

File# 2020-00077432

llc

DECLARATION OF EASEMENTS

This Declaration is made this 21st day of December, 2020, by **MAD RIVER ACRES LLC** ("Declarant").

Declarant is the owner of the real estate described in Exhibit A-1. The plat of survey is attached as Exhibit A-2.

Declarant is dividing the real estate as described in these exhibits: B-1 (Tract I), B-2 (Tract II), and B-3 (Tract III) (collectively, the "Properties");

Declarant wishes to create an easement of ingress and egress and a utility easement upon the Properties;

Declarant hereby declares:

1. **Creation of Access Easement:** Declarant, for the benefit of Declarant and Declarant's heirs, successors, and assigns, hereby creates a nonexclusive, irrevocable easement as described on Exhibit C-1 and depicted on Exhibit C-2 (the "Easement Property"), to provide a means of ingress and egress to and from the Properties and Mad River Road, subject to these terms:

(a) The easement shall be used solely for ingress and egress by the owner or owners of the Properties, and their employees, customers, social guests, and invitees. No servicing or storage of vehicles or parking is permitted.

(b) The owners of Tract I and Tract III shall bear all the costs of installing, maintaining (including snow removal and deicing), repairing, replacing, and removing as necessary the surface improvements on the Easement Property, allocated as follows:

(i) For the portion of the Easement Property between Mad River Rd. and the eastern boundary of Tract I, the costs shall be borne equally by the owners of Tract I and Tract III.

(ii) The costs for the balance of the Easement Property shall be borne solely by the owner of Tract III.

JA

(iii) The owner of Tract II shall bear none of this expense.

(c) If the owner of Tract I or the owner of Tract III fails to pay its share of the expenses set forth in 1 (b), the other party may place a lien against the property of the delinquent owner to secure payment. This lien shall be created by recording an affidavit referencing this Declaration and stating the amount of the delinquency. The lien shall expire five years after its recording. The lienee shall pay all costs incurred in creating, enforcing, and foreclosing on the lien (including reasonable attorney's fees), unless the lienor is found to have acted in bad faith, in which case the lienor shall bear all such costs and shall pay all reasonable costs (including reasonable attorney's fees) incurred by the lienee in defending any enforcement action brought by the lienor or in suing to remove the lien.

(d) No owner of any of the Properties shall erect barriers or other obstructions that would impede the use of the Easement Property for its stated purpose.

(e) Nothing contained herein shall be deemed a gift or dedication of the Easement Property to or for the benefit of the general public, or for any public use or purpose.

2. **Creation of Utility Easement:** Declarant hereby creates an easement over the Easement Property for the construction, operation, maintenance, repair, replacement, or removal of water, sanitary sewer, storm sewer and drainage, natural gas, telephone, electric, telephone, cable television, or any other utility or service lines or facilities, including the right to remove any trees and other obstructions to the free use of such lines and facilities and the right to ingress and egress to and from the Easement Property for such purposes. Lines and facilities shall be installed as close to the boundaries of the Easement Property as practicable. Any entity that exercises this easement right shall have the obligation to repair at once and pay immediately for any damage done, regardless of whether the damage was the result of negligence on the part of such entity, unless the damage is to pavement placed above the lines or facilities. This easement is for the benefit of all utility and service entities and the owners of the Properties.

3. **Duration:** The easements granted are perpetual.

4. **Covenants Running with the Land:** The covenants, easements, and agreements contained herein are easements running with the land.

5. **Miscellaneous:** This Declaration may be modified by Declarant as long as Declarant owns all the Properties. When Declarant no longer owns all the Properties, this Declaration may not be modified except in a writing signed by all the owners of the Properties or their successors or assigns.

Executed at Dayton, Ohio, this 21st day of December, 2020.

MAD RIVER ACRES LLC

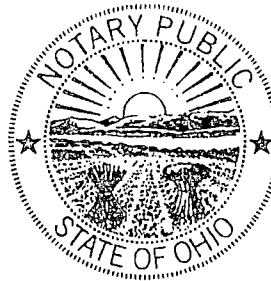
By: Art Komorowski
Art Komorowski, Manager

STATE OF OHIO :
: s.s.
COUNTY OF MONTGOMERY :

The foregoing instrument was acknowledged before me this 21st day of December, 2020, by Art Komorowski, manager of Mad River Acres LLC, an Ohio limited liability company, on behalf of the company. No oath or affirmation was administered to the signer with regard to this notarial act.

Kristina Beale
NOTARY PUBLIC

This instrument prepared by:
Timothy N. Tye
Attorney at Law
5975 Kentshire Dr.
Dayton, Ohio 45440



Kristina Beale, Notary Public
In and for the State of Ohio
My Commission Expires Mar. 9, 2023

EXHIBIT A-1



McDougall - Marsh

Land Surveyors

8529 Ebers Road, Miamisburg, Ohio 45342
Tel: 937-847-2660 - Fax 937-847-2670

10.784 acres

067 03602 0072 n.s.

