

APPENDIX 4

TAX PARCEL #10-011.00-014

Parcel No. 26-067.00-001
 26-067.00-002
 26-067.00-003
 26-067.00-004
 26-070.00-001
 26-070.00-002
 26-070.00-003
 26-073.00-002
 10-006.00-018
 10-011.00-014



Prepared by: (1sh)
 MORRIS, NICHOLS, ARSHT & TUNNELL
 ATTN: RACHEL A. DWARES, ESQUIRE
 1201 North Market Street
 Wilmington, Delaware 19801

THIS DEED, Made this 1st day of September in the year of our LORD one thousand nine hundred and ninety-five (1995).

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

AND DIAMOND STATE PORT CORPORATION, a Delaware corporation created in the Department of State of the 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 AND 00/100 DOLLARS (\$10 00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby remises, releases and quit-claims, and by these presents does remise, release and quitclaim unto the said party of the second part, its successors and/or assigns,

ALL those certain lots, pieces or parcels of land situate in the City of Wilmington and in New Castle Hundred in the County of New Castle, State of Delaware, as more particularly bounded and described in accordance with a Boundary Survey of the Port of Wilmington, by Mann-Talley Inc. Engineers and Surveyors dated October 14, 1991 and as more particularly bounded and described as follows, to wit:

MAIN PORT PROPERTY

ALL that certain tract or parcel of land with the buildings thereon erected situate in the City of Wilmington, County of New Castle, State of Delaware and being more particularly described as follows, to-wit:

BEGINNING at a point in the northeasterly side of Christina Avenue at 80 feet wide, said point being a common corner for the parcel herein being described and lands formerly of St. Lawrence Realty Inc., and being further located the three (3) following described courses and distances from a centerline stone set in the centerline of Christina Avenue, at 80 feet wide, 36.13 feet northerly along the said centerline of Christina Avenue, from its intersection thereof with the centerline of Golding Street extended, northeasterly, at 70 feet wide; (1) along said centerline of Christina Avenue, South 21 degrees 19 minutes 18 seconds East, 885.42 feet to a point; (2) thence, leaving said centerline North 68 degrees 40 minutes 42 seconds East, 40 feet to the northeasterly side of said Christina Avenue; and (3) thence, along said lands now or formerly of Straight Line Filters, Inc. on the said northeasterly side of Christina Avenue South 21 degrees 19 minutes 18 seconds East, 471.26 feet to a point, being the point and place of Beginning, also known as Monument "C". Then from said point of Beginning, the ten (10) following described courses and distances: (1) North 21° 20' 38" West, 142.98 feet to a point; (2) North 69° 01' 52" East, 170.00 feet to a point; (3) North 21° 20' 38" West, 169.14 feet to a point; (4) North 28° 05' 07" East, 163.86 feet to a point; (5) North 61° 36' 38" West, 231.28 feet to a point; (6) South 28° 29' 41" West, 22.95 feet to a point; (7) North 61° 39' 28" West, 34.74 feet to a point; (8) North 21° 21' 28" West, 125.00 feet to a point; (9) North 51° 00' 32" East, 288.04 feet to a point; (10) North 29° 21' 12" East,

