

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2002-05

Passed March 5, 2002
YEAR

AN ORDINANCE AMENDING ORDINANCE 2002-04, AND DECLARING IT AN EMERGENCY.

WHEREAS, pursuant to section 723.05 O.R.C., Council determined in Ordinance 2002-04 that there was good cause to narrow the right of way known as East Campus Blvd. from ninety (90) feet to sixty (60) feet, and to permit the replat of the Harvest Wing Development Subdivision with the East Campus Blvd. right of way narrowed to sixty (60) feet; and

WHEREAS, the replat of Harvest Wing Development Subdivision altered the location of Walker Court and thereby said replat requires the vacation of Walker Court as previously platted; and

WHEREAS, Ordinance 2002-04 inadvertently omitted the vacation of Walker Court as previously platted; and

WHEREAS, all of the owners of property abutting the Walker Court right of way have filed written consent to the vacation of the Walker Court right of way.

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

SECTION 1: Section 1 of Ordinance 2002-04 is hereby amended as follows:

The right of way known as East Campus Blvd. is hereby narrowed from ninety (90) feet to sixty (60) feet. The new right of way of sixty (60) feet is set forth in the replat of Harvest Wing Development Subdivision, a copy of which is attached hereto and marked Exhibit A. Walker Court as previously platted is hereby vacated, and relocated to the new right of way as is set forth on the replat of Harvest Wing Development Subdivision.

SECTION 2: Section 2 of Ordinance 2002-04 is hereby amended as follows:

The Clerk of Council and City Engineer are hereby authorized and directed to execute the replat of Harvest Wing Development Subdivision incorporating therein the narrowing of E. Campus Blvd. and the vacation of Walker Court as previously platted, and further, to execute a vacation plat narrowing E. Campus Blvd. and vacating Walker Court in the event said vacation plat is required by Montgomery County.

SECTION 3: This Ordinance is hereby declared to be an emergency measure to preserve the public health, safety and welfare of the citizens of the City of Brookville by permitting the immediate replat of Harvest Wing Development Subdivision and thereby assist in the immediate economic development of the Harvest Wing Development Subdivision.

PASSED this 5th day of March, 2002.

ATTEST:

Sonja M. Keaton
Sonja M. Keaton, Clerk

Carole A. Imler
Carole A. Imler, Mayor

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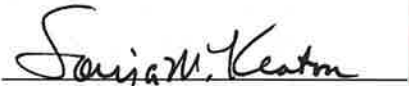
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2002-05, passed by the Council of the City of Brookville, Ohio, on the 5th day of March, 2002.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2002-05 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 March, 2002 to the 6th day of April, 2002, both days inclusive.


Sonja M. Keaton, Clerk

TO WHOM IT MAY COME
02 FEB 27 AM 11:05
KARL L. NEITH
AUDITOR

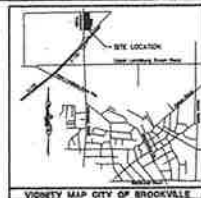
DIANE LONG
ME NO. 85-0015907

RECORD PLAN HARVEST WING DEVELOPMENT

SECTION ONE - A

BEING A REPLAT OF PART LOT 1898 AND ALL OF LOT 2181, 2182 & 2183 OF HARVEST WING DEVELOPMENT SECTION ONE AS RECORDED IN P.B. 181, PG. 26 ALSO BEING OF THE CONSECUTIVE LOT NUMBERS OF THE CITY OF BROOKVILLE AND A PORTION OF VACATED EAST CAMPUS BLVD. AND ALL OF VACATED WALKER COURT BY CITY ORDINANCE # 2002-02 FEBRUARY 5, 2002. BEING LOCATED IN SECTION 27, TOWN 6, RANGE 4-E, OF MONTGOMERY COUNTY, OHIO

5.7281 TOTAL ACRES



NUMBER	DELTA	RADIUS	L	LC	CH
01	174.13°	5472.58	181.78	181.78	S 48°21'03" E
02	80°55'00"	35.05	54.58	48.50	S 48°22'53" E
03	55°28'35"	80.05	58.10	55.86	S 53°23'28" E
04	80°05'38"	60.00	83.87	77.21	S 04°23'46" E
05	45°34'23"	40.00	31.82	35.08	S 21°39'18" E
06	77°10'46"	60.00	293.94	84.00	N 88°24'07" E

