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4316

DOCUMENTARY
SURCHARGE
PAID \$3.00

EASEMENT

THIS EASEMENT made this 14th day of April, 1989, between Delaware Solid Waste Authority ("Authority"), an instrumentality of the State of Delaware, Party of the First Part and Delmarva Power & Light Company ("Delmarva"), a corporation of the State of Delaware and the Commonwealth of Virginia, Party of the Second Part.

WHEREAS, the Authority is the owner of a parcel of land lying on Cherry Island in the City of Wilmington, New Castle County, and State of Delaware lying to the south of Twelfth Street; and

WHEREAS, Delmarva is the owner of another parcel of land lying to the south of the Authority's parcel on Cherry Island in the City of Wilmington, New Castle County, and State of Delaware and described in Exhibit 1 annexed hereto; and

WHEREAS, the Authority has agreed, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, to grant to Delmarva an easement or right of way over said parcel to allow for access between Twelfth Street and Delmarva's parcel; and

WHEREAS, the Easement conveyed hereby is designated as "Proposed Access Easement" on a plot captioned "Plan for Exchange of Property between Delmarva Power & Light Company and Delaware Solid Waste Authority" dated September 14, 1984, revised February 3, 1989, as prepared by VanDemark & Lynch, Inc., and is

shown in a greater particularity on a plot captioned "Proposed Access Easement across Lands of Delaware Solid Waste Authority" dated December 2, 1988, revised February 3, 1989, as prepared by VanDemark & Lynch, Inc. and is described, by metes and bounds, on Exhibit "2" annexed hereto.

WITNESSETH, that in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid by Delmarva to Authority, the receipt and sufficiency of which are hereby acknowledged, the Authority hereby grants and conveys to Delmarva, its successors and assigns, for its benefit and the benefit of its employees, contractors, successors and assigns, the full and free right of ingress and egress over and across the easement between Twelfth Street and the Delmarva parcel as described in Exhibit 2 annexed hereto at all times hereafter for all purposes connected with the use and enjoyment of the parcel owned by Delmarva. The easement hereby conveyed is not exclusive but shall be shared with others. The Delmarva parcel served by this easement is described in Exhibit 1 annexed hereto. Delmarva's intended use for its parcel is storage or disposal of ash from its Edgemoor power station.

TO HAVE AND TO HOLD this easement or right of way hereby granted unto Delmarva, its successors and assigns, as appurtenant to the said land of Delmarva.

This Easement, nevertheless, is subject to the following terms and conditions which shall be binding upon the Authority, its successors and assigns, and Delmarva (and its successors and

assigns), which by acceptance of this easement does agree to the following terms and conditions:

1. The Authority shall maintain the easement road through its solid waste facility on Cherry Island.

2. The Authority may relocate, at its cost, the easement road as long as such relocation does not interfere materially with Delmarva's use of the easement. Any relocated easement shall be a minimum of 30 feet wide and shall allow for the use of one of the entrances to the Authority's solid waste facility on Cherry Island.

3. Whenever a new easement is established by the Authority, a metes and bounds description shall be provided.

4. Before the easement is relocated, Delmarva shall be given at least ninety (90) days notice of such relocation, and a revised easement agreement incorporating a metes and bounds description of the revised easement will be executed by the parties. The then existing easement shall not be closed until the replacement is ready for operation.

5. Delmarva shall limit its use of the easement to hours when the Authority's solid waste facility is open or such other hours as may be agreed to by the parties.

6. Delmarva shall comply with facility operation rules governing the use of roadways and shall avoid interfering with solid waste activities.

IN WITNESS WHEREOF, the said Delaware Solid Waste Authority, an instrumentality of the State of Delaware, hath caused its name

by E. F. Jennings, Jr., its Vice Chairman to be hereunto set, duly attested by N.C. Vasuki, its General Manager, and the common and corporate seal of the said instrumentality to be hereunto affixed, this 14th day of April, 1989, pursuant to a resolution duly adopted by the Directors of said Delaware Solid Waste Authority on February 14, 1989.