NCC 04A 1402 SE11'95 204

\$ 00.00

Example of 11/1/92
10/6/2529

NCC 04A 1402 SE11'95 204

\$ 00 NC

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988.79 feet to a point on the Pier and Bulkhead Line of the Christiana River being the mean low water line for such lands along the Christiana River (as established by a survey of April 26, 1979), thence continuing along such mean low water line South 60° 57' 43" East, 470.55 feet to a point on the opposite side of the Loddell Canal, the four (4) following courses and distances: (1) South 66° 48' 32" East, 4351.91 feet to a point on the Bulkhead Line of the Delaware River; (2) South 22° 03' 59" West, 1994.41 feet to a point; (3) North 67° 12' 29" West, 1525.35 feet to a point; (4) South 81° 53' 08" West, 248.28 feet to a point on the top of the bank as shown on an unrecorded metes and bounds survey entitled "Property of Brandywine Realty Company and E.N. Winchester, et al.", described in accordance with a survey and metes and bounds description of Van Demark & Lynch, Inc., Civil Engineers and Surveyors, said survey being dated April 17, 1970 and being Survey No. 11892-12732-R, thence continuing the nine (9) following courses: (1) South 23° 22' 09" West, 92.65 feet to a point; (2) South 14° 22' 25" West, 370.60 feet to a point; (3) South 13° 16' 14" West, 435.63 feet to a point; (4) South 08° 33' 13" West, 248.77 feet to a point; (5) South 11° 03' 40" West, 271.03 feet to a point; (6) South 33° 30' 36" West, 146.79 feet to a point; (7) North 87° 38' 08" West, 830 feet to a point in the common corner for the parcel herein being described, in the southeasterly property division line of lands of The Sico Company; (8) North 02° 21' 53" East, 1586.93 feet along the easterly property line of The Sico Company and this parcel herein being described to northeasterly corner of The Sico Company property; (9) North 87° 31' 03" West, 873.93 feet to a point known as Monument "B". Thence from Monument "B", the eleven (11) following courses and distances: (1) North 89° 19' 01" West, 749.58 feet to a point on the CONRAIL right of way; (2) thence by said right of way lines, curving toward the West with a radius of 5779.60 feet, the bearing of the chord being North 17° 37' 30" West and its length 530.06 feet; (3) still along the right of way of CONRAIL, North 22° 28' 56" West, 371.33 feet to a point; (4) thence by a curve toward the East with a radius of 325.49 feet, the bearing of the chord being North 6° 14' 30" East, and its length being 179.94 feet to a point; (5) thence by a curve toward the East with a radius of 323.49 feet, the bearing of the chord being South 6° 14' 30" East and its length being 225.25 feet to a point; (6) South 25° 16' 30" East, 329.85 feet to a point; (7) South 40° 31' 30" East, 110.12 feet to a point; (8) thence along a line curving toward the East with a radius of 425.40 feet, the bearing of the chord being South 60° 14' 30" East, its length being 310.54 feet to a point; (9) thence along a line curving toward the East with a radius of 531.31 feet, the bearing of the chord being North 82° 08' 30" East and its length 308.25 feet to a point; (10) North 68° 12' 30" East, 79.82 feet to the Westerly side of Christiana Avenue; (11) North 21° 20' 38" West, 991.92 feet to the point of Beginning.

TOGETHER WITH any and all right, title and interest of the City of Wilmington in and to subaqueous lands or accretions or like additions to lands contiguous or related to the foregoing parcels of land (including any such right, title or interest granted and conveyed by the State of Delaware unto the Mayor and Council of the City of Wilmington pursuant to that certain Indenture dated February 10, 1930 and recorded in the Recorder of Deeds Office in and for New Castle County in Deed Record Y, Volume 36, Page 131) together with all of the City of Wilmington's easements, rights and appurtenances related thereto and all of the City of Wilmington's right, title and interest in and to the fixtures, buildings, docks, berths and other improvements located on or adjacent thereto, including, without limitation, all riparian and littoral rights, navigation rights and other water rights.

AMERICAN MINERALS PROPERTY
PARCEL # 10-006.00-018

ALL those certain lots, pieces or parcels of land situate in the City of Wilmington and in New Castle Hundred in the County of New Castle, State of Delaware, more particularly bounded and described as follows, to wit:

BEGINNING at a Monument in the Westerly right of way line of the Penn Central Railroad Company (New Castle Cut-off) (at 100' wide) said point beginning being a common corner in the lands of the Penn Central Railroad Company, the City of Wilmington and Brandywine Realty, et al., and in a bed of a 10' lane; thence from said Point of Beginning along the lane North 86° 57' 45" West, 1321.73 feet to a point in the Northwesterly right of way of the Delaware and Western Railroad Company (at 60' wide), thence North 40° 46' 45" West, 44.0 feet to a point, thence North 29° 38' 01" East, 781.6 feet to a point in the southeasterly right of way line of the Christina Branch of the Wilmington and Northern Railroad Company (Reading R.R. Co.) at 50 feet, thence northeasterly along a curve to the left having a radius of 747.13 feet, an arc distance of 125.54 feet to an iron pipe set in concrete and a corner for lands now or formerly of the Loddell Car Wheel Company; thence South 86° 35' 58" East, 745.94 feet to an iron pipe in the said westerly right of way line of the Penn Central Railroad Company (New Castle Cut-off); thence southeasterly along a curve to the right having a radius of 5679.60 feet, an arc distance of 845.49 feet to the Point of Beginning, all of the bearings being magnetic and the parcel containing 20.267 acres more or less.

