

RECORD OF ORDINANCES

Dayton Legal Blank Co.—10116

Ordinance No. 1990-12

Passed October 2, 19 90

AN ORDINANCE TO APPROPRIATE PROPERTY AND DECLARING AN EMERGENCY.

WHEREAS, on the 18th day of September, 1990, the Council of the Municipality of Brookville, Ohio adopted Resolution No. 90-18, declaring a necessity and intention of appropriating land hereinafter described, notice of the adoption of which Resolution has been served on the owners, persons in possession and having interest of record in said premises; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO THAT, two-thirds (2/3) of all members elected thereto concurring;

SECTION I:

That the fee simply interest in and for the following described real estate (See Exhibit "A" attached hereto) being the same is hereby appropriated for the public purpose of widening Albert Road and installing curb, sidewalk and gutter.

SECTION II:

That the Director of Law be and he is hereby authorized and directed to apply to a court of competent jurisdiction to have a jury empaneled to make inquiry into and assess the compensation to be paid for the fee simply interest in the said property.

SECTION III:

This Ordinance shall revoke and rescind all Ordinances, parts of Ordinances and Resolutions and parts of Resolutions that are in conflict herewith and shall be in force from and after the earliest period allowed by law.

SECTION IV:

This Ordinance is hereby declared to be an emergency Ordinance for the immediate preservation of the public peace, health, safety and welfare of the citizens of the Municipality of Brookville, Ohio and 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 for in the chart of Municipality of Brookville, Ohio.

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PASSED this 2nd day of October, 1990.

ATTEST:


E. EUGENE ROESER, Clerk


MICHAEL DUNCAN, 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. 1990-12 passed by the Council of said Municipality on the 2nd day of October, 1990.


E. EUGENE ROESER, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1990-12 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio on the 11th day of October, 1990 to the 9th day of November, 1990, both days inclusive.


E. EUGENE ROESER

DONALD R. BOWMAN
Civil Engineer and Surveyor

#8816
March 7, 1989

EXHIBIT "A"

DESCRIPTION OF 0.052 ACRE TRACT FOR ALBERT ROAD
DEDICATION FOR MUNICIPALITY OF BROOKVILLE, OHIO
(TREVA SMITH TRACT)

The following described real estate situate in the Southwest Quarter of Section 35, Town 6, Range 4 East, Village of Brookville, Montgomery County, State of Ohio, and being part of Lot Number 1356, of the Revised and Consecutive Numbers of Lots in the said Village of Brookville, and being 30 feet taken by parallel lines off the west side of said Lot Number 1356, conveyed as Parcel I, Tract I containing 0.25 acre, and Tract II containing 0.067 acre, by certificate to transfer to Treva Smith, recorded in Microfiche 73-347E08, of the Montgomery County Deed Records, and being more fully bounded and described as follows:

Beginning at a railroad spike found in the centerline of Albert Road, at the northwest corner of K. C. Mosier Industrial Park, Section 1, as recorded in Plat Book 97, page 41, of the Montgomery County Plat Records; thence with the centerline of said Albert Road, Due North, 312.60 feet to a railroad spike found at the southwest corner of said Lot Number 1356, the true point of beginning for the herein described 0.064 acre tract.

Thence from said true point of beginning, with the centerline of said Albert Road, and with the west line of said Lot Number 1356, Due North, 75.00 feet to a railroad spike found at the northwest corner thereof, and at the southwest corner of Lot Number 1357, in the said Village of Brookville.

Thence with the south line of said Lot Number 1357, and with the north line of said Lot Number 1356, South 89 degrees 58 minutes East, 30.00 feet to a point in the proposed east right-of-way line of said Albert Road.

Thence parallel to the centerline of said Albert Road, Due South, 75.00 feet to a point in the south line of said Lot Number 1356.

Thence with the south line of said Lot Number 1356, North 89 degrees 58 minutes West, 30.00 feet to the true point of beginning, and containing 0.052 acre, more or less, of which acreage, 0.026 acre is in the present right-of-way of said Albert Road, and subject to all legal highways and easements of record.

The above description was prepared by and based on surveys made in March 1967, September 1977, December 1979, and November 1988, by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio. The centerline of Albert Road was assumed to be Due North.



Donald R. Bowman
Donald R. Bowman
Registered Surveyor Number 4323
State of Ohio