Signed, Sealed and Delivered
in the Presence of:

 E. F. Jennings, Jr.

DELAWARE SOLID WASTE AUTHORITY

BY: E. F. Jennings, Jr.
Chairman

ATTEST: N.C. Vasuki
General Manager

STATE OF DELAWARE)
COUNTY OF KENT) SS.:

BE IT REMEMBERED, That on this 14th day of April, A.D. 1989, personally came before me, the subscriber, a Notary Public for the State of Delaware, E. F. Jennings, Jr., Vice Chairman of Delaware Solid Waste Authority, an instrumentality of the State of Delaware, party to this Easement, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said instrumentality, that the signature of its Chairman thereto is in his own proper handwriting and the seal affixed is the common and corporate seal of said instrumentality, and that this act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by a resolution of the Board of Directors of said instrumentality.

GIVEN under my Hand and Seal of Office, this 14th day of April, 1989.

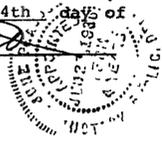
E. F. Jennings, Jr.
Notary Public


EXHIBIT 1

JAN 30 1989

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**VANDEMARK
& LYNCH, INC.**

ENGINEERS • PLANNERS • SURVEYORS

4305 MILLER RD./PO BOX 2047
WILMINGTON, DE 19899(302) 764-7635

Project No 16304

File No 22988-M
Plan Revision 9

December 22, 1988

Revised January 26, 1989

Description of lands of Delmarva Power & Light Company, Delaware Solid Waste Authority and a portion of the bed of Fourth Street Extended, easterly of Interstate 495, City of Wilmington, New Castle County, Delaware.

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 Vandemark & 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°-03'-30" 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 and Light Company, North 53°-09'-55 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°-07'-13" 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°-26'-30" 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°-27'-30" East, 384.50 feet to a point;

THENCE, South 40°-10'-39" West, crossing said Fourth Street Extended, 782.86 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°-29'-39" West, 1,809.61 feet to a point on the said southeasterly right of way line for Interstate 495;

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December 26, 1988
Revised January 26, 1989
Page 2

THENCE along the said southeasterly right of way line for Interstate 495, North 45°-00'-00" 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°-03'-30" East, 31.38 feet to a point;

THENCE crossing said Fourth Street Extended, North 53°-09'-55" 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 being the same, more or less...

SUBJECT TO a 30 foot wide right of way for a sanitary sewer and the Getty Pipeline running through the above described parcel adjacent to the said southeasterly right of way line for Interstate 495.

WWD/MLR/jbk
Checked By MLC

EXHIBIT 2 BOOK 861 PAGE 160



**VANDEMARK
& LYNCH, INC.**
ENGINEERS • PLANNERS • SURVEYORS

4305 MILLER RD./PO BOX 2047
WILMINGTON, DE 19899(302) 764-7635

Project No. 16304.07
25727-L
File No. Sheet 1 of 1

December 5, 1988
Revised Feb. 3, 1989

Description of an access easement through lands of The Delaware Solid Waste Authority, Twelfth Street and Relocated Hay Road, City of Wilmington, New Castle County, Delaware.

ALL THAT CERTAIN tract, piece or parcel of land situate at Twelfth Street and relocated Hay Road, City of Wilmington, New Castle County, Delaware being an access easement through lands of the Delaware Solid Waste Authority for Delmarva Power & Light Company according to a plan prepared by VanDemark & Lynch, Inc., Engineers, Planners and Surveyors, Wilmington, Delaware, dated December 2, 1988, Drawing No. 25727-L and more particularly described to wit:

BEGINNING at a point on the southwesterly side of Twelfth Street (at 80 feet wide) said point being located North 47°-01'-38" West, 40.00 feet measured along the said southwesterly side of Twelfth Street from its intersection with the northwesterly side of relocated Hay Road (at 80 feet wide);

THENCE from the said point of Beginning and running through, over and across the said lands of Delaware Solid Waste Authority the twenty seven following described courses and distances:

- (1) South 42°-58'-22" West, 325.00 feet to a point of curvature;
- (2) Southwesterly by a curve to the right having a radius of 100.00 feet, an arc distance of 157.08 feet to a point of tangency for said curve, said point being distant by a chord of South 87°-58'-22" West, 141.42 feet from the last described point;
- (3) North 47°-01'-38" West, 527.27 feet to a point of curvature;
- (4) Northwesterly by a curve to the left having a radius of 100.00 feet, an arc distance of 114.64 feet to a point of tangency for said curve; said point being distant by a chord of North 79°-52'-08" West, 108.46 feet from the last described point;
- (5) South 67°-17'-22" West, 158.33 feet to a point of curvature;
- (6) Southwesterly by a curve to the left having a radius of 315.00 feet, an arc distance of 128.92 feet to a point of tangency for said curve, said point being distant by a chord of South 55°-33'-52" West, 128.03 feet from the last described point;
- (7) South 43°-50'-22" West, 290.00 feet to a point;
- (8) South 46°-43'-22" West, 88.00 feet to a point;
- (9) South 54°-27'-22" West 95.00 feet to a point;
- (10) South 57°-25'-22" West, 120.00 feet to a point;
- (11) South 52°-15'-22" West, 345.00 feet to a point;
- (12) South 50°-49'-22" West, 55.00 feet to a point;
- (13) South 34°-13'-22" West, 74.26 feet to a point in the line of lands of Delmarva Power & Light Company;

