

MEMO

To: Concord Township Zoning Commission
From: Steven D. Martin, Esq.
Date: August 6, 2024

Upon final, no longer subject to referendum, rezoning of the 36.830 acres as Planned Commercial & Office District and the Ohio Department of Transportation's approval of a new access drive to and from the 36.830 acres to State Route 257, the 5.009 acres that has the shared driveway which currently provides access to each of 4890, 4902, 4908, and 4910 State Route 257 South (the "Shared Driveway") will be split from the current 18.346 acre Parcel 1, PID 500-320-02-016-000 and there will be duly executed, notarized, and recorded by Avasar LLC as the owner of the 5.009 acre tract a new Shared Driveway Easement and Maintenance Agreement ("Easement and Maintenance Agreement") with respect to the Shared Driveway. The Easement and Maintenance Agreement will:

1. confirm that the Temporary Driveway Easement recorded in Official Record Book 512, pages 690-694, has by its terms expired and is no longer of any force and effect;
2. terminate the Common Driveway Easement recorded in Official Record Book 512, pages 685-689;
3. grant to the 4890, 4902, and 4908 State Route 257 South properties a new perpetual non-exclusive ingress and egress easement over the Shared Driveway; and
4. among other provisions, address all required provisions of a common access drive and maintenance agreement set forth in the Delaware County Subdivision Regulations, mandate that Avasar LLC, as the owner of the 5.009 acre tract with the Shared Driveway, within a reasonable period of time, shall make all improvements to the Shared Driveway and the easement area as required by the Concord Township Fire Department, and thereafter the owner of said 5.009 acre tract shall maintain the Shared Driveway and the easement area consistent with the standards and requirements of the Concord Township Fire Department.

Further, the Easement and Maintenance Agreement, to which Avasar LLC, as the owner of the remainder of the 18.346 acre Parcel 1 and the 23.492 acre Parcel 2, together The Emerald Farm, will be a party, shall, if required by the Concord Township Fire Department, covenant not to use the Shared Driveway except for emergency purposes, and shall grant to the owners of the 4890, 4902, 4908, and 4910 State Route 257 South properties the right, in the event of an emergency or maintenance on the Shared Driveway, to use drives on the 36.830 acre Emerald Farm tract for ingress and egress to State Route 257.

In addition to the Easement and Maintenance Agreement, Avasar LLC shall obtain the appropriate permits and permission from the Ohio Department of Transportation for a new driveway to State Route 257, and shall make any required improvements to State Route 257 in order to provide ingress and egress to The Emerald Farm on the 36.830 acre tract.