

No.

ORDINANCE NO. 2022-06

Passed

NOVEMBER 1

Yr.

2022

**AN ORDINANCE ACCEPTING THE ANNEXATION OF 59.401 ACRES, MORE OR LESS, IN CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO TO THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, a petition for annexation of 59.401 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 July 15, 2022, 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 22-1339 adopted on August 23, 2022, the Board of County Commissioners of Montgomery County, Ohio approved the annexation of that 59.401 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 59.401 acre annexation, delivered to the City Clerk on August 29, 2022; 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 59.401 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 22-1339 on August 23, 2022, be and hereby is accepted by the City of Brookville.

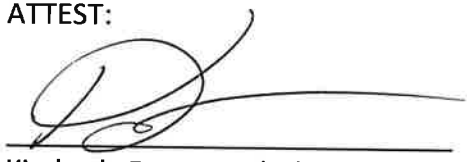
**SECTION II:** The City Clerk is hereby directed to send and file certified copies of the annexation petition, map or plat, and transcript and record of the annexation proceedings including this ordinance to the Ohio Secretary of State, Montgomery County Auditor, Montgomery County Recorder, and Montgomery 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.

PASSED this 1ST day of NOVEMBER, 2022.

ATTEST:



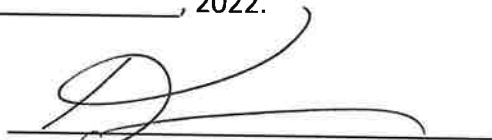
Kimberly Duncan, Clerk



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. 2022-06, passed by the Council of the City of Brookville, Ohio, on the 1ST day of NOVEMBER, 2022.



Kimberly Duncan, Clerk

**CERTIFICATE OF POSTING**

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2022-06 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 2ND day of NOVEMBER, 2022, to the 1ST day of DECEMBER, 2022, both days inclusive.



Kimberly Duncan, Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION**

**ANNEXATION OF 59.401 ACRES TO THE CITY OF BROOKVILLE, OHIO**

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 27, TOWN 6, RANGE 4 E AND NORTHEAST QUARTER OF SECTION 34, TOWN 6, RANGE 4 E, CLAY TOWNSHIP, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY 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, 1612.87 feet, along the south line of said Section 27 to a Mag nail set on the centerline of East Upper Lewisburg Salem Road and being at the southwest corner of a tract of land owned by WLW, LLC. as described in IR Deed 09-038959 and the southeast corner of a tract of land owned by W. Meyer Farms, LLC. as described in IR Deed 20-077995 and being the principal place of beginning of the tract herein conveyed;

thence, North 00°-04'-26" East, 2675.00 feet, along the west line of said WLW, LLC. tract to an iron pin with cap set on the south line of a tract of land owned by Alexander J. Clericus and Jennifer M. Clericus as described in IR Deed 19-036540;

thence, South 89°-42'-58" East, 981.42 feet, along the south line of said Clericus tract to a Mag nail found at the northeast corner of the southeast quarter of Section 27 and being on the centerline of Brookville-Phillipsburg Road;

thence, South 00°-04'-28" West, 2528.63 feet, along the east line of said southeast quarter of Section 27 to a Mag nail set at the northeast corner of a tract of land owned by Jared A. Hoops and Amber L. Hoops as described in IR Deed 19-057313;

thence, South 89°-36'-11" West, 373.00 feet, along the north line of said Hoops tract to an iron pin with cap set;

thence, South 00°-04'-28" West, 164.70 feet, along the west line of said Hoops tract to an iron pin with cap set on the south right-of-way line of East Upper Lewisburg Salem Road;

thence, South 89°-36'-11" West, 608.42 feet, along the south right-of-way line of East Upper Lewisburg Salem Road to an iron pin with cap set;

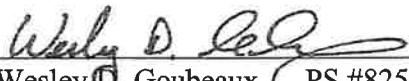
thence, North 00°-04'-26" East, 30.00 feet, to the principal place of beginning.

Containing 59.401 acres more or less and all being subject to any legal highways and easements of record.

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 February 8, 2022.

