

TAB 4

Proof of Ownership of the Property
(Checklist Item #4)

Cherry Island Landfill
Sanitary Landfill Permit Renewal

See attached deed showing ownership of the property by the Delaware Solid Waste Authority.

RECEIVED
FEB 06 1995
DSWA

LAW OFFICES
PARKOWSKI, NOBLE & GUERKE
PROFESSIONAL ASSOCIATION
116 WEST WATER STREET
P.O. BOX 598
DOVER, DELAWARE 19903
302-678-3262
FAX: 302-678-9415

___	NOV	___	FSX	___	WHP
___	JMP	___	LJK	___	LD
___	TEH	___	VAC	___	TD
___	TEG	___	AMC	___	
___	HRW	___		___	JH
___	JL	___	HFD	___	RVI
___	MSM	___	AMG	___	TWT
___	LVM	___	AND	___	WGS
___		___	DAF	___	SER
___		___	GEORGE A. BARNER, III	___	FILE
___		___	OF COUNSEL	___	

F. MICHAEL PARKOWSKI
JOHN W. NOBLE
I. BARRY GUERKE
CLAY T. JESTER
JEREMY W. HOMER
JOHN C. ANDRADE
JONATHAN EISENBERG
DONALD R. KINSLEY
DANA J. SCHAEFER

M E M O R A N D U M

TO: Richard P. Watson, P.E.
FROM: John W. Noble
RE: Landfill Declaration/Cherry Island
DATE: February 7, 1995

Attached is the recorded DSWA Declaration evidencing that Cherry Island has been used as a landfill. Recording a document such as this is a requirement of DSWA's DNREC landfill permit for Cherry Island.

If you have any questions, please give me a call.

JWN/cl
Enclosure

Tax Parcel #26-059.00-001
#26-053.00-003
#26-052.00-010

Prepared by: Parkowski, Noble & Guerke,
P.A.
P.O. Box 598
Dover, DE 19903

DECLARATION

WHEREAS, the Delaware Solid Waste Authority ("Authority"), a body politic and corporate, existing pursuant to the provisions of 7 Del.C. Ch. 64, is the owner of certain lands ("Lands") on Cherry Island, in the City of Wilmington, New Castle County, and State of Delaware, and lying generally east of I-495 and south of 12th Street and lands now or formerly of the Mayor and Council of Wilmington (D.R. E-87-520); and

WHEREAS, DSWA has used or will use the Lands for solid waste disposal; and

WHEREAS, Section 5.K.5 of the Delaware Department of Natural Resources and Environmental Control's Regulations Governing Solid Waste requires the lodging with the Recorder of Deeds of certain notations with respect to real estate which has been used for solid waste disposal.

NOW, THEREFORE, this 31st day of March, 1993, the Authority hereby declares that:

A. The Lands have been used and will be used as a solid waste disposal site, and

B. The use of the Lands is restricted under the Delaware Department of Natural Resources and Environmental Control's Regulations Governing Solid Waste.

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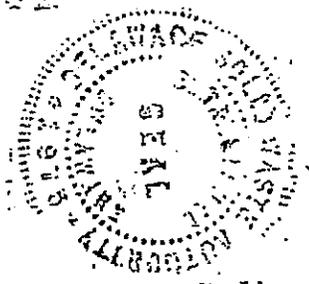
2/ 7330

IN WITNESS WHEREOF, the Delaware Solid Waste Authority, by and through its duly authorized officers, has executed this Declaration as of the day and year aforesaid.

DELAWARE SOLID WASTE AUTHORITY

BY: [Signature]
Chief Executive Officer

ATTEST: [Signature]
Chief of Business Management



STATE OF DELAWARE)
 :SS.
COUNTY OF KENT)

BE IT REMEMBERED, that on this 31st day of March, 1993, personally appeared before me, the subscriber, a Notary Public for the State and County aforesaid, N.C. Vasuki, Chief Executive Officer of the Delaware Solid Waste Authority, known to me personally to be such, and acknowledged this Declaration to be his act and deed and the act and deed of said Delaware Solid Waste Authority, that the signature of the said Chief Executive Officer is in his own proper handwriting and that his act of executing and delivering this Declaration was duly authorized by the Delaware Solid Waste Authority.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

[Signature]
NOTARY PUBLIC
State of Delaware D. June Peacock
Name [Signature]
Commission Expires July 5, 1993



020485

BK 1004 PG 0308

DELA. 40-2)

CORPORATE DEED-TYPewriter

Printed and Sold by Hugh G. ... Wilmington, DE

This Deed, Made this

12th day of March

our LORD one thousand nine hundred and ninety (1990).

BETWEEN, DELMARVA POWER & LIGHT COMPANY, a corporation of the State of Delaware, and the Commonwealth of Virginia, party of the first part,

and

DELAWARE SOLID WASTE AUTHORITY, a body politic constituting an instrumentality of the State of Delaware, of 1128 S. Bradford Street, P.O. Box 455, Dover, Kent County and State of Delaware, party of the second part.



Witnesseth, That the said party of the first part, for and in consideration of the sum of

TEN (\$10.00) DOLLARS and other good and lawful money of the United States of America, valuable consideration

the receipt whereof is hereby acknowledged, hereby grant and convey unto the said

party of the second part, its successors or assigns

ALL that certain tract, piece or parcel of land situate on Fourth Street Extended easterly of Interstate 495, City of Wilmington, New Castle County, Delaware and shown on a plan prepared by Van DeMark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware, dated September 18, 1984 and revised through December 1, 1988, Drawing No. 22988-M, Revision 9 and described, to-wit:

BEGINNING for the same, at a point on the northeasterly side of Fourth Street Extended, said point being South 62 degrees 03 minutes 30 seconds East 126.22 feet from the intersection of the said northeasterly side of Fourth Street Extended with the southeasterly right of way line for Interstate 495; thence from said point of beginning and leaving said Fourth Street Extended and along lines now or formerly of Delmarva Power & Light Company, North 53 degrees 09 minutes 55 seconds East 428.22 feet to a point, a corner for lands to be conveyed to Delaware Solid Waste Authority; thence along the southwesterly line of said lands to be conveyed to Delaware Solid Waste Authority, South 59 degrees 07 minutes 13 seconds East 1,160.90 feet to a point in the old centerline of Hay or Marsh Road (at 30 feet wide); thence along the said old centerline of Hay or Marsh Road, South 42 degrees 26 minutes 30 seconds West 40.48 feet to a point; thence leaving the said old centerline of Hay or Marsh Road and continuing along said lines of lands to be conveyed to Delaware Solid Waste Authority, South 48 degrees 27 minutes 30 seconds East, 384.50 feet to a point; thence South 40 degrees 10 minutes 39 seconds West, crossing said Fourth Street Extended, 782.85 feet to a point on the line of lands now or formerly of United States of America; thence partially along the northeasterly line of said lands now or formerly of the United States of America and the northeasterly line of lands now or formerly of the Mayor and Council of Wilmington, North 66 degrees 29 minutes 39 seconds West, 1,809.61 feet to a point on the said southeasterly right of way line for Interstate 495; thence along the said southeasterly right of way line for Interstate 495, North 45 degrees 00 minutes 00 seconds East, 634.68 feet to a point on the southwesterly side of said Fourth Street Extended; thence along the said southwesterly side of Fourth Street Extended, South 62 degrees 03 minutes 30 seconds East, 31.38 feet to a point; thence crossing said Fourth Street Extended, North 53 degrees 09 minutes 55 seconds East 110.53 feet to a point on the aforementioned northeasterly side of Fourth Street Extended, and being the point and place of beginning. Containing within said metes and bounds, 37.573 acres of land, be the same more or less.

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BOOK 854 PAGE 224

CPA. 2-27

CORPORATE RECORDS

Prepared and Sold by High County



This Deed, Made this

3288

6th day of April

our LORD one thousand nine hundred and eighty-nine (1989).

BETWEEN, DELAWARE SOLID WASTE AUTHORITY, a body politic constituting an instrumentality of the State of Delaware, of South Bradford Street, P.O. Box 455, Dover, Kent County and State of Delaware, party of the first part,

and

DELMARVA POWER & LIGHT COMPANY, a corporation of the State of Delaware, and of the Commonwealth of Virginia, Party of the second part,

DOCUMENTARY SURCHARGE PAID \$3.00

Witnesseth, That the said party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS & other good and valuable consideration the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors or assigns

PARCEL NO. 1 - **ALL** that certain tract, piece or parcel of land situate on 4th Street Extended and Interstate 495, Cherry Island, New Castle County, Delaware and shown on a plan prepared by VanDemark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware dated September 18, 1984 and revised through April 15, 1986, Drawing No. 22988-M, Revision 4.

NOTE: Delmarva Power & Light Company bearings are indicated in parenthesis.

BEGINNING at a point on the south-westerly side of 4th Street Extended (at 100 feet wide) said point being on the southeasterly right of way line of Interstate 495; thence from the said point of beginning and along the said south-westerly side of 4th Street, South 62 degrees 03 minutes 30 seconds East, (South 52°-54'-00" East), 1313.84 feet to a point; thence partially crossing said 4th Street Extended, North 41 degrees 48 minutes 30 seconds East, (North 50°-58'-00" East) 51.50 feet to a point; thence continuing crossing said 4th Street Extended and along the old centerline of Hay or Marsh Road (at 30 feet wide), North 41 degrees 52 minutes 30 seconds East, (North 51°-02'-00" East) 348.96 feet to a point, a corner for lands about to be conveyed to Delaware Solid Waste Authority; thence thereby South 48 degrees 27 minutes 30 seconds East, (South 39°-18'-00" East), 384.50 feet to a point; thence by a line recrossing said 4th Street Extended, South 40 degrees 10 minutes 39 seconds West, (South 49°-20'-09" West) 782.86 feet to a point in the line of lands now or formerly of the United States of America; thence along the northeasterly line of said lands now or formerly of the United States of America and the northeasterly line of lands now or formerly of the Mayor and Council of Wilmington, North 66 degrees 29 minutes 39 seconds West (North 57°-20'-09" West) 1809.61 feet to a point on the said south-westerly right of way for Interstate 495; thence thereby, North 45 degrees 00 minutes 00 seconds East (North 54°-09'-30" East), 634.68 feet to a point on the said south-westerly side of 4th Street Extended and the point and place of beginning; containing within said metes and bounds 24.634 acres of land, being the same, more or less.

