

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-04

Passed FEBRUARY 20, 20 07

## **AN ORDINANCE VACATING A PART OF MCKINLEY STREET, AND DECLARING IT AN EMERGENCY.**

**WHEREAS**, Council has determined that it is necessary and proper to vacate a part of McKinley Street, being 0.191 acres, more or less, 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 McKinley Street, being 0.191 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.

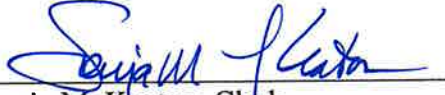
ATTEST:

  
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 2007-04, 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 2007-04 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  
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 0.191 Acre Part of McKinley 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 Southeast corner of Lot No. 120 and the intersection of the North Right-of-Way line of McKinley Street (50' R/W) and the West Right of way line of Hill Street (50' Right of Way) marking the **TRUE POINT OF BEGINNING**;

Thence Southerly with the said West Right of Way Line of Hill Street for a distance of 50 feet to the Northeast corner of Lot 119;

Thence at an angle of 90 degrees Westerly with the south right of way line of McKinley Street and the North line of said lot 119 for a distance of 166 feet to the Northeast corner of Lot 129 also being on the West line of a 16' Public Alley;

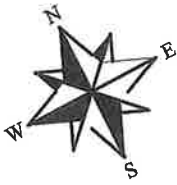
Thence at an angle of 90 degrees northerly with the said West line of alley and the East line of the Vacated McKinley St. previously vacated on Jan. 07, 1919 for a distance of 50 feet to a point on the North Right of Way line of said McKinley Street and at the Southeast corner of Lot 128;

Thence at an angle of 90 degrees easterly with the North right of way line of said McKinley St and the South line of said lot 120 for a distance of 166 feet to the point of beginning. Containing 0.191 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

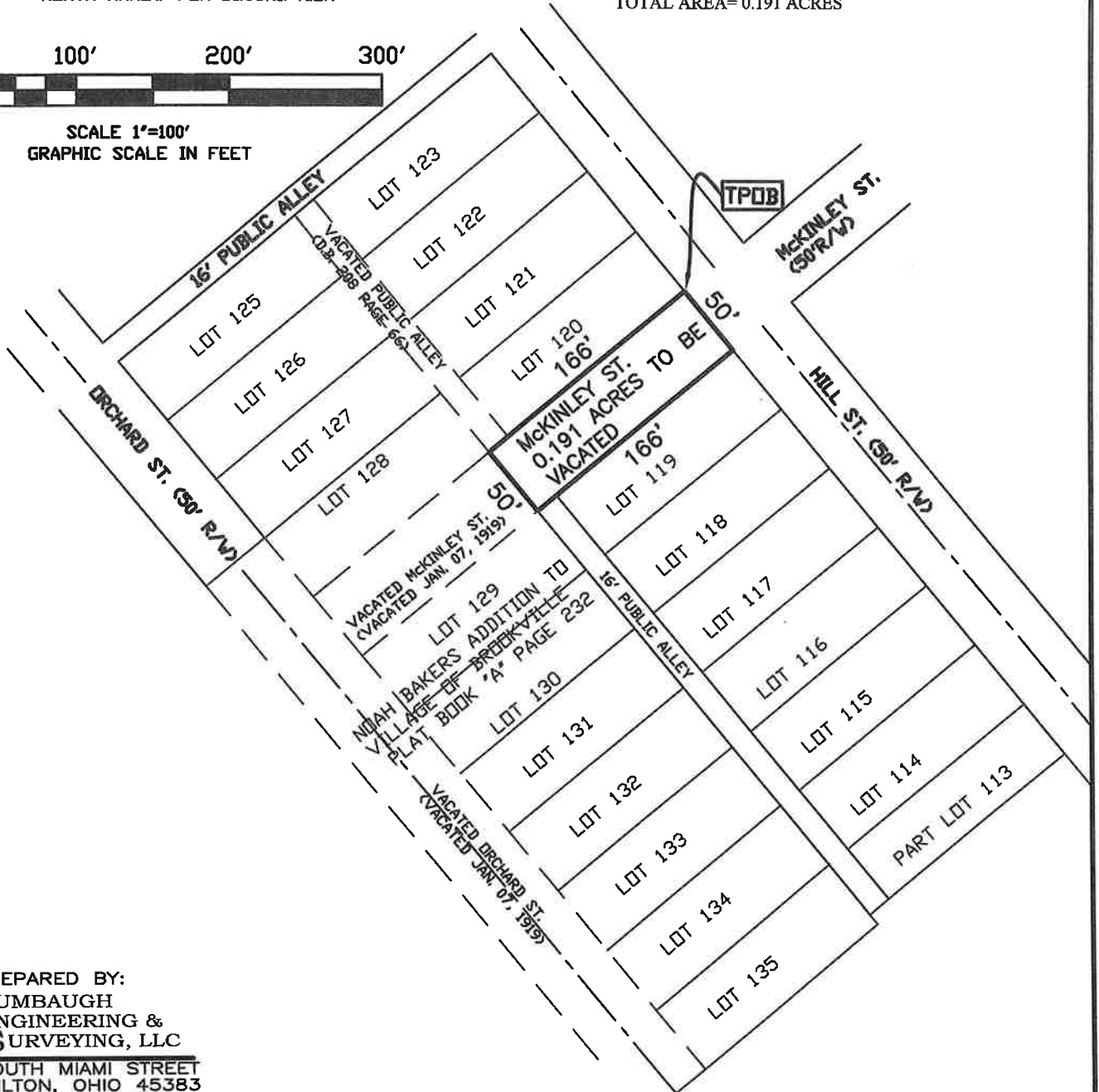
VACATION OF PART OF McKINLEY STREET  
FOR  
BROOKVILLE BOARD OF EDUCATION  
BROOKVILLE CONSOLIDATED SCHOOL DISTRICT  
LOCATED IN STATE OF OHIO, MONTGOMERY COUNTY, CITY OF BROOKVILLE  
CLAY TOWNSHIP, SECTION 34, T6, R4E  
BEING A VACATION  
OF PART OF McKINLEY ST. AS RECORDED  
IN NOAH BAKERS ADDITION TO THE VILLAGE OF  
BROOKVILLE IN PLAT BOOK "A" PG 232  
TOTAL AREA= 0.191 ACRES



NORTH ARROW FOR DESCRIPTION



SCALE 1"=100'  
GRAPHIC SCALE IN FEET



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