

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2023-08
Ordinance No. _____ Passed FEBRUARY 21, 2023

AN ORDINANCE TO VACATE A PUBLIC ALLEY ABUTTING WESTBROOK ROAD IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.

WHEREAS, City Council has determined that it is necessary and proper to vacate a public alley abutting Westbrook Road, and further described in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference.

WHEREAS, City Council finds that all the property owners adjacent to the public alley have consented to the vacation of this public alley, that there is good cause for such vacation of the public alley as prayed for, and that vacation of the public alley will not be detrimental to the public interest and ought to be granted;

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

SECTION I: A public alley abutting Westbrook Road, being approximately 0.097 acres, more or less, as set forth and described in legal description and vacation plat attached hereto as Exhibit "A" and Exhibit "B", is hereby vacated.

SECTION II: The City of Brookville reserves to itself, its successors and assigns, an easement for sanitary sewer and any other public utilities located within this vacated public alley.

SECTION III: A certified copy of this Ordinance and Plat of this alley vacation shall be filed with the office of the Montgomery County Recorder, and a copy this Ordinance shall be submitted to the office of the Montgomery County Auditor.

SECTION IV: This Ordinance is hereby declared to be an emergency measure to preserve the public peace, health, safety and welfare of the citizens of the City of Brookville and to permit the immediate vacation of this alley. This Ordinance shall take effect immediately upon passage of the Ordinance as provided by the Charter of the City of Brookville.

Passed this 21ST day of FEBRUARY, 2023.

ATTEST:



Kimberly Duncan, Clerk

Charles Letner, Mayor

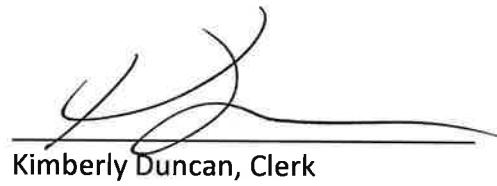
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CERTIFICATE

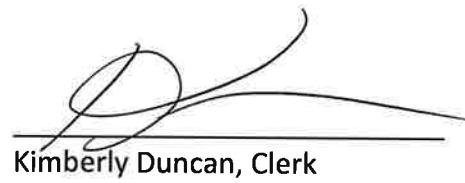
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-08 passed by the Council of said City on the 21ST day of FEBRUARY, 2023.



Kimberly Duncan, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of Council of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-08 was posted at the City Building, U.S. Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 22ND day of FEBRUARY, 2023, to the 23RD day of MARCH, 2023, both days inclusive.



Kimberly Duncan, Clerk

EXHIBIT A
LEGAL DESCRIPTION
R/W VACATION

SITUATE IN SECTION 34, TOWN 6, RANGE 4 EAST, CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

Beginning at the southwest corner of Lot 107 of the N. Baker's Addition to Brookville as shown on Plat Book A, Page 232 and being at the intersection of the north right-of-way line of Westbrook Road and the easterly right-of-way line of an existing 16-foot alley;

thence, North 89°51'19" West, 20.36 feet, along the north right-of-way line of Westbrook Road to a point at the southeast corner of Lot 138 of said N. Baker's Addition to Brookville and being on the westerly right-of-way line of the said existing 16-foot alley;

thence, North 38°02'30" West, 258.79 feet, along the westerly right-of-way line of the said existing 16-foot alley to a point on the southerly line of Lot 2543 as shown on Plat Book 209, Page 3 and being owned by W. Allen Thrush, Jr. as described in IR Deed 19-022795;

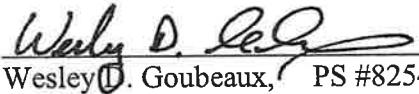
thence, North 51°48'36" East, 16.00 feet, along the southerly line of said Lot 2543 to a point on the easterly right-of-way line of said existing 16-foot alley;

thence, South 38°02'30" East, 271.42 feet, along the easterly right-of-way line of said existing 16-foot alley to the place of beginning.

Containing 0.097 acres more or less and all being subject to any legal highways and easements of record.

The bearing of North 89°51'19" West along the centerline of Westbrook Road was based on NAD 83 CORS 2011 adjustment, Ohio South Zone, ODOT VRS CORS Network.

The above description was prepared by Wesley D. Goubeaux, Ohio Professional Surveyor Number 8254, based on a field survey performed under his direct supervision and dated October 19, 2022. For a pictorial representation, see attached Exhibit "B".


Wesley D. Goubeaux, PS #8254



10/19/2022
Date

EXHIBIT B

SECTION 34, T 6, R 4 E,
CITY OF BROOKVILLE, MONTGOMERY COUNTY, OHIO