PARCEL NO. 2 - ALL that certain tract, piece or parcel of land being a portion of Fourth Street Extended southeast of Interstate 495 City of Wilmington, New Castle County, Delaware and shown on a plat of survey prepared by VanDenark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware, dated September 18, 1984 and revised through December 1, 1988, Drawing No. 22988-7, Revision 9 and described to-wit:

BEGINNING at the point of intersection of the northeasterly side of Fourth Street Extended and the southeasterly right of way line for Interstate 495; thence from the said point of Beginning and along the said northeasterly side of Fourth Street Extended, South 62 degrees 03 minutes 30 seconds East, 1386.32 feet to a point on the old centerline of Hay or Marsh Road; thence crossing said East Fourth Street Extended, the two following described courses and distances: (1) South 41 degree 52 minutes 30 seconds West, 51.51 feet to a point on the centerline of the said Fourth Street Extended; and (2) South 41 degree 48 minutes 30 seconds West, 51.50 feet to a point on the southwesterly side of Fourth Street Extended; thence thenceby, North 62 degrees 03 minutes 30 seconds West, 1313.84 feet to a point on the said southeasterly right of way line for Interstate 495; thence recrossing said Fourth Street Extended, North 02 degree 25 minutes 15 seconds East, 110.80 feet to a point on the said northeasterly side of Fourth Street Extended and the point and place of Beginning; containing within said wates and bounds, 3.099 acres of land being the same more or less.

SUBJECT to a 30 foot wide sanitary sewer right of way running through the above described parcel adjacent to Interstate 495 and as shown on the aforesaid plan by Vandemark & Lynch, Inc., dated September 18, 1984 and revised through April 15, 1986, Drawing No. 22988-M, Revision No. 4.

AND BEING a part of the same lands and premises which were conveyed unto Delaware Solid Waste Authority, a body politic constituting an instrumentality of the State of Delaware, by the following three deeds:

(1) Deed from Secretary of the Army dated November 19, 1985 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware in Deed Book 309 at Page 101.

(2) Deed from City of Wilmington dated November 26, 1986 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware in Deed Book 504 at Page 0250.

(3) Deed from City of Wilmington dated May 30, 1984 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware in Deed Book 137 at Page 110.

In Witness Whereof, The said Delaware Solid Waste Authority, a body politic constituting an instrumentality of the State of Delaware, hath caused its name by E. F. Jennings, Jr., Vice Chairman, and the common and corporate seal of the said Authority to be hereunto set, and the common and corporate seal of the said Authority to be hereunto affixed, duly attested by its General Manager, this 11th day and year first above written.

DELAWARE SOLID WASTE AUTHORITY, a body politic constituting an instrumentality of the State of Delaware
BY: E. F. Jennings, Jr., Vice Chairman
ATTEST: N.C. Vasuki, General Manager

State of Delaware, }
KENT County, } ss.

11th day of April in the year of our LORD one thousand nine hundred and eighty-nine personally came before me, the Subscriber, a Notary Public for the State of Delaware. E. F. Jennings, Jr., Vice Chairman of the Delaware SOLID WASTE AUTHORITY, a body politic constituting an instrumentality of the State of Delaware, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said Authority, and that the signature of the Chairman thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said Authority, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said Authority.

GIVEN under my Hand and Seal of office, this 11th day of April, 1989.

[Signature]
Notary Public
WILLIAM M. HONEY, Recorder

REC'D FOR RECORD APR 11 1989 WILLIAM M. HONEY, Recorder

(INC. 24-2)

CORPORATE DEED-TYPewriter

Printed and Sold by Mark A. George Co., Baltimore, MD



This Deed, Made this

3289 31st day of March

our LORD one thousand nine hundred and eighty-nine

BETWEEN, DELMARVA POWER & LIGHT COMPANY, a corporation of the State of Delaware and of the Commonwealth of Virginia, Party of the First Part,

and
DELAWARE SOLID WASTE AUTHORITY, a body politic constituting an instrumentality of the State of Delaware, of 1128 S. Bradford Street, P.O. Box 455, Dover, Kent County and State of Delaware, Party of the Second Part,

Witnesseth, That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and lawful money of the United States of America, valuable consideration the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors or assigns:

ALL

that certain tract, piece or parcel of land situate on Hay or Marsh Road, Cherry Island, City of Wilmington, New Castle County, Delaware and shown on a plan prepared by VanBemerk & Lynch, Inc., Engineers, Planners, and Surveyors, Wilmington, Delaware, dated September 18, 1984 and revised through April 15, 1986, Drawing No. 22988-M, Revision No. 4:

NOTE: Delmarva Power & Light Company bearings are indicated in parenthesis.

BEGINNING at a point on the centerline of Hay or Marsh Road (at 30 feet wide) said point being distant the three following described courses and distances from the intersection of the northwesterly side of relocated Hay Road (at 80 feet wide) and the southwesterly side of 12th Street (at 80 feet wide): (1) along the said northwesterly side of relocated Hay Road (at 80 feet wide), South 42 degrees 18 minutes 25 seconds West, (South 51 degrees-27 minutes-55 seconds West) 393.18 feet to a point; (2) partially crossing the terminus of relocated Hay Road, South 48 degrees 59 minutes 05 seconds East (South 39 degrees-49 minutes-35 seconds East) 65.02 feet to a point in the said old centerline of Hay or Marsh Road, and (3) along the said old centerline of Hay or Marsh Road, South 42 degrees 10 minutes 37 seconds West, (South 51 degrees-20 minutes-07 seconds West), 747.45 feet to the point of beginning; thence from the said point of beginning, South 49 degrees 19 minutes 30 seconds East, (South 40 degrees-10 minutes-00seconds East), 947.24 feet to a point; thence South 29 degrees 21 minutes 13 seconds West, (South 38 degrees-30 minutes 43 seconds West) 401.18 feet to a point; thence North 62 degrees 03 minutes 30 seconds West, (North 52 degrees-54 minutes-00 seconds West), 461.85 feet to a point; thence North 48 degrees 27 minutes 30 seconds West, (North 39 degrees-18 minutes- 00 seconds West), 206.08 feet to a point, a corner for lands about to be conveyed to Delmarva Power & Light Company; thence along the northeasterly line of said lands about to be conveyed to Delmarva Power & Light Company, North 48 degrees 27 minutes 30 seconds West (North 39 degrees-18 minutes- 00 seconds West), 384.50 feet to a point in the said old centerline of Hay or Marsh Road; thence thereby North 42 degrees 26 minutes 30 seconds East (North 51 degrees-36 minutes- 00 seconds East), 40.48 feet to a point; thence North 59 degrees 07 minutes 13 seconds West, (North 49

REC'D FOR RECORD

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WILLIAM M. HONEY, Recorder

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degrees-37 minutes - 43 seconds West), 1160.90 feet to a point on the southeasterly side of a 30 foot wide sewer right of way; thence along the said southeasterly side of the 30 foot wide sewer right of way, North 54 degrees 02 minutes 21 seconds East (North 63 degrees -11 minutes 51 seconds East), 674.37 feet to a point; thence South 48 degrees 35 minutes 30 seconds East, (South 39 degrees-26 minutes - 00 seconds East), 1001.94 feet to a point in the said old centerline of Hay or Marsh Road and the point and place of beginning; containing within said metes and bounds, 24.198 acres of land, being the same, more or less; and

BEING a part of the same lands and premises which were conveyed unto Delaware Power & Light Company, a Delaware corporation, by the following two deeds:

1. Deed from S. Harry Lingo, single man, dated May 6, 1944 and recorded in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware in Deed Book G, Volume 44 at Page 484.
2. Deed from S. Harry Lingo, single man, dated May 18, 1944 and recorded in the aforesaid Recorder's Office in Deed Book G, Volume 44, at Page 493.

In Witness Whereof, The said Delaware Power & Light Company, a corporation of the State of Delaware and the Commonwealth of Virginia hath caused its name by Thomas S. Shaw its Vice-President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

DELMARVA POWER & LIGHT COMPANY
 Sealed and Delivered in the Presence of BY: *[Signature]*
[Signature] ATTEST: *[Signature]*
 Secretary

State of Delaware, }
NEW CASTLE County. } ss.

11th day of March
nineteen hundred and eighty-nine
a Notary Public for the State of Delaware.
 He Remembers, That on this
 in the year of our LORD one thousand
 personally came before me, the subscriber,

Vice-Presidents of Delmarva Power & Light Company, and the Commonwealth of Virginia a corporation existing under the laws of the State of Delaware/ party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the Vice-Presidents thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid

[Signature]
Notary Public

RECORDED FOR RECORD APR 11 1989 WILLIAM HONEY, Recorder

IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

3905

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
11.45 ACRES OF LAND, MORE OR LESS,)
SITUATE IN NEW CASTLE COUNTY, STATE)
OF DELAWARE, AND R. ARNOLD BOYER,)
ET AL,)
Defendants)

DECLARATION
OF
TAKING

CIVIL NO. 81-733

TO THE HONORABLE,
THE UNITED STATES DISTRICT COURT:

I, John O. Marsh, Jr., Secretary of the Army,

do hereby declare that:

1. (a) The land hereinafter described is taken under and in accordance with the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a), and acts supplementary thereto and amendatory thereof, and under the further authority of the Acts of Congress approved April 24, 1888 (25 Stat. 94, 33 U.S.C. 591) and July 18, 1918 (40 Stat. 911, 33 U.S.C. 594), which acts authorize the acquisition of land for river and harbor purposes; the Act of Congress approved June 20, 1938 (Public Law 685-75th Congress), which act authorizes the Delaware River from Allegheny Avenue, Philadelphia, Pennsylvania to the Sea Project and the Act of Congress approved December 4, 1981 (Public Law 97-88), which act made funds available for such purposes.

(b) The public uses for which said land is taken are as follows: The said land is necessary to provide for the maintenance of navigation in the Delaware River and for other uses incident thereto. The said land has been selected by me for acquisition by the United States for use in connection with the Edge Moor Disposal Area and for such other uses as may be authorized by Congress or by Executive Order.

