

ORDINANCE NO. 16-67

VILLAGE OF CENTERVILLE, OHIO

AN ORDINANCE ACCEPTING THE APPLICATION FOR THE ANNEKATION OF CERTAIN TERRITORY CONTAINING APPROXIMATELY 2,288 ACRES IN WASHINGTON TOWNSHIP TO THE VILLAGE OF CENTERVILLE.

WHEREAS, a petition for the annexation of certain territory in Washington Township was duly filed by ROBERT N. KIEHNE, as Agent for the Petitioners; and

WHEREAS, the said petition was duly considered by the Board of County Commissioners of Montgomery County, Ohio, on July 25, 1967; and

WHEREAS, the Board of County Commissioners has approved the annexation of said territory to the Village of Centerville, as hereinafter described; and

WHEREAS, the Board of County Commissioners certified the transcript of the proceedings in connection with said annexation with the map and petition required in connection therewith to the Village Clerk who received same on July 29, 1967; and

WHEREAS, sixty days from the date of said filing have now elapsed in accordance with the provisions of RC 709.04; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CENTERVILLE:

SECTION 1: That the proposed annexation as applied for in the petition of ROBERT N. KIEHNE, as Agent for the Petitioners, and a majority of freeholders residing in the territory sought to be annexed and filed with the Board of County Commissioners of Montgomery County, Ohio, on March 29, 1966; and which said petition prayed for annexation to the Village of Centerville, Ohio, of certain territory adjacent thereto as hereinafter described, and which said petition was approved for annexation to the Village of Centerville by the Board of County Commissioners on July 25, 1967, be and the same is hereby accepted. Said territory is described as follows:

Being located in Sections 13, 14, 15, 19, 20, and 21, of Township Two (2), Range Six (6) Miami Rivers survey, Montgomery County, Ohio, and described as follows: beginning at a point on the Montgomery - Greene County line which is 2100.0 feet north of the southeast corner of Section 13, Town 2, Range 6, MRs; said point being also the north east corner of the Corporation Line of the Village of Centerville, thence generally north $80^{\circ} 30'$ west along the north line of the corporation boundary of that portion of Centerville as annexed by Ordinance 17-1961 as passed the 6th day of December 1961 to a point which is on the east boundary of property conveyed to Black and Combs Construction Company by deed recorded in Book 1995, Page 235 of the Deed Records of Montgomery County, Ohio, thence along the east boundary of said Black and Combs land north $2^{\circ} 37' 10''$ east for 78.64 feet to a point which is the north east corner of said Black and Combs land said point being also a corner on the Centerville Corporation Line, thence south $86^{\circ} 23'$ west for 857.5 feet along the north line of said Black and Combs land to a point which is the north west corner of said Black and Combs land and is also a corner of the Centerville Corporation Line and is a point on the east line of land conveyed to Berneda and Robert Weller by deed recorded in Deed Book 1607, Page 582 of the Deed Records of Montgomery County, Ohio, thence south $1^{\circ} 47' 10''$ west for 1057.31 feet along the west line of said Black and Combs property which line is also the east line of said Weller property to a point which is the south east corner of said Weller property and is also a corner on the Centerville Corporation Line, thence south $89^{\circ} 15'$ west for 1963.0 feet along the north line of Black Oak Estates land and of land conveyed to Margaret C., John W., and Wilbur S. McIntire by deed recorded in Deed Book 1882, Page 177 of the Deed Records of Montgomery County, Ohio to a point which is on the center line of Clyo Road and which point is also a corner on the Centerville Corporation Line, thence southwardly along the center line of Clyo Road to a point which is an extension of the north line of land conveyed to Wm. M. Fox et al by deed recorded in Deed Book 2028, Page 38 in the Deed Records of Montgomery County said point being also a corner of the Corporation

Line of Centerville, Ohio, thence along the north line of said Fox property to a point on the east line of the right-of-way of the Pennsylvania Railroad, (C. L. & N. Division), thence generally southwardly, along the east line of the right-of-way of the Pennsylvania Railroad and following the corporation line of Centerville to a point where the corporation line leaves the east line of the right-of-way of said railroad by a perpendicular line generally westwardly, thence following the Corporation Line of Centerville in a generally curving manner to the left generally northwest then west to a point which is the south west corner of land conveyed to Marjorie L. Nearing by deed recorded in Deed Book 1482, Page 166 of the Deed Records of Montgomery County, Ohio said point also being a corner on the Corporation Line of Centerville, thence generally northwardly along the west line of said Nearing property which is also the corporation line of Centerville to a point on the north property line of said Nearing property said point being the north west corner of said Nearing property and also a corner on the Centerville Corporation Line, thence north $88^{\circ} 30'$ east along the north line of said Nearing property to a point which is the south west corner of additional property conveyed to Marjorie L. Nearing by deed recorded in Deed Book 1482, Page 166 of the Deed Records of Montgomery County, Ohio, thence north $0^{\circ} 15'$ east approximately 2440 feet along the west line of said Nearing property which line is also the Corporation Line of Centerville to a point where said line intersects the west line of the right-of-way of the Pennsylvania Railroad, thence following the west line of the Pennsylvania Railroad generally northwardly to the center line of East Whipp Road, said west line of the Pennsylvania Railroad being also the Corporation Line of Centerville, said point on the center line of East Whipp Road and on the west right-of-way of the Pennsylvania Railroad being also the north east corner of the Centerville Corporation Line, thence following the center line of East Whipp Road generally south $88^{\circ} 40'$ west, said center line being also the north boundary of Section 20 and the south boundary of Section 21, T2, R6, MRs, to a point which is 35 feet east of the north west corner of Section 20, the south west corner of Section 21 and the north east corner of Section 26, thence generally