Situate in Section 2, Town 1, Range 6 M.Rs, Washington Township, Montgomery County, Ohio. Being all of a 10.52 acre (by deed) parcel conveyed to Armstrong, Tr. by I.R. Deed-15-066354 of the Deed Records of Montgomery County, Ohio, and being a tract of land more particularly described as follows:

All of the Plats and Deeds referenced hereon, are recorded in the Plat and Deed Records of Montgomery County, Ohio.

Beginning at a Mag nail set at the northwest corner of Hampstead in the Wood recorded in plot Plat Book 127, Page 27 and in the centerline of Mad River Road (having a width that varies) and being the **True Point of Beginning**:

Thence, from said **True Point of Beginning**, S 28°35'15"E, with the west line of said Hampstead in the Wood and west line of Rueth Plat recorded in Plat Book 186, Page 31, passing a "McDougall" iron pin found at a distance of 35.93 feet and a "McDougall" iron pin found at a distance of 402.74 feet, for a total distance of 702.71 feet to a 5/8" iron pin set at a westerly corner of said Rueth Plat:

Thence, S 39°00'23"W, continuing with the west line of said Rueth Plat, the west line of Lot 1 of Reese Plat recorded in Plat Book 204, Page 29 and the west line of Lot 1 of Old Sterling recorded in Plat Book 222, Page 22-22A, passing a 5/8" iron pin found at a distance of 77.50 feet, for a total distance of 412.94 feet to a 3/4" iron pipe found:

Thence, S 05°25'15"W, continuing with the west line of said Old Sterling, for a distance of 146.20 feet to a 5/8" iron pin set:

Thence, S 18°00'15"W, continuing with the west line of said Old Sterling and the west line of Sterling Cove recorded in Plat Book 216, Page 17, for a distance of 112.31 feet to a 5/8" iron pin set at the northeast corner of a 10.188 acre (by deed) parcel conveyed to Mark W. Stone and Patricia L. Stone by Deed M.F.#92-047E02:

Thence, N 60°32'17"W, with the north line of said 10.188 acre parcel, for a distance of 279.40 feet to a 5/8" iron pin set at the southeast corner of a 5.566 acre (by deed) parcel, AKA Parcel I, conveyed to The Smith Partnership by Deed M.F.#91-716E04:

Thence, N 08°13'38"E, with the east line of said 5.566 acre parcel, for a distance of 375.36 feet to a 5/8" iron pin set:

Thence, N 28°47'22"W, continuing with the east line of said 5.566 acre parcel, passing a 5/8" iron pin set at a distance of 594.21 feet, for a total distance of 624.96 feet to a Mag nail set at the northeast corner of said 5.566 acre parcel and in the centerline of said Mad River Road:

Thence, N 73°53'20" E, with the centerline of said Mad River Road, for a distance of 481.63 feet to the *True Point of Beginning*, Containing 10.784 acres. Subject to all legal conditions, easements and right-of-ways pertaining to the premises herein described. This description prepared by McDougall - Marsh Land Surveyors. Based on a field survey made by same in September 2017, under the direct supervision of Thomas K. Marsh P.S. #7735. All iron pins set are 30" x 5/8" capped "7735." Bearings are based on the west line of the Reese Plat (S 39°00'23"W) as recorded in Plat Book 204, Page 29 of the Plat Records of Montgomery County, Ohio, Plat of Survey recorded in the Montgomery County Engineer's Record of Land Surveys, Volume 2017, Page 0277.

Thomas K. Marsh
Thomas K. Marsh P.S. #7735

Date: 10/17/17



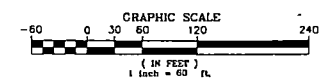
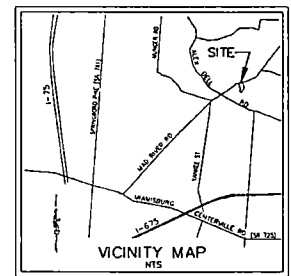
PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 10/17/17 FILE NO. 2017-0277
BY Wayne B. W.

KARL L. KEITH
MONTGOMERY COUNTY AUDITOR
NEW SURVEY
By AKK Date 12-4-17



PLAT OF SURVEY MAD RIVER ACRES, LLC

LOCATED IN
SECTION 2, TOWN 1, RANGE 6 M.R.s.
WASHINGTON TOWNSHIP
MONTEGOMERY COUNTY, OHIO
CONTAINING: 10,7840 ACRES
OCTOBER, 2020
PREPARED BY:



BASIS OF BEARING
BEARINGS ARE BASED ON THE CENTERLINE OF
MAD RIVER ROAD, MONTEGOMERY COUNTY, OHIO
MAD RIVER ROAD, MONTEGOMERY COUNTY, OHIO
SOUTH ZONE, 1493, RECORD 2017A AND BEARING
(N79°45'40"E)

- SURVEY REFERENCES:**
- DEED N.E. #1-716204
 - I.R. DEED 70-021767
 - I.R. DEED-17-072715
 - PLAT BOOK 70th, PAGE 16
 - PLAT BOOK 71st, PAGE 16
 - PLAT BOOK 122, PG. 77
 - PLAT BOOK 184, PAGE 31
 - PLAT BOOK 204, PAGE 29
 - PLAT BOOK 212, PAGE 22-22A
 - PLAT BOOK 216, PAGE 17
 - SURVEY VOL. 2006, PAGE 0461
 - SURVEY VOL. 2009, PAGE 0168
 - SURVEY VOL. 2017, PAGE 0277

OCCUPATION STATEMENT
LINES OF OCCUPATION AGREE GENERALLY
WITH THE BOUNDARY AS SHOWN.