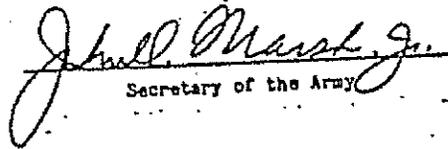
2. A general description of the land being taken is set forth in Schedule "A" attached hereto and made a part hereof, and is a description of the same land described in the complaint in the above entitled cause.

3. The estate taken for said public uses is the fee simple title to the land described in Schedule "A", subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

4. A plan showing the land taken is annexed hereto as Schedule "B" and made a part hereof.

5. The sum estimated by me as just compensation for said land, with all buildings and improvements thereon and all appurtenances thereto and including any and all interests hereby taken in said land, is set forth in Schedule "A" herein, which sum I cause to be deposited herewith in the registry of said court for the use and benefit of the persons entitled thereto. I am of the opinion that the ultimate award for said land probably will be within any limits prescribed by law on the price to be paid therefor.

IN WITNESS WHEREOF, the United States of America, by its Secretary of the Army, thereunto authorized, has caused this declaration to be signed in its name by said John D. Marsh, Jr., Secretary of the Army, this 3RD day of SEPTEMBER, A.D. 19 80 in the City of Washington, District of Columbia.


Secretary of the Army

The land which is the subject matter of this Declaration of Taking aggregates 11.45 acres, more or less, situate in New Castle County, State of Delaware. The description of the land, together with the names of the purported owners thereof, and a statement of the sum estimated to be just compensation therefor, are as follows:

SCHEDULE "A"

EDGE MOOR DISPOSAL AREA

NEW CASTLE COUNTY, DELAWARE

TRACT NUMBER 108

A certain tract of land situate in the State of Delaware, New Castle County, City of Wilmington, and more particularly bounded and described as follows:

Beginning at a corner common to lands now or formerly owned by the Frederick A. Potts Company and lands of the subject owner, in a line of lands now or formerly owned by the Delmarva Power and Light Company, said corner being in the center of Hay/Marsh Road, said corner being further located North 42°11'13" East 839.02 feet from the intersection of the centerlines of said Road and 4th Street; thence, leaving lands of said Potts Company and the centerline of said Road, and with a line of lands of said Power Company, the following courses and distances:

North 45°19'30" West 1,032.00 feet,

North 31°32'00" East 352.41 feet to a corner common to lands of said Power Company and lands of the subject owner, in a line of lands now or formerly owned by the State of Delaware; thence, leaving lands of said Power Company and with a line of said State lands,

North 81°06'15" East 162.78 feet to a corner common to lands now or formerly owned by the Wilmington Terminal Company and lands of the subject owner, in a line of said State lands; thence, leaving said State lands and with a line of lands of said Terminal Company;

South 49°19'30" East 994.80 feet to a corner common to lands of said Terminal Company and lands of the subject owner, in a line of lands of said Potts Company, being in the center of said Road; thence, leaving lands of said Terminal Company and with a line of lands of said Potts Company, along the centerline of said Road,

South 42°10'37" West 472.00 feet to the place of beginning, containing 11.45 acres, more or less.

The bearings used herein are referenced to the Delaware State Plane Coordinate System, 1927 North American Datum.

It is the intent of the foregoing description to include the same land as that described in a deed from Howard L. Weldin, Jr. and Barbara Weldin, his wife, Jacob Atwood Weldin and Elsie H. Weldin, his wife, and Frances W. Fritz, widow, to R. Arnold Boyer and Nancy W. Boyer, his wife, and Willis Weldin and Sarah M. Weldin, his wife, dated 19 January 1977, and filed for record, 20 January 1977, in Deed Book 95, Page 207, in the land records of New Castle County, Delaware.

PURPORTED OWNERS:

R. Arnold Boyer and
Nancy W. Boyer, his wife
22 Brookhill Drive
Newark, Delaware 19711

Willis Weldin II, and
Sarah M. Weldin, his wife
22 Brookhill Drive
Newark, Delaware 19711

REC'D 1. DUGAN, Jr. Recorder
4-10-77

New Castle County
City/County Building
800 French Street
Wilmington, Delaware 19801

Getty Pipeline, Inc.
a Delaware Corporation
Delaware City, Delaware 19706

Finance Department
Treasury Division Collection Unit of
New Castle County
City/County Building
800 French Street
Wilmington, Delaware 19801

City Treasurer
City of Wilmington
City/County Building
800 French Street
Wilmington, Delaware 19801

And Unknown Owners

ESTIMATED COMPENSATION: \$63,000.00

The gross sum estimated to be just compensation for the estate taken
inclusive of all rights set forth in the Declaration of Taking is SIXTY-THREE
THOUSAND DOLLARS (\$63,000.00)

REC'D FOR RECORDS FEB 15 1983 4:10 PM LEO J. DUGAN, Jr. Recorder

CERTIFIED:
AS A TRUE COPY:
ATTEST:
L. R. MC BRISTER, JR., CLERK

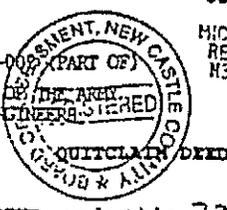
BY *Marlene A. Stewart*
DEPUTY CLERK (4 pages)

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TAX PARCEL NO. 26-065.00-008 (PART OF)
PREPARED BY: DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
P.O. Box 1715
Baltimore, MD 21203



MICHAEL R. ANTASLIA
RECORDER OF DEEDS
NEW CASTLE CO. DE

THIS QUITCLAIM DEED, made this 22nd day of July 1996, between the United States of America, Grantor, and the Delaware Solid Waste Authority, Grantee, under and pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the delegation of authority to the Secretary of Defense from the Administrator of General Services Administration (41 C.F.R. 101-47.601) and the redelegation of authority from the Secretary of Defense to the Secretary of the Army (20 F.R. 7113).

WITNESSETH THAT:

WHEREAS, in accordance with 41 C.F.R. 101-47.601 and Chapter 6-1.a. and 6-2.c. of the Federal Property Management Regulations, the United States of America has determined that a negotiated sale to the Delaware Solid Waste Authority is in the public interest, in the conveyance of the land described in Exhibit "A", attached hereto and made a part hereof, the said Grantee being an agency of the State of Delaware.

NOW THEREFORE, the United States of America, for and in consideration of TWELVE THOUSAND SEVEN HUNDRED TEN DOLLARS (\$12,710.00) and of other good and valuable considerations, the receipt and sufficiency whereof is acknowledged, does hereby quitclaim, grant, bargain, sell and convey unto the Grantee all that parcel of land described in Exhibit "A", attached hereto and made a part hereof, known as a 12.71 acre portion of Tract A of the Bellevue Disposal Area, New Castle County, Delaware.

SUBJECT to existing easements for public roads and highways, public utilities, railroads, and pipelines.

TO HAVE AND TO HOLD the property herein granted unto the Grantee and its assigns, in fee simple, forever.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the day and year aforesaid.

WITNESS:

Michael R. Howard

James S. Turkel
JAMES S. TURKEL
Chief, Real Estate Division



VALIDATION
AMOUNT OF CITY TAX #
RECEIVED BY
LOT #

4/17100

REC OAH 10-50AUG96 045

\$ 00 51

STATE OF MARYLAND)
COUNTY OF BALTIMORE)

On this, the 22nd day of July 1996, before me, a Notary Public for the State of Maryland, the undersigned officer, personally appeared James S. Sulik, known to me (or satisfactorily proven to be) the person whose name is subscribed to the within instrument for the purposes therein expressed as the act and deed of the United States of America.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Notary Public

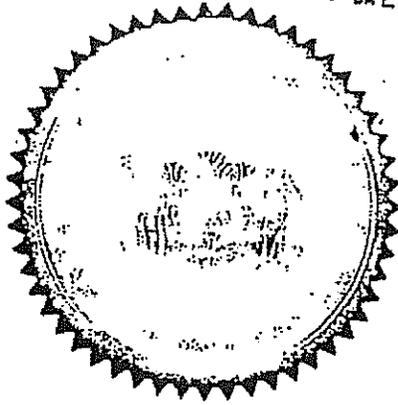
My commission expires:

September 1, 1997

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The State of Delaware

To ANN J. TUCKER of New Castle County, Delaware, Greetings:

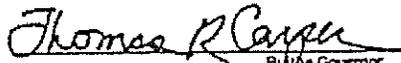
Know you, that reposing special trust and confidence in your knowledge, integrity, prudence, and ability we have constituted and appointed, and by these presents do constitute and appoint you, the said ANN J. TUCKER to be a Notary Public for the State of Delaware for the term of four years effective the eighteenth day of July, A.D. 1996, resident at NEW CASTLE, New Castle County, Delaware, giving hereby and granting unto you the said ANN J. TUCKER full power and authority to execute and discharge the said office of the commission aforesaid in all the several parts and branches thereof and keeping of all records, books, papers and writings whatsoever to the said office belonging:

To Hold, Exercise and Enjoy the Said Office

With all fees, perquisites, emoluments, and advantages thence lawfully arising, or thereunto of right in anywise appertaining, until your term therein, according to law, shall of course expire; you behaving yourself well so long in the said office.

In Witness Whereof, I, Thomas R. Carper, Governor of the State of Delaware have hereunto set my hand and the Great Seal of the State of Delaware has been hereunto affixed by the Secretary of State, at Dover, on this the eighteenth day of July, A.D. 1996.

No. 199619949


By the Governor

Secretary of State

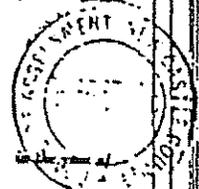
CILF

NO. 697 REC 327

(Pub. 48-2)

CORPORATE INSTRUMENT

Printed and Sold by Hugh George Co., Baltimore



This Deed, Made this

1151

day of

our LORD one thousand nine hundred and eighty-eight (1988)

BETWEEN, FREDERIC A. POTTS & CO., INC., a New York corporation, c/o Theisen, Lank, Mulford & Goldberg, P.A., P.O. Box 1470, Wilmington, Delaware, party of the first part,

and

DELAWARE SOLID WASTE AUTHORITY, an instrumentality of the State of Delaware, party of the second part. P.O. Box 455, Dover, Delaware 19903.

