01669

D E E D

THIS DEED, Made this 18th day of DECEMBER in the year of our LORD one thousand nine hundred and seventy (1970),

BETWEEN, BRANDYWINE REALTY COMPANY, a corporation of the State of Delaware, party of the first part,

A N D

ANNE KING BATCHELLER, wife of Edgar N. Batcheller; ELIZABETH KING JOHNSTON, wife of John P. M. Johnston, of the District of Columbia; THOMAS S. KING, JR. of McLean, Commonwealth of Virginia; RANDOLPH W. KING, of the City of Bethesda, State of Maryland, WILMINGTON TRUST COMPANY, a corporation of the State of Delaware, Trustee under the Last Will and Testament of Elizabeth Winchester Jackson; GEORGE WINCHESTER of Christiana Hundred, New Castle County and State of Delaware MABEL ELIZABETH WINCHESTER, widow of James P. Winchster, Jr.; MABEL ELIZABETH WINCHESTER, single woman, daughter of James P. Winchester, Jr.; and JAMES PRICE WINCHESTER, III all of the City of Rehoboth, Sussex County and State of Delaware; HENRY McCOMB WINCHESTER, JR., of Brandywine Hundred, New Castle County and State of Delaware, and MAC ASBILL, JR. of the City of Washington, District of Columbia, Trustees under the Last Will and Testament of Henry McComb Winchester, parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of FIVE AND 00/100ths DOLLARS ($5.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, their heirs and assigns, as tenants in common in the following undivided interests:

1/20th interest to Anne King Batcheller;
1/20th interest to Elizabeth King Johnston;
1/20th interest to Thomas S. King, Jr.;
1/20th interest to Randolph W. King;
1/5th interest to Wilmington Trust Company, Trustee under the Last Will and Testament of Elizabeth Winchester Jackson;
1/5th interest to George Winchester
1/15th interest to Mabel Elizabeth Winchester, widow of James P. Winchester, Jr.
1/15th interest to Mabel Elizabeth Winchester, daughter of James P. Winchester, Jr.;
1/15th interest to James Price Winchester, III
1/5th interest to Henry McComb Winchester, Jr. and Mac Asbill, Jr. Trustees under the Last Will and Testament of Henry McComb Winchester

ALL its right, title and interest in and to those certain farms, tracts, lots, pieces or parcels of land situate in New Castle County and State of Delaware, being bounded and described in accordance with a survey of Van Demark & Lynch, Inc., Civil Engineers and Surveyors of Wilmington, Delaware, dated April 17, 1970, as follows, to wit:-

PARCEL NO. 1. BEING an equal undivided one-half part or moiety

of ALL that certain farm, plantation or tract of land, situate partly in New Castle Hundred and partly in the City of Wilmington, New Castle County, State of Delaware, more particularly bounded and described as follows, to wit:-

BEGINNING at the point of intersection of the Southwesterly right of way line of lands of the Reading Railroad, Delaware River Extension Branch with the Easterly right of way line of other lands of the Reading Railroad known as the South Extension of the Delaware River Extension Branch, said point of Beginning being distant the three following described courses and distances measured along the said Southwesterly right of way line of the Reading Railroad, Delaware River Extension Branch and the extension thereof from the point of intersection thereof with the Easterly right of way line of the Penn Central Railroad, New Castle Cut-Off, at one hundred (100) feet wide: (1) South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, two hundred fifty (250) feet to a point; (2) South forty-eight (48) degrees, thirty-one (31) minutes, fifty (50) seconds West, twenty (20) feet to a point; and (3) South forty-one (41) degrees, twenty-eight (28) minutes ten (10) seconds East, twenty-three hundred seventeen and twelve one-hundredths (2317.12) feet to said point of Beginning; thence from said point of Beginning and along line of lands of said Reading Railroad, Delaware River Extension Branch, the three following described courses and distances: (1) South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, one hundred thirty-five and eighty-eight one-hundredths (135.88) feet to a point; (2) South forty-six (46) degrees, fifty-nine (59) minutes, ten (10) seconds East, nine hundred thirty (930) feet, more or less, to a point; and (3) South sixty-seven (67) degrees, twenty-five (25) minutes, ten (10) seconds East, three hundred thirty (330) feet, more or less, to a point in the low water line of the Delaware River, as said low water line is established by a field survey by Van Demark & Lynch, Inc. in February, 1970; thence along the said low water line of the Delaware River by the various courses thereof in a generally Southwesterly direction, twelve hundred sixty (1260) feet more or less to a point, a corner for said other lands of the Reading Railroad, South extension of the Delaware River Extension Branch, said point being distant by a tie line of South forty (40) degrees, forty-seven (47) minutes, no (00) seconds West, eleven hundred forty-eight and ten one-hundredths (1148.10) feet from the last described point; thence along the line of said other lands of the Reading Railroad, the three following described courses and distances: (1) North sixty-four (64) degrees, seventeen (17) minutes, no (00) seconds West, six hundred ten (610) feet, more or less, to a point; (2) thence along a line parallel with the center line of the existing four sets of track, said course being fifteen (15) feet Easterly of the center line of the two Easterly sets of track measured at right angles thereto, North ten (10) degrees, thirty-seven (37) minutes, no (00) seconds East, twelve hundred fifty-three and sixty-two one-hundredths (1253.62) feet to a point of curvature; and (3) Northerly along a curve to the left having a radius of five hundred sixty-one and two one-hundredths (561.02) feet, an arc distance of two hundred thirty-seven and twenty-eight one-hundredths (237.28) feet to the point of intersection thereof with the said Southwesterly right of way line of the Reading Railroad, Delaware River Extension Branch and the point and place of BEGINNING, said point being distant by a chord of North one (1) degree, thirty (30) minutes, no (00) seconds West, two hundred thirty-five and fifty-one one-hundredths (235.51) feet from the last described point.

