

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.

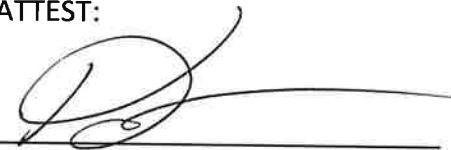
SECTION II: The City Clerk is hereby directed to send and file certified copies of the annexation petition, map or plat, and transcript and record of the annexation proceedings including this ordinance to the Ohio Secretary of State, Montgomery County Auditor, Montgomery County Recorder, and Montgomery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



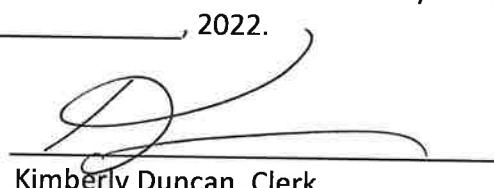
Kimberly Duncan, Clerk



Charles Letner, Mayor

CERTIFICATE

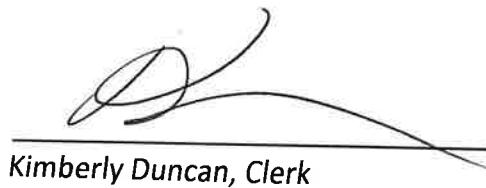
The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-06, passed by the Council of the City of Brookville, Ohio, on the 1ST day of NOVEMBER, 2022.



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;

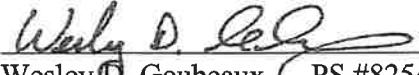
thence, North 00°-04'-26" East, 30.00 feet, to the principal place of beginning.

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

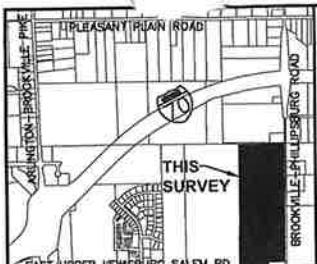


02/08/2022
Date

PROPOSED ANNEXATION TO THE CITY OF BROOKVILLE

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

59.401 ACRES TOTAL



VICINITY MAP

ANNEXATION NOTE:

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

ANNEXATION OWNERS INDEX

② CITY OF BROOKVILLE
301 Sycamore St.
Brookville, OH 45309
IR DEED 08-093931
(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)
(05-001-09-0020

LINE CHART

LEGEND

- U.P. 5/8" X 30" REBAR
W/CAP SET
- U.P. 5/8" IRON PIN FOUND
- U.M.S. MAG NAIL SET
- U.M.F. MAG NAIL FOUND
- MONUMENT BOX W/IP 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 CORS 95
ADJUSTMENT, OHIO SOUTH ZONE,
CNOT MRS CORS NETWORK

SCALE: 1" = 200'

PERTINENT INFORMATION

PLAT BOOK 214, PAGE 16A
LAND SURVEY 2003-0657
LAND SURVEY 2006-0570
LAND SURVEY 2007-0363
LAND SURVEY 2011-0204
LAND SURVEY 2021-0138

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 IN, TO, OR SET AS SHOWN. CURVE DISTANCES ARE MEASURED ON THE ARC.

Wesley D. Goubeaux 02-08-2022
WESLEY D. GOUBEAX, P.S. #8254 DATE

WESLEY D. GOUBEAUX, P.S. #82

54 02-08-2022 DATE

PREPARED BY:

ChoiceOne
Engineering

SIDNEY, OHIO 937.497.0200
LOVELAND, OHIO 513.239.8554

	DATE:
	02-08-2022
	DRAWN BY:
	RMF
JOB NUMBER:	
MOT-BRO-2204	
SHEET NUMBER	
1 OF 1	

www.CHOICEONENGINEERING.COM