Witnesseth. That the said party of the first part, for and in consideration of the sum of SEVEN HUNDRED SEVENTY-FIVE THOUSAND (\$775,000.00) DOLLARS lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors or assigns

TRACT NO. 1

AND that certain piece, parcel or tract of land situated in Cherry Island in the City of Wilmington, New Castle County and State of Delaware, more particularly bounded and described according to a computed survey by James M. Holden, Registered Land Surveyor, dated July 24, 1974, as follows, to-wit:

BEGINNING at a point on the Southwesterly side of Fourth Street, at 100 feet wide, at a corner for Lands of the United States of America, said point being S. 52° 03' East, 1888.36 feet measured along said side of 4th Street from the southeasterly side of the Philadelphia, Baltimore and Washington Railroad Company, at 100 feet wide;

THENCE extending the four (4) following courses and distances along said lands of the United States of America: (1) S. 41° 49' W., 165.53' to a point; (2) E. 48° 54' 30" E., 1251.70' to a point; (3) S. 21° 35' 30" W., 964.45' to a point; (4) S. 67° 09' 30" E., and crossing the former low water line of the Delaware River at a distance of 870', an overall distance of 3225.06' more or less to a point on the Bulkhead line for the Delaware River as established on a plan of "Delaware River Harbor Lines Christiana River and Vicinity", dated February 16, 1921, U.S. Engineer Office, Philadelphia, PA., approval of "Modified Pierhead and Bulkhead lines in the Christiana and of the extension down the Delaware River" by the War Department April 14, 1921; Thence, thereby N. 16° 43' 52.7" E., 2103.98', more or less, to a point of intersection with the Southwesterly extension of the Division line between these lands herein described and lands now or formerly of the Wilmington Terminal Company; Thence N. 67° 47' 26" W. along said division line extended, 86.40 feet to a point of intersection with the southwesterly extension of the bulkhead line established by survey of lands of Dupont de Nemours & Company and lands of the Mayor and Council of Wilmington, said point being 3648 feet distant measured along said Bulkhead line from the centerline of Old Shellpot Creek; thence continuing along the division line between these lands

REC-109 697-101 26

and lands now or formerly of Wilmington Terminal Co., N. 67° 47' 26" W., 2875.30 feet, more or less, to a point on the former river bank of the Delaware River, said point being a corner for lands now or formerly of Delmarva Power & Light Co.; Thence extending by the (3) following courses and distances along line of lands now or formerly of said Delmarva Power and Light Co.; (1) S. 29° 21' 43" W., 401.18 feet to a point; (2) N. 62° 03' W., 461.85 feet to a point; (3) N. 48° 27' W. 590.58 feet to a point in the center of Hay Road, at 30 feet wide; Thence thereby S. 41° 53' W., 297.45 feet to a point on the northeasterly side of said 4th Street, said point being S. 62° 03' E., measured along said side of 4th Street, 1810.00 feet from a stone monument set on the southeasterly side of said Philadelphia, Baltimore and Washington Railroad Co., at 175 feet wide; Thence S. 41° 53' W., 51.51 feet to a point in the centerline of said 4th Street; Thence S. 41° 49' W., 51.50 feet to the first mentioned point and place of Beginning, Containing within said metes and bounds 164.25 acres of land, be the same more or less.

(of which 9.77 acres, more or less, is occupied by the southeasterly extension of 4th Street from the northwesterly side of lands herein described to the Bulkhead line of the Delaware River as established by this survey).

BEING the same lands and premises granted unto Frederic A. Potts & Co. Inc., a corporation of the State of New York, by deed of Charles T. Gallagher and Hope D. Gallagher, his wife, dated October 21, 1975 and of record in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Record B-91, Page 298.

TRACT NO. 2 ALL of the lands and premises of the party of the first part situate East of Hay Road, Cherry Island Marsh, City of Wilmington, New Castle County and State of Delaware, the same being described as follows, to wit:

BEGINNING at a point in the Easterly side of Hay Road at 80 feet wide, said point being a corner for the lands herein described and lands now or formerly of the City of Wilmington (Deed Record E, Volume 87, Page 520); thence from said point of Beginning the four following courses and distances along the line of lands of the City of Wilmington: (1) South 62 degrees, 0 minutes, 4 seconds East, 933.60 feet to a point; (2) South 56 degrees, 2 minutes, 7 seconds East 603.51 feet to a point; (3) South 43 degrees, 34 minutes, 6 seconds East, 422.17 feet to a point; (4) South 62 degrees, 0 minutes, 4 seconds East, 1497.49 feet to a point in the bulk head line of the Delaware River; thence thereby South 17 degrees, 41 minutes, 8 seconds West, 628.12 feet to line of lands now or formerly of LeBaron B. Barker, thence thereby North 67 degrees, 47 minutes, 26 seconds West, 2,875.30 feet more or less to a corner for lands now or formerly of the Delmarva Power and Light Company; thence thereby North 49 degrees, 19 minutes West 947.24 feet to a point in the center line of Hay Road at 30 feet wide; thence thereby North 42 degrees, 3 minutes, 1 second East, 749.92 feet to a point; thence South 47 degrees, 44 minutes, 4 seconds East, 15 feet to the Easterly side of Hay Road at 80 feet wide, the point and place of BEGINNING. Containing within such metes and bounds 72.17 acres of land.

By this conveyance the party of the first part intends to convey unto the party of the second part all of the lands and premises possessed by the party of the first part East of Hay Road in Cherry Island Marsh as aforesaid.

The party of the first part further conveys unto the party of the second part all of its rights in and to a certain 13 foot wide easement for the purposes of ingress and egress as set forth in an indenture dated December 27, 1972 and recorded in Deed Record E-87, Page 520. The party of the first part also conveys to the party of the second part any and all of its certain rights relating to

Bay or Marsh Road as set forth in Deed Record E-87-520 whereby the City of Wilmington, its successors or assigns agreed to dedicate Bay or Marsh Road, at 80 feet wide including the aforementioned 15 foot easement.

BEING the same lands and premises granted unto Frederic A. Potts & Co. Inc., a corporation of the State of New York, by deed of Bellevue Holding Company, a Delaware corporation, dated March 10, 1976 and of record in the aforesaid Recorder's Office in Deed Record M-92, Page 75.

EXCEPTING THEREFROM, A certain tract of land situate in the State of Delaware, New Castle County, City of Wilmington, and more particularly bounded and described as follows:

BEGINNING at a corner common to lands now or formerly owned by the United States of America, known as Bellevue Spoil Disposal Area, and lands of the subject owner, in a line of other lands now or formerly owned by the United States of America, known as Wilmington Harbor Disposal Area, said corner being further located South 13° 16' 20" East 1932.85 feet from the intersection of the centerline of Bay (Marsh) Road with the centerline of Pourth (4th) Street; thence, leaving said Bellevue Spoil Disposal Area, and with lands of said Wilmington Harbor Disposal Area, the following courses and distances: North 21° 35' 30" East 964.45 feet, North 48° 54' 30" West 1251.70 feet, North 41° 49' 00" East 165.53 feet to a corner common to lands of said Wilmington Harbor Disposal Area, on the southwesterly right-of-way line of 4th Street; thence, leaving lands of said Wilmington Harbor Disposal Area, crossing the right-of-way of said Street, North 41° 49' 00" East 51.50 feet to a point on or near the intersection of the centerline of said Street with the centerline of said Bay (Marsh) Road; thence leaving the centerline of said Street, and with the centerline of said Road, North 41° 50' 20" East, passing a corner common to lands now or formerly owned by Delmarva Power and Light Company and the northeasterly right-of-way line of said Street at 51.50 feet, in all 348.96 feet to a corner common to lands of said Power Company, and lands of the subject owner; thence leaving the centerline of said Road, and with lands of said Power Company, the following courses and distances: South 48° 27' 30" East 590.58 feet, South 62° 03' 30" East 461.85 feet, North 29° 21' 13" East 401.18 feet, North 49° 19' 30" West 947.24 feet to a corner common to lands now or formerly owned by R. Arnold Boyer, et al, and lands of the subject owner, in line of lands of said Power Company, in the centerline of said Road; thence, leaving lands of said Power Company, and with lands of said Boyer, et al, and the centerline of said Road, North 42° 10' 37" East, passing a corner common to lands of said Boyer, et al, and lands now or formerly owned by the Wilmington Terminal Company at 472.00 feet, in all 747.45 feet; thence, leaving the centerline of said Road, and with lands now or formerly owned by the Mayor and City Council of Wilmington, the following courses and distances: South 47° 41' 35" East 15.00 feet, North 42° 18' 25" East 177.94 feet, South 61° 57' 35" East 713.00 feet more or less, to a point on the old river bank; thence, leaving lands of said Mayor and City Council of Wilmington, and with said old river bank, severing lands of the subject owner, the following courses and distances: Meandering in a general southwesterly or southerly direction, 2430 feet more or less; thence, Meandering in a general west-southwesterly direction, 440 feet more or less; thence, Meandering in a general southwesterly direction, 530 feet more or less, to a point on the line of lands of said Bellevue Spoil Disposal Area; thence, leaving said old river bank, and with lands of said Bellevue Spoil Disposal Area, North 67° 10' 00" West 240.00 feet more or less, to the place of beginning, containing 49.79 acres, more or less.

The bearings used herein are referenced to the Delaware State Plane Coordinate System, 1927 North American Datum.

It is the intent of the foregoing description to include a part of the same land as that described in a deed from Charles T. Gallagher, et ux to Frederic A. Potts and Co., Inc., dated 21 October 1975 and filed for record same date, in Deed Book B-91, Page 298, also a part of the same land as that described in a deed from Bullevue Holding Company to Frederic A. Potts and Co., Inc., dated 10 March 1976, and filed for record same date, in Deed Book M-92, Page 75, found in the land records of New Castle County, Delaware.

BEING the same lands and premises condemned and taken by the United States of America through Civil Action No. 82-732 in the United States District Court for the District of Delaware and which taking is reflected in Declaration of Takings filed in the aforesaid Recorder's Office in Deed Record A-121, Page 310 dated January 27, 1983, and Deed Record F-121, Page 1 dated February 15, 1983.

