

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-03

Passed FEBRUARY 20, 2007

AN ORDINANCE VACATING A PART OF ORCHARD STREET, AND DECLARING IT AN EMERGENCY.

WHEREAS, Council has determined that it is necessary and proper to vacate a certain part of Orchard Street, being 0.172 acres, as set forth 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 Orchard Street, being 0.172 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:

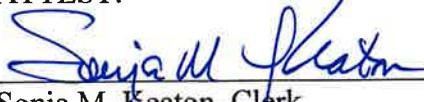
A certified copy of this Ordinance and Plat of this street vacation shall be filed with the office of the Montgomery County Recorder, and a copy of this Ordinance shall be submitted to the office of the Montgomery County Auditor by the Clerk of Council.

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 street 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 2007-03, passed by the Council of the City of Brookville, Ohio, on the 20th day of February, 2007.


Sonja M. Keaton, Clerk

RECORD OF ORDINANCES

Ordinance No. 2007-03

Passed FEBRUARY 20, 2007

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2007-03 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 0.172 Acre Part of Orchard Street 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. 125 of said Noah Baker plat and the intersection of the South line of a 16' Public Alley with the East Right of way line of Orchard Street (50' Right of Way) marking the **TRUE POINT OF BEGINNING**;

Thence with the said East Right of Way Line of Orchard Street southerly for a distance of 150 feet to a point marking the Northwest corner of Lot 128;

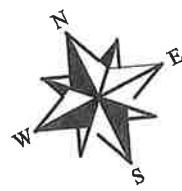
Thence at an angle of 90 degrees westerly with the North line of the Part of Orchard St. previously vacated on Jan. 07, 1919 for a distance of 50 feet to a point on the West Right of Way line of said Orchard Street and at the Northeast corner of Lot 147;

Thence at an angle of 90 degrees northerly with the said West Right of Way line of Orchard Street for a distance of 150 feet to a point on the South line of said Public Alley and at the Northeast corner of Lot 150;

Thence at an angle of 90 degrees easterly with the South line of said Public Alley for a distance of 50 feet to the point of beginning. Containing 0.172 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

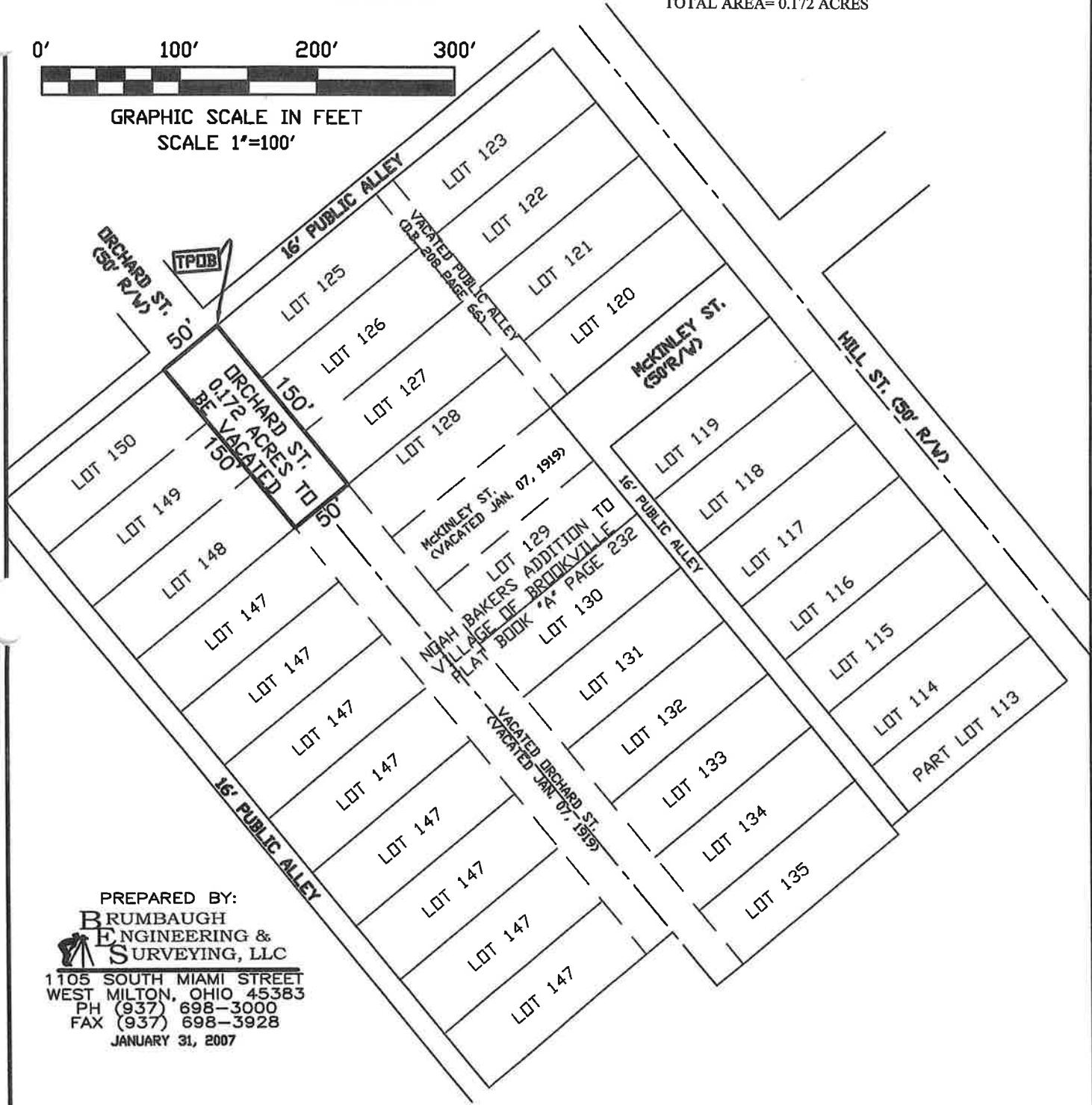


NORTH ARROW FOR DESCRIPTION



GRAPHIC SCALE IN FEET
SCALE 1'=100'

VACATION OF PART OF ORCHARD STREET
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 ORCHARD ST. AS RECORDED
IN NOAH BAKERS ADDITION TO THE VILLAGE OF
BROOKVILLE IN PLAT BOOK "A" PG 232
TOTAL AREA= 0.172 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