

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-02

Passed FEBRUARY 20, 20 07

AN ORDINANCE VACATING A PART OF A PUBLIC ALLEY ABUTTING MCKINLEY STREET, AND DECLARING IT AN EMERGENCY.

WHEREAS, Council has determined that it is necessary and proper to vacate a part of a certain public alley abutting McKinley Street, being 0.126 acres, as set forth and described in the legal description and vacation plat attached hereto as Exhibit "A" and incorporated herein by reference.

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, that there is good cause for such vacation of said street as prayed for, and that such vacation of streets will not be detrimental to the general interest and ought to be made.

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

SECTION I:

A part of an alley, being 0.126 acres, more or less, as set forth and described in the legal description and vacation 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 alley and thereby permit the Brookville Local Schools to proceed with re-platting of their Hill Street property. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Chapter of the City of Brookville.

PASSED this 20th day of February, 2007.

ATTEST:



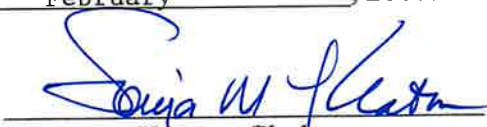
Sonja M. Keaton, Clerk



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 2007-02, passed by the Council of the City of Brookville, Ohio, on the 20th day of February, 2007.



Sonja M. Keaton, Clerk

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CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2007-02 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 22nd day of February, 2007 to the 23rd day of March, 2007, both days inclusive.

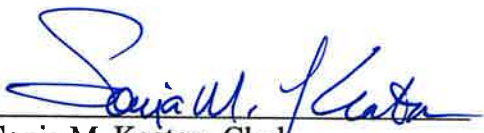

Sonja M. Keaton, Clerk

EXHIBIT "A"

BRUMBAUGH ENGINEERING & SURVEYING, LLC
1105 South Miami St.
West Milton, Ohio 45383
937-698-3000

January 31, 2007

Description For Board of Education Brookville Consolidated School District
for a 0.126 Acre Part of Alley Vacation

Situate in the State of Ohio, Montgomery County, City of Brookville and being part of the Noah Baker addition to said City as recorded in Plat Book "A" Page 232 of the Montgomery County Record of Plats and being more specifically described as follows:

Commencing at a point at the northwest corner of Lot No. 119 of said plat and the intersection of the south Right-of-Way line of McKinley Street (50' R/W) with the North Right of way line of a 16' Public Alley marking the **TRUE POINT OF BEGINNING**;

Thence with the said East Line of Public Alley Southerly for a distance of 342 feet to the Northwest corner of Douglas W. and Jaqueline M. Munn's tract as recorded in MF # 92-0222 C06 of the Montgomery County record of deeds and being on the West line of Lot 113;

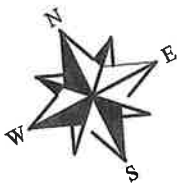
Thence at an angle of 90 degrees westerly with a new division line through said alley for a distance of 16 feet to a point on the east property line of Lot 135 and west line of said alley;

Thence at an angle of 90 degrees Northerly with the West line of said Alley for a distance of 342 feet to a point on the South Right of Way line of said McKinley Street and at the Northeast corner of Lot 129;

Thence at an angle of 90 degrees Easterly with the South right of way line of said McKinley Street for a distance of 16 feet to the point of beginning. Containing 0.126 acres more or less and being subject to all restrictions, easements, conditions and covenants, and legal highways of record.

The foregoing description is according to the Noah Baker addition to said City as recorded in Plat Book "A" Page 232 of the Montgomery County Record of Plats.

