

**RESOLUTION NO. 23-23**  
**CITY OF CENTERVILLE, OHIO**

SPONSORED BY COUNCILMEMBER Belinda Kenley ON THE  
6<sup>th</sup> DAY OF March, 2023.

A RESOLUTION ACCEPTING AN INGRESS/EGRESS &  
UTILITY EASEMENT FOR PUBLIC PURPOSES FROM  
EMBARK PROPERTIES, LLC.

WHEREAS, a parcel of land owned by Embark Properties, LLC, is necessary for the establishment, construction, reconstruction, widening, repair or maintenance of a public drive access thereon; and

WHEREAS, Embark Properties, LLC, proposes to grant to the City of Centerville a non-exclusive perpetual easement for a portion of land more fully described in the Easement attached hereto as Exhibit "1", and referenced as Tax parcel No. O68 00105 0001 and in the legal description attached to Exhibit "1", and recorded in Deed 2014-00041544 of the records of Montgomery County, Ohio for said purpose.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE  
HEREBY RESOLVES:

Section 1. The City of Centerville hereby accepts a non-exclusive perpetual easement for a portion of the land conveyed to Embark Properties, LLC, for the public to pass on for or by vehicles and to install, maintain, and replace utilities and the driveway on said property, said land being and referenced as Tax Parcel No. O68 00105 0001 and recorded in Deed 2014-00041544 of Montgomery County, Ohio, and more particularly described in Exhibit "1" attached hereto and made a part hereof.


Section 2. This Resolution shall become effective at the earliest date allowed by law.

PASSED this 6<sup>th</sup> day of March, 2023.



\_\_\_\_\_  
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 23-23, passed by the Council of the City of Centerville, Ohio, on the 6<sup>th</sup> day of March, 2023.

  
Clerk of Council

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

Department of Law  
Scott A. Liberman  
Municipal Attorney

Exhibit "1"

Ingress/Egress & Utility Easement

EMBARK PROPERTIES, 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, Grantee, a non-exclusive perpetual easement for the public to pass on foot or by vehicles of every description over the property of the Grantors as described in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein (the Property), and to install, maintain and replace utilities and the driveway area on said Property.

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

Grantors 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 insure to the benefit of the parties, their heirs, successors and assigns.

Prior Instrument Reference: 2014-00041544 of the Deed Records of Montgomery County, Ohio

In Witness Whereof, the Grantors have executed this Ingress/Egress & Utility Easement this 15<sup>th</sup> day of February, 2023.

EMBARK PROPERTIES, LLC, and Ohio limited liability company

By: 

Name: JOSEPH BLAKE

Title: MEMBER LLC

STATE OF OHIO )  
 ) SS  
COUNTY OF Montgomery )

BE IT REMEMBERED, that on this 15th day of February 2023, before me, the subscriber, a Notary Public in and for said County and State, personally came Joseph Blake as Member LLC of **EMBARK PROPERTIES, LLC**, an Ohio limited liability corporation, which executed the foregoing instrument, who acknowledged that (S)he did sign said instrument as such Member LLC on behalf of said limited liability company, and that said instrument was signed as her/his free act and deed individually, and the free act and deed of said limited liability company.

[Signature]  
Notary Public

**ERIK S COLLINS**  
Notary Public - State of Ohio  
Commission Expires Dec 21, 2026

EMBARK PROPERTIES, LLC, and Ohio limited liability company

By: [Signature]

Name: Zach Imperial

Title: member LLC

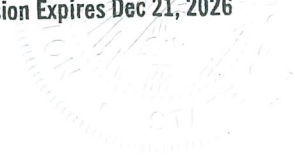
STATE OF OHIO )  
 ) SS  
COUNTY OF Montgomery )

BE IT REMEMBERED, that on this 15th day of February 2023, before me, the subscriber, a Notary Public in and for said County and State, personally came Zach Imperial as Member LLC of **EMBARK PROPERTIES, LLC**, an Ohio limited liability corporation, which executed the foregoing instrument, who acknowledged that (S)he did sign said instrument as such Member LLC on behalf of said limited liability company, and that said instrument was signed as her/his free act and deed individually, and the free act and deed of said limited liability company.