The foregoing tracts being more particularly described in accordance with a survey performed by Vandemark & Lynch, Inc., dated September 7, 1983, as follows, to-wit:

ALL that certain tract, piece or parcel of land situated off relocated Hay Road and East 12th Street, City of Wilmington, New Castle County, Delaware and shown on a plat of a survey by Vandemark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware, dated September 7, 1983, Drawing No. 21540-B;

BEGINNING at a point on the line of lands now or formerly of the Mayor and Council of Wilmington, (Deed Record E, Volume 87, Page 520, dated 12/27/72) said point also being on the Old River Bank for the Delaware River as shown on a plan of "Part of Cherry Island Marsh" dated January 28, 1928, (Transit Book No. 152) and from a plan of "Edgemoor Disposal Area" by the United States Corps of Engineers, dated May 25, 1971, said point of Beginning being distant the three following described courses and distances measured from the point of intersection of the northwesterly side of relocated Hay Road (at 120 feet wide) and the southwesterly side of East 12th Street (at 80 feet wide): (1) Along the said northwesterly side of relocated Hay Road, South 43° 48' 54" West, 216.59 feet to a point; (2) Crossing relocated Hay Road, South 48° 48' 35" East, 120.00 feet to a point, a corner for said lands now or formerly of the Mayor & Council of Wilmington; and (3) Partially along the southwesterly line of said lands now or formerly of the Mayor & Council of Wilmington, South 61° 57' 35" East, 713.00 feet, more or less to the point of Beginning;

THENCE from the said point of Beginning and continuing along the southwesterly lines of the said lands now or formerly of the Mayor & Council of Wilmington, the four following described courses and distances: (1) South 61° 57' 35" East, 220.6 feet, more or less, to a point; (2) South 55° 59' 38" East, 603.51 feet to the point; (3) South 43° 31' 37" East, 422.17 feet to a point; and (4) South 61° 57' 35" East, 1,574.77 feet to a point on the bulkhead line for the Delaware River, said bulkhead line being distant northwesterly 1,030 feet therefrom measured at right angles thereto the centerline of the 800.00 foot wide channel for the Cherry Island Range of the said Delaware River;

THENCE along the said bulkhead and parallel with the said centerline of the 800 foot wide channel of the Cherry Island Range for the said Delaware River, South 16° 43' 35" West, 2,719.15 feet to a point, a corner for lands now or formerly of the United States of America (Tax Parcel No. 26-0.65.00-002);

THENCE partially along the northeasterly line of said lands now or formerly of the United States of America, North 67° 10' 00" West, 2,985.06 feet, more or less, to a point on the said Old River Bank;

THENCE in a northeasterly direction by the various meanderings of the said Old River Bank as shown on the said plan prepared by Vandemark & Lynch, Inc., dated September 7, 1983, Drawing No. 21540-B, crossing Fourth Street Extended (at 100 foot wide) (not cut through) 3,400 feet, more or less to the point and place of Beginning;

CONTAINING within said metes and bounds, 187.42 acres more or less of which includes 6.50 acres, more or less, in the bed of said Fourth Street Extended.

THIS CONVEYANCE is made pursuant to an Order, dated January 7, 1988, entered in the United States District Court for the Eastern District of Pennsylvania in an action entitled in re: F.A. Potts & Co., Inc., et al, being Chapter 11 Nos. 81-03639 and 81-03640. A copy of that Order is attached hereto as Exhibit "A".

In Witness Whereof, The said FREDERIC A. POTTS & CO., INC., hath caused its name by its President to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

Witness and Delivered in the Presence of BY: [Signature] President
[Signature] Secretary

Pennsylvania
State of ~~Delaware~~
SCHUYLKILL County, } ss.

Be It Remembered, That on this 18th day of February nine hundred and eighty-eight personally came before me, the Subscriber a Notary Public for the State of ~~Delaware~~ Pennsylvania.

President of FREDERIC A. POTTS & CO., INC. a corporation existing under the laws of the State of ~~Delaware~~ New York personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said corporation, that the signature of the President thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said corporation.

GIVEN under my Hand and Seal of office, the day and year aforesaid.
[Signature]
Notary Public
ARITHA M. HEINBAUGH, Notary Public
Pottsville, Schuylkill County, Pa.
My Commission Expires October 18, 1990

REC'D FOR RECORD MAY 9 1988 WILLIAM M. HONEY, Recorder

NOV 29 1987 PER 332

5018



The State of Delaware

To **SANDRA L. FAIRLEY**
Of **New Castle** County, Greetings:
Knows You, That reposing special trust and confidence in your knowledge, integrity, prudence,
and ability we have constituted and appointed, and by these presents do constitute and appoint you,
the said **SANDRA L. FAIRLEY**
To be a notary public for the State of Delaware for the term of 2
years

resident at **Claymont, New Castle** County, Delaware
giving hereby and granting unto you the said **SANDRA L. FAIRLEY**
full power and authority to execute and discharge the said office of the commission aforesaid in all
the several parts and branches thereof and keeping of all records, books, papers and writings
whosoever to the said office belonging:

To Hold, Exercise and Enjoy the Said Office

With all fees, perquisites, emoluments and advantages thence lawfully arising, or thereunto of right
in anywise appertaining, until your term therein, according to law, shall of course expire; you
behaving yourself well so long in the said office.

In Witness Whereof,

Michael N. Castle
Governor of the State of Delaware have
hereunto set my hand and the Great Seal of
the State of Delaware has been hereunto
affixed by the Secretary of State, at Dover,
on this 12th day of May in the year
of our Lord one thousand nine hundred and
eighty-eight and in the year of
the Independence of the United States of
America the two hundred and twelfth

Michael N. Castle
By the Governor
Richard G. Stephens
Assistant Secretary of State

CILF 26-053.00-003

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QUITCLAIM DEED

THIS INDENTURE, made by and between the United States of America, acting by and through the Secretary of the Army, under and pursuant to the powers and authority vested in him by Public Law 75-685, approved June 20, 1938, (33 U.S.C. 558b), as amended, hereinafter referred to as the Government, party of the first part, and the Delaware Solid Waste Authority, hereinafter referred to as the Authority, party of the second part.

WITNESSETH:

WHEREAS, by certain Land Exchange Agreement, (Agreement), dated November 14, 1984, the parties hereto agreed to exchange certain lands and rights more particularly described in the said Agreement; and

WHEREAS, the Authority has therein agreed to grant and convey to the Government, subject to a condition of reversion, all its right, title and interest without warranties express or implied, the property therein described; and

WHEREAS, the Government has therein agreed to grant and convey to the Authority, subject to a condition of reversion, all its right, title, and interest without warranties express or implied, the property therein described; and

WHEREAS, the aforesaid Agreement was approved by the Secretary of the Army on 21 August , 1985;

Witness my hand and seal of the Department of the Army at Washington, D.C. this 21st day of August 1985.

NOW THEREFORE, the Government, for and in consideration of the performance of the terms and conditions of the aforesaid Agreement between the parties hereto, does hereby grant, remise, release, and forever quit-claim unto the Authority, subject to a condition of reversion, all the Government's right, title and interest without warranties express or implied in and to those certain lands situate, lying and being in the City of Wilmington, County of New Castle and State of Delaware, more particularly described in Exhibit A, attached hereto and made a part hereof.

TOGETHER WITH all right, title and interest which the Government may have in the banks, beds and waters of any streams bordering the said lands to be conveyed, and all interest in roads, ways, strips, gores, or railroad rights-of-ways abutting or adjoining said land, and in any means of ingress or egress appurtenant thereto.

SUBJECT TO, existing easements for public roads and highways, public utilities, railroads and pipelines.

TO HAVE AND TO HOLD the property herein conveyed, subject to the reservations, conditions, and covenants herein set forth, to the Authority, its successors and assigns, forever.

FURTHER, it is understood and agreed that the Authority, by acceptance of this deed, does acknowledge its full understanding of the terms and conditions herein set forth, and does further covenant and agree for itself, its successors and assigns, forever as follows:

1. If, after seven years from the date of this conveyance so made, construction of the Wilmington Harbor South Disposal Area has not begun, all right, title, and interest in and to the premises herein conveyed, or part thereof, shall, at the option of the Government, revert to and become the property of the Government, without compensation to the Authority, its successors and assigns.

2. The Government reserves a permanent right of ingress and egress over the premises herein conveyed to its lands and interests severed by this conveyance.

This conveyance is not subject to 10 U.S.C. 2662.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name by John D. Marsh, Jr., Secretary of the Army, and the seal of the Department of the Army to be hereunto affixed this 21st day of AUGUST, 1985.



UNITED STATES OF AMERICA

BY: John D. Marsh, Jr.
Secretary of the Army

North $49^{\circ} 19' 30''$ West 1,032.00 feet,
North $31^{\circ} 32' 00''$ East 352.41 feet to a corner of the Edge Moor boundary common to Tract Number 108 and lands of said Power Co., in a line of lands now or formerly owned by the State of Delaware; thence, leaving lands of said Power Co. along the Edge Moor boundary, a line between Tract Number 108 and said State lands,

North $81^{\circ} 06' 15''$ East 162.78 feet to a corner of the Edge Moor boundary common to Tract 108 and lands now or formerly owned by the Wilmington Terminal Company, in a line of said State lands; thence, leaving said State lands along the Edge Moor boundary, a line between Tract Number 108 and lands of said Terminal Co.

