 45419 IN DEED 21-064567 L54-005-28-0004</p>	<p>LOT 2132 JENNIFER L. WALLACE 301 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 13-037721 L54-006-09-0016</p>	<p>LOT 1835 GREGORY L. RANDALL &amp; SANDRA L. RANDALL 319 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 06-012577 L54-006-01-0008</p>	<p>LOT 1834 GREGORY L. RANDALL &amp; SANDRA L. RANDALL 319 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 06-012577 L54-006-01-0008</p>	<p>LOT 1833 GREGORY L. RANDALL &amp; SANDRA L. RANDALL 319 BROOKE WOODS DR. BROOKVILLE, OH 45309 IN DEED 06-012577 L54-006-01-0008</p>

## ANNEXATION OWNERS INDEX

- CITY OF BROOKVILLE  
301 STYCAMORE ST.  
BROOKVILLE, OH 45309  
D.M.F. 31-18006  
L55-027-02-0076
- J.R. LEASING, LLC  
354 CAMP DR.  
BROOKVILLE, OH 45309  
IN DEED 23-002358  
L55-027-02-0005

Wesley D. Goubeaux, P.S. #8254

3/16/2023  
DATE



PREPARED BY:  
**ChoiceOne**  
Engineering  
SUNNY, O.H. 431 477 0001  
LOVELAND, OH 513 270 8734  
www.choiceoneengineering.com

DATE:  
03-16-2023  
DRAWN BY:  
RMF  
JOB NUMBER:  
MOTBRO2303  
SHEET NUMBER  
2 OF 2