

# RECORD OF ORDINANCES

Ordinance No. 2008-10Passed 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 re-platting 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.

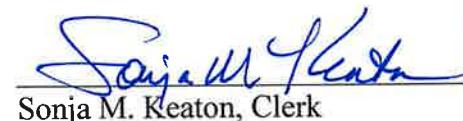
PASSED this 18th day of November 2008.

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

## Exhibit "A"

NOTE: PLAT EASEMENTS INDICATED ON LOTS 2426 - 2438, AND 2440 - 2456 HAVE BEEN VACATED BY ORDINANCE NO. \_\_\_\_\_

APPROVALS:  
APPROVED FOR DESCRIPTION  
BY \_\_\_\_\_  
MONTGOMERY COUNTY ENGINEER  
DATE: \_\_\_\_\_ FILE NO. \_\_\_\_\_

OWNER/DEVELOPER  
TAYWOOD ENTERPRISES, INC.  
1001 BRIDGEPORT BLVD. SUITE 200  
CANTON, OHIO 44718  
PHONE: (330) 454-4200  
FAX: (330) 454-4201

**RECORD PLAN**  
**MEADOWS OF BROOKVILLE**  
**SECTION SIX**

BEING A REPLAY OF LOTS NO. 2426-2438, 2440-2456, AND ROADWAY R/W  
MEADOWS OF BROOKVILLE, SECTION FIVE - AS RECORDED IN P.A. 205, PG. 43A  
CITY OF BROOKVILLE, SECTION 2, TOWN 5, RANGE 4 EAST  
MONTGOMERY COUNTY, OHIO

CONTAINS  
86.14 AC

PREPARED BY:  
PROFESSIONAL ASSOCIATES, INC.  
217 MARKET STREET, BROOKVILLE OHIO 45309  
PH: (937) 833-2369, FAX: (937) 833-6626

**DESCRIPTION:**  
THE WITHIN PLAT IS A SUBDIVISION AND REPLAY OF LOTS NO. 2426-2438 AND 2440-2456 OF THE CONSECUTIVE NUMBERED LOTS OF THE CITY OF BROOKVILLE, AS RECORDED IN THE MEADOWS OF BROOKVILLE SECTION FIVE SUBDIVISION IN PLAT BOOK 205, PAGES 43A-B, CONTAINING 7.965 ACRES, AND 1.103 ACRES OF HEATED ROADWAY RIGHT-OF-WAY, ALL OF WHICH BEING FORMERLY PART OF A 14.175 ACRE TRACT OF LAND CONVEYED TO TAYWOOD ENTERPRISES, INC. BY J.A. DEER DEED #59840.

**DEDICATION:**  
WE, THE UNDERSIGNED BEING ALL OF THE OWNERS AND LIENHOLDERS OF THE LAND HEREBY SUBDIVIDED DO HEREBY ACKNOWLEDGE AND VOLUNTARILY CONSENT TO THE EXECUTION OF THIS PLAT.

SIGNED AND ACKNOWLEDGED IN  
THE PRESENCE OF:  
OWNER: TAYWOOD ENTERPRISES, INC.  
AN OHIO CORPORATION  
BY: TIM TAYLOR, PRESIDENT

WITNESS: \_\_\_\_\_  
WITNESS: \_\_\_\_\_  
WITNESS: \_\_\_\_\_

STATE OF OHIO, S.S.:  
BE IT REMEMBRED ON THIS \_\_\_\_\_ DAY OF  
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY SAW ME THE  
SAID TAYWOOD ENTERPRISES, INC. BY TIM TAYLOR, ITS PRESIDENT, TO ME KNOW,  
AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO 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.:  
SIMON TAYLOR, ALL PLEASANT OF TAYWOOD ENTERPRISES, INC., BEING DULY  
SWORN, SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE  
INTERESTED IN THIS REPLAY, EITHER AS OWNERS, OR AS LIENHOLDERS HAVE UNDERTAKEN  
AND DATE ABOVE WRITTEN, IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY  
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DAY

NOTARY PUBLIC:  
MY COMMISSION EXPIRES: \_\_\_\_\_  
SEAL

**APPROVALS:**  
CITY OF BROOKVILLE  
COUNCIL  
DATE: \_\_\_\_\_  
PLANNING COMMISSION  
DATE: \_\_\_\_\_  
MAYOR: DAVE SEAGRAVES  
CHAIRPERSON: DOROTHY BATHING  
CLERK: SONIA M. KEATON  
CLERK: DONAL N. KEATON

**SURVEYOR'S CERTIFICATION:**  
I, MICHAEL L. GINGER, 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 UNDERR MY  
DIRECTION AND SUPERVISION DURING AUGUST 2006, AND THAT ALL MARKINGS  
INDICATED HEREIN 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 AREA.

MICHAEL L. GINGER, REG. PROF. SURVEYOR, NO. 6209  
STATE OF OHIO  
DECEMBER, 2006

PROFESSIONAL ASSOCIATES INC  
PROFESSIONAL PLANNERS & SURVEYORS  
ALL SERVICES PROVIDED ARE ACCURATE  
1001 BRIDGEPORT BLVD. SUITE 200  
CANTON, OHIO 44718  
PHONE: (330) 454-4200  
FAX: (330) 454-4201