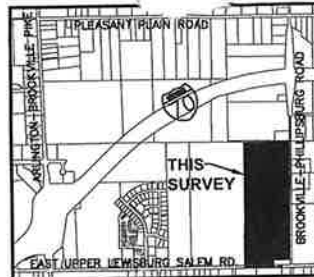
All iron pins set are 5/8" x 30" rebar with caps reading "CHOICE ONE ENGR-WDG PS 8254."

  
Wesley D. Goubeaux, PS #8254



02/08/2022

Date



VICINITY MAP

### ANNEXATION NOTE:

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

### ANNEXATION OWNERS INDEX

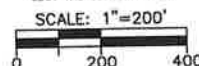
- ① W.L.W. LLC.  
6043 GEORGETOWN-VERONA RD.  
LEWISBURG, OH 45338  
IR DEED 09-039959  
(58.847 AC. DEED)  
C04-006-03-0007
- ② CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, OH 45309  
IR DEED 08-009391  
(2.735 AC. DEED)  
C05-001-09-0032
- ③ CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, 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

- 5/8" X 30" REBAR  
W/CAP SET
- 5/8" IRON PIN FOUND
- MAG NAIL SET
- MAG NAIL FOUND
- MONUMENT BOX W/PI PLACED
- ▨ EXISTING CORP. LIMITS

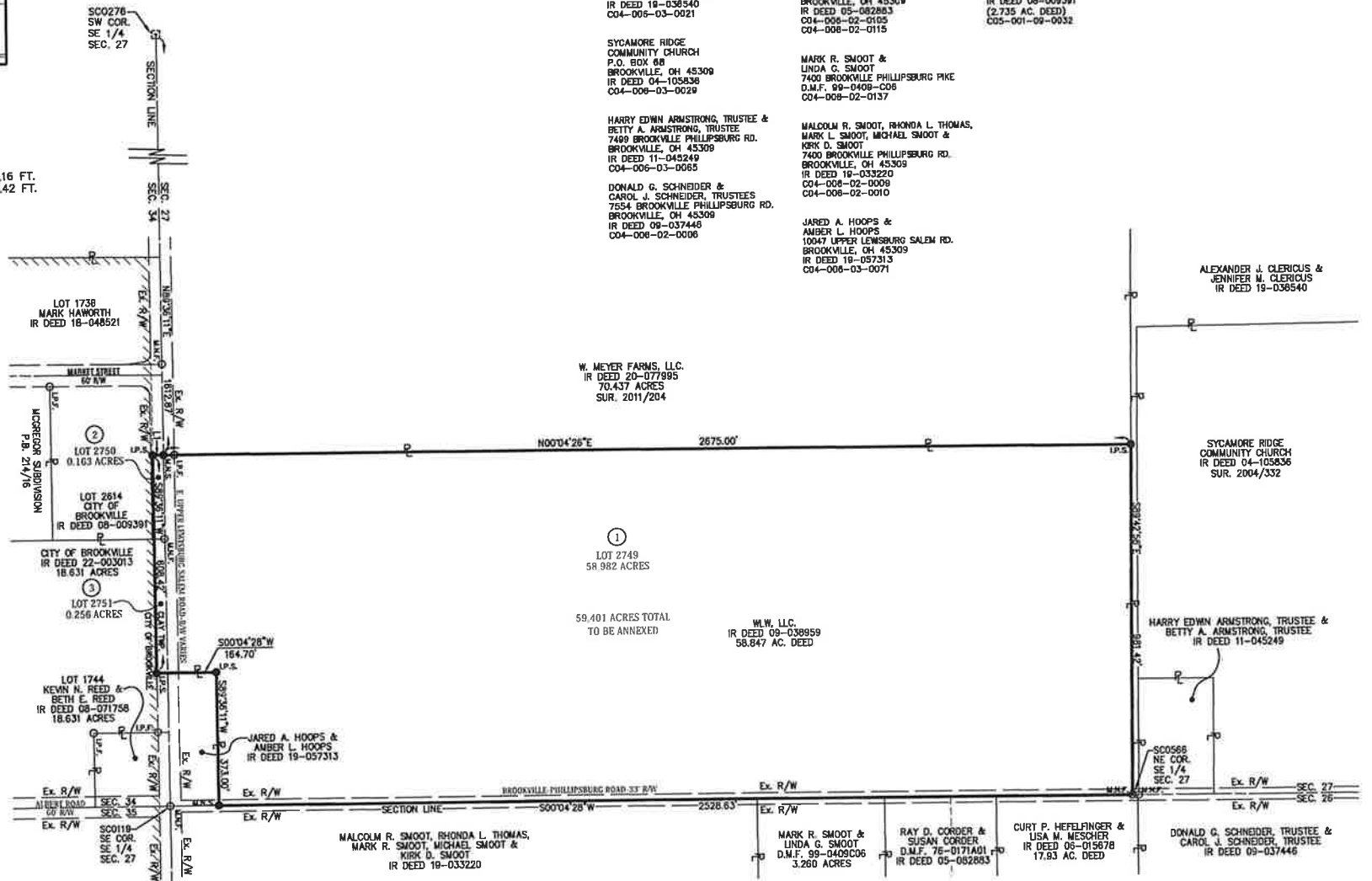
THE BEARING OF N 89°36'11" E ALONG THE  
CENTERLINE OF EAST UPPER LEWISBURG SALEM  
ROAD WAS BASED ON NAD 83 CORRS 95  
ADJUSTMENT, OHIO SOUTH ZONE,  
0007 VRS CORRS NETWORK



