

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-13

Passed JUNE 6, 20 07

AN ORDINANCE RENAMING BROOKVILLE DRIVE TO PAYLESS WAY IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.

WHEREAS, Payless ShoeSource, Inc. has committed to building a 600,000 square-foot distribution center in the City of Brookville, Ohio; and

WHEREAS, Payless ShoeSource, Inc. has committed to hiring 300 employees at its new Brookville facility; and

WHEREAS, Council desires to recognize and honor the commitment of Payless ShoeSource Inc. to the City of Brookville, Ohio by changing the name of Brookville Drive to Payless Way; and

WHEREAS, Council has determined that there is good cause for changing the name of Brookville Drive as set forth and described in NORTHBROOK INDUSTRIAL PARK, SECTION FOUR, as recorded in Plat Book 207, Page 1-1A of the Plat Records of Montgomery County, Ohio, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

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

SECTION I:

The name of Brookville Drive, as set forth and described in NORTHBROOK INDUSTRIAL PARK, SECTION FOUR, Plat Book 207, Page 1-1A of the Plat Records of Montgomery County, Ohio, is hereby changed to Payless Way.

SECTION II:

A certified copy of this Ordinance 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 Law Director of the City of Brookville, Ohio.


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, Ohio to authorize the immediate renaming of this street and thereby permit the City of Brookville to proceed with immediately notifying all appropriate government and private agencies of this change of street name. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville, Ohio.

PASSED this 5th day of June 2007.

ATTEST:


Sonja M. Keaton, Clerk


David E. Scagraves, Mayor

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-13 Passed JUNE 5TH, 20 07

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. 2007-13 passed by the Council of the City of Brookville, Ohio, on the 5th day of June 2007.

Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2007-13 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 6th day of June 2007 to the 6th day of July 2007, both days inclusive.

Sonja M. Keaton, Clerk

207 pg 1A

DEDICATION

WE, THE UNDERSIGNED, BEING ALL OWNERS OF THE LANDS HEREIN SUBDIVIDED, DO HEREBY ACKNOWLEDGE THE HAVING AND SIGNING OF THIS INSTRUMENT TO BE OUR VOLUNTARY ACT AND DEED, DO HEREBY DEDICATE THE STREET AND RESERVE EASEMENTS AS SHOWN TO THE PUBLIC USE FOREVER.

EASEMENTS SHOWN ON THE PLAT, UNLESS OTHERWISE DESIGNATED, ARE FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, OR REMOVAL OF WATER, GAS, ELECTRIC, TELEPHONE, OR OTHER UTILITY LINES OR SERVICES, AND FOR THE EXPRESS PRIVILEGE OF REMOVING ANY AND ALL TREES OR OTHER OBSTRUCTIONS TO THE FREE USE OF SAID UTILITIES, AND FOR PROVIDING OF INGRESS AND EGRESS FROM THE PROPERTY FOR SAID PURPOSES, AND ARE TO BE MAINTAINED AS SUCH FOREVER, ALSO, AN EASEMENT TO INSTALL, CONSTRUCT, RECONSTRUCT, OPERATE, MAINTAIN, REPAIR, SUPPLEMENT, AND REMOVE AT ANY TIME OR TIMES HEREFTER, UNDERGROUND COMMUNICATIONS SERVICE CABLE FACILITIES, AND/OR ELECTRIC POWER CABLES AND APPURTENANCES IN, UNDER, AND UPON THE UTILITY EASEMENTS SHOWN ON THE PLAT, SAID GRANT INCLUDES THE RIGHT AT ALL TIMES, OF INGRESS TO AND EGRESS FROM SAID GRANT INCLUDES THE RIGHT AT ALL TIMES, OF INGRESS TO AND EGRESS FROM SAID STRIP, AND THE RIGHT TO CLEAR AND KEEP CLEARED SAID UTILITY EASEMENT OF ALL SHRUBBERY, TREES, ROOTS, UNDERGROWTH, AND OBSTRUCTIONS, SO AS TO KEEP FACILITIES CLEAR THEREOF.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: OWNER: CITY OF BROOKVILLE

WITNESS: 5/2/07 DATE
John R. Wright 5/2/07
WITNESS DATE

JOHN R. WRIGHT
CITY MANAGER

STATE OF OHIO
COUNTY OF MONTGOMERY, SS:

BE IT REMEMBERED, THAT ON THIS 23 DAY OF MAY 2007 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY CAME JOHN R. WRIGHT, CITY MANAGER OF THE CITY OF BROOKVILLE, OWNER OF THE LAND PLATTED HEREON, AND ACKNOWLEDGED THE SIGNING OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED INDIVIDUALLY AND THE VOLUNTARY ACT AND DEED OF SAID OWNER.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THE DAY AND YEAR ABOVE WRITTEN.