CERTIFICATION:
THIS BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH
CHAPTER 4723.17 OF THE OHIO ADMINISTRATIVE CODE. I CERTIFY
THAT THIS PLAT OF SURVEY WAS MADE UNDER MY DIRECT
SUPERVISION AND IS BASED ON AN ACTUAL FIELD SURVEY DATED
AUGUST 27, 2020.

- LEGEND:**
- EX CROSS NOTCH FOUND
 - EX 5/8" IRON PIN FOUND
 - EX 1" IRON PIPE FOUND
 - EX CONCRETE MONUMENT FOUND
 - EX PK NAIL FOUND
 - EX RAILROAD SPIKE FOUND
 - IRON PIN SET
 - 5/8" DIA. 3/4" LONG
 - CONCRETE MONUMENT SET
 - PK NAIL SET
 - CROSS NOTCH SET
 - RAILROAD SPIKE SET

JEFFREY A. VAN ATTA
PROFESSIONAL REGISTERED SURVEYOR #7354

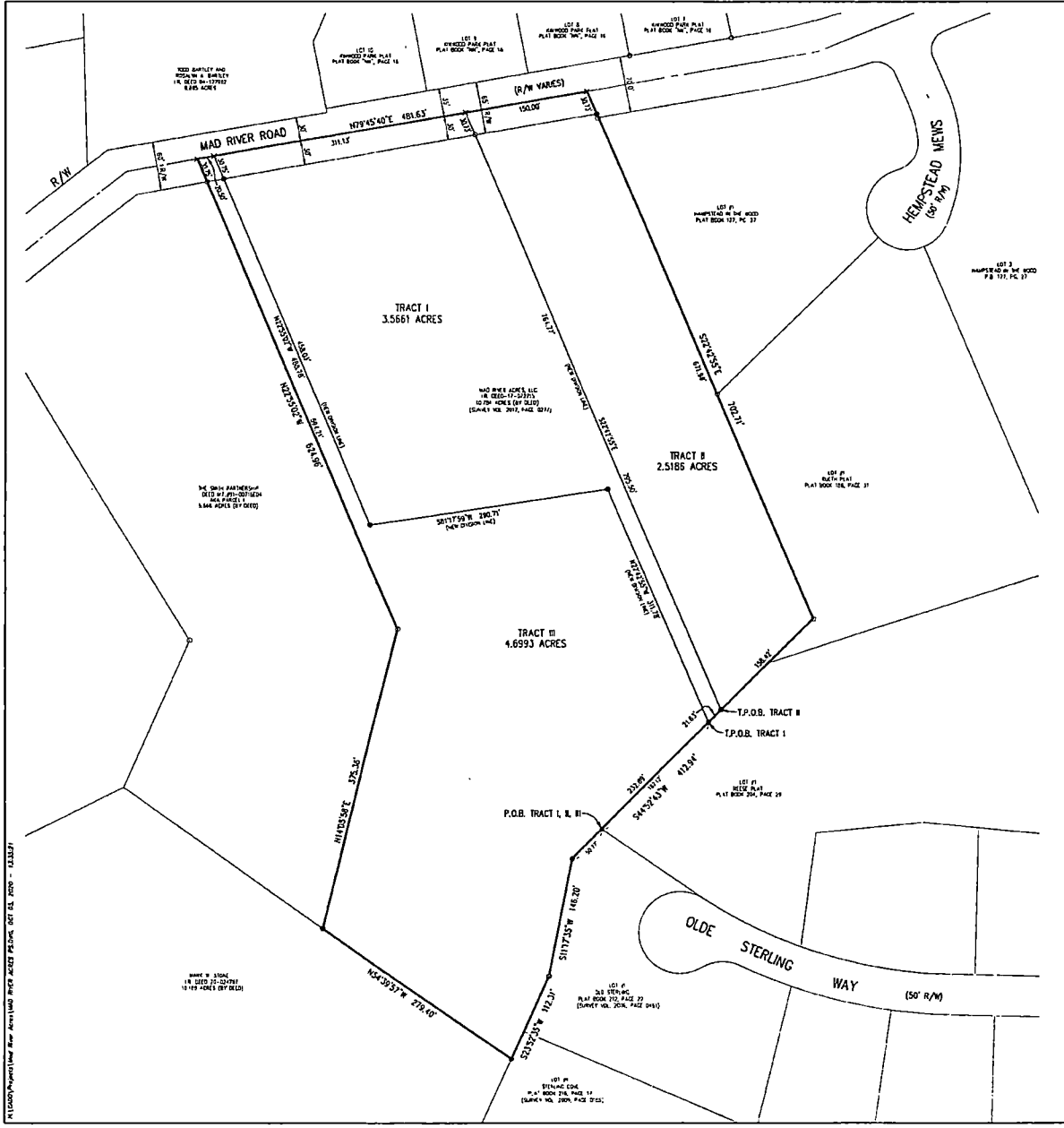


EXHIBIT A-2

EXHIBIT B-1



VANATTAENGINEERING INC

570 Congress Park Dr • Dayton, OH 45459 • P 937.438.5650 F 937.438.5645

October 5, 2020

MAD RIVER ACRES – TRACT 1
3.5661 ACRES

LOCATED IN SECTION 2, TOWN 1, RANGE 6 M.Rs., TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING PART OF THAT 10.7840 ACRE TRACT AS CONVEYED TO MAD RIVER ACRES, LLC. BY THE DEED RECORDED IN I.R. DEED 17-072715 OF THE DEED RECORDS OF SAID COUNTY AND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING FOR REFERENCE AT A 5/8" IRON PIN FOUND ON THE SOUTHWEST CORNER OF LOT #1 OF THE REESE PLAT AS RECORDED IN PLAT BOOK 204, PAGE 29 OF THE PLAT RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE NORTHERN MOST CORNER OF LOT #1 OF OLD STERLING PLAT AS RECORDED IN PLAT BOOK 212, PAGE 22 OF THE PLAT RECORDS OF SAID COUNTY AND LYING ON AN EAST LINE OF SAID 10.7840 ACRE TRACT;

THENCE WITH THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT AND AN EAST LINE OF SAID 10.7840 ACRE TRACT NORTH 44°52'43" EAST, 182.12 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE LEAVING THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT AND AN EAST LINE OF SAID 10.7840 ACRE TRACT AND THROUGH SAID 10.7840 ACRE TRACT THE FOLLOWING NEW DIVISION LINES:

1. NORTH 22°42'55" WEST, 311.78 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354;
2. THENCE SOUTH 81°17'59" WEST, 290.71 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354;
3. THENCE NORTH 22°55'02" WEST, PASSING A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD, AT

458.03 FEET A TOTAL OF 488.78 FEET TO A PK NAIL SET AT A NORTH LINE OF SAID 10.7840 ACRE TRACT AND A POINT ON THE CENTERLINE OF MAD RIVER ROAD,

THENCE WITH THE NORTH LINE OF SAID 10.7840 ACRE TRACT AND WITH THE CENTERLINE OF MAD RIVER ROAD NORTH 79°45'40" EAST, 311.13 FEET TO A PK NAIL SET;

THENCE LEAVING THE CENTERLINE OF MAD RIVER ROAD AND THE NORTH LINE OF SAID 10.7840 ACRE TRACT AND THROUGH SAID 10.7840 ACRE TRACT THE FOLLOWING NEW DIVISION LINE SOUTH 22°42'55" EAST, PASSING A 5/8" IRON PIN FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD AT 30.73 FEET, A TOTAL OF 795.50 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 ON AN EAST LINE OF SAID 10.7840 ACRE TRACT AND THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT;

THENCE WITH A COMMON LINE BETWEEN SAID 10.7840 ACRE TRACT AND SAID LOT #1 OF THE REESE PLAT SOUTH 44°52'43" WEST, 21.63 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 3.5661 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: BASIS OF BEARING ARE BASED ON THE CENTERLINE OF MAD RIVER ROAD AS TAKEN FROM THE NAD 83, OHIO STATE PLANE COORDINATE SYSTEM, GRID SOUTH ZONE 3402, GEOID 2012A (N79°45'40"E)

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY AUGUST 27, 2020 AND RECORDED IN THE MONTGOMERY COUNTY ENGINEER'S RECORD OF LAND SURVEYS IN VOLUME 2020, PAGE 0262 UNDER MY DIRECT SUPERVISION, JEFFREY A. VAN ATTA, REGISTERED PROFESSIONAL SURVEYOR NUMBER 7354 FOR VAN ATTA ENGINEERING, INC. OF THE STATE OF OHIO AND THAT ALL MONUMENTS FOUND OR SET, CORRECTLY REPRESENTS THE BOUNDARIES HEREIN DESCRIBED.



Jeffrey A. Van Atta
JEFFREY A. VAN ATTA, PS #7354
VAN ATTA ENGINEERING, INC.

