

Prepared by/Return to:

Robert F. Adams, Esquire  
POB 562  
West Chester, PA 19381-0562

RETURN TO

UPI # 67-4-47.1 ✓

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**RIGHT-OF-WAY AGREEMENT**

THIS AGREEMENT, made this 18<sup>th</sup> day of September, 2006, between **WESTTOWN TOWNSHIP** ("Township"), a body corporate and politic organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, in Westtown Township, Chester County, Pennsylvania, and **GAUDENZIA, INC.** ("Owner"), also of Westtown Township, Chester County, Pennsylvania,

6/2  
MSA

WITNESSETH:

WHEREAS, the Owner owns a tract of land situate in Westtown Township, Chester County, Pennsylvania, as acquired by deed recorded in Book 41, page 526, in the office of the Recorder of Deeds of Chester County, Pennsylvania, being UPI # 67-4-47.1 ("Property"); and

WHEREAS, the Township is now constructing an extension to its sewer system for the Township to serve the Smith Mansion and other facilities at Oakbourne Park, for which the Township must obtain a certain right-of-way and easement upon, over and under the Property of the Owner; and

WHEREAS, Owner has installed certain sewer lines on the Property within the area of the proposed easement and right-of-way hereinafter described, which facilities are intended hereby to be transferred by Owner to Township.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, and in consideration of the payment to the Owner of the sum of \$1.00, and other good and valuable consideration, receipt of which is hereby acknowledged by the Owner, the Township and the Owner, each intending to be legally bound hereby, do hereby agree as follows:

1. **DEFINITIONS.** The term "sewer lines" when used in this instrument shall refer to a sanitary sewer pipe, conduit, manhole, drain, marker, service connection and other appurtenances currently installed on the Property or to be constructed by the Township, meeting the specifications of the consulting engineers of the Township, as approved by the Township for use in the aforesaid sewer system within the sanitary sewer easement on the Property, as shown on the Sanitary Sewer Easement Plan Over



Lands of Gaudenzia, Inc., prepared by Chester Valley Engineers, Inc., dated 8/5/02, marked Exhibit A, attached hereto and made a part hereof.

2. GRANT TO TOWNSHIP. The Owner hereby gives and grants to the Township:

A. The free and uninterrupted right, liberty and privilege to install, construct, reconstruct, replace, remove, enlarge, inspect, operate, repair, make connections with and maintain perpetually such sewer lines, their accessories and appurtenances, as the Township may from time to time require, consisting of underground pipes, conduits, manholes, drains, markers, mains, service connections and other appurtenances upon, over and under a strip of land 20 feet wide, more or less, across the Property belonging to Owner as shown on Exhibit A, and as more particularly described by metes and bounds on Exhibit B.

B. The free and uninterrupted right, liberty and privilege to carry away and dispose of sewage through said sewer lines, regardless of the source of such sewage.

C. All right, title and interest that Owner has in the sewer lines and appurtenances currently located within the aforesaid strip of land described in Exhibits A and B.

To have and to hold the same perpetually to the Township and its successors or assigns, together with the right and privilege at any and all times to enter the said Property, or any part thereof, provided that the Township gives to the Owner reasonable advance notification of the nature of any intended work on the Property and the expected duration of such work, for the purpose of installing, constructing, reconstructing, replacing, removing, enlarging, inspecting, operating, repairing, maintaining, and/or making connections with the sewer lines or other appropriate means of access to the sewer lines; all upon the condition that the Township will at all times during the construction, reconstruction, replacement, removal, repair or maintenance of the sewer lines cause every reasonable means to be used to protect from injury or damage all property, including lawns, trees, shrubbery, fences, buildings, walls, roads, water courses, natural features, or any existing improvement thereto, and will at all times after doing any work in connection with the construction, reconstruction, replacement, removal, repair or maintenance of the sewer lines, cause the Property to be restored to the condition in which the same was found before such work was undertaken, including replacement and/or repair of damaged property, to the extent reasonably possible under the circumstances and consistent with the rights and privileges herein granted.



COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF CHESTER : SS.

ON THIS, the 18<sup>th</sup> day of September, 2006, before me, a notary public in and for the aforesaid County and Commonwealth, personally appeared Thomas A. Foster, who acknowledged himself to be the Chairman of **WESTTOWN TOWNSHIP**, Chester County, Pennsylvania, and that he, as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and official seal.

Helen R. Greer

NOTARIAL SEAL  
HELEN R. GREER, Notary Public  
West Chester, Chester County  
My Commission Expires May 6, 2007

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF Montgomery : SS.

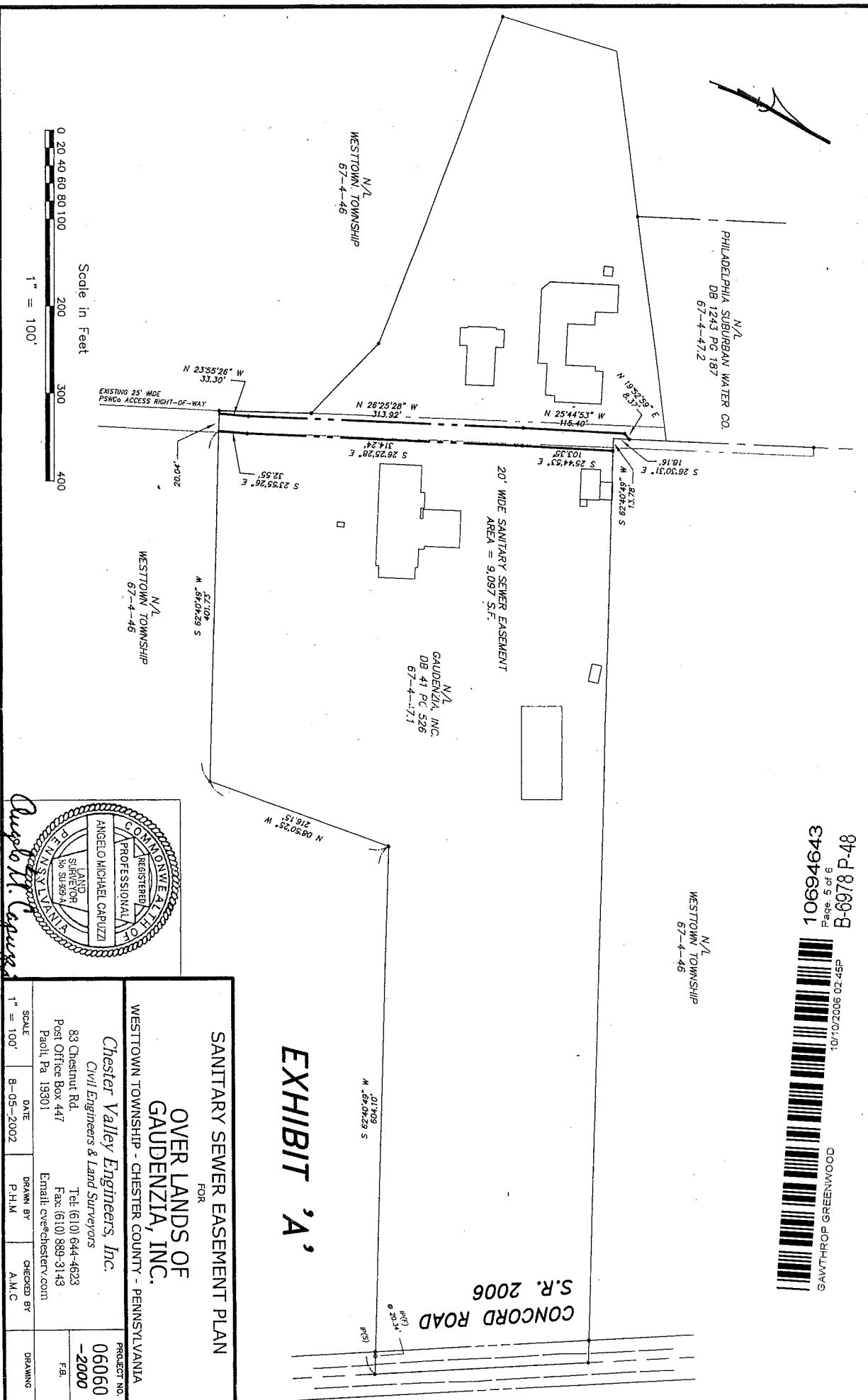
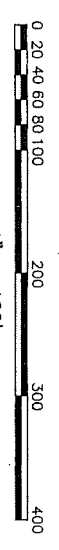
ON THIS, the 18<sup>th</sup> day of September, 2006, before me, a notary public in and for the aforesaid County and Commonwealth, personally appeared Michael Horle, who acknowledged himself/herself to be the President of **GAUDENZIA, INC.**, and that he/she, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporation.