4.638 ACRES LOTS 2262, 2263 & 2264
1.0901 AC. RIGHT OF WAY
EAST CAMPUS BLVD. & WALKER COURT
5.7281 TOTAL ACRES

REMAINING PART OF
LOT # 1898

20.878 ACRES TOTAL
0.0530 ACRES IN PORTION LEFT OF STREET VACATION
0.4127 ACRES IN SECTION ONE-A
14.0972 ACRES REMAINDER

LEGEND

- 5/8" IRON PIN FOUND
- 5/8" IRON PIN SET
- SURVEY MONUMENT SET WITH 5/8" IRON PIN
- SECTION STONE

OWNERS/DEVELOPER:
LAND'S WORTH LLC
8 W. MAIN STREET
CANNEL, IN 46032
PH: 317-846-2581
FAX: 317-846-2387

PERTINENT INFORMATION/SURVEY REFERENCES:
Eric C. Thomas Survey - Record of Land Survey
Volume 2003, Page 0399
R/W Plans on file with ODOT
STREET VACATED BY ORDINANCE #2002-04, FEBRUARY 5, 2002

OCCUPATION STATEMENT:
OCCUPATION AS SHOWN CONFORMS TO MONUMENTATION FOUND.

NOTE:
PREVIOUS RECORD PLAN OF HARVEST WING DEVELOPMENT IS RECORDED IN MONTGOMERY COUNTY COURTHOUSE PLAT BOOK 181, PAGE 26

APPROVALS:
CITY OF BROOKVILLE

COUNCIL
DATE: 2/11/02
JAMES D. JONES
WILLIAM C. JONES
DAVID M. JONES
CLERK: JESSA M. KATON

PLANNING COMMISSION
DATE: 2/11/02
JAMES D. JONES
WILLIAM C. JONES
DAVID M. JONES
CLERK: JESSA M. KATON

8/8" L. PIN FD.
55°17'31" W 5.42'

BROOKVILLE CORP. LIMITS

DESCRIPTION

THIS REPLAT OF PART LOT 1898 AND ALL LOT 2181, 2182 & 2183 OF HARVEST WING DEVELOPMENT SECTION ONE AS RECORDED IN P.B. 181, PG. 26 ALSO BEING OF THE CONSECUTIVE LOT NUMBERS OF THE CITY OF BROOKVILLE AND A PORTION OF VACATED EAST CAMPUS BLVD. AND ALL OF VACATED WALKER COURT BY CITY ORDINANCE #2002-04 FEBRUARY 5, 2002. BEING LOCATED IN SECTION 27, TOWN 6, RANGE 4-E, ALL LOTS BEING CONVEYED TO LAND'S WORTH LLC BY MT. #02-734003 AS RECORDED IN THE DEED RECORDS OF MONTGOMERY COUNTY, OHIO

DEDICATION

WE, THE UNDERSIGNED, BEING ALL OWNERS AND LIENHOLDERS OF THE LANDS HEREIN SUBDIVIDED, DO HEREBY ACKNOWLEDGE THE MAKING AND SIGNING OF THIS INSTRUMENT TO BE OUR VOLUNTARY ACT AND DEED AND TO INDUSTRY RESPECTS, EASEMENTS AS SHOWN AND DEDICATE THE STREETS TO THE PUBLIC USE FOREVER.
EASEMENTS SHOWN ON THE PLAT 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 ACCESS TO 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 A STRIP OF LAND FIVE (5) FEET IN WIDTH EXTENDING FROM REAR OF SIDE LOT LINES TO THE BUILDING SITE ON SAID LOT. SAID GRANT INCLUDES THE RIGHT AT ALL TIMES, OF ACCESS TO AND EGRESS FROM SAID STRIP, THE RIGHT TO USE THE PREMISES PARALLEL TO AND ADJOINING THE BOUNDARIES OF SAID STRIP FOR THE OPERATION OF APPURTENANCES, APPLIANCES, AND EQUIPMENT FOR ANY OF THE PURPOSES HEREIN SPECIFIED, AND THE RIGHT TO CLEAR AND KEEP CLEANED SAID STRIP OF ALL BRUSH, TREES, ROOTS, UNDERGROWTH, AND OBSTRUCTIONS, SO AS TO KEEP FACILITIES CLEAR THEREOF. THE SAID TELEPHONE COMPANY AND/OR POWER AND LIGHT COMPANY SHALL PROMPTLY RESTORE THE SURFACE OF SAID STRIP TO ITS FORMER STATE OF USEFULNESS.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF: OWNERS: LAND'S WORTH LLC