10/5/20
DATE

PAUL W. CRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 10/8/20 FILE NO. 2020-0262
BY Wayne Beck

APPROVED DATE 10/8/20
NO PLAT REQUIRED
Montgomery County Planning Commission
Jay Weiss

EXHIBIT B-2



VANATTAENGINEERINGINC

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October 5, 2020

MAD RIVER ACRES – TRACT II
2.5186 ACRES

LOCATED IN SECTION 2, TOWN 1, RANGE 6 M.Rs., TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING PART OF THAT 10.7840 ACRE TRACT AS CONVEYED TO MAD RIVER ACRES, LLC. BY THE DEED RECORDED IN I.R. DEED 17-072715 OF THE DEED RECORDS OF SAID COUNTY AND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING FOR REFERENCE AT A 5/8" IRON PIN FOUND ON THE SOUTHWEST CORNER OF LOT #1 OF THE REESE PLAT AS RECORDED IN PLAT BOOK 204, PAGE 29 OF THE PLAT RECORDS OF SAID COUNTY, SAID POINT ALSO BEING THE NORTHERN MOST CORNER OF LOT #1 OF OLD STERLING PLAT AS RECORDED IN PLAT BOOK 212, PAGE 22 OF THE PLAT RECORDS OF SAID COUNTY AND LYING ON AN EAST LINE OF SAID 10.7840 ACRE TRACT;

THENCE WITH AN EAST LINE OF SAID 10.7840 ACRE TRACT AND THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT NORTH 44°52'43" EAST, 203.75 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE LEAVING THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT AND AN EAST LINE OF SAID 10.7840 ACRE TRACT AND THROUGH SAID 10.7840 ACRE TRACT THE FOLLOWING NEW DIVISION LINE NORTH 22°42'55" WEST, PASSING A 5/8" IRON PIN FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD AT 476.49 FEET, A TOTAL OF 795.50 FEET TO A PK NAIL SET ON THE CENTERLINE OF MAD RIVER ROAD AND A NORTH LINE OF SAID 10.7840 ACRE TRACT;

THENCE WITH THE CENTERLINE OF MAD RIVER ROAD AND THE NORTH LINE OF SAID 10.7840 ACRE TRACT NORTH 79°45'40" EAST, 150.00 FEET TO A PK NAIL SET AT THE NORTHEAST CORNER OF SAID 10.7840 ACRE TRACT;

THENCE LEAVING THE CENTERLINE OF MAD RIVER ROAD, WITH AN EAST LINE OF SAID 10.7840 ACRE TRACT AND ITS EXTENSION BEING A WEST LINE OF LOT #1 OF HAMPSTEAD IN THE WOOD AS RECORDED IN PLAT BOOK 127, PAGE 27 AND THE WEST LINE OF LOT #1 OF THE RUETH PLAT AS RECORDED IN PLAT BOOK 186, PAGE 31 BOTH OF THE PLAT RECORDS OF SAID COUNTY SOUTH 22°42'55" EAST, PASSING A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD AT 30.73 FEET, A TOTAL OF 702.71 FEET TO AN ANGLE POINT IN SAID LOT #1 OF THE RUETH PLAT AND THE SOUTHEAST CORNER OF SAID 10.7840 ACRE TRACT;

THENCE WITH AN EAST LINE OF SAID 10.7840 ACRE TRACT, A LINE OF SAID LOT #1 OF THE RUETH PLAT AND ITS EXTENSION BEING THE WEST LINE OF SAID LOT #1 OF THE REESE PLAT SOUTH 44°52'43" WEST, 158.42 FEET TO THE TRUE POINT OF BEGINNING CONTAINING 2.5186 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: BASIS OF BEARING ARE BASED ON THE CENTERLINE OF MAD RIVER ROAD AS TAKEN FROM THE NAD 83, OHIO STATE PLANE COORDINATE SYSTEM, GRID SOUTH ZONE 3402, GEOID 2012A (N79°45'40"E)

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY AUGUST 27, 2020 AND RECORDED IN THE MONTGOMERY COUNTY ENGINEER'S RECORD OF LAND SURVEYS IN VOLUME 2020, PAGE 0262 UNDER MY DIRECT SUPERVISION, JEFFREY A. VAN ATTA, REGISTERED PROFESSIONAL SURVEYOR NUMBER 7354 FOR VAN ATTA ENGINEERING, INC. OF THE STATE OF OHIO AND THAT ALL MONUMENTS FOUND OR SET, CORRECTLY REPRESENTS THE BOUNDARIES HEREIN DESCRIBED.



Jeffrey A. Van Atta
JEFFREY A. VAN ATTA, PS #7354
VAN ATTA ENGINEERING, INC.

10/5/20
DATE

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 10/8/20 FILE NO. 2020-0262
BY Wayne B. Ty

APPROVED DATE 10/8/2020
NO PLAT REQUIRED
Montgomery County Planning Commission
Jay Wesson

EXHIBIT B-3



VANATTAENGINEERINGINC

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October 5, 2020

**MAD RIVER ACRES – TRACT III
4.6993 ACRES**

LOCATED IN SECTION 2, TOWN 1, RANGE 6 M.Rs., TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING PART OF THAT 10.7840 ACRE TRACT AS CONVEYED TO MAD RIVER ACRES, LLC. BY THE DEED RECORDED IN I.R. DEED 17-072715 OF THE DEED RECORDS OF SAID COUNTY AND BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