John R. Wright
NOTARY PUBLIC

JOHN R. WRIGHT, BEING AFFIRMED, SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF HIS KNOWLEDGE, INTERESTED IN THIS DEDICATION, EITHER AS OWNERS OR AS LIEN HOLDERS, HAVE UNITED IN ITS EXECUTION.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: OWNER: CITY OF BROOKVILLE

WITNESS: 5/2/07 DATE
John R. Wright 5/2/07
WITNESS DATE

JOHN R. WRIGHT
CITY MANAGER

STATE OF OHIO
COUNTY OF MONTGOMERY, SS:

BE IT REMEMBERED, THAT ON THIS 23 DAY OF MAY 2007 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY CAME JOHN R. WRIGHT, CITY MANAGER OF THE CITY OF BROOKVILLE, OWNER, AND ACKNOWLEDGED THE SIGNING OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED AS OWNER AND THE VOLUNTARY ACT AND DEED OF SAID OWNER.

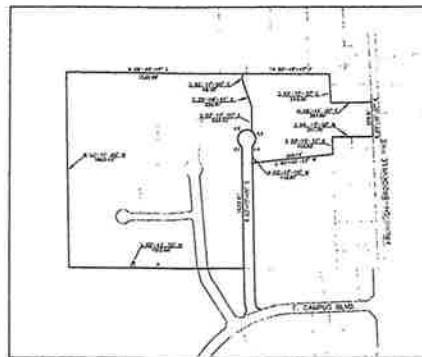
IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THE DAY AND YEAR ABOVE WRITTEN.

John R. Wright
NOTARY PUBLIC

07/05 - B PH 11/3
AUDITOR



VICINITY MAP



SUPERIMPOSED AREA MAP

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	44°-00'-12"	37.00'	28.42'	27.72'	S 24°-17'-06" E
C2	169°-45'-55"	77.00'	228.15'	153.39'	S 38°-35'-45" W
C3	98°-14'-30"	77.00'	132.03'	116.44'	S 07°-24'-03" E
C4	44°-00'-12"	37.00'	28.42'	27.72'	S 19°-43'-06" W
C5	16°-08'-11"	305.00'	85.72'	85.44'	S 10°-20'-05" E
C6	08°-46'-27"	1045.00'	160.03'	159.87'	S 68°-52'-19" W
C7	16°-43'-41"	395.00'	115.32'	114.91'	N 10°-36'-50" W
C8	02°-17'-37"	1045.00'	41.83'	41.83'	S 63°-20'-16" W
C9	268°-00'-25"	77.00'	360.16'	110.77'	N 87°-43'-00" E
C10	18°-50'-41"	350.00'	115.12'	114.60'	N 11°-42'-21" W
C11	11°-11'-17"	1000.00'	195.27'	194.96'	N 63°-16'-40" E

RECORD PLAN NORTHBROOK INDUSTRIAL PARK, SECTION FOUR

BEING A REPLAT OF LOTS 2545, 2546, 2279, 2280, 2281, 2282, 2283, 2284, AND PART OF LOT 1758 OF THE CONSECUTIVE LOT NUMBERS OF THE CITY OF BROOKVILLE AND A PORTION OF VACATED STREETS, SECTION 28, TOWN 6, RANGE 4E, FIRST MERIDIAN MONTGOMERY COUNTY, OHIO
76.264 ACRES TOTAL

4/25/00 03/08/07 13:49:17
PLAT-07-027114 0000
Montgomery County
Mills & Meacham Recorder

NAME OF DEVELOPER/OWNER

CITY OF BROOKVILLE
301 SYCAMORE STREET
BROOKVILLE, OHIO 45309
(937) 833-2135

APPROVALS

APPROVED THIS 19 DAY OF APRIL 2007 BY THE PLANNING COMMISSION OF THE CITY OF BROOKVILLE, OHIO

Charles Watson
CHAIRMAN

APPROVED THIS 23 DAY OF APRIL 2007 BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO

John R. Wright
MAYOR
Charles Watson
CLERK

MONTGOMERY COUNTY ENGINEER

APPROVED FOR DESCRIPTION THIS 7 DAY OF MAY 2007 BY THE MONTGOMERY COUNTY ENGINEER.

John R. Wright
MONTGOMERY COUNTY ENGINEER

CHOICE
ONE ENGINEERING
INCORPORATED
10000 WILSON ROAD
COLUMBUS, OHIO 43240
(614) 497-0000
FAX (614) 497-0000
www.choiceoneengineering.com

BROOKVILLE INDUSTRIAL PARK
CITY OF BROOKVILLE, OHIO
RECORD PLAN

REVISIONS
04-18-2007
04-24-2007

FILE NAME
MOTBRO0703COV
DRAWN BY
TLC
CHECKED BY
TLC
PROJECT NO.
MOTBRO0703
DATE
04-05-2007
SHEET NUMBER
2 of 2