[Signature]  
Notary Public

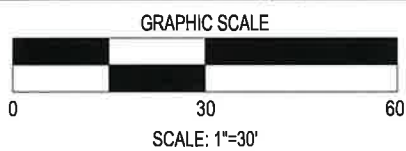
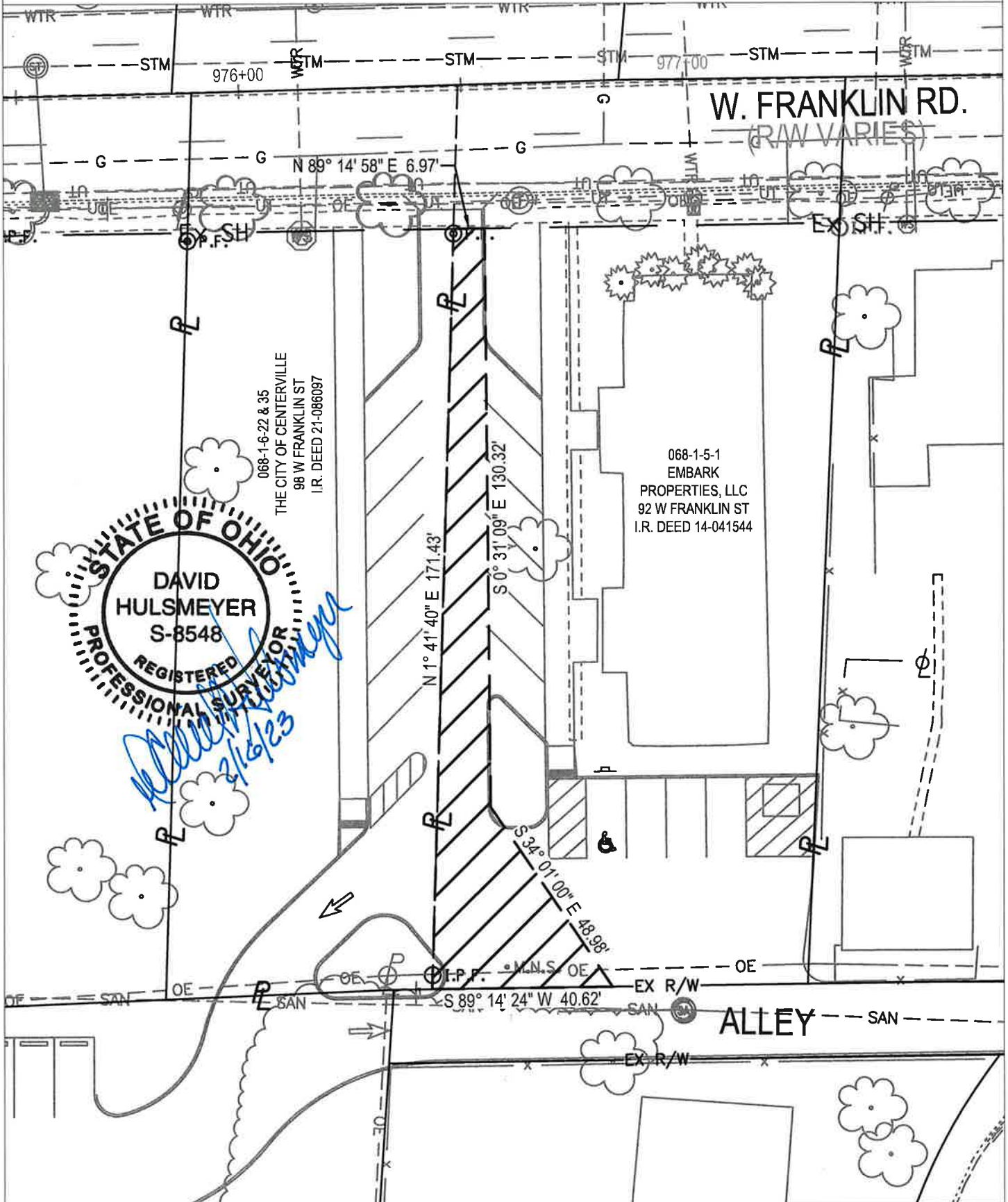
This instrument prepared by:  
Scott A. Liberman, Esq.  
Buckley King, LPA  
110 N. Main St., Suite 1200  
Dayton, Ohio 45402

**ERIK S COLLINS**  
Notary Public - State of Ohio  
Commission Expires Dec 21, 2026





**EXHIBIT "A"**  
**ACCESS, UTILITY & PARKING EASEMENT**  
**SITUATED IN:**  
**SECTION 25, TOWN 2, RANGE 6 M.Rs.**  
**EMBARK PROPERTIES, LLC**  
**2314 Sq. Ft., 0.053 Ac.**



North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

PROJECT: UPTOWN IMPROVEMENT PROJECT		JOB #: 0123023	
SUBJECT: 068-1-2-164 - PARKING LOT EASEMENT		DATE: 02/08/2023	
DSGN: KWW	DRWN: BSE	CHKD:	SHEET NO.: 1/1
		SCALE: 1"=30'	



**LJB Inc.**  
We think bigger.

LJBinc.com  
info@LJBinc.com  
(866) 552-3536

# EXHIBIT "B"

## Legal Description Access, Utility & Parking Easement to The City of Centerville

Situate in Section 25, Town 2, Range 6 MRs, the City of Centerville, County of Montgomery, State of Ohio and being an easement over and through part of Lot Numbered Thirty Three (33) Benjamin Robins Plat, as recorded in Plat Book 1, Page 11 of the Plat Records of Montgomery County, Ohio and being part of the land conveyed to Embark Properties, LLC, described in IR Deed 214-041544 (all references to recorded documents made herein are to those of the Montgomery County Recorder's Office in Dayton, OH), and being more particularly described as follows:

Beginning at the intersection of the west line of Lot 33 with the south right-of-way line for W. Franklin Road, being the northwest corner of Part Lot 33;

Thence with said south right-of-way line of W. Franklin Road: North 89°14'58" East 6.97 feet to a point in the south righty-of-way;

Thence through the grantor's property, on a new line, South 00°31'09" East 130.32 feet to a point;

Thence continuing on said new line South 34°01'00" East 48.98 feet to a point in the south line of Lot 33 being in the north line of a 16.5' wide alley;

Thence with the south line of Lot 33, being the north line of said alley South 89°14'24" West 40.62 feet to the southwest corner of Lot 33 being the southeast corner of Lot 32 of said plat;

Thence with the common line between Lot 32 and 33 North 1°41'40" East, passing an iron pin found at 3.14 feet and an iron pipe found at 170.37 feet for a total distance of 171.43' to the point of beginning;

Containing 2,314 SF (0.053 Acres), more or less.

North and bearing system is based on Ohio State Plane Coordinates, South Zone 3402, NAD83 (2011) GEOID 18 established by GPS using ODOT's VRS.

Prepared By:

LJB Inc.

By: 

David Hulsmeyer, Ohio PS No. 8548

  
Date

