

RECORD OF ORDINANCES

Ordinance No. 2007-13

Passed JUNE 6, 2007

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:

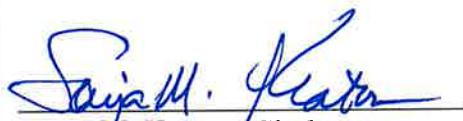
A certified copy of this Ordinance shall be filed with the office of the Montgomery County Recorder, and a copy of this Ordinance shall be submitted to the office of the Montgomery County Auditor by the Law Director of the City of Brookville, Ohio.

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. Seagraves, Mayor

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 2007-13

Passed JUNE 5TH, 2007

CERTIFICATE

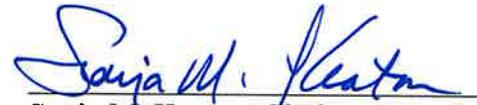
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2007-13 passed by the Council of the City of Brookville, Ohio, on the 5th day of June 2007.



Sonja M. Keaton
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
Sonja M. Keaton, Clerk

207 pg 1A

DEDICATION <p>WE, THE UNDERSIGNED, BEING ALL OWNERS OF THE LANDS HEREIN SUBDIVIDED, DO HEREBY ACKNOWLEDGE THE MAKING 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.</p> <p>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 READING, ANY AND ALL TRENDS 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 HEREAFTER, UNDERGROUND COMMUNICATIONS, SERVICE CABLES, FACILITIES, AND/OR ELECTRIC POWER CABLES AND APPURTENANCES THEREOF, AND THAT THE 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 UTILITY EASEMENT, 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.</p> <p>SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:</p> <p>OWNER: CITY OF BROOKVILLE WITNESS: JOHN R. WRIGHT CITY MANAGER DATE: 5/5/07</p> <p>STATE OF OHIO COUNTY OF MONTGOMERY, SS: BE IT REMEMBLED, THAT ON THIS 5th 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.</p> <p>IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL ON THE DAY AND YEAR ABOVE WRITTEN.</p> <p>John R. Wright NOTARY PUBLIC State of Ohio John R. Wright CITY MANAGER 5/5/07 WITNESS: JOHN R. WRIGHT CITY MANAGER DATE: 5/5/07</p> <p>STATE OF OHIO COUNTY OF MONTGOMERY, SS: BE IT REMEMBLED, THAT ON THIS 5th 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.</p> <p>John R. Wright NOTARY PUBLIC State of Ohio John R. Wright CITY MANAGER 5/5/07 WITNESS: JOHN R. WRIGHT CITY MANAGER DATE: 5/5/07</p>		<p>THIS SURVEY</p>  <p>VICINITY MAP</p> <p>1172-60 05/05/07 124917 PLAT-07-207-0000000 Montgomery County WITNESS: E. Blackshear, Recorder</p>																																																																							
<p align="center">RECORD PLAN NORTHBROOK INDUSTRIAL PARK, SECTION FOUR</p> <p>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</p> <p>1172-60 05/05/07 124917 PLAT-07-207-0000000 Montgomery County WITNESS: E. Blackshear, Recorder</p>																																																																									
<p>NAME OF DEVELOPER/OWNER CITY OF BROOKVILLE 301 SYCAMORE STREET BROOKVILLE, OHIO 45309 (937) 833-2135</p> <p>APPROVALS APPROVED THIS 19th DAY OF APRIL, 2007 BY THE PLANNING COMMISSION OF THE CITY OF BROOKVILLE, OHIO Chairman APPROVED THIS 23rd DAY OF APRIL, 2007 BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO Mayor Clerk</p> <p>CURVE TABLE</p> <table border="1"> <thead> <tr> <th>NUMBER</th> <th>DELTA ANGLE</th> <th>RADIUS</th> <th>ARC LENGTH</th> <th>CHORD LENGTH</th> <th>CHORD DIRECTION</th> </tr> </thead> <tbody> <tr><td>C1</td><td>44°-00'-12"</td><td>37.00'</td><td>28.42'</td><td>27.72'</td><td>S 24°-17'-06" E</td></tr> <tr><td>C2</td><td>169°-45'-55"</td><td>77.00'</td><td>228.15'</td><td>153.39'</td><td>S 38°-35'-45" W</td></tr> <tr><td>C3</td><td>98°-14'-30"</td><td>77.00'</td><td>132.03'</td><td>116.44'</td><td>S 07°-24'-03" E</td></tr> <tr><td>C4</td><td>44°-00'-12"</td><td>37.00'</td><td>28.42'</td><td>27.72'</td><td>S 19°-43'-06" W</td></tr> <tr><td>C5</td><td>16°-06'-11"</td><td>308.00'</td><td>85.72'</td><td>85.44'</td><td>S 10°-20'-05" E</td></tr> <tr><td>C6</td><td>08°-46'-27"</td><td>1045.00'</td><td>160.03'</td><td>159.87'</td><td>S 68°-52'-19" W</td></tr> <tr><td>C7</td><td>16°-43'-41"</td><td>395.00'</td><td>115.32'</td><td>114.91'</td><td>S 10°-38'-50" W</td></tr> <tr><td>C8</td><td>02°-17'-37"</td><td>1045.00'</td><td>41.83'</td><td>41.83'</td><td>S 63°-20'-16" W</td></tr> <tr><td>C9</td><td>268°-00'-25"</td><td>77.00'</td><td>360.18'</td><td>310.77'</td><td>S 87°-43'-00" E</td></tr> <tr><td>C10</td><td>18°-50'-41"</td><td>350.00'</td><td>115.12'</td><td>114.60'</td><td>N 11°-42'-21" W</td></tr> <tr><td>C11</td><td>111°-11'-17"</td><td>1000.00'</td><td>195.27'</td><td>194.96'</td><td>N 63°-16'-40" E</td></tr> </tbody> </table> <p>MONTGOMERY COUNTY ENGINEER APPROVED FOR DESCRIPTION THIS 7th DAY OF MAY, 2007 BY THE MONTGOMERY COUNTY ENGINEER Montgomery County Engineer 07-05-07</p>	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°-06'-11"	308.00'	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'	S 10°-38'-50" W	C8	02°-17'-37"	1045.00'	41.83'	41.83'	S 63°-20'-16" W	C9	268°-00'-25"	77.00'	360.18'	310.77'	S 87°-43'-00" E	C10	18°-50'-41"	350.00'	115.12'	114.60'	N 11°-42'-21" W	C11	111°-11'-17"	1000.00'	195.27'	194.96'	N 63°-16'-40" E	<p>ONE ENGINEERING Montgomery County Engineers 1172-60 05/05/07 124917 PLAT-07-207-0000000 Montgomery County WITNESS: E. Blackshear, Recorder</p> <p>BROOKVILLE INDUSTRIAL PARK CITY OF BROOKVILLE, OHIO RECORD PLAN</p> <p>REVISIONS: 04-18-2007 04-26-2007</p> <p>FILE NAME: MOTBRO0070320V</p> <p>DRAWN BY: JMK</p> <p>CHECKED BY: TLC</p> <p>PROJECT NO.: MOTBRO0203</p> <p>DATE: 04-05-2007</p> <p>Sheet Number: 2 of 2</p>
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