

RECORD OF ORDINANCES

Ordinance No. 1984-14

Passed December 18, 1984

AN ORDINANCE VACATING AN UTILITY EASEMENT LOCATED OFF OF ALBERT ROAD IN THE MUNICIPALITY OF BROOKVILLE, OHIO, AND DECLARING AN EMERGENCY.

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

Whereas, the owners of the said real estate, namely Brookville Enterprises, Inc., a corporation organized under the laws of the State of Ohio, has presented a good reason for vacating the said utility easement, that reason being to move the utility easement to a different location in order to better facilitate services and expansion; and

Whereas, the council says that there appears to be good cause for vacating that portion of the alley so described above, and that it shall not be detrimental to the general interest and should therefore 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 Engineer is hereby instructed to prepare a vacation plats of the said utility easement 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.

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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 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. 1984-14 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. 1984-14 was posted at the Municipal Building, U.S. Post Office and the Brookville National Bank, Brookville, Ohio, on the 4th day of January, 1985, to the 2nd day of February, 1985, both days inclusive.


E. Eugene Roeser, Clerk

DONALD R. BOWMAN
Civil Engineer and Surveyor

December 17, 1984

DESCRIPTION OF 0.217 ACRE UTILITY EASEMENT
TO BE VACATED BY THE MUNICIPALITY OF BROOK-
VILLE TO BROOKVILLE ENTERPRISES, INC.

The following described utility easement situate in the Northwest Quarter of Section 35, Town 6, Range 4 East, Municipality of Brookville, Montgomery County, State of Ohio, and being part of the 0.454 acre 30-foot Utility Easement previously conveyed to the Village of Brookville, and recorded in Microfiche 77-447C04, and also being a part of the 20 acre tract conveyed as Parcel 1, to Brookville Enterprises, Inc. and recorded in Microfiche 72-230B06, both of the Montgomery County Deed Records, and being more fully bounded and described as follows:

Beginning at a $\frac{1}{2}$ -inch iron pin found at the southwest corner of the said Northwest Quarter of Section 35, in the centerline of Albert Road; thence with the centerline of said Albert Road, and with the west line of said Northwest Quarter of Section 35, Due North, 897.80 feet to a point; thence Due East, 30.00 feet to the southwest corner of said Village of Brookville 0.454 acre Utility Easement; thence with the south line of said Village of Brookville 0.454 acre Utility Easement, Due East, 61.50 feet to a point of curve; thence continuing with the south line of said Village of Brookville 0.454 acre Utility Easement, on a curve to the left which radius is 165.00 feet, and which central angle is 20 degrees, for a distance of 57.60 feet, as measured on the arc, to the point of tangency; thence continuing with the south line of said Village of Brookville 0.454 acre Utility Easement, North 70 degrees East, 230.49 feet to the true point of beginning for the herein described 0.217 acre utility easement tract which is to be vacated.

Thence North 20 degrees West, 30.00 feet to a point in the north line of said Village of Brookville 0.454 acre Utility Easement.

Thence with the north line of said Village of Brookville 0.454 acre Utility Easement, North 70 degrees East, 40.80 feet to a bend therein.

Thence continuing with the north line of said Village of Brookville 0.454 acre Utility Easement, Due East, 277.40 feet to the northeast corner thereof.

Thence with the east line of said Village of Brookville 0.454 acre Utility Easement, Due South, 30.00 feet to the southeast corner thereof.

Thence with the south line of said Village of Brookville 0.454 acre Utility Easement, Due West, 243.01 feet to a point of curve.

Thence continuing with the south line of said Village of Brookville 0.454 acre Utility Easement, on a curve to the left which radius is 165.00 feet, and which central angle is 20 degrees, for a distance of 57.60 feet, as measured on the arc, to the point of tangency.

Thence continuing with the south line of said Village of Brookville 0.454 acre Utility Easement, South 70 degrees West, 6.42 feet to the true point of beginning, and containing 0.217 acre, more or less, leaving a remnant of 0.237 acre retained as a 30-foot Utility Easement.

The above description was prepared by and based on surveys made in May and June 1972, by Donald R. Bowman, Registered Surveyor Number 4323, State of Ohio, and the west line of the said Northwest Quarter of Section 35, was assumed to be Due North.



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