

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2008-10

Passed NOVEMBER 18TH, 2008

## AN ORDINANCE VACATING A PORTION OF BROOKE PARKE AVENUE IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.

**WHEREAS**, Council has determined, pursuant to Section 723.05 of the Ohio Revised Code, that there is good cause for vacating a portion of Brooke Parke Avenue as set forth and described in the plat attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, Council has determined that vacation of a portion of Brooke Parke Avenue will not be detrimental to the general interest; and

**WHEREAS**, Council further finds that all of the property owners abutting the area to be vacated have consented to the vacation of this public right-of-way, and therefore, that notice to adjoining property owners is not required under Section 723.06 of the Ohio Revised Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO THAT:**

**SECTION I:** A portion of Brooke Parke Avenue, as set forth and described in the plat attached hereto as Exhibit "A" and incorporated herein by reference, is hereby vacated.

**SECTION II:** A certified copy of this Ordinance and plat of this street vacation shall be filed with the office of the Montgomery County Recorder, and a copy of this Ordinance shall be submitted to the office of the Montgomery County Auditor by the Clerk of Council.

**SECTION III:** This Ordinance is hereby declared to be an emergency measure to preserve the public peace, health, safety and welfare of the citizens of the City of Brookville to authorize the immediate vacation of this street and thereby permit the City of Brookville to proceed with replatting of a portion of Meadows of Brookville subdivision. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville.

PASSED this 18th day of November 2008.


ATTEST:

  
Sonja M. Keaton, Clerk

  
David E. Seagraves, Mayor

### CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2008-10, passed by the Council of the City of Brookville, Ohio, on the 18th day of November 2008.

  
Sonja M. Keaton, Clerk

### CERTIFICATE OF POSTING

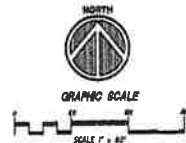
The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2008-10 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19th day of November 2008 to the 19th day of December 2008, both days inclusive.

  
Sonja M. Keaton, Clerk

NEW YORK: 1997-10-03 16:05:16.618 [PLAY] FILE C-0154-0001.P1 AT 0622 11/22/2003 10:48:45 AM



**OCCUPATION STATEMENT**  
OCCUPATION LINES ARE IN GENERAL  
AGREEMENT WITH TITLE LINES.



## READING BASIS

CORRELATED TO THE NORTHWESTERLY LINE  
OF MEADOWS OF BROOKVILLE, SECTION TWO  
AS RECORDED IN PLAT BOOK 163 Pg. 40  
AS S 27°30'30" W

BEING A REPLAT OF LOTS No. 2425-2439, 2440-2459, AND ROADWAY R/W  
MEADOWS OF BROOKVILLE, SECTION FIVE - AS RECORDED IN P.A. 203, PG. 43A  
CITY OF BROOKVILLE, SECTION 2, TOWN 5, RANGE 4 EAST  
MONTGOMERY COUNTY, OHIO

CONTAINING  
 9614 AC  
 PREPARED BY:  
**PROFESSIONAL ASSOCIATES, INC.**  
 217 MARKET STREET, BROOKVILLE, OHIO 45309  
 PH: (937) 833-2369, FAX: (937) 833-5626

THE WITHIN PLAT IS A SUBDIVISION AND REPLAT OF LOTS NO. 2428-2438 AND 2440-2458 OF THE CONSECUTIVE NUMBERED LOTS OF THE CITY OF BROOKLYNE, AS RECORDED IN THE MEADOWS OF BROOKLYNE SECTION FIVE SUBDIVISION IN PLAT BOOK 205, PAGES 434-8 CONTAINING 7.965 ACRES, AND 1,000 ACRES OF UNGATED HIGHWAY RIGHT-OF-WAY, ALL OF WHICH BEING FORMERLY PART OF A 14.755 ACRE TRACT OF LAND CONVEYED TO TAYWOOD ENTERPRISES INC. BY J.A. GORD 53-09601.

WE, THE UNDERSIGNED BEING ALL OF THE OWNERS AND LEASEHOLDERS OF THE LAND HEREIN SUBDIVIDED DO HEREBY ACKNOWLEDGE AND VOLUNTARILY CONSENT TO THE EXECUTION OF SAID PLAT

SIGNED AND ACKNOWLEDGED IN  
IN THE PRESENCE OF:

OWNER: TAYWOOD ENTERPRISES, INC.  
AN OHIO CORPORATION

WITNESS \_\_\_\_\_ TIM TAYLOR, PRESIDENT

NAME PRINTED

01 THE 53

**WIDE PRINTED**

STATE OF OHIO, S.S.:

BE IT REMEMBERED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008, BEFORE  
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY CAME  
THE SAID TAYLOR ENTERPRISES, INC. BY TIM TAYLOR, ITS PRESIDENT, TO ME KNOWING  
AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT OF BE HIS  
VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND  
AND NOTARIAL SEAL ON THE DAY AND DATE ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

SEAL

STATE OF OHIO, S.S.:

TIM TAYLOR, AS PRESIDENT OF YAYWOOD ENTERPRISES, INC., BEING DULY SWORN SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE INTERESTED IN THIS REPLAT, EITHER AS OWNERS, OR AS LIENHOLDERS HAVE UNITED AND DATE ABOVE WRITTEN.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY

NOTARY PUBLIC.

MY COMMISSION EXPIRES \_\_\_\_\_

SEAL

CITY OF BROOKVILLE  
COUNCIL

DATE: \_\_\_\_\_

PLANNING COMMISSION

MAJOR: DAVE SEAGRAVES

CHAIRPERSON: DOROTHY WATKINS

CLERK: SONJA M. KEATON

CLERK: DONNA N. KEATON

I, MICHAEL L. OWEN, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF OHIO, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY AND PLAT COMPLETED UNDER MY DIRECTION AND SUPERVISION DURING AUGUST 2006, AND THAT ALL MONUMENTS INDICATED HEREON WILL BE SET AS SHOWN, AND WILL ACCURATELY REPRESENT THEIR LOCATION, SIZE, TYPE, AND MATERIAL AS SHOWN ON THIS PLAT. CURVED DISTANCES ARE MEASURED ON THE ARC.

**APPROVALS:**

APPROVED FOR DESCRIPTION

MONTGOMERY COUNTY ENGINEER

|             |                |
|-------------|----------------|
| <u>DATE</u> | <u>FUE NO.</u> |
|-------------|----------------|

OWNER/DEVELOPER  
**PAYWOOD ENTERPRISES INC.**  
2001 BAYVIEW BLVD. SUITE 200  
OAKWORTH, TEXAS 75075  
PH: 972.344.0077



MICHAEL E. GOSCH, RES. PROF. SURVEYOR, NO. 629  
STATE OF OHIO DECEMBER, 2006

**PROFESSIONAL ASSOCIATES INC.**  
ACCOUNTING PLANNERS & ADVISORS  
210 MARKET ST. SUITE 2000, COVINGTON, LA 70038  
TEL 504-837-2000 FAX 504-837-2001