

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2023-09 Passed JUNE 6, 2023

## AN ORDINANCE VACATING A PORTION OF WEST CAMPUS BOULEVARD IN THE CITY OF BROOKVILLE, OHIO AND DECLARING IT AN EMERGENCY.

WHEREAS, Council has determined, pursuant to Section 723.05 of the Ohio Revised Code, that there is good cause for vacating a portion of West Campus Boulevard as set forth and described in the legal description attached as Exhibit "A" and the plat attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, Council has determined that vacation of a portion of West Campus Boulevard will not be detrimental to the general interest; and

WHEREAS, Council further finds that all of the property owners abutting the area to be vacated have consented to the vacation of the public right-of-way, and therefore, that notice to adjoining property owners is not required under Section 723.06 of the Ohio Revised Code.

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

**SECTION I:** A portion of W. Campus Boulevard, as set forth and described in the legal description attached as Exhibit "A" and the plat attached hereto as Exhibit "B" and incorporated herein by reference, is hereby vacated.

**SECTION II:** A certified copy of this Ordinance and plat of this street vacation shall be filed with the office of the Montgomery County Recorder, and a copy of the Ordinance shall be submitted to the office of the Montgomery County Auditor by the Clerk of Council.

**SECTION III:** 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 authorize the immediate vacation of a portion of W. Campus Boulevard and thereby permit the City of Brookville to immediately proceed with the approval of Brookville Retail & Industrial Park Section Four Record Plan. This Ordinance shall take effect immediately upon passage of this Ordinance as provided by the Charter of the City of Brookville, Ohio.

PASSED this 6TH day of JUNE, 2023.

ATTEST:

  
Kimberly Duncan, Clerk  
Charles Letner, Mayor

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Passed JUNE 6, 20 23

## CERTIFICATE

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2023-09, passed by the Council of the City of Brookville, Ohio, on the 6TH day of JUNE, 2023.



Kimberly Duncan, Clerk

## CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2023-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 7TH day of JUNE, 2023, to the 6TH day of JULY, 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:

Commencing for reference at the northwest corner of Lot 2178 of the Brookville Retail and Industrial Campus as shown on Plat Book 180, Page 19 and at a northeasterly corner of Lot 2739 of the Brookville Retail and Industrial Campus, Section Three as shown on Plat Book 238, Page 22 and being on the south right-of-way line of West Campus Boulevard;

thence, on a curve to the left with a radius of 955.00 feet, an arc distance of 145.30 feet, a delta angle of 08°43'02", and a chord bearing South 55°44'00" West, 145.16 feet, along the south right-of-way line of West Campus Boulevard to a point and being the principal place of beginning of the right-of-way herein conveyed;

thence, on a curve to the left with a radius of 955.00 feet, an arc distance of 380.03 feet, a delta angle of 22°48'01", and a chord bearing South 39°58'28" West, 377.53 feet, along the south right-of-way line of West Campus Boulevard to a point;

thence, South 21°21'33" East, 52.51 feet, along the south right-of-way line of West Campus Boulevard to a point;

thence, South 23°38'27" West, 90.00 feet, along the south right-of-way line of West Campus Boulevard to a point;

thence, South 68°38'27" West, 52.51 feet, along the south right-of-way line of West Campus Boulevard to a point;

thence, North 70°44'58" West, 90.00 feet, to a point on the north right-of-way line of West Campus Boulevard;

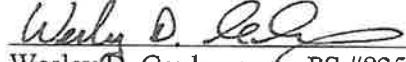
thence, on a curve to the right with a radius of 1045.00 feet, an arc distance of 599.63 feet, a delta angle of 32°52'37", and a chord bearing North 35°11'33" East, 591.44 feet, along the north right-of-way line of West Campus Boulevard to a point;

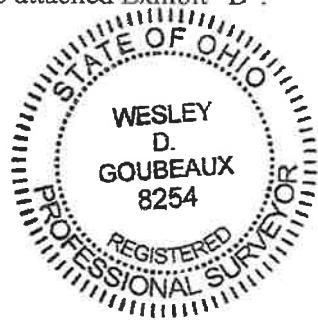
thence, South 35°39'01" East, 90.11 feet, to the principal place of beginning.

Containing 1.299 acres more or less and all being subject to any legal highways and easements of record.

The bearings are based on Montgomery County Recorder's Plat Book 238, Page 22.

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 April 10, 2023. For a pictorial representation, see attached Exhibit "B".

  
Wesley D. Goubeaux, PS #8254



04/10/2023  
Date

## EXHIBIT B

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

THE BEARINGS ARE BASED  
ON MONTGOMERY COUNTY  
RECORDER'S PLAT BOOK  
238, PAGE 22

SCALE: 1"=100'

0 50 100

LOT 2652  
GENERAL MOTORS LLC  
I.R. DEED 19-065642  
74.529 ACRES  
PB 234-25

1.299 ACRES ROAD R/W  
TO BE VACATED HEREON

UTILITY EASEMENT  
TO REMAIN OVER  
VACATED AREA

LOT 2739  
GENERAL MOTORS LLC.  
I.R. DEED 22-001923  
53.566 ACRES

BROOKVILLE RETAIL &  
INDUSTRIAL CAMPUS,  
SECTION THREE  
PB 238-22

JOB #	DRAWN BY:	DATE
MOTBRO2305	WDG	04-10-2023

LINE CHART		
LINE	BEARING	DIST.
L1	S35°39'01"E	90.00'

CURVE DATA					
CURVE	RADIUS	Δ	LENGTH	CHORD	
				LENGTH	BEARING
C1	955.00'	08°43'02"	145.30'	145.16'	S55°44'00"W
C2	955.00'	22°48'01"	380.03'	377.53'	S39°58'28"W
C3	1045.00'	32°52'37"	599.63'	591.44'	N35°11'33"E
C4	1045.00'	02°44'29"	50.00'	50.00'	N53°00'06"E
C5	1000.00'	18°34'31"	324.20'	322.78'	N60°47'47"E

# Choice

## Engineering

## Engineering

SIDNEY, OHIO 937.497.0200  
LOVELAND, OHIO 513.239.8554  
[www.CHOICEONEENGINEERING.com](http://www.CHOICEONEENGINEERING.com)