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THENCE WITH AN EAST LINE OF SAID 10.7840 ACRE TRACT AND A WEST LINE OF SAID LOT #1 OF THE OLD STERLING PLAT SOUTH 44°52'43" WEST, 50.77 FEET TO A 5/8" IRON PIN FOUND AT AN ANGLE POINT IN SAID LOT #1 OF THE OLD STERLING PLAT AND AN ANGLE POINT IN SAID 10.7840 ACRE TRACT;

THENCE CONTINUING WITH THE COMMON LINE BETWEEN SAID 10.7840 ACRE TRACT AND SAID LOT #1 OF THE OLD STERLING PLAT SOUTH 11°17'35" WEST, 146.20 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354;

THENCE CONTINUING WITH AN EAST LINE OF SAID 10.7840 ACRE TRACT, A WEST LINE OF SAID LOT #1 OF THE OLD STERLING PLAT AND ITS EXTENSION BEING THE A WEST LINE OF LOT #4 OF STERLING COVE AS RECORDED IN PLAT BOOK 216, PAGE 17 OF THE PLAT RECORDS OF SAID COUNTY SOUTH 23°52'35" WEST, 112.31 FEET TO A 5/8" IRON PIN SET CAPPED VAN ATTA #7354 AT A SOUTHEAST CORNER

OF SAID 10.7840 ACRE TRACT AND A NORTHEAST CORNER OF THAT 10.188 ACRE TRACT AS CONVEYED TO MARK W. STONE BY THE DEED RECORDED IN DEED I.R. DEED 20-024767 OF THE DEED RECORDS OF SAID COUNTY;

THENCE WITH THE COMMON LINE BETWEEN SAID 10.7840 ACRE TRACT AND SAID 10.188 ACRE TRACT NORTH $54^{\circ}39'57''$ WEST, 279.40 FEET TO A $5/8''$ IRON PIN SET CAPPED VAN ATTA #7354 AT A SOUTHWEST CORNER OF SAID 10.7840 ACRE TRACT AND THE SOUTHERN MOST CORNER OF THAT 5.566 ACRE TRACT AS CONVEYED TO THE SMITH PARTNERSHIP BY THE DEED RECORDED IN DEED M.F. 91-716E04 OF THE DEED RECORDS OF SAID COUNTY;

THENCE LEAVING AN EAST LINE OF SAID 10.188 ACRE TRACT, WITH THE COMMON LINE BETWEEN SAID 10.8740 ACRE TRACT AND SAID 5.566 ACRE TRACT THE FOLLOWING 2 COURSES:

1. NORTH $14^{\circ}05'58''$ EAST, 375.36 FEET TO A $5/8''$ IRON PIN FOUND;
2. THENCE NORTH $22^{\circ}55'02''$ WEST, PASSING A $5/8''$ IRON PIN FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD AT 594.21 FEET, A TOTAL OF 624.96 FEET TO A PK NAIL SET AT THE NORTHWEST CORNER OF SAID 10.7840 ACRE TRACT, THE NORTHEAST CORNER OF SAID 5.566 ACRE TRACT AND A POINT ON THE CENTERLINE OF MAD RIVER ROAD;

THENCE WITH THE CENTERLINE OF MAD RIVER ROAD AND A NORTH LINE OF SAID 10.7840 ACRE TRACT NORTH $79^{\circ}45'40''$ EAST, 20.50 FEET TO A PK NAIL SET;

THENCE LEAVING THE CENTERLINE OF MAD RIVER ROAD AND THE NORTH LINE OF SAID 10.7840 ACRE TRACT AND THROUGH SAID 10.7840 ACRE TRACT THE FOLLOWING NEW DIVISION LINES:

1. SOUTH $22^{\circ}55'02''$ EAST, PASSING A $5/8''$ IRON PIN SET CAPPED VAN ATTA #7354 ON THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD AT 30.75 FEET, A TOTAL OF 488.78 FEET TO A $5/8''$ IRON PIN SET CAPPED VAN ATTA #7354;
2. THENCE NORTH $81^{\circ}17'59''$ EAST, 290.71 FEET TO A $5/8''$ IRON PIN SET CAPPED VAN ATTA #7354;
3. THENCE SOUTH $22^{\circ}42'55''$ EAST, 311.78 FEET TO THE POINT OF BEGINNING CONTAINING 4.6993 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

NOTE: BASIS OF BEARING ARE BASED ON THE CENTERLINE OF MAD RIVER ROAD AS TAKEN FROM THE NAD 83, OHIO STATE PLANE COORDINATE SYSTEM, GRID SOUTH ZONE 3402, GEOID 2012A ($N79^{\circ}45'40''E$)

THIS DESCRIPTION IS BASED ON AN ACTUAL FIELD SURVEY AUGUST 27, 2020 AND RECORDED IN THE MONTGOMERY COUNTY ENGINEER'S RECORD OF LAND SURVEYS IN VOLUME 2020, PAGE 0262 UNDER MY DIRECT SUPERVISION, JEFFREY A. VAN ATTA, REGISTERED PROFESSIONAL SURVEYOR NUMBER 7354 FOR VAN ATTA ENGINEERING, INC. OF THE STATE OF OHIO AND THAT ALL MONUMENTS FOUND OR SET, CORRECTLY REPRESENTS THE BOUNDARIES HEREIN DESCRIBED.