CONTAINING within such metes and bounds, twenty-three and one-tenth (23.1) acres of land be the same more or less, of which fourteen and one-tenth (14.1) acres lie between the top of the existing bank and the low water line of the Delaware River.



PARCEL NO. 2. ALL its right, title and interest in and to ALL that certain farm, plantation, of tract of land, situate in New Castle Hundred, New Castle County and State of Delaware, being more particularly bounded and described as follows, to wit:-

BEGINNING at the point of intersection of the Easterly right of way line of the Penn Central Railroad, New Castle Cut-Off, at one hundred (100) feet wide, with the Southwesterly right of way line of the Reading Railroad, the Delaware River Extension Branch, at sixty (60) feet wide; thence from said point of Beginning and along the said Southwesterly right of way line of the Reading Railroad, the three following described courses and distances: (1) South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, two hundred fifty (250) feet to a point; (2) thence South forty-eight (48) degrees, thirty-one (31) minutes, fifty (50) seconds West, twenty (20) feet to a point on the said right of way line of the Reading Railroad, at one hundred (100) feet wide; and (3) thence still thereby, South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, twenty-two hundred forty-four and fifty-nine one-hundredths (2244.59) feet to the point of intersection thereof with the Westerly right of way line of other lands of the Reading Railroad, known as the South Extension of the Delaware River Extension Branch, at thirty (30) feet wide; thence thereby the five following described courses and distances: (1) Southerly along a curve to the right having a radius of five hundred thirty-one and two one-hundredths (531.02) feet, an arc distance of two hundred eighty-eight and eighty-seven one-hundredths (288.87) feet to the point of tangency of said curve, said point being distant by a chord of South four (4) degrees, fifty-eight (58) minutes, no (00) seconds East, two hundred eighty-five and thirty-two one-hundredths (285.32) feet from the last described point; (2) thence along a line parallel with the center line of the existing four sets of track, said course being fifteen (15) feet Westerly of the center line of the two Easterly sets of track measured at right angles thereto, South ten (10) degrees, thirty-seven (37) minutes, no (00) seconds West, fourteen hundred fifty-three and sixty-two one-hundredths (1453.62) feet to a point of curvature; (3) thence Southerly along a curve to the left having a radius of four hundred fifty-seven (457) feet, an arc distance of two hundred seven and twenty-five one-hundredths (207.25) feet to the point of tangency of said curve, said point being distant by a chord of South two (2) degrees, twenty-two (22) minutes, thirty (30) seconds East, two hundred five and forty-eight one-hundredths (205.48) feet from the last described point; (4) thence South fifteen (15) degrees, twenty-two (22) minutes, no (00) seconds East, three hundred twenty-eight (328) feet to a point; and (5) thence South sixty-four (64) degrees, seventeen (17) minutes, no (00) seconds East, eighty (80) feet, more or less, to a point on the low water line of the Delaware River; thence along said low water line of the Delaware River in a generally Southwesterly direction, eight hundred fifty (850) feet, more or less, to a point, a corner for lands of the State of Delaware, Memorial Bridge Approach, said point being distant by a tie line of South thirty-seven (37) degrees, forty-one (41) minutes, thirty (30) seconds West, eight hundred forty-two and twenty-two one-hundredths (842.22) feet from the last described point; thence along line of said lands of the State of Delaware, Memorial Bridge Approach, the eight following described courses and distances: (1) North sixty-six (66) degrees, twenty-nine (29) minutes, fifty-nine (59) seconds West, fourteen hundred twenty-six and seventy-one one-hundredths (1426.71) feet, more or less, to an existing monument; said course crossing over an existing monument at a distance Northwesterly of two hundred twenty-four and thirty-four one-hundredths (224.34) feet

