

AN ORDINANCE BY THE MUNICIPALITY OF BROOKVILLE - MUNICIPAL COUNCIL TO VACATE A PORTION OF A CERTAIN UTILITY EASEMENT; BEING PART OF MUNICIPAL LOT NO. 2080, OF THE PARKVIEW COMMERCIAL SUBDIVISION, SECTION TWO, AS RECORDED IN PLAT BOOK 166, PAGE 30, OF THE PLAT RECORDS OF MONTGOMERY COUNTY, OHIO AND BEING LOCATED WITHIN THE NORTHERLY PORTION OF SAID MUNICIPAL LOT NO. 2080 BOUNDED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR THE REASON SAID PART EASEMENT IS NO LONGER NECESSARY AND IN THE PUBLIC INTEREST.

WHEREAS, The Council of the Municipality of Brookville, Ohio, has received a formal petition from the property owner and professional engineer regarding the vacation of part of a utility easement located within the northerly portion of Municipal Lot No. 2080 of the Parkview Commercial Subdivision, Section Two, as recorded in Plat Book 166, Page 30, being more fully described and shown in Exhibits "A" and "B" attached hereto; and

WHEREAS, said part easement is no longer required to serve the public interest nor necessary for the proper operation, repair and/or maintenance of public utilities for the Municipality of Brookville.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, THAT:

SECTION I: The easement heretofore and existing in part on Municipal Lot No. 2080 of the Parkview Commercial Subdivision, Section Two, as recorded in Plat Book 166, Page 30, and being described and shown by Exhibits "A" and "B" attached, is hereby vacated.

SECTION II: The Clerk of Council is hereby authorized to forward a certified copy of this Ordinance to the Montgomery County Engineers and Montgomery County Recorder's Office for the recording upon the appropriate books and records of their offices stating the vacation of said part easement as set forth in Exhibits "A" and "B" attached hereto and made a part hereof, and incorporated by reference as fully as if completely herein rewritten.

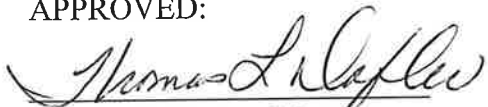
SECTION III: This Ordinance shall take effect and be in full force immediately upon adoption by Council.

PASSED this 2nd day of December, 1997.

ATTEST:

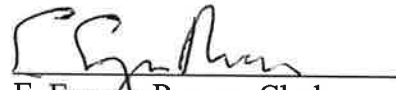
  
E. Eugene Roeser, Clerk

APPROVED:

  
Thomas L. Dafler, Mayor

### **CERTIFICATE**

The undersigned, Clerk of the Municipality of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 1997-11, passed by the Council of the Municipality of Brookville, Ohio on the 2nd day of December, 1997.

  
E. Eugene Roeser, Clerk

### **CERTIFICATE OF POSTING**

The undersigned, Clerk of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1997-11 was posted at the Municipal Building, US Post Office and the Brookville National Bank, Brookville, Ohio, on the 4th day of December, 1997, to the 4th day of January, 1998, both days inclusive.

  
E. Eugene Roeser, Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR**  
**EASEMENT VACATION AREA**

Situate in the Village of Brookville, County of Montgomery, State of Ohio and being within Section 33, Town 6, Range 4 East, and being part of City Lot No.2080, also being known as Lot 2 of the Parkview Commercial Subdivision Section Two as recorded in Plat Book 166 Page 30 of the Plat Records of Montgomery County, Ohio bounded and described as follows:

Commencing at an iron pin set for the northeast corner of City Lot No.2080, thence with the common line between City Lot Nos. 2080 and 2081 - South 87 deg.24'56" West a distance of 15.00 feet; thence, South 02 deg.35'04" East a distance of 25.00 feet to a point which marks the *True Point of Beginning* for the herein after described easement area to be vacated.

**Thence**, continuing South 02 deg.35'04" East a distance of 20.00 feet;

**Thence**, South 87 deg.24'56" West a distance of 140.00 feet;


**Thence**, North 02 deg.35'04" West a distance of 10.00 feet;

**Thence**, with a curve to the left of radius = 175.00 feet, delta angle = 03 deg.16'33", long chord bears North 04 deg.13'21" West - 10.00 feet, and along the arc a distance of 10.01 feet;

**Thence**, North 87 deg.24'56" East a distance of 140.29 feet returning to the *True Point of Beginning*, containing 0.0643 acres, more or less.

This description prepared by Professional Associates Inc. - M.L.Oxner Reg. Surveyor No. 6209, October 1997. Bearing basis per prior plat reference: PB 166 Page 30.

**PRIOR DEED REFERENCE:** MF 97-0349-E11

  
M.L.Oxner - Reg. Surveyor No. 6209



F:96025ESM.DES



1"=50'

0.064 ACRE

EXHIBIT "B"

FOR

**PT. CITY LOT 2080 (aka LOT 2)  
PARKVIEW COMMERCIAL SUBDIVISION, SECTION TWO**

P.B. 166, Pg. 30

**EASEMENT VACATION AREA**

LOCATED IN:

NE QTR., SECTION 33, TOWN 6, RANGE 4 EAST, 1st MERIDIAN  
VILLAGE OF BROOKVILLE  
MONTGOMERY COUNTY, OHIO

**LOT No. 3**

1.716 Acres

City Lot No. 2081

CITY LOT No. 1691

Dennis M. Roberts

1.5 Acres

MF. No. 89-139-B05

City Lot No. 1488

$\Delta = 03^{\circ}16'33''$   
 $R = 175.00'$   
 $A = 10.01'$   
 $T = 5.00'$   
Chd = N  $04^{\circ}13'21''$  W  
10.00'

N  $02^{\circ}35'04''$  W  
10.00'

S  $87^{\circ}24'56''$  W  
15.00'

S  $02^{\circ}35'04''$  E  
25.00'

N  $87^{\circ}24'56''$  E - 140.29'

(Original Lot Line)

S  $87^{\circ}24'56''$  W - 140.00'

EASEMENT TO  
BE VACATED

T.P.O.B.

S  $02^{\circ}35'04''$  E  
20.00'

Gary E. Zuhl, "Tr."

1.0 Acres

MF. No. 94-052-B04

City Lot No. 1487

**LOT No. 2**

1.064 Acres

City Lot No. 2080

CITY LOT No. 1690

Drew A. & Jacquelyn R. Shock  
MF No. 97-0349-El



*M. L. Oxner*

M.L. OXNER, REG. PROF. SURVEYOR No. 6209  
STATE OF OHIO

10/27/97  
DATE

PREPARED BY:

**PROFESSIONAL ASSOCIATES INC.**  
ENGINEERS, PLANNERS & SURVEYORS  
217 MARKET ST. BROOKVILLE OH 43005-2369