

BILL GEMIENHARDT SUBDIVISION

Situated in the State of Ohio, County of Perry,
Township of Monday Creek and located in
Section 7, Township 14, Range 16.

DECLARATION OF PRIVATE ACCESS EASEMENT

This declaration and agreement is made and entered into by and between all of the owners of lots in the Bill Gemienhardt Subdivision as follows:

Easement "A", Lots 1 through 3.
Easement "B", Lots 7 through 10.

Access Easements "A" and "B" as illustrated on the Plat of Survey of the Bill Gemienhardt Subdivision on record in Plat Cabinet _____, Page _____ is to be an property included in the above mentioned Lots. An access easement is granted to the above Lots having a total width of 40 feet from adjacent lot lines.

The covenants, agreements, restrictions and reservations included in this declaration agreement shall run with the real estate described above and shall be binding upon and shall inure to the benefit of all subsequent grantees, their respective heirs, successors and assigns.

By declaring this access easement, the owners of the subject Lots do for themselves, and for their grantees, respective heirs, successors, and assigns, agree to take permanent responsibility for the maintenance, repair, and upkeep of the subject private roadway/easement. Therefore, at no time shall the current or future Lot owners seek to force Monday Creek Township, Perry County or the State of Ohio to assume ownership or responsibility for the said private roadway/easement. Easements that meet the standards included in Section 67.00 of the Perry County Subdivision Regulations may be dedicated as public roads as part of subdivision plats or according to other procedures outlined in the Ohio Revised Code only if all parties, including Monday Creek Township and Perry County, agree to said dedication.

This declaration agreement may be modified or superseded so long as said modification or superseding agreement is in writing, approved by the unanimous consent of all Lot owners and that said modifications or superseding agreements meet all conditions set out in Section 67.00 of the Perry County Subdivision Regulations. Also, said modifications or superseding agreements shall not remove any other restrictions which may have been required by the Perry County Planning Commission. Each modification or superseding agreement shall be recorded in the County Recorder's Office.

PROVISIONS:

1. Lot owners shall meet annually to determine the need for and the cost of maintenance for the private roadway. Grass and weed control and ditch maintenance shall be the responsibility of each Lot owner for his portion of the private roadway.

2. The terms "maintenance", "repair", and "upkeep" as used in this agreement shall be interpreted in their broadest sense. The terms include, but in no way be limited to, snow removal, replacement of stone or gravel, the removal of obstructions and overhangs from the private roadway as needed, tar and chipping, and dust control together with all associated labor costs.

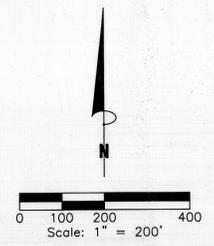
3. Relative to the total expense for maintenance, repair, and upkeep of the easement and private roadway, each respective Lot shall be responsible for total expenses as follows:

Easement "A", Lots 1 through 3, 33.33%
Easement "B", Lots 7 through 10, 25%

4. The improved private roadway shall be fourteen (14) feet in width.

5. The common access easement shall, at all times, be free from obstructions of any kind so as to allow for the proper passage of motor vehicles. All trees, overhanging branches, or other obstructions to the free passage of public safety vehicles shall be removed and shall be kept removed and maintained at all times.

6. Unless otherwise agreed to in writing by the unanimous consent of the Lot owners, no compensation shall be paid to any owner of said Lot who personally provides for maintenance, repair, or upkeep of any area of the common access private roadway. Any work so done by any party without the unanimous consent of all Lot owners shall be considered to be gratuitous in nature. An agreement to provide compensation to a Lot owner for maintenance, repair, or upkeep of the private roadway shall be in writing and shall be with the unanimous consent of all Lot owners. Said agreement may be terminated by approval of two-thirds (2/3rds) of the Lot owners.



REFERENCES:
Tax Maps
Previous Surveys
Deeds as Noted

LINE	BEARING	DISTANCE
L1	S 67°15'18" E	135.32'
L2	S 83°11'53" E	47.62'
L3	N 79°17'03" E	8.80'
L4	N 79°17'03" E	34.16'
L5	N 68°43'59" E	34.27'