more or less from the said low water line; (2) North thirty-three (33) degrees, five (05) minutes, twenty-one (21) seconds East, three hundred forty-four and thirty-two one-hundredths (344.32) feet to a point; (3) North sixty-three (63) degrees, forty-two (42) minutes, twenty-seven (27) seconds West, six hundred twenty-eight and seventy-four one-hundredths (628.74) to a point; (4) South seventy-five (75) degrees, fifty-two (52) minutes, three (03) seconds West, one hundred ninety-five and four one-hundredths (195.04) feet to a point; (5) North no (0) degrees, twenty-six (26) minutes, thirty-three (33) seconds East, five hundred sixty-one and forty one-hundredths (561.40) feet to a point; (6) South eighty (80) degrees, fifty-one (51) minutes, ten (10) seconds West, six hundred eighty-seven and eighty-nine one-hundredths (687.89) feet to a point; (7) South forty-one (41) degrees, twenty-two (22) minutes, fifty-six (56) seconds West, one hundred forty-five and twenty one-hundredths (145.20) feet to a point; and (8)North seventy-nine (79) degrees, fifty-three (53) minutes, four (04) seconds West, one hundred five and seventy-five one-hundredths (105.75) feet to a point on the Southeasterly right of way line of said Penn Central Railroad, New Castle Cut-Off; thence thereby the two following described courses and distances: (1) North thirty-four (34) degrees, forty-six (46) minutes, twenty-nine (29) seconds East, thirteen hundred thirty-four and twelve one-hundredths (1334.12) feet to a point of curvature; and (2) Northeasterly along a curve to the left having a radius of fifty-seven hundred seventy-nine and sixty one-hundredths (5779.60) feet, an arc distance of twenty-four hundred seventy-eight and forty-three one-hundredths (2478.43) feet to the point of intersection thereof with the said Southwesterly right of way line of the Reading Railroad, the Delaware River Extension Branch and the point and place of BEGINNING, said point being distant by a chord of North twenty-two (22) degrees, twenty-nine (29) minutes, twenty-four (24) seconds East, twenty-four hundred fifty-nine and forty-nine one-hundredths (2459.49) feet from the last described point. CONTAINING within such metes and bounds, one hundred eighty-eight and two-tenths (188.2) acres of land, be the same more or less, of which four and three-tenths (4.3) acres, more or less, lie between the top of the existing bank and the low water line of the Delaware River.

Of the above designated acreage of one hundred eighty-eight and two-tenths (188.2) acres, more or less, the party of the first part is the sole owner of the "Lambson Tract", containing forty-two and one-quarter (42¼) acres, more or less, and the "Remainder of the Townsend Tract" consisting of thirty-five and eight tenths (35.8) acres, more of less, both of which said tracts are included in said acreage, and is the owner of an one-half undivided interest in the balance of said acreage, and it is the intention of the party of the first part by this deed to convey all its interest, whether fractional or whole, in said Parcel No. 2 to the parties of the second part.

SUBJECT to any restrictions, utility agreements, or easements of record, zoning regulations and existing leases of all or part of the property.

ALSO the parties of the second part hereby covenant and agree and said covenant shall run with the land that in the event they sell any or all of the property hereinabove described they will include in the deed conveying such property the following clause:

> "The title conveyed hereby shall be subject to the restriction that the grantee and its successors and assigns shall take all the necessary precautions, including, if necessary, the erection of fences, or



> barriers, to prevent the fouling, littering, or otherwise contaminating the land of adjoining or neighboring owners".