north $1^{\circ} 50'$ east parallel to the centerline of Marshall Road and the west boundary of Section 21 and 35 feet east therefrom to a point on the south Corporation Line of the City of Kettering, Ohio, said point being 35 feet east of the corner where Sections 21, 22, 27, and 28, T2, R6, MRs meet, said point being also on the north line of Washington Township, thence coincident with the north line of Washington Township, the south line of the City of Kettering and the north line of Section 21, T2, R6, MRs generally eastwardly to the east line of the right-of-way of the Pennsylvania Railroad, thence generally southwardly along the east line of the railroad right-of-way to a point 571.6 feet north of the centerline of East Whipp Road; thence, continuing on an extension of the east right-of-way of the Pennsylvania Railroad to a point which is 165 feet south of the centerline of East Whipp Road which point is a corner in the south Corporation Line of the City of Kettering, thence south $89^{\circ} 30'$ east parallel to the center line of East Whipp Road and 165 feet south therefrom to a point on the center line of Bigger Road said point being on the east line of Section 20 and on the west line of Section 14, T2, R6, MRs; thence, north $1^{\circ} 15'$ east 165.0 feet along the said line of Section 14 and 20 to a point which is a corner of Sections 14, 15, 20, and 21; thence, south 69° east, 3735 feet with the south line of Section 15 and the north line of Section 14 and with the Corporation Line of the City of Kettering to a point which is 1435.0 feet west from the southwest corner of Sections 9, 10, 14, and 15 on the Montgomery - Greene County line, aforesaid point being a corner on the Kettering Corporation Line, thence generally northward parallel to the Montgomery - Greene County line to a point which is 235 feet north of the centerline of Andrew Road which point is also a corner on the Corporation Line of the City of Kettering, thence generally westward approximately parallel to the centerline of Andrew Road, coincident with the Corporation Line of Kettering for approximately 1120 feet to a point which is a corner on the Kettering Corporation Line, thence generally northwardly coincident with the Corporation Line of Kettering and with the west line of Mount Vernon

Estates to a point on the south boundary of Section 16 and the north boundary of Section 15, T2, R6, MRs which line is also the north line of Washington Township, thence with the boundary line between Sections 15 and 16 generally south $71^{\circ} 34'$ east to a point on the Montgomery - Greene County Line which is a corner of Sections 9, 10, 15, and 16, T2, R6, MRs and which is the north east corner of Washington Township and which is in the centerline of Wilmington Pike, thence generally southwardly along the centerline of Wilmington Pike and the Montgomery - Greene County Line to the starting point, containing Two Thousand Two Hundred Eighty Eight (2288) Acres more or less.

The certified transcript of the proceedings for annexation with an accurate map of said territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of said County Commissioners are all on file with the Clerk of this Village Council and have been for more than sixty days.

SECTION 2: That the Village Clerk be and he is hereby authorized and directed to make two copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition for annexation, a copy of the transcript of proceedings of the Board of County Commissioners relating thereto and a certificate as to the correctness thereof. The Village Clerk shall then forthwith deliver one copy to the County Recorder and one copy to the Secretary of State and do all things required by law.

SECTION 3: This ordinance is hereby declared to be an emergency measure and shall take effect immediately upon its passage. An emergency is declared to exist because immediate adoption of this ordinance will probably allow the residents of the area being annexed to vote for candidates for Village offices in the forthcoming election on November 7, 1967, whereas these residents would definitely lose this opportunity if this ordinance were not adopted as an emergency measure.

PASSED this 2nd day of October, 1967.

Francis C. McMillen
President of the Council of the
Village of Centerville, Ohio

ATTEST:

Conrad D. Budzik
Clerk-Treasurer of the
Village of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Village Clerk of the Village of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 16-67, passed by the Council of the Village of Centerville, Ohio, on the 2nd day of October, 1967.

Conrad D. Budzik
Clerk-Treasurer