EXCEPTING and **RESERVING**, however, the following lands and premises heretofore conveyed to the Delaware State Highway Department.

BEGINNING at a monument which is the common corner of lands of the Penn Central Railroad, the City of Wilmington and Brandywine Realty et. al., thence North 86°

57' 45" West, 885.60 feet to a monument in the bed of a 20' lane which is on the easterly right of way of 60' wide Pigeon Point Road and which point is the Point of Beginning of the description of the highway parcel to be deducted from the original 20.267 acre property. Continuing along same course North 86° 57' 45" West, 60.40 feet to a point in the westerly right of way of Pigeon Point Road thence North 3° 23' 45" West, 688.0 feet to a point in the southerly right of way of the Reading Railroad, thence North 29° 38' 01" East 55.0 feet to a point, thence along said right of way North 44° 38" East, 39.0 feet to a point, thence South 03° 23' 45" East 766.96 feet to the point of Beginning, all of the bearings being magnetic and the parcels containing 1.000 acres more or less.

PIGEON POINT FERRY CROSSING
PARCEL # 26-073.00-002

ALL those certain lots, pieces or parcels of land situate in the City of Wilmington and in New Castle Hundred in the County of New Castle, State of Delaware, more particularly bounded and described as follows, to wit:

BEGINNING on the northeasterly line of The Wilmington and Northern Railroad Delaware River Branch right-of-way, near Station 145 + 20, more or less, and 72 feet northeasterly at right angles from the centerline of main track, as it was located on December 16, 1975; thence, extending southwestwardly a distance of 44 feet, more or less, to a point distant 28 feet northeasterly at right angles to said centerline; thence southeastwardly parallel to said centerline 1255 feet, more or less, to a point; thence, southeastwardly deflecting to the right 351 feet, more or less, to a point in the bank of the Delaware River; thence, northeasterly along the bank of said River in an irregular line to a point; thence, westerly a distance of 1540 feet, more or less, to the point and place of Beginning.

CONTAINING: 5.68 Acres.

UNDER AND SUBJECT to all applicable covenants, conditions, easements, rights-of-way, reservations, restrictions, and agreements of record in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware.

WILMINGTON SOUTH DISPOSAL AREA

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 for the same at a 3 inch aluminum monument with disc (hereinafter referred to as a standard marker) at the end of the Second Line of that parcel of land known as Tract 100 and as described in a Deed dated November 19, 1985 and recorded in the Office of the Recorder of Deeds in and for New Castle County in Deed Book 309 at Page 095 which was granted and conveyed by the Delaware Solid Waste Authority to the Secretary of the Army, United States of America and running thence binding reversely along said Second Line, as now surveyed, North 87° 38' 07" West, 25.00 feet to a standard marker, thence leaving said Second Line and severing the lands of the subject owner for lines of division, the four

(4) following courses, viz.:

- (1) North 15° 33' 37" East, 298.30 feet,
- (2) North 11° 24' 57" East, 530.49 feet,
- (3) North 17° 00' 45" East, 700.66 feet, and
- (4) North 54° 31' 50" East, 150.23 feet to a standard marker on and distant South 87° 31' 03" East 1,252.31 feet from the beginning of the Fourth Line of that parcel of land described in a Deed dated July 30, 1980 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Record I, Volume 111, Page 285 which was granted and conveyed by New Castle County to the City of Wilmington said point also being distant South 87° 31' 03" East, 37.31 feet from monument "A" found on said line and running thence binding along part of said line, South 87° 31' 03" East, 100.85 feet to a standard marker thence leaving said line and continuing to sever the lands of the subject owner for lines of division the five

(5) following courses, viz.:

- (1) South 87° 31' 03" East, 202.00 feet,
- (2) South 75° 31' 03" East, 196.00 feet,
- (3) North 47° 15' 38" East, 550.00 feet,
- (4) North 23° 07' 45" East, 700.00 feet and
- (5) South 67° 12' 29" East, 954.81 feet to a point on and distant South 22° 03' 59" West, 694.98 feet from the beginning of the South 22° 03' 59" West, 1994.11 feet line as shown on an unrecorded Boundary Survey of Port of Wilmington, City of Wilmington Marine Terminal by Mann-Talley, Engineers and Surveyors dated October 14, 1991, thence leaving said line and continuing along the same course extending out into the Delaware River, South 67° 12' 29" East, 813.19 feet to a point on or near the -24 elevation contour line as shown on a Topographic Survey of Wilmington Harbor South, Disposal Area Development by the Army Corps of Engineers dated from February 2, 1983 to June 11, 1984 and running thence, meandering along said -24 elevation contour line within the Delaware River, the

nine (9) following courses, viz.:

- (1) South 22° 47' 31" West, 239.00 feet,
- (2) South 05° 32' 31" West, 264.00 feet,
- (3) South 16° 52' 31" West, 1,119.00 feet,
- (4) South 23° 02' 31" West, 815.00 feet,
- (5) South 21° 54' 31" West, 1,320.33 feet,

- (6) South 35° 21' 25" West, 544.00 feet,
 (7) South 30° 21' 25" West, 757.00 feet,
 (8) South 15° 56' 25" West, 618.00 feet,
 (9) South 10° 36' 25" West, 104.02 feet to a point thereon thence leaving said -24 elevation contour line and crossing said Delaware River, North 67° 08' 35" West, 881.10 feet to a point on the southernmost corner of that parcel of land described in a Deed dated July 7, 1981 and recorded in the aforesaid Office of the Recorder of Deeds in Deed Record N, Volume 115, Page 80 which was granted and conveyed by the Wilmington and Northern Railroad Company, et al, to the City of Wilmington and running thence binding along the southwest and northwest outlines described in the aforesaid Deed the five (5) following courses, viz.:
- (1) North 63° 47' 47" West, 317.61 feet,
 (2) North 79° 12' 26" West, 140.30 feet,
 (3) 385.00 feet in a northwesterly direction along the arc of a curve to the right having a radius of 688.20 feet and a long chord bearing and distance of North 57° 19' 49" West, 380.00 feet,
 (4) North 41° 18' 14" West, 791.88 feet and
 (5) North 48° 41' 46" East, 44.00 feet to a point on the division line of that parcel of land described in the aforesaid deed and said Tract No. 100 as described in the hereinabove first mentioned Deed and running thence binding along said division line, 417.57 feet in a southeasterly direction along the arc of a curve to the left having a radius of 3,819.83 feet and a long chord bearing and distance of South 49° 51' 00" East, 417.36 feet to a standard marker at the end of the Fifth Line described in the aforesaid Deed and running thence binding reversely along said Fifth Line and reversely along the Fourth and Third Lines of said Deed, the three (3) following courses, viz.:
- (1) North 13° 30' 26" East, 1,712.03 feet to a standard marker,
 (2) North 10° 57' 38" East, 577.49 feet to a standard marker,
 (3) North 19° 58' 38" East, 198.30 feet to a standard marker to the point of beginning containing 299.134 acres of land more or less of which 75.730 acres more or less is submerged land.

The bearings used herein are referenced to the Delaware State Grid System.

NOTWITHSTANDING THE FOREGOING, the said party of the first part hereby grants and conveys with special warranties of title, and by these presents does grant and convey with special warranties of title unto the said party of the second part, its successors and/or assigns, all such property conveyed by the following deeds:

Deed of the State of Delaware dated February 10, 1930 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record Y, Volume 36, Page 131.

Deed of Seibert Associates, L.P., by condemnation proceedings (CA 89-OC-171-1-CV) recorded April 4, 1994, in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record Book 1709, Page 0140;

Deed of Seibert Associates, L.P., dated August 25, 1977 and recorded August 25, 1977, in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record G, Volume 98, Page 92;

Deed of Lobdell Car Wheel Company dated April 29, 1922, of record in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record D, Volume 31, Page 139;

Deed of Lobell Car Wheel Company dated March 31, 1916, of record in the Office aforesaid in Deed Record C, Volume 26, Page 52;

Deed of Lobdell Car Wheel Company dated March 15, 1920, of record in the office aforesaid in Deed Record S, Volume 29, Page 6;

Deed of Lobdell Car Wheel Company dated April 20, 1922, of record in the Office aforesaid, in Deed Record C, Volume 30, Page 432;

Deed of Lobdell United Company dated April 26, 1954, of record in the Office aforesaid in Deed Record F, Volume 54, Page 291;

Deed of United Engineering and Foundry Company dated June 28, 1967, of record in the Office aforesaid in Deed Record C, Volume 79, Page 361;

Deed of United Engineering and Foundry Company dated January 5, 1959, of record in the Office aforesaid in Deed Record F, Volume 63, Page 323;

(Part of) Deed of Anns King Bacheller, et al., dated December 18, 1970, of record in the Office aforesaid in Deed Record K, Volume 84, Page 711

Deeds of New Castle County, a political subdivision of the State of Delaware, of record in Deed Record I, Volume 111, Page 285; Deed Record K, Volume 84, Page 711; Deed Record V, Volume 63, Page 382; Deed Record N, Volume 115, Page 80; Deed Record S, Volume 29, Page 6; Deed Record C, Volume 79, Page 63; Deed Record G, Volume 98, Page 92; and Deed Record Book 1709, Page 140.