Jeffrey A. Van Atta
JEFFREY A. VAN ATTA, PS #7354
VAN ATTA ENGINEERING, INC.

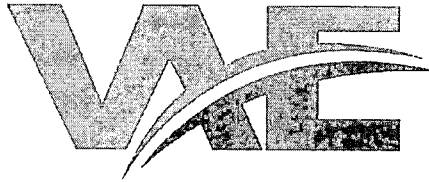
10/5/20
DATE

PAUL W. GRUNER, P.E., P.S.
MONTGOMERY COUNTY ENGINEER
APPROVED FOR POINT OF BEGINNING,
ACREAGE AND CLOSURE ONLY
DATE 10/8/20 FILE NO. 2020-0262

BY Wayne B. [Signature]

DATE 10/8/2020
APPROVED
NO PLAT REQUIRED
Montgomery County Planning Commission
Jay Neiss

EXHIBIT C-1



VANATTAENGINEERING INC

570 Congress Park Dr • Dayton, OH 45459 • P 937.438.5650 F 937.438.5645

December 16, 2020

INGRESS/EGRESS/UTILITY EASEMENT MAD RIVER ACRES, LLC

LOCATED IN SECTION 2, TOWN 1, RANGE 6 M.Rs., TOWNSHIP OF WASHINGTON, COUNTY OF MONTGOMERY, STATE OF OHIO AND BEING AN EASEMENT FOR INGRESS/EGRESS & UTILITY PURPOSES OVER THAT 10.784 ACRE TRACT AS CONVEYED TO MAD RIVER ACRES, LLC. BY THE DEED RECORDED IN I.R. DEED 17-072715 OF THE DEED RECORDS OF SAID COUNTY, SAID EASEMENT BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING FOR REFERENCE AT THE NORTHWEST CORNER OF LOT #1 OF HAMPSTEAD IN THE WOOD SUBDIVISION AS RECORDED IN PLAT BOOK 127, PAGE 27 OF THE PLAT RECORDS OF SAID COUNTY, SAID POINT ALSO LYING ON THE EAST LINE OF SAID 10.784 ACRE TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF MAD RIVER ROAD;

THENCE WITH THE EAST LINE OF SAID 10.784 ACRE TRACT NORTH 22°42'55" WEST, 35.85 FEET TO THE NORTHEAST CORNER OF SAID 10.784 ACRE TRACT AND A POINT ON A THE CENTERLINE OF MAD RIVER ROAD;

THENCE WITH THE NORTH LINE OF SAID 10.784 ACRE TRACT AND THE CENTERLINE OF MAD RIVER ROAD SOUTH 79°45'40" WEST, 64.59 FEET TO THE TRUE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED;

THENCE LEAVING THE CENTERLINE OF MAD RIVER ROAD AND A NORTH LINE OF SAID 10.784 ACRE TRACT AND THROUGH SAID 10.784 ACRE TRACT THE FOLLOWING COURSES:

1. SOUTH 22°42'55" EAST, 53.99 FEET TO A POINT;
2. THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, INTERNAL ANGLE OF 66°41'09" (LONG CHORD BEARING SOUTH 10°37'39" WEST, 65.96 FEET) ALONG THE ARC 69.83 FEET TO A POINT;
3. THENCE SOUTH 43°58'14" WEST, 14.13 FEET TO A POINT;
4. THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET, INTERNAL ANGLE OF 66°41'09" (LONG CHORD BEARING SOUTH 10°37'39" WEST, 43.97 FEET) ALONG THE ARC 46.56 FEET TO A POINT;
5. THENCE SOUTH 22°42'55" EAST, 198.76 FEET TO A POINT;

6. THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 218.00 FEET, INTERNAL ANGLE OF 04°58'55" (LONG CHORD BEARING SOUTH 20°13'28" EAST, 18.95 FEET) ALONG THE ARC 18.96 FEET TO A POINT;
7. THENCE SOUTH 17°44'00" EAST, 105.67 FEET TO A POINT;
8. THENCE SOUTH 22°42'55" EAST, 162.94 FEET TO A POINT;
9. THENCE SOUTH 67°17'05" WEST, 20.00 FEET TO A POINT;
10. THENCE NORTH 22°42'55" WEST, 163.81 FEET TO A POINT;
11. THENCE NORTH 17°44'00" WEST, 106.54 FEET TO A POINT;
12. THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 198.00 FEET, INTERNAL ANGLE OF 04°58'55" (LONG CHORD BEARING NORTH 20°13'28" WEST, 17.21 FEET) ALONG THE ARC 17.22 FEET TO A POINT;
13. THENCE NORTH 22°42'55" WEST, 198.76 FEET TO A POINT;
14. THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET, INTERNAL ANGLE OF 66°41'09" (LONG CHORD BEARING NORTH 10°37'39" EAST, 65.96 FEET) ALONG THE ARC 69.83 FEET TO A POINT;
15. THENCE NORTH 43°58'14" EAST, 14.13 FEET TO A POINT;
16. THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 40.00 FEET, INTERNAL ANGLE OF 66°41'09" (LONG CHORD BEARING NORTH 10°37'39" EAST, 43.97 FEET) ALONG THE ARC 46.56 FEET TO A POINT;
17. THENCE NORTH 22°42'55" WEST, 58.42 FEET TO A POINT ON THE CENTERLINE OF MAD RIVER ROAD AND THE NORTH LINE OF SAID 10.784 ACRE TRACT;

