

VILLAGE OF GEORGETOWN, OHIO

ORDINANCE NO. 128

AN ORDINANCE VACATING A PORTION OF BROWN STREET SOUTH OF  
FULTON AVENUE AND DECLARING AN EMERGENCY

**WHEREAS**, Pursuant to Ohio Revised Code Section 723.05, the Village of Georgetown (the "Village") wishes to vacate a portion of Brown Street south of Fulton Avenue and such vacation will not be detrimental to the general interests of the Village; and

**WHEREAS**, a Road Vacation Plat attached as Exhibit A has been prepared showing the vacation of the relevant portion of the street; and

**WHEREAS**, such vacation will not alter, eliminate nor change the Village's right of way, sidewalks, easements and/or any utilities located within such area to be vacated as set forth in Ohio Revised Code Section 723.041 and 723.08.

**BE IT ORDAINED** by the Council of the Village of Georgetown, Brown County, Ohio, a two-thirds majority of all members thereof concurring as follows:


**Section 1.** A portion of Brown Street South of Fulton Avenue as more fully depicted in the attached Exhibit A is ordered vacated subject to Ohio Revised Code Section 723.05, all subject to Georgetown's Village's right of way, sidewalks, easements and/or any utilities located within such area to be vacated as set forth in Ohio Revised Code Section 723.041 and 723.08.

**Section 2.** The Mayor and/or the Clerk is hereby directed to file the Road Vacation Plat with the Brown County Auditor's Office and a certified copy of this Ordinance with attachments with the Brown County Recorder's Office.

**Section 3.** Council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** That this Ordinance is hereby declared to be an emergency measure for the preservation of the public peace, health, safety and general welfare of the Village. The reason for such necessity is that this will allow for the street to be vacated as soon as possible. Therefore, provided this emergency Ordinance receives the affirmative vote of two-thirds of all members elected to Council, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

§ PASSED AND ADOPTED at a legally convened meeting of Council held on the 13<sup>th</sup> day of September     , 2018.

  
\_\_\_\_\_  
Dale E. Cahall, Mayor

ATTEST:

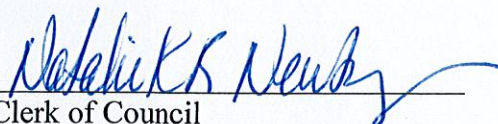
  
\_\_\_\_\_  
Natalie K.R. Newberry, Fiscal Officer

108791.001.12906419.1

### Certificate of Copy

This is to certify that I, Natalie K.R. Newberry, Fiscal Officer of the Village of Georgetown, Brown County, Ohio in said County, and in whose custody the Files, Journals, and Records are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing **Resolution/Ordinance Number** 1228 is taken and copied from the original Resolution/Ordinance now on file with said Village, that the foregoing Resolution/Ordinance has been compared by me with the said original and that the same is a true and correct copy thereof.

Witness my signature, this 13<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
Clerk of Council  
Georgetown, Brown County, Ohio

**AN ORDINANCE PROVIDING FOR THE VACATING OF A PORTION OF BROWN STREET SOUTH OF FULTON AVENUE IN THE VILLAGE OF GORGETOWN, OHIO**

WHEREAS, a certain portion of Brown Street from approximately 1900S to south of the south corner of Fulton Avenue and said Brown Street in the Village of Georgetown, Brown County, Ohio, and

WHEREAS, no notice of such petition is necessary in accordance with the provisions of 72.06 of the Ohio Revised Code; and

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, a hearing was had before said Council in open session, at which time proponents and opponents of the vacating of said street were heard, and

WHEREAS, it appearing to the said Council from the evidence adduced at said hearing that the vacating of said portion of said street will not be detrimental to the general interest of the Village of Georgetown and its residents;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Georgetown, Brown County, Ohio, two-thirds (2/3) or more of all members thereof concurring as follows:

Section 1. That the portion of Brown Street heretofore described be and hereby is vacated, for the reasons then and portion of said street is of no use to the general public and the vacation will not be detrimental to the general interest.

Statute in R. Lawson's Military Survey No. 2533, Village of Georgetown, Pleasant Township, Brown County, Ohio, and being in Fulton Park Addition, Block No. 6, as revised and recorded in Plat Book C-3, Page 100, Slide 108, Ohio Recorder's Office, and being, bounded and more particularly described as follows:

Beginning at a 12' - from the found at the north-westerly corner of Lot 1 of said Fulton Park Addition, Block No. 6, and running south 89° 59' 58" west 100.00 feet to the center of an unnamed alley at recorded in Plat Book C-3, slide 115 in the Brown County, Ohio Recorder's Office and on the westerly right-of-way of Brown Street, said point also being Ohio State Plane Coordinates of Northing 319657.8880 and Easting 15761.8335698; thence south 89° 59' 58" west 234.00 feet to the center of said Brown Street and corner to Lot 4 and 5 of Fulton Park Addition, Block No. 4 as recorded in Plat Book C-3, page 100, slide 108 in the Brown County, Ohio Recorder's Office; thence south 89° 59' 58" west 100.00 feet to the center of said Brown Street and corner to Lot 5 and Lot 6 of said Fulton Park Addition, Block No. 4 South 04 degrees 53 minutes 22 seconds West an distance of 62.10 feet to a 28' - from the center on the line of Replat of Part 1 of Lot 5, and an Unnamed Alley, and Nancy K. Hammon's 1,0860 Acres as recorded in Official Record Book 376, page 1528; thence with the line of said Replat of Part 1 of Lot 5, and an Unnamed Alley, and Nancy K. Hammon's 1,0860 Acres North 76 degrees 12 minutes 42 seconds West a distance of 50.63 feet to a 12' - from the found corner to Lot 6 of said Replat of Part 1 of Lot 5, and an Unnamed Alley, and on the westerly line of said Brown Street North 04 degrees 53 minutes 22 seconds East a distance of 54.21 feet in the place of beginning, CONTAINING 0.0668 ACRES, more or less.

SECTION 2. That the portion of Brown Street heretofore vacated herein shall revert to, pursuant to a previous agreement, in its entirety to the owners of Lot 4 of said Replat of Part 1 of Lot 5, and all of Lot 5, and an Unnamed Alley, and Lots 3 and 6 of Fulton Park Addition, Block No. 4 and the portion of said Brown Street heretofore vacated herein shall revert to the owners of said street heretofore vacated.

SECTION 3. That the Clerk of the Village is hereby authorized to cause the vacating of said street to be effected in accordance with the provisions of Brown County, Ohio.

SECTION 4. That this Ordinance shall be in full force and effect from and after the earliest date allowed by law.

PASSED: \_\_\_\_\_ 2018  
ORDINANCE No. \_\_\_\_\_

ATTEST: Nanette Newberry, Village Fiscal Officer

**SURVEYOR'S CERTIFICATION**

I hereby certify that this vacation plat is a true and complete survey made under the supervision and all monuments have been set or found as shown.

Christophers S. Reinhardt, P.E., Ohio Reg. No. 8319

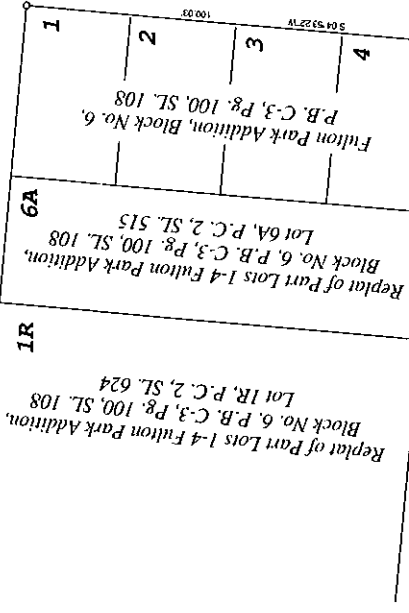
CITATION OF DOCUMENTS  
Deeds  
Survey  
P.B. C-3, Pg. 100, SL. 108

BASIS OF BEARING  
Bearings are based upon Ohio State Plane Coordinates, Ohio South 8402.

P.C. \_\_\_\_\_, S.L. \_\_\_\_\_



FULTON AVENUE 50'



Replat of Part Lots 1-4 Fulton Park Addition, Block No. 6, P.B. C-3, Pg. 100, SL. 108

Replat of Part Lots 1-4 Fulton Park Addition, Block No. 6, P.B. C-3, Pg. 100, SL. 108

Replat of Part Lots 1-4 and all of Lot 5 and part of an Unnamed Alley Fulton Park Addition, Block No. 6, P.B. C-3, Pg. 100, SL. 108, Lot 6A, P.C. 2, SL. 515

Kenneth T. and Nancy K. Hammon  
1,0860 Acres  
O.R. 376, Pg. 1528

NOTES:  
The deed references listed were used as a basis for carrying out the survey.  
All monuments found as set are in good condition unless otherwise noted.  
The Professional Surveyor or CSR Land Surveying, LLC has not conducted an independent search for easements of record, or other public records, or other existing title evidence or any other facts that an accurate and current title search may disclose. No abstract of title or title commitment, or results of a title search were furnished to the surveyor or CSR Land Surveying, LLC.  
In preparing this boundary survey no attempt has been made to obtain or show data concerning any utility existing on the subject property.

ENGINEER'S APPROVAL  
I do hereby approve this vacation a portion of Brown Street in the Village of Georgetown

Todd Clinton, Brown County Engineer

**Vacation of a Part of BROWN STREET**

Containing 0.0668 Acres  
Located in R. Lawson's M.S. No. 2533  
Fulton Park Addition, Block No. 6  
As Recorded in Plat Book C-3, Page 100, Slide 108  
Village of Georgetown  
Pleasant Township, Brown County, Ohio.  
Scale: 1" = 20'  
4 September 2018



**CSR LAND SURVEYING, LLC**  
and Surveying Consulting Engineering  
8840 Airport Road • Georgetown, Ohio 45112  
Phone 503-618-0200 [www.csrlandsurveying.com](http://www.csrlandsurveying.com)

CD/DRS: 0-0195, plat 002	Duration: 1/21/17
File: VRB.009	Job No.: 18-096

**VACATION** 1/1