South $49^{\circ} 19' 30''$ East 994.60 feet to a corner of the Edge Moor boundary common to Tract Numbers 107 and 108, and lands of said Terminal Co. in the centerline of said Road; thence, leaving Tract Number 108 along the Edge Moor boundary, a line between Tract Number 107 and lands of said Terminal Co., also being said Road centerline,

North $42^{\circ} 10' 37''$ East 275.45 feet to a corner of the Edge Moor boundary common to Tract Number 107, lands of said Terminal Co. and lands now or formerly owned by the Mayor and City Council of Wilmington, in the centerline of said Road; thence, leaving lands of said Terminal Co. and the centerline of said Road along the Edge Moor boundary, a line between Tract Number 107 and lands of said Mayor and City Council of Wilmington the following courses and distances:

South $47^{\circ} 41' 35''$ East 15.00 feet,
North $42^{\circ} 18' 25''$ East 177.94 feet,
South $61^{\circ} 57' 35''$ East 713.00 feet, more or less to a corner of the Edge Moor boundary on the old river (Delaware) bank common to Tract Number 107 and lands now or formerly owned by Frederick A. Potts and Co., Inc. in a line of lands of said Mayor and City Council of Wilmington; thence, leaving lands of said Mayor and City Council of Wilmington along the Edge Moor, boundary a line between Tract Number 107 and lands of said Potts and Co., Inc. also being said old river bank,

Meandering in a generally south-southwesterly direction 2,186 feet, more or less to a point on the Edge Moor boundary, a line between Tract Number 107 and lands of said Potts and Co., Inc.; thence, leaving the Edge Moor boundary and said old river bank and lands of said Potts and Co., Inc. and crossing Tract Number 107,

North $66^{\circ} 29' 39''$ West crossing the line between the Edge Moor boundary, a line of Tract Number 107 and the Wilmington Harbor boundary, a line of Tract Number 100 at 589.61 feet, in all 2,295.93 feet to a point on the line between Tract Number 100 and Tract Number 101 of the Wilmington Harbor Disposal Area; thence, along said line between Tract Numbers 100 and 101,

North $15^{\circ} 52' 58''$ East 554.83 feet to the place of beginning, containing 66.18 acres, more or less.

The bearings used herein are referenced to the Delaware State Plane Coordinate System, 1927 North American Datum.

It is the intent of the foregoing description to include a portion of the same land as that described in the following Declarations of Taking by the United States of America as filed in the District Court of the United States of America for the District of Delaware,

from Wilmington Harbor Co., et al, by Civil Action 2904, dated 21 August 1964, final opinion by Attorney General dated 27 June 1967,

from Frederick A. Potts and Co., Inc., by Civil Action 62-732 dated 12 November 1982.

BOOK 309 PAGE 108

PAGE 3 OF 3

Also the same land as that described in the following Declaration of Taking by the United States of America as filed in the District Court of the United States of America for the District of Delaware,

from R. Arnold Boyer, et al, by Civil Action 82-733 dated 12 November 1982.

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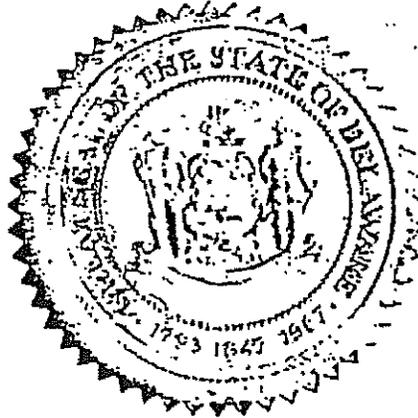
NOV 26 1982

W. J. DUGAN, Jr. Recorder

NOV 26 1982

REC'D FOR RECORD

18395



The State of Delaware

To **ELEANOR C. BALDWIN**
 Of **New Castle County, Delaware**, Greetings:
 Know Ye, That reporting special trust and confidence in your knowledge, integrity, prudence,
 and ability we have constituted and appointed, and by these presents do constitute and appoint you,
 the said **ELEANOR C. BALDWIN**
 To be a notary public for the State of Delaware for the term of 2
 years

resident at **Wilmington, New Castle County, Delaware**
 giving hereby and granting unto you the said **ELEANOR C. BALDWIN**
 full power and authority to execute and discharge the said office of the commission aforesaid in all
 the several parts and branches thereof and keeping of all records, books, papers and writings
 whatsoever to the said office belonging:

To Hold, Exercise and Enjoy the Said Office

With all fees, perquisites, emoluments and advantages thence lawfully arising, or thereunto of right
 in anywise appertaining, until your term therein, according to law, shall of course expire; you
 behaving yourself well so long in the said office.

In Witness Whereof, I,
Michael N. Castle
 Governor of the State of Delaware have
 hereunto set my hand and the Great Seal of
 the State of Delaware has been hereunto
 affixed by the Secretary of State, at Dover,
 on this **twenty-ninth**
 day of **November** in the year
 of our Lord one thousand nine hundred and
eighty-five and in the year of
 the Independence of the United States of
 America the two hundred and tenth

Michael N. Castle

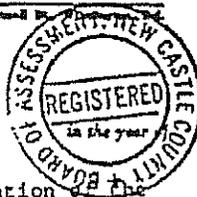
Michael Johnson By the Governor
Richard H. Carpenter Assistant Secretary of State

This Deed, Made this 137th 110

7657 3044 day of May

our LORD one thousand nine hundred and eighty-four

BETWEEN, CITY OF WILMINGTON, a municipal corporation of the State of Delaware, party of the first part,



AND

DELAWARE SOLID WASTE AUTHORITY, a body politic and corporate constituting a public instrumentality of the State of Delaware, party of the second part,

Witnesseth, That the said part y of the first part, for and in consideration of the sum of

ONE DOLLAR (\$1.00) and other good lawful money of the United States of America, and valuable consideration-----

the receipt whereof is hereby acknowledged, hereby grant s and conveys unto the said part y of the second part, its successors and assigns,

ALL

those five certain tracts, pieces or parcels of land situate in the City of Wilmington, New Castle County, State of Delaware, being bounded and described as follows, to-wit:

Parcel A:

ALL THAT CERTAIN tract, piece or parcel of land located on Cherry Island in the City of Wilmington, New Castle County, State of Delaware lying East of 1-495 and being bounded on the North by 12th Street, on the East by relocated Hay Road and Hay Road or Marsh Road (not cut through), on the South by lands now or formerly of Mahaffey, and on the West by lands now or formerly of the State of Delaware, and being more particularly described in accordance with a plan of Terraqua Resources Corporation as follows, to-wit:

BEGINNING at a point being the intersection of the southerly line of 12th Street and the westerly line of relocated Hay Road;

THENCE running from said point of beginning with relocated Hay Road the following two courses and distances: (1) South 43°-48'-54" West 216.59 feet; (2) South 48°-48'-35" East 120.00 feet; thence South 42°-18'-25" West 177.94 feet to a point; thence North 47°-41'-35" West 15.00 feet to a point; thence with lands now or formerly of Mahaffey North 48°-59'-05" West 903.79 feet to a point in line of lands now or formerly of the State of Delaware; thence with lands now or formerly of the State of Delaware on the following two courses: (1) North 65°-58'-31" East 190.68 feet; (2) North 47°-19'-49" East 239.62 feet to a point in the southerly line of 12th Street; thence with the southerly line of 12th Street South 47°-01'-18" East 703.59 feet to the point and place of beginning and containing within said metes and bounds 7.11 acres of land be the same more or less, subject to a pipeline easement and a sanitary sewer right-of-way.

BEING a part of the same lands and premises which Wilmington Terminal Company, a Delaware corporation, by its deed dated February 8, 1952 and recorded in the Office of the Recorder of Deeds in and for New Castle County, in Deed Record A, Volume 52, Page 169 did grant and convey unto the Mayor and Council of Wilmington, a municipal corporation of the State of Delaware.

Parcel B:

ALL THAT CERTAIN tract, piece or parcel of land located on the westerly side of the Delaware River, northeasterly of a right of way for the Delaware River Extension Branch of the Reading Railroad Company and easterly of a right of way for Conrail formerly Penn Central Railroad - New Castle Cut-Off, Pigeon Point, New Castle County, Delaware and shown as Parcel D-1 on a plan entitled "Portion of Property of City of Wilmington", prepared by VanDemark & Lynch, Inc., Consulting Engineers and Surveyors, Wilmington, Delaware dated August 17, 1983, drawing no. 21503-B;

BEGINNING at a point on the southeasterly side of a 100 foot wide right of way for Conrail (formerly Penn Central Railroad - New Castle Cut-Off), said point being a corner for lands now or formerly of The Sico Company;

THENCE from said point of Beginning and along the southwesterly line of said lands now or formerly of The Sico Company, South $87^{\circ}-38'-10''$ East, 1,394.39 feet to a point a corner for Parcel D-3;

THENCE along the northwesterly line of said Parcel D-3 and the northwesterly line of Parcel D-2, South $02^{\circ}-21'-50''$ West, 760.00 feet to a point;

THENCE along the southwesterly line of said Parcel D-2, South $87^{\circ}-36'-10''$ East, 683.69 feet to a point near the westerly high water line of the Delaware River;

THENCE, South $13^{\circ}-30'-23''$ West, 1,712.10 feet to a point on a northeasterly side of the said right of way for the Delaware River Extension Branch of the Reading Railroad Company;

THENCE THEREBY, the four following described courses and distances:

- (1) northwesterly by a curve to the right having a radius of 3,819.83 feet, an arc distance of 767.62 feet to a point of tangency for said curve, said point being distant by a chord of North $47^{\circ}-13'-35''$ West, 766.33 feet from the last described point;
- (2) North $41^{\circ}-20'-10''$ West, 1,425.00 feet to a point;
- (3) South $48^{\circ}-31'-30''$ West, 20.00 feet to a point; and
- (4) North $41^{\circ}-28'-10''$ West, 298.09 feet to a point on the said southeasterly side of the 100 foot wide right of way for Conrail (formerly Penn Central Railroad - New Castle Cut-Off);

THENCE THEREBY, northeasterly by a curve to the left having a radius of 5,779.60 feet, an arc distance of 715.76 feet to the point and place of Beginning, said point being distant by a chord of North $05^{\circ}-53'-40''$ East, 715.30 feet from the last described point;

CONTAINING within said metes and bounds, 65.899 acres of land be the same more or less.

TOGETHER with the use of an access easement extending from Lambsons Lane to the above described parcel as described in Deed Record K, Volume 84, Page 693 recorded in the Office of the Recorder of Deeds in and for New Castle County.

BEING a part of the same lands and premises which New Castle County by its deed dated July 30, 1980 and recorded in the Office of the Recorder of Deeds in and for New Castle County, in Deed Record I, Volume 111, Page 285 did grant and convey unto the City of Wilmington, a municipal corporation of the State of Delaware.