EXCEPTING AND RESERVING unto the party of the first part, its successors and assigns, a certain sixty (60) foot wide easement for ingress, egress and regress over Parcel No. 2 above described for the purpose of construction and maintenance of a roadway in said easement; and the parties of the second part, their heirs, successors and assigns, further agree to join in the execution of any instrument prerequisite to having said easement established as a dedicated public road through the subdivision process controlled by New Castle County. This is intended as an easement appurtenant to Parcel No. 4 conveyed to Brandywine Realty Company, a corporation of the State of Delaware, by deed of the Winchester heirs recorded on even date herewith and shall inure to the benefit of the party of the second part named therein, its successors and assigns. This easement is more fully bounded and described in accordance with a survey of Van Demark & Lynch, Inc., dated October 30, 1970, as follows, to wit:-

BEGINNING at a point on the Southwesterly side of the Reading Railroad, Delaware River Extension Branch (at 100 feet wide) leading to Pigeon Point, said point being distant the three following described courses and distances measured along the said Southwesterly side of the Reading Railroad from the point of intersection thereof (at 60 feet wide) with the Southeasterly side of the Penn Central Railroad, New Castle Cut-Off (at 100 feet wide): (1) South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, two hundred fifty (250) feet to a point; (2) South forty-eight (48) degrees, thirty-one (31) minutes, fifty (50) seconds West, twenty (20) feet to a point; and (3) South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, two hundred seventy (270) feet to the said point of Beginning; thence from said point of Beginning and along the said Southwesterly side of the Reading Railroad, South forty-one (41) degrees, twenty-eight (28) minutes, ten (10) seconds East, sixty (60) feet to a point; thence along the Southeasterly and Southwesterly side of said sixty (60) foot wide easement, the two following described courses and distances: (1) along a curve to the right having a radius of two hundred three and fifty-eight one-hundredths (203.58) feet, an arc distance of two hundred twenty-nine and seventy-four one-hundredths (229.74) feet to the point of tangency of said curve, said point being distant by a chord of South eighty (80) degrees, fifty-one (51) minutes, forty (40) seconds West, two hundred seventeen and seventy-four one-hundredths (217.74) feet from the last described point; and (2) North sixty-six (66) degrees, forty-eight (48) minutes, thirty-five (35) seconds West, two hundred fifty-six and eighty-nine one-hundredths (256.89) feet to a point on the said Southeasterly side of the Penn Central Railroad; thence thereby along a curve to the left having a radius of fifty-seven hundred seventy-nine and sixty one-hundredths (5779.60) feet, an arc distance of sixty and eighty-two one-hundredths (60.82) feet to a point, said point being distant by a chord of North thirteen (13) degrees, forty-six (46) minutes, fifteen (15) seconds East, sixty and eighty-two one-hundredths (60.82) feet from the last described point; thence along the Northeasterly and Northwesterly side of said sixty (60) foot wide easement, the two following described courses and distances: (1) South sixty-six (66) degrees, forty-eight (48) minutes, thirty-five (35) seconds East, two hundred sixty-six and eighty-four one-hundredths (266.84) feet to a point of curvature; and (2) Easterly along a curve to the left having a radius of one hundred forty-three and fifty-eight one-hundredths (143.58) feet, an arc distance of one hundred sixty-two and three one-hundredths (162.03) feet to a point on the said Southwesterly side of the Reading Railroad and the point and place of BEGINNING, said point being distant

by a chord of North eighty (80) degrees, fifty-one (51) minutes, forty (40) seconds East, one hundred fifty-three and fifty-seven one-hundredths (153.57) feet from the last described point. CONTAINING within such metes and bounds six hundred thirty one-thousandths (0.630) acres of land, be the same more or less.

BEING a part of the same lands and premises which E. I. duPont de Nemours and Company by its deed dated May 12, 1903 and recorded in the Office for the Recording of Deeds, in and for New Castle County, in Deed Record L, Volume 19, Page 493, did grant and convey unto Brandywine Realty Company, a corporation of the State of Delaware.

IN WITNESS WHEREOF, the said BRANDYWINE REALTY COMPANY, a corporation of the State of Delaware, hath caused its name by A. Felix duPont Jr. 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.

Sealed and Delivered
in the Presence of:

BRANDYWINE REALTY COMPANY

By _____ President

Attest _____ Secretary

STATE OF DELAWARE ]
: SS.
NEW CASTLE COUNTY ]

BE IT REMEMBERED, That on this 18th day of December in the year of our LORD one thousand nine hundred and seventy, personally came before me, the subscriber, a Notary Public for the State of Delaware, A. Felix duPont Jr., President of BRANDYWINE REALTY COMPANY, 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 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.

Notary Public

State of Delaware
STATE TAX DEPT. NEW CASTLE
DEC 18 '70 REALTY TRANSFER TAX 981.00



REC'D FOR RECORD Dec 18 1970 LEO J. DUGAN, Jr. Recorder