

# RECORD OF ORDINANCES

Ordinance No. 2004-12

Passed SEPTEMBER 7TH, 2004

## AN ORDINANCE VACATING A PORTION OF UPPER LEWISBURG-SALEM ROAD IN THE CITY OF BROOKVILLE, OHIO, AND DECLARING IT AN EMERGENCY.

WHEREAS, the intersection of Upper Lewisburg-Salem Road and Arlington Road in the City of Brookville has recently been altered as a result of the Arlington Road improvement project; and

WHEREAS, the alteration of the intersection of Upper Lewisburg-Salem Road and Arlington Road has resulted in an area of street right of way on the southern side of Upper Lewisburg-Salem Road that is no longer required to be maintained as public right of way, said right of way being described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, the property owners adjacent to this right of way desire to use this right of way area as a storm detention area for the proposed Brookwoode Subdivision; and

WHEREAS, Council finds that there is good cause for vacating the aforementioned right of way, described in Exhibit A, and that said vacation shall not be detrimental to the general interest, and that the right of way should be vacated; and

WHEREAS, all of the owners abutting the right of way have filed written consent to the vacation of the right of way, and therefore, the notice of intent to vacate provided by Section 723.06 of the Ohio Revised Code is not required.

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

SECTION I: That the Upper Lewisburg-Salem Road street right of way described in Exhibit A attached hereto and incorporated herein by reference is hereby vacated.

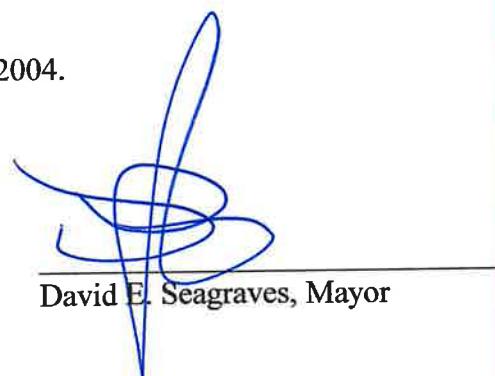
SECTION II: A vacation plat of said right of way shall be recorded in the office of the Montgomery County Recorder and the Montgomery County Auditor shall be notified of the vacation of that right of way.

SECTION III: This Ordinance is hereby declared to be an emergency ordinance necessary for the immediate preservation of the public peace, health, safety or welfare for the reason that it is necessary to immediately vacate this area to permit the timely recording of the Brookwoode subdivision and the creation of the storm detention area necessary for the Brookwoode subdivision and the Brookville National Bank project in said subdivision. This Ordinance shall take effect and be in full force and effect from and after its passage by a two-thirds majority of Council as provided by the Charter of the City of Brookville.

PASSED this 7TH day of SEPTEMBER, 2004.

ATTEST:

  
Sonja M. Keaton

  
David E. Seagraves, Mayor

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## CERTIFICATE

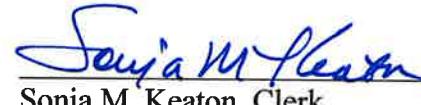
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2004-12, passed by the Council of the City of Brookville, Ohio, on the 7TH day of SEPTEMBER, 2004.



Sonja M. Keaton, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2004-12 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 8TH day of SEPTEMBER, 2004 to the 8TH day of OCTOBER, 2004, both days inclusive.



Sonja M. Keaton, Clerk

