

RECORD OF ORDINANCES

Dayton Legal Blank Co. 10114

Ordinance No. 1984-12

Passed January 15, 1985

AN ORDINANCE VACATING AN ALLEY LOCATED OFF OF HAY AVENUE IN THE MUNICIPALITY OF BROOKVILLE, OHIO.

Whereas, it appears to the Council that there is no just reason to continue maintaining an alley located within the Municipality of Brookville, Ohio, and described in the Exhibit attached hereto and marked Exhibit "A"; and

Whereas, this Council says that there is good cause for vacating that portion of the alley so described above, hereinafter described and that it shall not be detrimental to the general interest and should be vacated.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO, that

SECTION I:

That the alley described in the Exhibit attached hereto and marked Exhibit "A", be and the same is hereby vacated.

SECTION II:

The Municipal Engineer is hereby instructed to prepare a vacation plats of the said vacated alley and that the Clerk of Council is instructed to endorse upon such plat, the action of this Council in vacating such portion of the alley to cause the plat to be recorded in the office of the Recorder of Montgomery County, Ohio, and to notify the auditor of Montgomery County, Ohio, the vacation of that said same alley.

SECTION III:

This Ordinance shall rescind any and all ordinances or resolutions or any parts thereof that may be in conflict herewith.

PASSED this 15th day of January, 1985.

ATTEST:

E. Eugene Roeser
E. Eugene Roeser, Clerk

George E. Brown
George E. Brown, 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. 1984-12 passed by the Council of the Municipality on the 15th day of January, 1985.

E. Eugene Roeser
E. Eugene Roeser, Clerk

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CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio hereby certifies that the foregoing Ordinance No. 1984-12 was posted at the Municipal Building, U. S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 22nd day of January, 1985 to the 20th day of February, 1985, both days inclusive.

E. Eugene Roeser
E. Eugene Roeser, Clerk

DONALD R. BOWMAN
Civil Engineer and Surveyor

November 29, 1984

**DESCRIPTION OF 0.125 ACRE TRACT - PROPOSED
ALLEY VACATION SOUTHEAST OF HAY AVENUE, IN
BROOKVILLE, OHIO**

The following described real estate situate in the Southeast Quarter of Section 34, Town 6, Range 4 East, Municipality of Brookville, Montgomery County, State of Ohio, and being the 12-foot Alley platted between lots numbered 309 and 310, the dedicated Alley running diagonally across the rear of lot number 310, and the 16.5-foot Alley platted to the rear of lots numbered 310, 311, 312, 313 and 314, all as recorded in Herman S. Fox's Addition to Brookville, and as dedicated on a Plat recorded in Plat Book E, page 58, and Plat Book N, page 44, both of the Montgomery County Plat Records, and being more fully bounded and described as follows:

Beginning at the northeast corner of said lot number 309, in the southeast line of Hay Avenue as recorded in said Fox's Addition, and at the northwest corner of the said platted 12-foot Alley.

Thence with the southeast line of said Hay Avenue, North 51 degrees East, 12.00 feet to the northeast corner of said platted 12-foot Alley, and the northwest corner of said lot number 310.

Thence with the northeast line of said platted 12-foot Alley, and with the southwest line of said lot number 310, South 39 degrees East, 85.30 feet to a bend.

Thence with the north line of said dedicated Alley through said lot number 310, South 81 degrees 25 minutes 55 seconds East, 74.11 feet to the southeast corner thereof, and in the northwest line of said platted 16.5-foot Alley.

Thence with the northwest line of said platted 16.5-foot Alley, and with the southeast line of said lots numbered 311, 312, 313 and 314, to the southeast corner of said lot number 314, said corner being a northwest corner of the said platted 16.5-foot Alley previously vacated April 3, 1953, by Brookville Ordinance Number 191.

Thence with the southwest line of the last said vacated 16.5-foot Alley, South 39 degrees East, 16.50 feet to the southwest corner thereof, and in the southeast line of said platted 16.5-foot Alley.

Thence with the southeast line of said platted 16.5-foot Alley, and with the northwest line of lands owned by Vindale Mobile Homes, Inc., as recorded in Deed Book 1875, page 359, and Deed Book 1896, page 347, and continuing with the northwest line of land owned by June J. Holp as recorded in Microfiche 71-380B11, all of the Montgomery County Deed Records, South 51 degrees West, 203.03 feet to an east corner of the said 16.5-foot Alley vacated in said Plat recorded in Plat Book N, page 44.

Thence with the north line of the last said vacated 16.5-foot Alley, and continuing with the south line of said dedicated Alley through said lot number 310, North 81 degrees 12 minutes 53 seconds West, 87.76 feet to a bend in the southwest line of said platted 12-foot Alley, and in the northeast line of said lot number 309.

Thence with the southwest line of said platted 12-foot Alley, and with the northeast line of said lot number 309, North 39 degrees West, 91.50 feet to the point of beginning, and containing 0.125 acre, more or less, subject to all easements of record.

The above description was prepared by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and based on a survey made in May 1921, by Surveyor G. W. Riley, and bearings taken from the Plat of the said survey as recorded in said Plat Book N, page 44, of the Montgomery County Plat Records.



Donald R. Bowman
Donald R. Bowman
Registered Surveyor No. 4323
State of Ohio