Deed of George P. Bissell, Jr., et al., by Deed dated April 27, 1959, of record in the Office aforesaid in Deed Record V, Volume 63, Page 382, granted and conveyed unto the Mayor and Council of Wilmington, a municipal corporation of the State of Delaware, party of the first part hereto, in fee.

Deed dated July 7, 1981 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Record N, Volume 115, Page 80 which was granted and conveyed by the Wilmington and Northern Railroad Company and the Reading Company to the City of Wilmington.

Deed dated March 15, 1920 and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware in Deed Record S, Volume 29, Page 006 which was granted and conveyed by Lobdell Car Wheel Company to the City of Wilmington.

The City of Wilmington hereby reserves unto itself, its agencies, instrumentalities and assigns a free, perpetual and uninterrupted non-exclusive right, liberty, privilege and easement (i) in, on, above, under and across those portions of the above-described property currently containing sanitary sewer facilities, storm water drainage and control facilities, water system lines and distribution facilities, and other municipal service facilities and related appurtenances (including, without limitation, pumps, pipes, manholes, lamp holes, clean out holes, etc.) as are reasonably necessary for the purpose of repairing, replacing, extending, maintaining and operating the foregoing facilities, and (ii) in, on, above, under and across such other portions of the property as may be reasonably necessary or desirable for the future installation (and repair, replacement, extension, maintenance and operation) of sanitary sewer facilities, storm water drainage and control facilities, water system lines and distribution facilities, and other municipal service facilities and related appurtenances, provided that no such future facilities shall be located in a manner that impairs the use and enjoyment of the property conveyed hereby by Diamond State Port Corporation. The City of Wilmington also reserves to each of Delmarva Power & Light Company, Bell Atlantic-Delaware and all other utility companies currently maintaining electric distribution facilities, telephone lines and related communication facilities and any other utility facilities in, on, above, under or across the property (including, without limitation, poles, wires, cables, transformers, etc.) and to their respective successors and assigns, a free, perpetual and uninterrupted non-exclusive right, liberty, privilege and easement in, on, above, under and across those portions of the property as are reasonably necessary for the purpose of repairing, replacing, maintaining and operating the same. The rights reserved herein shall include the right of ingress and egress over the property as may be reasonably necessary for the enjoyment of such rights. Following each exercise of the rights herein reserved, the party exercising such rights shall repair any damage to the property caused by it and shall restore the property to substantially the same condition it was in immediately prior to such exercise.

GRANTEE'S ADDRESS

Diamond State Port Corporation
c/o Secretary of State
State of Delaware
Carvel State Office Building
820 French Street
Wilmington, DE 19801

IN WITNESS WHEREOF, the said City of Wilmington hath caused its name by James H. Sils, Jr., Mayor, to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by the City Clerk, the day and year aforesaid

Signed, Sealed, and Delivered
in the Presence of:

Philomena S. Fato

CITY OF WILMINGTON

James H. Sils, Jr. (SEAL)
Mayor

Ver P. Marshall (SEAL)
Officer,
City Clerk

STATE OF DELAWARE, COUNTY OF NEW CASTLE; SS.

BE IT REMEMBERED, That on this 21st day of September, in the year of our LORD, one thousand nine hundred and ninety-five (1995), personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, JAMES H. SILLS, JR, Mayor of the City of Wilmington, a municipal corporation existing under the laws of the State of Delaware, party to this Indenture, personally known to me 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 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, and delivering said Indenture was duly authorized by a resolution of the Council of the City of Wilmington.

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

Philomena A. Futo
Notary Public

.....
NOTARY/Printed Name
Commission Expires

PHILOMENA D. FUTO
NOTARY PUBLIC-DELAWARE
My commission expires Dec. 8, 1998

Approved as to form

Richard G. [Signature]
First Assistant City Solicitor