## 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

59.401 ACRES TOTAL



### ADJOINING OWNERS INDEX & TAX MAILING ADDRESS

W. MEYER FARMS, LLC.  
11180 BALTIMORE-PHILLIPSBURG PKE  
BROOKVILLE, OH 45309  
IR DEED 20-077985  
C04-006-03-0006

ALEXANDER J. CLERICUS &  
JENNIFER M. CLERICUS  
7405 BROOKVILLE PHILLIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 19-038540  
C04-006-03-0021

SYCAMORE RIDGE  
COMMUNITY CHURCH  
P.O. BOX 68  
BROOKVILLE, OH 45309  
IR DEED 04-105836  
C04-006-03-0029

HARRY EDWIN ARMSTRONG, TRUSTEE &  
BETTY A. ARMSTRONG, TRUSTEE  
7409 BROOKVILLE PHILLIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 11-045249  
C04-006-03-0065

DONALD G. SCHNEIDER &  
CAROL J. SCHNEIDER, TRUSTEES  
7554 BROOKVILLE PHILLIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 09-037446  
C04-006-02-0006

CURT P. HEFFELFINGER &  
USA M. MESCHER  
459 CRESTWAY DR.  
CLAYTON, OH 45315  
IR DEED 06-015678  
C04-006-02-0008

RAY D. CORDER &  
SUSAN D. CORDER  
7420 BROOKVILLE PHILLIPSBURG RD.  
BROOKVILLE, OH 45309  
IR DEED 05-082883  
C04-006-02-0105  
C04-006-02-0115

MARK R. SMOOT &  
LINDA G. SMOOT  
7400 BROOKVILLE PHILLIPSBURG PKE  
D.M.F. 99-0409-C06  
C04-006-02-0137

MALCOLM R. SMOOT, RHONDA L. THOMAS,  
MARK L. SMOOT, MICHAEL SMOOT &  
KIRK D. SMOOT  
7400 BROOKVILLE PHILLIPSBURG 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

CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, OH 45309  
IR DEED 22-003013  
(18.631 AC. DEED)  
C05-001-09-0020

CITY OF BROOKVILLE  
301 SYCAMORE ST.  
BROOKVILLE, OH 45309  
IR DEED 08-009391  
(2.735 AC. DEED)  
C05-001-09-0032

ALEXANDER J. CLERICUS &  
JENNIFER M. CLERICUS  
IR DEED 19-038540

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

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

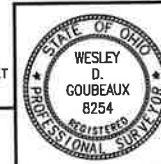
DONALD G. SCHNEIDER, TRUSTEE &  
CAROL J. SCHNEIDER, TRUSTEE  
IR DEED 09-037446

### 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

02-08-2022  
DATE



### PREPARED BY:

**ChoiceOne**  
Engineering

STONEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554

www.CHOICEONEENGINEERING.com

DATE: 02-08-2022

DRAWN BY: RMF

JOB NUMBER: MOT-BRO-2204

SHEET NUMBER

1 of 1

Exhibit "B"