

RESOLUTION NO. 38-05  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Robert Corbin ON THE  
15th DAY OF August, 2005.

A RESOLUTION ACCEPTING AN EASEMENT  
FROM MULAY HOLDINGS, LLC, BY DAVID M.  
MULAY OF MONTGOMERY COUNTY, OHIO, IN  
ORDER TO ACCESS A PUBLIC PARKING AREA.

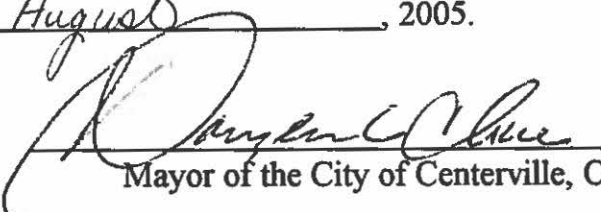
WHEREAS, It is necessary for Mulay Holdings, LLC by David M. Mulay to grant an easement to the City of Centerville for the public to park vehicles of every kind, to pass on foot or by vehicles of every description over the property of the grantor.

WHEREAS, Mulay Holdings, LLC, of Montgomery County, Ohio, proposes to grant to the City of Centerville an easement on land described in Exhibit "A" attached hereto and incorporated herein to install, maintain and replace utilities and a driveway parking area on said property.

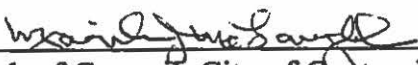
NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY  
RESOLVES:

Section 1. The City of Centerville hereby accepts an easement granted by Mulay Holdings, LLC by David M. Mulay of Montgomery County, Ohio, on a parcel of land described in Exhibit "A" attached hereto and incorporated herein, to install, maintain and replace utilities and a driveway parking area on said property.

PASSED this 15th day of August, 2005.


  
Mayor of the City of Centerville, Ohio

ATTEST:

  
Clerk of Council, City of Centerville, Ohio

**CERTIFICATE**

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 38-05, passed by the Council of the City of Centerville, Ohio, on the 15<sup>th</sup> day of August, 2005.

  
Clerk of Council

Approved as to form, consistency  
with existing Ordinances, the  
Charter and Constitutional Provisions.

Department of Law  
Scott A. Liberman  
Municipal Attorney

**PARKING, INGRESS/EGRESS & UTILITY EASEMENT**

MULAY HOLDINGS, LLC, an Ohio Limited Liability Company, Grantors, of Montgomery County, Ohio for valuable consideration paid and the agreements set forth below, GRANTS to the CITY OF CENTERVILLE, OHIO, an Ohio municipal corporation, as trustee for the public, whose address is 100 West Spring Valley Road, Centerville, Ohio 45458, a non-exclusive perpetual easement for the public to park vehicles of every kind, to pass on foot or by vehicles of every description over the property of the Grantor as described in Exhibit "A" attached hereto and incorporated herein (the Property), and to install, maintain and replace utilities and a driveway/parking area on said Property.

Grantee shall construct and maintain the way that is the subject of this easement.

Grantor shall have the right to use the way for purposes not inconsistent with Grantee's full enjoyment of the easements granted.

The grant of easement shall run with the land and be binding on and inure to the benefit of the parties, their heirs, successors and assigns.

Prior Instrument Reference: Microfiche \_\_\_\_\_ of the Deed Records of Montgomery County, Ohio.

Executed by a representative of the Grantor this 13th day of May, 2005.

MULAY HOLDINGS, LLC

*David M. Mulay*  
By: David M. Mulay  
Its: member

STATE OF OHIO  
MONTGOMERY COUNTY SS:

The foregoing instrument was acknowledged before me this 13th day of May, 2005, by David M. Mulay, the member of Grantor.

*Kay E. Sandusky*  
NOTARY PUBLIC

This Instrument Prepared By:  
Scott A. Liberman, Esq.  
Altick & Corwin Co., L.P.A.  
1700 One Dayton Centre  
One South Main Street  
Dayton, OH 45402



KAY E. SANDUSKY, Notary Public  
In and for the State of Ohio  
My Commission Expires April 30, 2010