Parcel C:

ALL THAT CERTAIN tract, piece or parcel of land located on the westerly side of the Delaware River, northeasterly of a right of way for the Delaware River Extension Branch of the Reading Railroad Company and easterly of a right of way for Conrail formerly Penn Central Railroad - New Castle Cut-Off, Pigeon Point, New Castle County, Delaware and shown as Parcel D-3 on a plan entitled "Portion of Property of City of Wilmington", prepared by VanDemark & Lynch, Inc., Consulting Engineers and Surveyors, Wilmington, Delaware dated August 17, 1983, drawing no. 21503-B;

BEGINNING at a point a corner for adjoining lands known as Parcel D-1 and lands now or formerly of The Sico Company, said point being distant measured along the southwesterly line of said lands now or formerly of The Sico Company, South $87^{\circ}-38'10''$ East, 1,394.39 feet from a point on the southeasterly side of a 100 foot wide right of way for Conrail (formerly Penn Central Railroad - New Castle Cut-Off);

THENCE from said point of Beginning and continuing along the extension of the southwesterly line of said lands now or formerly of The Sico Company, South $87^{\circ}-38'10''$ East, 830.00 feet to a point on the westerly high water line of the Delaware River;

THENCE southwesterly along the various courses of the said westerly high water line of the Delaware River, 200 feet more or less to a point a corner for Parcel D-2, said point being distant by a tie of South $19^{\circ}-58'-35''$ West, 198.30 feet from the last described point;

THENCE along the northeasterly line of said Parcel D-2, North $87^{\circ}-38'10''$ West, 770.00 feet to a point in the line of said Parcel D-1;

THENCE partly along the southeasterly line of said Parcel D-1, North $02^{\circ}-21'-50''$ East, 189.00 feet to the point and place of Beginning.

CONTAINING within said metes and bounds, 3.43 acres of land be the same more or less.

BEING a part of the same lands and premises which New Castle County by its deed dated July 30, 1980 and recorded in the Office of the Recorder of Deeds in and for New Castle County, in Deed Record I, Volume 111, Page 285 did grant and convey unto the City of Wilmington, a municipal corporation of the State of Delaware.

Parcel D:

ALL THAT CERTAIN tract, piece or parcel of land located on the westerly side of the Delaware River, northeasterly of a right of way for the Delaware River Extension Branch of the Reading Railroad Company and easterly of a right of way for Conrail formerly Penn Central Railroad - New Castle Cut-Off, Pigeon Point, New Castle County, Delaware and shown as Parcel D-2 on a plan entitled "Portion of Property of City of Wilmington", prepared by VanDemark & Lynch, Inc., Consulting Engineers and Surveyors, Wilmington, Delaware dated August 17, 1983, drawing no. 21503-B;

BEGINNING at a point on the southeasterly line of Parcel D-1, said point being a corner for Parcel D-3 and being distant the two following described courses and distances from the southeasterly side of a 100 foot wide right of way for Conrail (formerly Penn Central Railroad - New Castle Cut-Off):

- (1) along the southwesterly line of lands now or formerly of The Sico Company, South $87^{\circ}-38'10''$ East, 1,394.39 feet to a point a corner for said Parcel D-3; and
- (2) along the northwesterly line of said Parcel D-3, South $02^{\circ}-21'-50''$ West, 189.00 feet to the point of Beginning.

THENCE from said point of Beginning and along the southwest-
line of said Parcel D-3, South 87°-38'-10" East, 770.00 feet to
a point on the westerly high water line of the Delaware River;

THENCE, South 10°-57'-35" West, 577.49 feet to a point a corner
for said Parcel D-1;

THENCE along the northeasterly and southeasterly lines of said
Parcel D-1, the two following described courses and distances:

- (1) North 87°-38'-10" West, 683.69 feet to a point; and
- (2) North 02°-21'-50" East, 571.00 feet to the point and place
of Beginning.

CONTAINING within said metes and bounds, 9.53 acres of land be
the same more or less.

BEING a part of the same lands and premises which New
Castle County by its deed dated July 30, 1980 and recorded in
the Office of the Recorder of Deeds in and for New Castle
County, in Deed Record I, Volume 111, Page 285 did grant and
convey unto the City of Wilmington, a municipal corporation of
the State of Delaware.

Parcel E:

ALL THAT CERTAIN piece or parcel of land situated on
Cherry Island in the City of Wilmington, New Castle County,
State of Delaware being bounded on the North by 4th Street (not
cut through) on the East by lands now or formerly of the United
States of America, on the South by the Christina River, on the
West by lands now or formerly of the United States of America
and lands now or formerly of the State of Delaware, and being
more particularly described in accordance with a Composite
Property Plan, portion of Cherry Island Marsh, prepared by
VanDemark & Lynch, Inc., Engineers and Surveyors, Wilmington,
Delaware, dated September 7, 1983 (file no. 21540-B) as
follows, to-wit:

BEGINNING at a point in the southerly line of 4th Street
(not cut through) at a common boundary with lands of the State
of Delaware, thence running with 4th Street (not cut through)
South 62°-03'-30" East 525.18 feet to a point; thence running
with lands now or formerly of the United States of America
South 15°-52'-58" West a distance of 2729.83 feet to a point in
the Harbor Line (combination of Pierhead and Bulkhead line for
the Christina River); thence running with the Christina River
on the following three courses: (1) North 79°-12'-35" West
35.10 feet to a point; (2) North 65°-00'-37" West 543.91 feet;
(3) North 49°-31'-18" West 362.52 feet to a corner for lands
now or formerly of the United States of America; thence running
with lands now or formerly of the United States of America
North 18°-05'-40" East a distance 2052.74 to a point in line of
lands of the State of Delaware; thence with lands now or
formerly of the State of Delaware North 45°-00'-00" East 634.68
feet to the point and place of beginning and containing within
said metes and bounds 51.599 acres of land, be the same more or
less, together with any and all riparian rights associated with
or appurtenant to the parcel. Subject to a pipeline easement
and a sanitary sewer right-of-way.

BEING a part of the same lands and premises which Koppers
Company, Inc., a Delaware corporation, by its deed dated July
26, 1963 and recorded in the Office of the Recorder of Deeds in
and for New Castle County, in Deed Record O, Volume 71, Page
284 did grant and convey unto the Mayor and Council of
Wilmington, a municipal corporation of the State of Delaware.

Subject to all rights-of-way and easements of record.

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In Witness Whereof, The said City of Wilmington,

has caused its name by William T. McLaughlin, its Mayor ~~XXXXXX~~ to be hereunto set, and the common and corporate seal of the said ^{municipal} corporation to be hereunto affixed, duly attested by its City Clerk ~~XXXXXX~~ the day and year first above written.

Sealed and Delivered in the Presence of
Nancy Ellen Barrett

BY: W. T. McLaughlin
MAYOR ~~XXXXXX~~
ATTEST: L. P. [Signature]
CITY CLERK, ~~XXXXXX~~

State of Delaware,
NEW CASTLE County, } ss.

Be It Remembered, That on this 25th day of May in the year of our LORD one thousand nine hundred and eighty-four personally came before me, the Subscriber, a Notary Public for the State of Delaware, William T. McLaughlin, Mayor ~~XXXXXX~~ of the City of Wilmington, a municipal corporation existing under the laws of the State of Delaware, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said municipal corporation, that the signature of the Mayor ~~XXXXXX~~ thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said ^{municipal} corporation, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the ~~XXXXXX~~ ^{municipal} corporation of said corporation.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Judith A. Miller
Notary Public

CITY OF WILMINGTON
SEAL - TRANSFER TAX

Volume - 137
Amount of City Tax \$ 24.21
Dated by 11/10/87

LEO J. DUGAN, Jr. Recorder
JUL 30 1987
REC'D FOR RECORD

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

DELAWARE SOLID WASTE)
AUTHORITY, a body politic)
and corporate constituting an)
instrumentality of the State)
of Delaware,)

Plaintiff,)

v.)

5.552 acres of land, situated)
in the City of Wilmington,)
New Castle County, Delaware,)
HUGH M. MAHAFFY and RUTH B.)
MAHAFFY, his wife, NEW CASTLE)
COUNTY, a body politic, and)
Unknown Owners,)

Defendants.)

Civil Action No. 84C-AP80

STIPULATION AND ORDER
FOR POSSESSION

WHEREAS, Plaintiff Delaware Solid Waste Authority has filed a notice of intent to take possession of the parcel described in the complaint filed in the above-referenced matter and has deposited with the Court the sum of Fifty-One Thousand Five Hundred Dollars (\$51,500.00) representing its estimate of just compensation for the property to be taken; and

WHEREAS, Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy are willing to consent to taking of possession of the parcel by Plaintiff, with the understanding that the estimate of just compensation as deposited with the Court will be disbursed to them; and

WHEREAS, Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy are the fee simple owners of the parcel and therefore are the appropriate persons to receive the such payment; and compensation; and

WHEREAS, such payment will not jeopardize any party's rights to prove just compensation; and

WHEREAS, the parcel taken by the Plaintiff is taken subject to the rights of Defendant New Castle County in and to a sewer easement along the westerly edge of the parcel.

THEREFORE, the parties hereto, by and through their respective undersigned attorneys, stipulate and agree as follows:

1. Plaintiff Delaware Solid Waste Authority, as of the date of this Order, shall have and does have the right to enter into possession, occupy and take the parcel described in the complaint filed in the above-referenced matter and also being described in the Deed of William Poole, Receiver of Wilmington Terminal Company, to Hugh M. Mahaffy and Ruth B. Mahaffy, his wife, dated May 14, 1976 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Book D-93, Page 221, and Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy hereby waive any defenses as to the taking.

2. The Prothonotary shall disburse to Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy the sum of Fifty-One Thousand Five Hundred Dollars (\$51,500.00) on account of just compensation to be awarded in this proceeding. Such payment shall not jeopardize any party's rights to prove just compensation in a greater or less amount.

3. The Condemnation and taking of said land by Plaintiff shall be subject to the rights of New Castle County in and to

its sewer easement as recorded in the Office of the Recorder of Deeds in and for New Castle County in Deed Record U, Volume 85, Page 445.