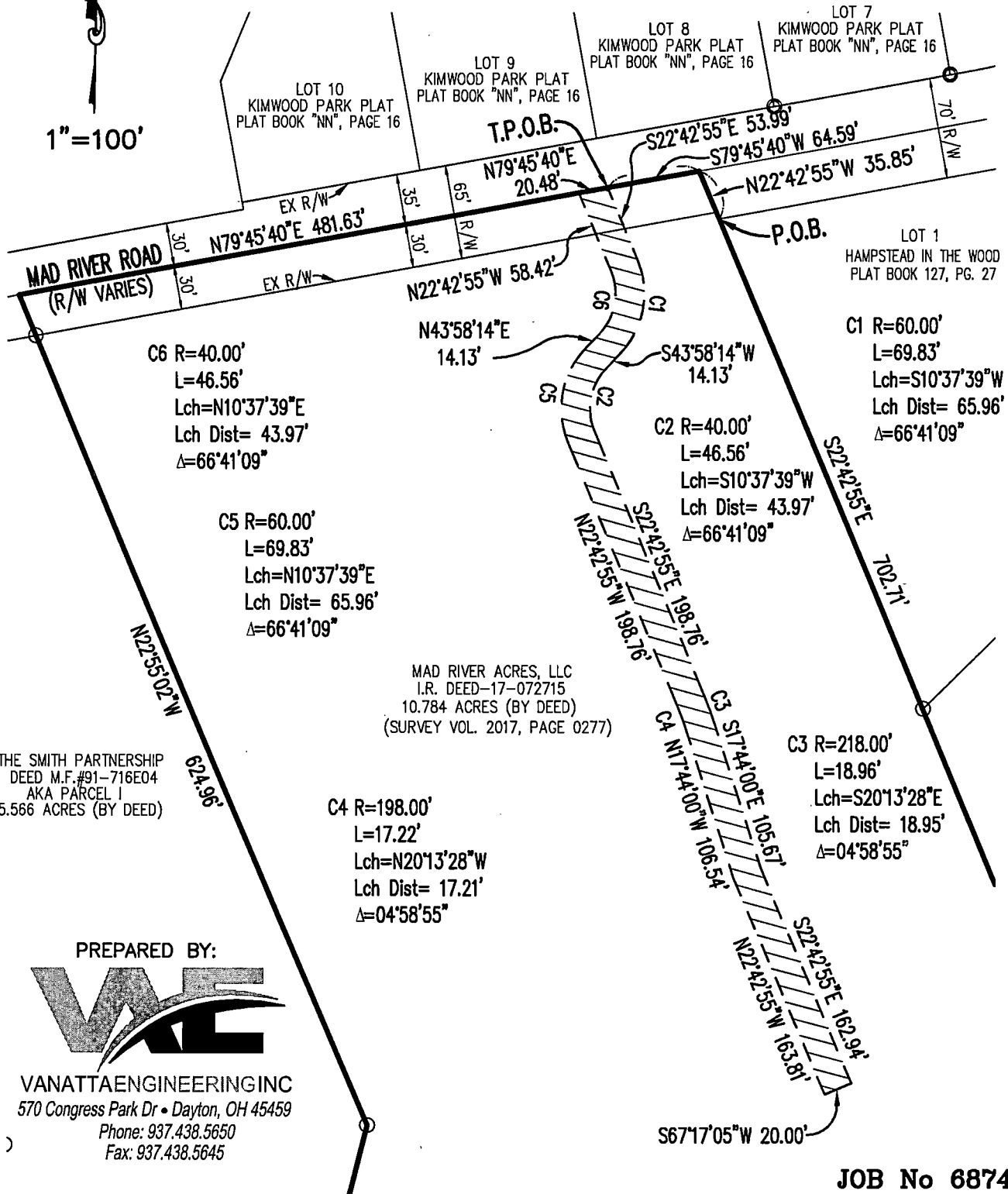
THENCE WITH THE CENTERLINE OF MAD RIVER ROAD AND THE NORTH LINE OF SAID 10.784 ACRE TRACT NORTH 79°45'40" EAST, 20.48 FEET TO THE TRUE POINT OF BEGINNING AND THERE TERMINATE.

EXHIBIT C-2 INGRESS/EGRESS AND UTILITY EASEMENT MAD RIVER ACRES, LLC

LOCATED IN SECTION 2, TOWN 1, RANGE 6 M.Rs.
WASHINGTON TOWNSHIP, MONTGOMERY COUNTY, OHIO
DECEMBER, 2020



1"=100'



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