8529 Byers Road, Miamisburg, OH 45342  
Tel: 937-847-2660 Fax: 937-847-2670

## INGRESS/EGRESS, PARKING & UTILITY EASEMENT – II

Situate in the City of Centerville, Montgomery County, Ohio and being an ingress/egress, parking and utility easement for the purpose of vehicular and pedestrian traffic, installation, maintenance and replacement of said utilities upon Part Lot 22 of the Benjamin Robbins Plat as recorded in Plat Book 1, Page 11 and as conveyed to Mulay Holdings, LLC. by I.R.# Deed \_\_\_\_\_ of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Beginning at a 5/8" rebar set at the northeast corner of said Lot 22 and also being the northeast corner of said Mulay Holdings Parcel and the True Point of Beginning for the herein described ingress/egress and utility easement;

thence S 01°04'21" W with the east line of said Part Lot 22 and also being the east line of said McCarthy Parcel a distance of 108.23 feet to a mag nail set;

thence S 85°05'20" W through said Mulay Holdings Parcel a distance of 51.89 feet to a mag nail set;

thence N 01°04'21" E with the west line of said Mulay Holdings Parcel a distance of 108.05 feet to a 5/8" rebar set in the north line of said Part Lot 22 and also being the northwest corner of said Mulay Holdings Parcel;

thence N 84°53'42" E with the north line of said Part Lot 22 a distance of 51.91 feet to the True Point of Beginning, subject to all legal conditions, easements and rights-of-way of record. This description prepared by McDougall, Marsh, & Chico, based on a survey made by same in January 2003 and October 2004. Bearings are based on the centerline of right-of-way ( N 01° 04'21" E ) as shown on recorded Survey 2003-0211 of the Montgomery County Engineer's Office.



Thomas K. Marsh, P.S. #7735



**MONUMENT LEGEND**

- indicates iron pin found
- indicates iron pipe found
- ✕ indicates r.r. spike / nail found
- ▣ indicates highway monument box found with 1" Bar
- indicates "axle" found
- ✕ indicates cross notch found
- ▲ indicates mag nail set
- indicates 5/8" rebar set "MoMC-7735" Cap.

Plat of Survey / Division

**PART LOT 23**

Benjamin Robbins Plat - P.B. 1, Pg. 11

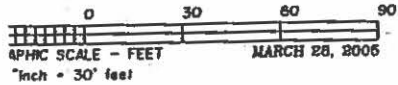
SECTION 25, TOWN 2, RANGE 6 M.R.S.