16304.07-25727-L
Sheet 1 of 1
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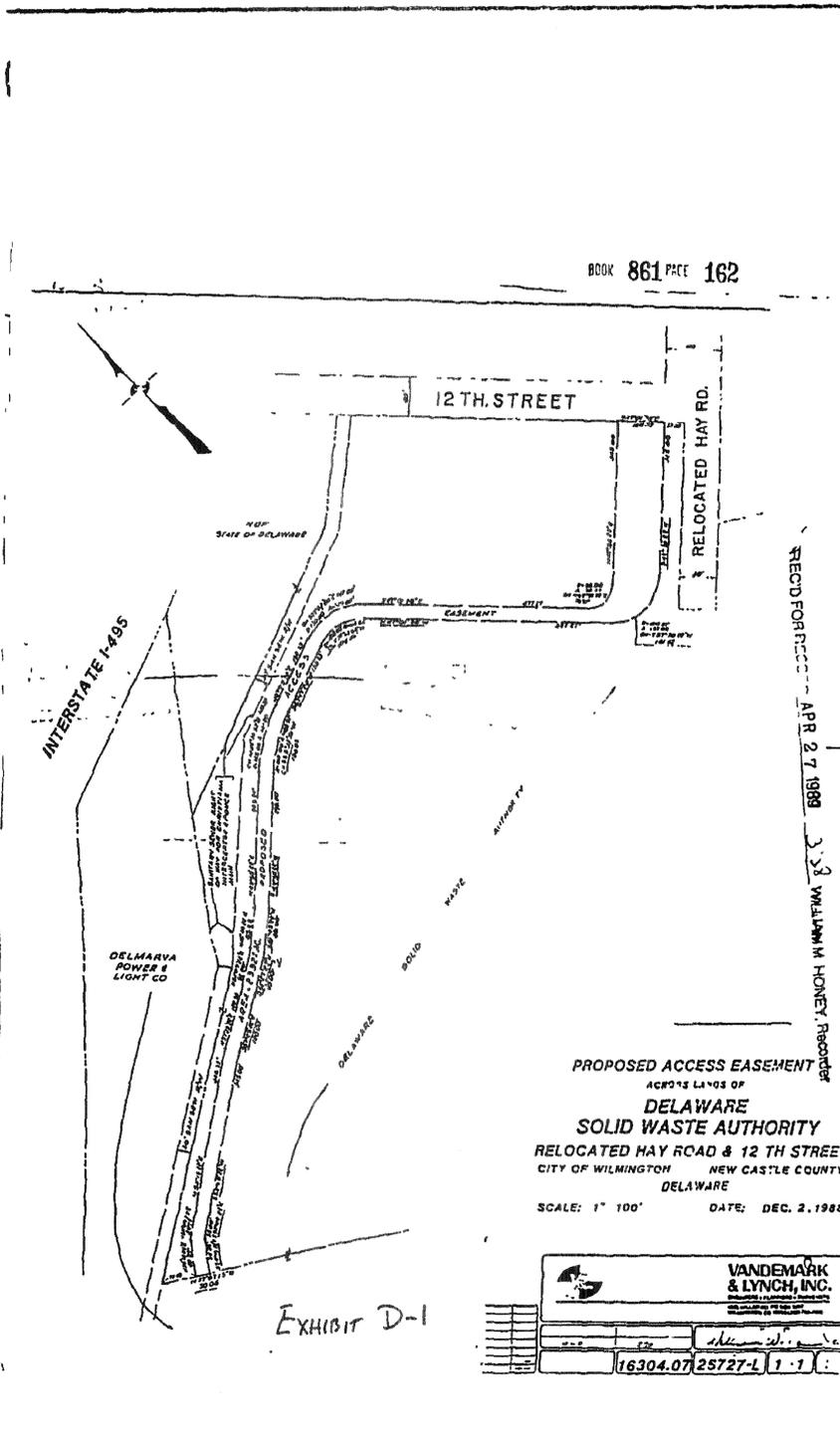
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- (14) Partially along the northeasterly line of said lands now or formerly of Delmarva Power & Light Company, North 59°-07'-13" West, 30.05 feet to a point, said point being distant South 59°-07'-13" East, 79.95 feet measured along the said northeasterly line of lands of Delmarva Power & Light Company from the southeasterly side of a 30 foot wide sanitary sewer right of way;
- (15) North 34°-13'-22" East, 80.39 feet to a point;
- (16) North 50°-49'-22" East, 59.75 feet to a point;
- (17) North 52°-15'-22" East, 346.73 feet to a point;
- (18) North 57°-25'-22" East, 120.58 feet to a point;
- (19) North 54°-27'-22" East, 92.20 feet to a point;
- (20) North 46°-43'-22" East, 85.22 feet to a point;
- (21) North 43°-50'-22" East, 289.24 feet to a point of curvature;
- (22) Northeasterly by a curve to the right having a radius of 345.00 feet, an arc distance of 141.20 feet to a point of tangency for said curve, said point being distant by a chord of North 55°-33'-52" East, 140.22 feet from the last described point;
- (23) North 67°-17'-22" East, 158.33 feet to a point of curvature;
- (24) Southeasterly by a curve to the right having a radius of 130.00 feet, an arc distance of 149.03 feet to a point of tangency for said curve, said point being distant by a chord of South 79°-52'-08" East, 141.00 feet from the last described point;
- (25) South 47°-01'-38" East, 477.27 feet to a point of curvature;
- (26) Northeasterly by a curve to the left having a radius of 50.00 feet, an arc distance of 78.54 feet to a point of tangency for said curve, said point being distant by a chord of North 87°-58'-22" East, 70.71 feet from the last described point; and
- (27) North 42°-58'-22" East, 345.00 feet to a point on the said southwesterly side of Twelfth Street;

THENCE along the said southwesterly side of Twelfth Street, South 47°-01'-38" East, 100.00 feet to the point and place of Beginning;

CONTAINING within said metes and bounds, 2.332 acres of land being the same, more or less...

WWD/MLR/jbk
Checked By MLR



RECORD FOR RECORD APR 27 1988 338 WILLIAM HONEY Recorder

PROPOSED ACCESS EASEMENT
 ACROSS LANDS OF
DELAWARE
SOLID WASTE AUTHORITY
 RELOCATED HAY ROAD & 12 TH STREET
 CITY OF WILMINGTON NEW CASTLE COUNTY
 DELAWARE
 SCALE: 1" = 100' DATE: DEC. 2, 1988

EXHIBIT D-1

VANDEMARK & LYNCH, INC.
 Surveyors
 16304.07 25727-L 1-1