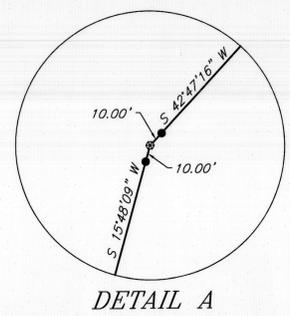
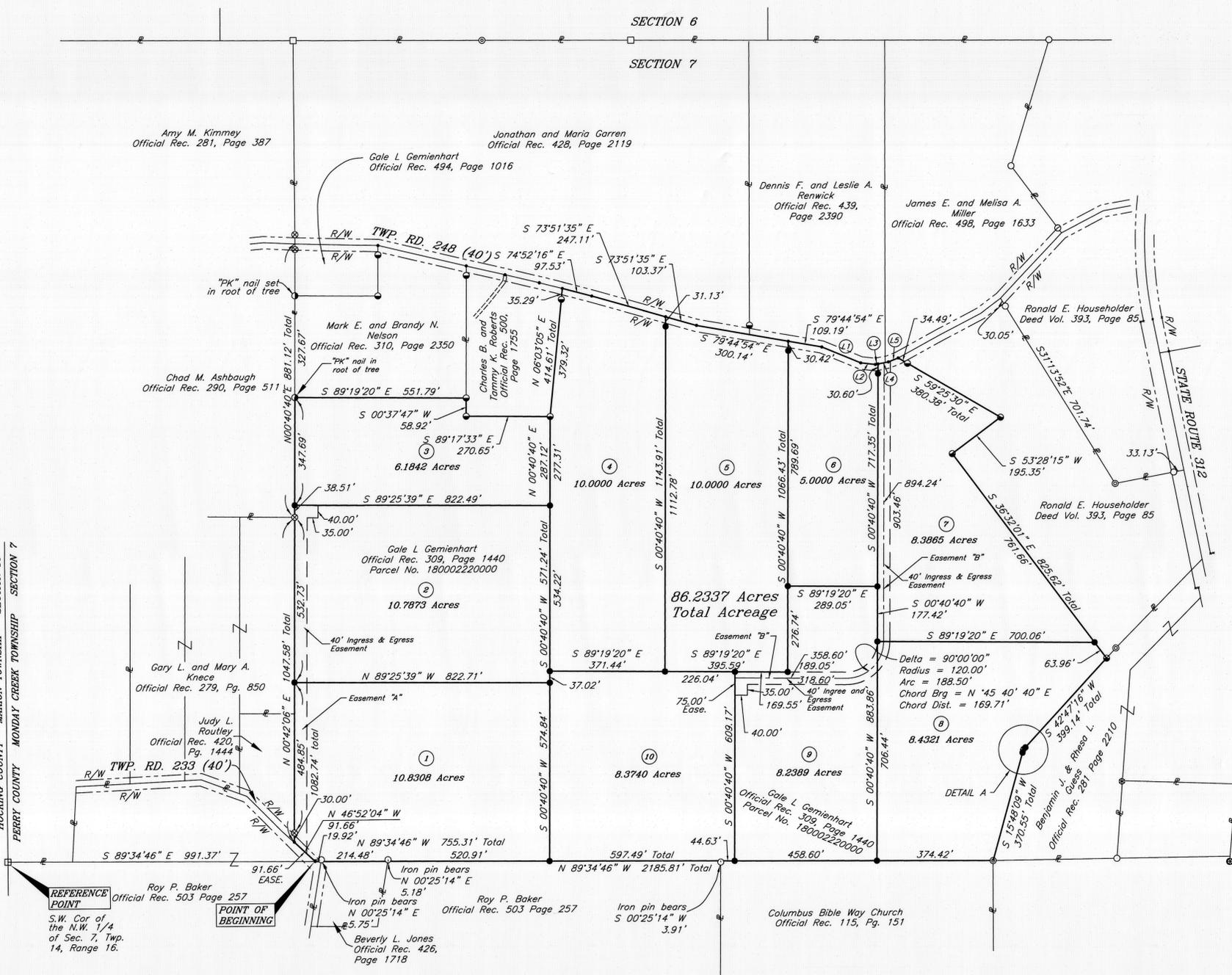
LEGEND

- 5/8" iron pin set 30" in length with plastic ID cap inscribed "DTK SITE SOLUTIONS"
- 5/8" iron pin found with plastic ID cap inscribed "CASSELL S-6378"
- ⊗ 5/8" iron pin found with plastic ID cap inscribed "KNISLEY - 7231"
- △ 5/8" iron pin found with plastic ID cap inscribed "JOHN W. HAGAN #4968"
- 5/8" iron pin found
- Iron pipe found
- Stone found
- "PK" nail found
- Point

NOTES:
Culverts shall be a minimum of Thirty Six (36) feet in length across roads and Thirty (30) feet in length across driveways.

All necessary available public utilities shall be provided for each lot within the proposed subdivision.

Setback Lines:
100 feet front and 30 feet rear lot lines
8 feet side lot lines
Utility Easements:
6 feet on side lot lines
12 feet on rear lot lines



NOTE:
The bearing system for this plat is based on evidence found on the South line of the Northwest Quarter of Section 7, Township 14, Range 16 and bears S 89° 34' 46" E and is for the determination of angles only.

I hereby certify that this plat was prepared from an actual field survey of the premises in Oct of 20 24 and from existing public records and that said plat correctly shows the limits of the parcel to be conveyed.

This certification was made by me on this 6th day of Jan, 20 25
Jerry Cassell
Jerry L. Cassell
Ohio Professional Surveyor No. 6378



PLAT OF SURVEY

Situated in the State of Ohio, County of Perry, Township of Monday Creek and being all of a parcel of land conveyed to Gale L. Gemienhardt in Official Record 309, Page 1440 and located in the Northwest quarter of Section 7, Township 14N, Range 16W, Congress Lands East of the Scioto River.

FOR: Gale Gemienhardt BY: Jerry Cassell, P.S.
DATE: April 12, 2024 PROJ. NO.: DTK 2070
REV: _____
REV: _____

2/2

DTK SITE SOLUTIONS

4315 PROFESSIONAL PKWY
GROVEPORT, OH 43125
(614)567-6144

080740017