Philip C. Brumbaugh
Ohio Reg. #5057



NORTH ARROW FOR DESCRIPTION

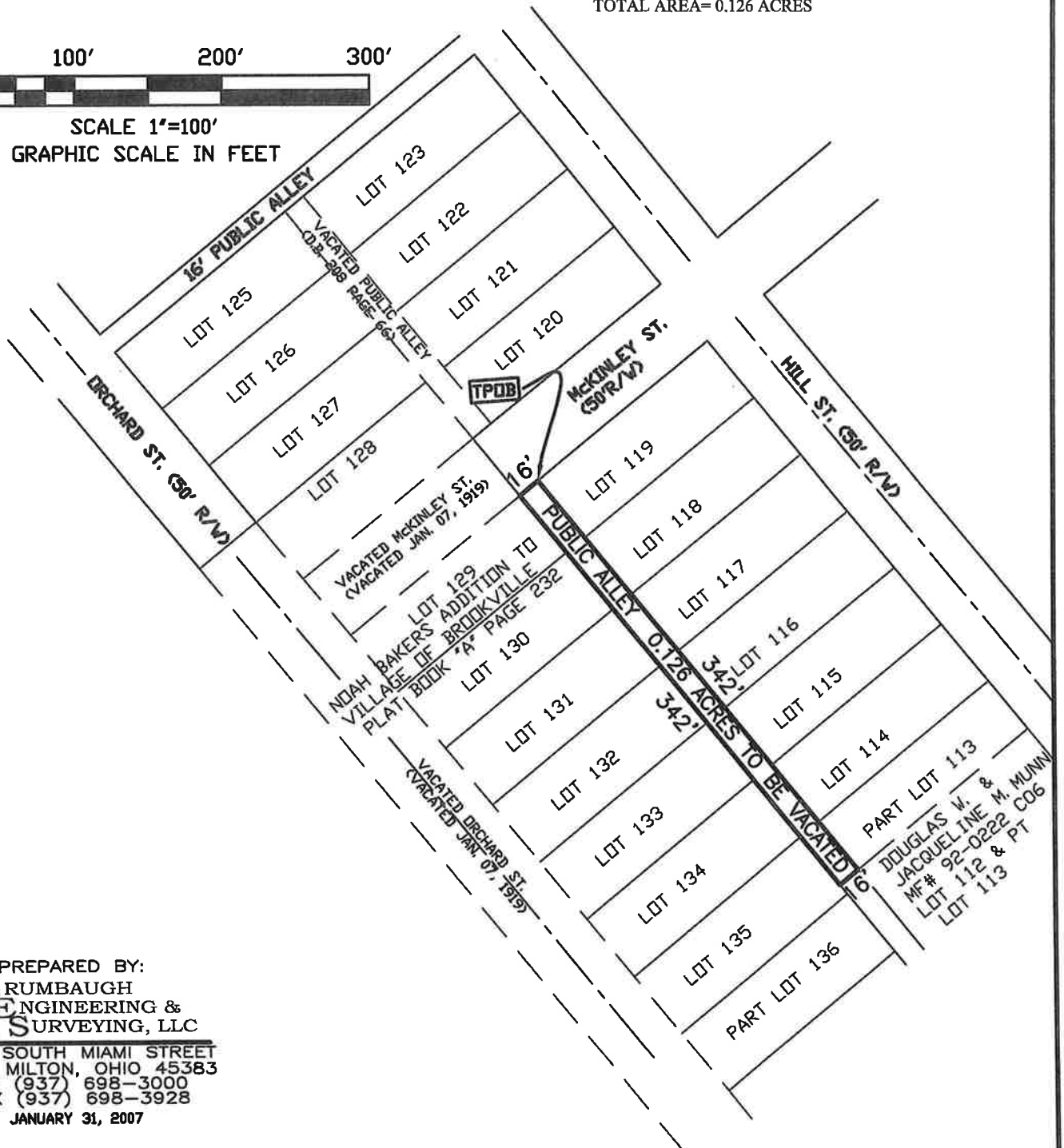


SCALE 1"=100'
GRAPHIC SCALE IN FEET

VACATION OF PART OF ALLEY
FOR

BROOKVILLE BOARD OF EDUCATION
BROOKVILLE CONSOLIDATED SCHOOL DISTRICT
LOCATED IN STATE OF OHIO, MONTGOMERY COUNTY, CITY OF BROOKVILLE
CLAY TOWNSHIP, SECTION 34, T6, R4E

BEING A VACATION
OF PART OF ALLEY BETWEEN HILL ST. AND ORCHARD ST. AS RECORDED
IN NOAH BAKERS ADDITION TO THE VILLAGE OF
BROOKVILLE IN PLAT BOOK "A" PG 232
TOTAL AREA= 0.126 ACRES



PREPARED BY:

BRUMBAUGH
ENGINEERING &
SURVEYING, LLC

1105 SOUTH MIAMI STREET
WEST MILTON, OHIO 45383
PH (937) 698-3000
FAX (937) 698-3928

JANUARY 31, 2007