DATED: 5/2/84

Bonnie M. Benson
JOHN W. NOBLE, ESQUIRE
BONNIE M. BENSON, ESQUIRE
PARKOWSKI, NOBLE & GUERKE, P.A.
116 W. Water Street
P.O. Box 308
Dover, Delaware 19903
Attorneys for Plaintiff Delaware
Solid Waste Authority

DATED: 5/2/84

Donald W. Booker
DONALD W. BOOKER, ESQUIRE
Montchanin Mills Building
P.O. Box 3587
Wilmington, Delaware 19807
Attorney for Defendants Hugh M.
Mahaffy and Ruth B. Mahaffy

DATED: 5/2/84

Brian A. Sullivan
BRIAN A. SULLIVAN, ESQUIRE
New Castle County Law Department
City-County Building
8th and French Streets
Wilmington, Delaware 19801
Attorney for Defendant New
Castle County

IT IS SO ORDERED this

8th day of May, 1984.

Robert J. Snythe
Judge

LAW OFFICES
PARKOWSKI, NOBLE & GIERRE
PROFESSIONAL ASSOCIATION
116 WEST WATER STREET
P.O. BOX 308
DOVER, DELAWARE 19903

RECEIVED
MAY 3 1984

DELAWARE SOLID
WASTE AUTHORITY

F. MICHAEL PARKOWSKI
JOHN W. NOBLE
I. BARRY GUERKE
CLAY T. JESTER
BONNIE M. BENSON

~~NCV~~
~~JLP~~
PSC
RPW
JJD
JR
302-678-3282
JFB
CT
WR
JWP
FILE 2

May 1, 1984

Margo Ewing Bane
Prothonotary - New Castle County
Public Building
Wilmington, Delaware 19801

HAND DELIVERED

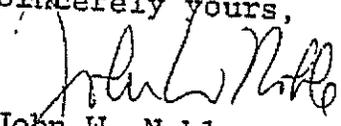
RE: Delaware Solid Waste Authority v. 5.552 acres of land
New Castle Superior Court - C.A. No. 84C-AP80

Dear Ms. Bane:

Enclosed please find the certified check of Plaintiff Delaware Solid Waste Authority payable to the Prothonotary of New Castle County, Delaware in the amount of \$51,500.00. This sum is being deposited with the Court as Plaintiff's estimate of the just compensation due Defendants Mahaffy in the above-referenced matter. I anticipate that the parties will be filing a stipulation within the next day or two granting the Plaintiff possession of the property subject to condemnation and providing for the disbursement of the sum deposited herewith to Mr. and Mrs. Mahaffy.

Thank you for your cooperation in this matter.

Sincerely yours,


John W. Noble

JWN:scs

Enclosure

cc: Donald W. Booker, Esquire
Brian A. Sullivan, Esquire

LAW OFFICES
PARKOWSKI, NOBLE & JESTER
PROFESSIONAL ASSOCIATION
116 WEST WATER STREET
P O BOX 308
DOVER, DELAWARE 19903

RECEIVED
APR 30 1984
DELAWARE SOLID
WASTE AUTHORITY

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F MICHAEL PARKOWSKI
JOHN W NOBLE
1 BARRY GUERKE
CLAY T. JESTER
BONNIE M BENSON

April 27, 1984

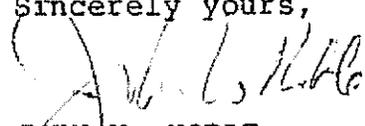
Donald W. Booker, Esquire
P.O. Box 3587
Wilmington, Delaware 19807

Re: Delaware Solid Waste Authority v. Mahaffy

Dear Mr. Booker:

Enclosed is a copy of a proposed Stipulation to give the Delaware Solid Waste Authority possession of the Mahaffy parcel on Cherry Island and to have disbursed the sum of \$51,500 to Mr. and Mrs. Mahaffy on account of just compensation to be paid to them for the taking of their parcel. I have the certified check for \$51,500 payable to the Prothonotary of New Castle County, and the check will be delivered to the Prothonotary early next week. If you have any questions about the proposed stipulation, please contact me as soon as possible. It is important for project scheduling that the question of possession be resolved by the middle of next week. To that end, if the enclosed Stipulation is agreeable, I will have the original circulated by hand.

Thank you for your cooperation in this matter.

Sincerely yours,

JOHN W. NOBLE

JWN:dgf
Enclosure
cc: Brian A. Sullivan, Esquire
bcc: N.C. Vasuki, P.E.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

DELAWARE SOLID WASTE)	
AUTHORITY, a body politic)	
and corporate constituting an)	
instrumentality of the State)	
of Delaware,)	
)	Civil Action No. 84C-AP80
Plaintiff,)	
v.)	
)	
5.552 acres of land, situated)	
in the City of Wilmington,)	
New Castle County, Delaware,)	
HUGH M. MAHAFFY and RUTH B.)	
MAHAFFY, his wife, NEW CASTLE)	
COUNTY, a body politic, and)	
Unknown Owners,)	
)	STIPULATION AND ORDER
Defendants.)	FOR POSSESSION

WHEREAS, Plaintiff Delaware Solid Waste Authority has filed a notice of intent to take possession of the parcel described in the complaint filed in the above-referenced matter and has deposited with the Court the sum of Fifty-One Thousand Five Hundred Dollars (\$51,500.00) representing its estimate of just compensation for the property to be taken; and

WHEREAS, Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy are willing to consent to taking of possession of the parcel by Plaintiff, with the understanding that the estimate of just compensation as deposited with the Court will be disbursed to them; and

WHEREAS, Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy are the fee simple owners of the parcel and therefore are the appropriate persons to receive the such payment; and compensation; and

WHEREAS, such payment will not jeopardize any party's rights to prove just compensation; and

WHEREAS, the parcel taken by the Plaintiff is taken subject to the rights of Defendant New Castle County in and to a sewer easement along the westerly edge of the parcel.

THEREFORE, the parties hereto, by and through their respective undersigned attorneys, stipulate and agree as follows:

1. Plaintiff Delaware Solid Waste Authority, as of the date of this Order, shall have and does have the right to enter into possession, occupy and take the parcel described in the complaint filed in the above-referenced matter and also being described in the Deed of William Poole, Receiver of Wilmington Terminal Company, to Hugh M. Mahaffy and Ruth B. Mahaffy, his wife, dated May 14, 1976 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Book D-93, Page 221, and Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy hereby waive any defenses as to the taking.

2. The Prothonotary shall disburse to Defendant Hugh M. Mahaffy and Defendant Ruth B. Mahaffy the sum of Fifty-One Thousand Five Hundred Dollars (\$51,500.00) on account of just compensation to be awarded in this proceeding. Such payment shall not jeopardize any party's rights to prove just compensation in a greater or less amount.

3. The rights of New Castle County in and to its sewer easement along the westerly edge of the parcel are not affected by this stipulation.

DATED:

JOHN W. NOBLE, ESQUIRE
BONNIE M. BENSON, ESQUIRE
PARKOWSKI, NOBLE & GUERKE, P.A.
116 W. Water Street
P.O. Box 308
Dover, Delaware 19903
Attorneys for Plaintiff Delaware
Solid Waste Authority

DATED:

DONALD W. BOOKER, ESQUIRE
Montchanin Mills Building
P.O. Box 3587
Wilmington, Delaware 19807
Attorney for Defendants Hugh M.
Mahaffy and Ruth B. Mahaffy

DATED:

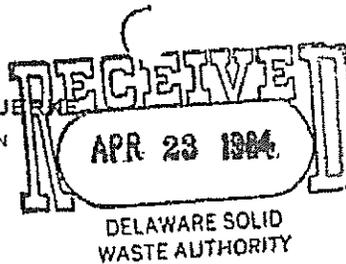
BRIAN A. SULLIVAN, ESQUIRE
New Castle County Law Department
City-County Building
8th and French Streets
Wilmington, Delaware 19801
Attorney for Defendant New
Castle County

IT IS SO ORDERED this

day of May, 1984.

Judge

LAW OFFICES
PARKOWSKI, NOBLE & GUERKE
PROFESSIONAL ASSOCIATION
116 WEST WATER STREET
P.O. BOX 308
DOVER, DELAWARE 19903



NCV
JLP
PSC
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CT
WR
JWP
FILE

F. MICHAEL PARKOWSKI
JOHN W. NOBLE
I. BARRY GUERKE
CLAY T. JESTER
BONNIE M. BENSON

April 20, 1984

Mr. Hugh M. Mahaffy and
Mrs. Ruth B. Mahaffy
800 Woodlawn Avenue
Wilmington, Delaware 19805

RE: Delaware Solid Waste Authority v. 5.552 Acres of Land

Dear Mr. and Mrs. Mahaffy:

This office represents the Delaware Solid Waste Authority which has directed us to proceed with a condemnation action to acquire your five (5) acre parcel on Cherry Island as part of the Authority's landfill to be known as the Northern Solid Waste Facility - 2. The condemnation complaint will be filed in the Superior Court of New Castle County on Monday, and we will be asking the Court to set a hearing date on May 4, 1984 to award possession of the property to the Authority on that date. Prior to that date, the Authority will deposit with the Court the sum of \$51,500.00 which is the appraised value.

I write for two reasons:

1. To give you as much advance notice of the date for asking the Court to award possession as possible; and
2. To inquire as to whether you would be willing to agree to an earlier possession so as to make formal presentation in Court unnecessary.

Copies of the complaint and application for possession will be mailed to you on Monday.

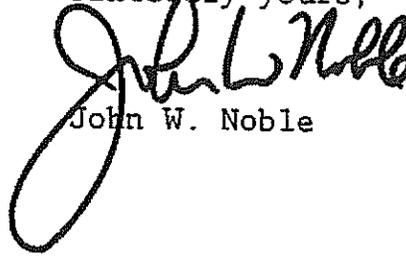
I would also appreciate being advised of the name of your attorney

Mr. Hugh M. Mahaffy and
Mrs. Ruth B. Mahaffy
April 20, 1984
Page Two

in this matter, if you have retained one. If I had known who would be representing you, I would have directed this letter to him.

Please let me know if we can stipulate to possession with the value to be determined later or if formal presentation to the Court will be necessary.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John W. Noble". The signature is written in dark ink and is positioned above the typed name.

John W. Noble

JWN:scs

cc: N.C. Vasuki, P.E.