Henry J. Walker
Owner: Henry J. Walker, Member
Raymond M. Walker
Owner: Raymond M. Walker, Member
Charles J. Butcher
Owner: Charles J. Butcher, Member
Jeffrey E. Sound
Witness
Eric C. Thomas
Witness

STATE OF OHIO, COUNTY OF MONTGOMERY, S.S.
BE IT REMEMBERED, THAT ON THIS 11th DAY OF FEBRUARY 2002 BEFORE ME, ERIC C. THOMAS, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY CAME HENRY J. WALKER, RAYMOND M. WALKER & CHARLES J. BUTCHER, MEMBERS OF THE LAND'S WORTH LLC, AN INDIANA CORPORATION, AS OWNERS, AND TO ME KNOW, AND ACKNOWLEDGED THE SIGNING AND EXECUTION OF THE WITHIN PLAT TO BE THEIR VOLUNTARY ACT AND DEED. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND NOTARIAL SEAL, ON THE DATE AND DATE ABOVE WRITTEN.

NOTARY PUBLIC: *Eric C. Thomas*
My Commission Expires: 12/31/2004

STATE OF OHIO, COUNTY OF MONTGOMERY, S.S.
HENRY J. WALKER, MEMBER, RAYMOND M. WALKER, MEMBER, CHARLES J. BUTCHER, MEMBER, BEING DULY SWORN SAYS THAT ALL PERSONS AND CORPORATIONS, TO THE BEST OF THEIR KNOWLEDGE INTERESTED IN THIS DEDICATION, EITHER AS OWNERS, OR AS LIENHOLDERS, HAVE UNITED IN ITS EXECUTION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL ON THE DATE AND DATE ABOVE WRITTEN.
NOTARY PUBLIC: *Eric C. Thomas*
My Commission Expires: 12/31/2004

SURVEYOR'S CERTIFICATION:
I, ERIC C. THOMAS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF OHIO, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY AND PLAT COMPLETED UNDER MY SUPERVISION DURING JANUARY 2002, AND THAT ALL MONUMENTS SHOWN HEREON WILL BE SET AT A TIME WHEN CONSTRUCTION WORK IS COMPLETED AND/OR BUILDING OCCURRED, AND WILL ACCURATELY REPRESENT THEIR LOCATION, AND MATERIAL SHOWN ON THIS PLAT, THAT ANY LOT TRANSFERRED WILL HAVE A WIDTH AND AREA THE SAME AS INDICATED ON THE PLAT, AND THAT ALL APPLICABLE SURVEYING REQUIREMENTS HAVE BEEN FULFILLED.

PREPARED BY:
FANNING/HOWEY ASSOCIATES, INC.
1700 BRANCHER BOULEVARD
CELINA, OHIO 45822
419-585-2282
ERIC C. THOMAS, P.E., P.S.
PROFESSIONAL SURVEYOR, #7236

PREPARED BY: **Fanning/Howey**
Civil Engineering Division
Engineers Surveyors Consultants
1200 BRANCHER BOULEVARD, CELINA, OHIO 45822
PH: (419) 585-2282, FAX: (419) 585-2287

SCALE: 1"=60'

GRAPHIC SCALE

BASIS OF BEARINGS
BASIS OF BEARINGS ESTABLISHED AS S 89°54'25" W
ALONG THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 28, TOWN 6, RANGE 4 E,
FIRST MERIDIAN, AS RECORDED IN A SURVEY DONE
BY TIMOTHY W. SCHRAM SR., PROF. SURVEYOR,
#7269 RECORDED IN VOL. 2000, PAGE 424 OF
THE MONTGOMERY COUNTY ENGINEERS' RECORD OF
LAND SURVEYS.

NOTE:
DETENTION AREAS TO BE
MAINTAINED BY LOT OWNERS.

ADOPTOR
DATE: 2/11/02
KARL L. NEITH
AUDITOR

EXHIBIT A