**City of Centerville  
Montgomery County, Ohio**

Tract A - 0.1802 Acres / Tract B - 0.0876 Acres

Mary D. Mohr  
Gary Mohr  
L.R.N 02-005935

Michael E. & Cynthia Sue  
McDougal  
L.R. # Deed 03-004408  
0.87 Ac

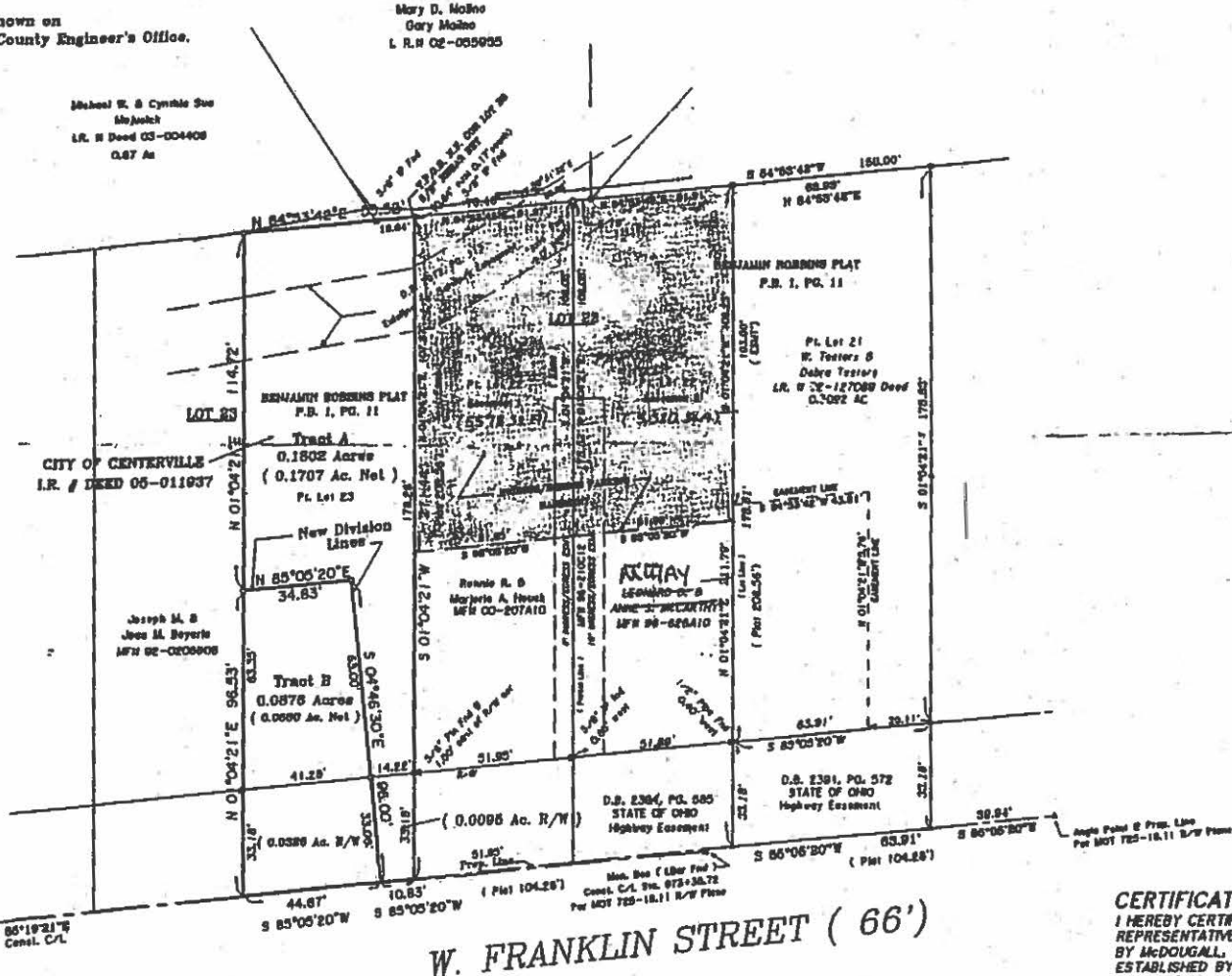


**McDougal, Marsh & Chico**

Surveyors and Civil Engineers  
1529 Byers Road Tel: 937-847-2660  
Harrisburg, Ohio 45342 Fax 937-847-2670

**SURVEY NOTES:**

- ALL DEED, SURVEY AND PLAN RECORDS SHOWN ON THIS SURVEY WERE USED IN THE PERFORMANCE OF THIS SURVEY.
- BOUNDARIES OF OCCUPATION (WHERE EXISTING) IN GENERAL AGREE WITH PROPERTY LINES.
- ALL MONUMENTATION FOUND IN GOOD CONDITION UNLESS NOTED OTHERWISE.
- IRON PINS SET ARE 30" x 5/8" REBAR WITH PLASTIC CAP STAMPED "MoMC 7735"
- SURVEY PREPARED IN THE ABSENCE OF A COMPLETE UP TO DATE TITLE REPORT.



**W. FRANKLIN STREET (66')**

**CERTIFICATION:**  
I HEREBY CERTIFY THAT THE DRAWING HEREIN IS REPRESENTATIVE OF A TRUE AND ACCURATE SURVEY MADE BY McDUGALL, MARSH & CHICO, THAT THE PREMISES WERE ESTABLISHED BY ACTUAL FIELD MEASUREMENTS, THAT ALL PROPERTIES SURVEYED AND DESCRIBED ARE CONTIGUOUS ALONG THEIR ENTIRE BOUNDARIES AND ARE ENCLOSED WITHIN THE PERIMETERS THEREIN.



McDOUGALL, MARSH & CHICO  
*Thomas K. Marsh*  
Thomas K. Marsh, P.S. # 7786

- REFERENCES:**
- 1. BENJAMIN ROBBINS PLAT - P.B. 1, PG. 11; RIDGEWAY DRIVE - P.B. "U-67"; RIDGEWAY PLAN MOT 726-18.11 R/W PLANS
  - 2. TRUSTEES OF WASHINGTON TOWNSHIP - D.B. 298, PG. 216, MF# 71-223503; CITY OF CENTERVILLE - L.R. DEED # 00-011937; RONNIE R. & MARJORIE A. HOUCK - 00-207401; LEONARD D. & ANNE S. MCCARTHY - MF# 98-628A10;
  - 3. EASEMENTS - D.B. 2364, PG. 680; D.B. 2391, PG. 672; D.B. 2391, PG. 670;
  - 4. SURVEY RECORDS - SUR 2003-0211; SUR 2004-0202;