

# RECORD OF ORDINANCES

Ordinance No. 1984-13

Passed December 18, 1984

AN ORDINANCE VACATING AN UTILITY EASEMENT LOCATED ON LOTS NUMBERED 1438 and 1437 IN THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING AN EMERGENCY.

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

Whereas, this Council says that there is a good cause for vacating the portion of the utility easement so described above, that reason being that it is necessary for the expansion of various businesses to remove such utility easements over that portion of the land described above;

Whereas, the council says further that it shall not be detrimental to the general interest and therefore the said utilities should be vacated.

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

## Section 1:

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

## Section II:

The Municipal Manager is hereby authorized to execute a quit claim deed quit claiming any and all interest to the utility easements described in the exhibit attached hereto and marked Exhibit "A" quit claiming the said right to the said utility easement to Donald Joseph Benson and Arlene R. Benson.

## SECTION III:

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

## Section IV:

This Ordinance is hereby declared to be an emergency ordinance, the reason for the emergency being the proper employment of its municipal employees, specifically policemen, to preserve the public health, safety and welfare of the citizens of the Municipality and therefore this

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Ordinance shall take effect and be in force from and after its passage, provided passage is by at least two-thirds of the members of council.

Passed this 18th day of December, 1984.

ATTEST:

  
E. EUGENE ROESER, Clerk

  
GEORGE 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. 1984-13 passed by the Council of the Municipality on the 18th day of December, 1984.

  
E. Eugene Roeser, Clerk

## CERTIFICATION OF POSTING

The undersigned, Clerk of Council of the Municipality of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 1984-13 was posted at the Municipal Building U.S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 4th day of January, 19 85, to the 2nd day of February, 19 85, both days inclusive.

  
E. Eugene Roeser, Clerk

EXHIBIT "A"

Situate in the Village of Brookville, Montgomery County, Ohio,  
and being the following strips of land:

- (a) a strip of land 5 feet in width along the east side of  
Lot 1438, excepting the northerly 20 feet of such Lot; and
- (b) a strip of land 5 feet in width along the west side of Lot  
1437, excepting the northerly 20 feet of such Lot.

Lot references are to the consecutive numbers of Lots on the  
revised plat of the Village of Brookville, Ohio.