WITNESS my hand and notarial seal.

Elaine Dandridge

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Elaine C. Dandridge, Notary Public  
Norristown Boro, Montgomery County  
My Commission Expires Aug. 10, 2010  
Member, Pennsylvania Association of Notaries

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10/10/2006 02:45P  
GAWTHROP GREENWOOD



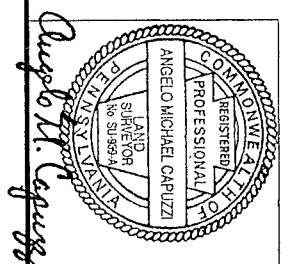
N/L  
PHILADELPHIA SUBURBAN WATER CO.  
DB 1243 PG 187  
67-4-47.2

N/L  
WESTTOWN TOWNSHIP  
67-4-46

N/L  
WESTTOWN TOWNSHIP  
67-4-46

N/L  
GAUDENZIA, INC.  
DB 41 PG 526  
67-4-47.1

N/L  
WESTTOWN TOWNSHIP  
67-4-46



*Angelo M. Capuzzi*

**EXHIBIT 'A'**

**SANITARY SEWER EASEMENT PLAN**

FOR  
**OVER LANDS OF**  
**GAUDENZIA, INC.**

WESTTOWN TOWNSHIP - CHESTER COUNTY - PENNSYLVANIA

**Chester Valley Engineers, Inc.**  
Civil Engineers & Land Surveyors  
83 Chestnut Rd.  
Post Office Box 447  
Paoli, Pa. 19301

Tel: (610) 644-4623  
Fax: (610) 889-3143  
Email: cve@cheesterv.com

PROJECT NO.  
**06060**  
-2000

SCALE: 1" = 100'

DATE	B-05-2002	DRAWN BY	P.H.M.	CHECKED BY	A.M.C.	DRAWING
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GAVTHROP GREENWOOD  
10/10/2006 02:45P

SHEET 1 OF 1

# CHESTER VALLEY ENGINEERS, INC.

Civil Engineers & Land Surveyors

83 Chestnut Road • P.O. Box 447 • Paoli • Pennsylvania • 19301  
(610) 644-4623 • Fax (610) 889-3143 • www.chesterv.com

#6060-2000 – Westtown Township  
20 feet wide Sanitary Sewer Easement  
August 5, 2002  
Dwg.  
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ALL THAT CERTAIN parcel of land SITUATE in Westtown Township, Chester County, Pennsylvania, being shown as 20 feet wide Sanitary Sewer Easement on Plan of Sanitary Sewer Easement over lands of Gaudenzia, Inc., dated August 5, 2002 by Chester Valley Engineers, Inc., Paoli, Pennsylvania, and being more fully described a follows:

**BEGINNING** at a point on the common line between lands now or late of Gaudenzia, Inc. and lands now or late of Westtown Township, said beginning point being measured the following three (3) courses and distances from the northeasterly corner of said lands of Guadenzia, Inc. on the title line in Concord Road – S. R. 2006: (1) South 62 degrees 40 minutes 49 seconds West 604.10 feet; (2) South 08 degrees 50 minutes 25 seconds East 216.15 feet; (3) South 62 degrees 40 minutes 49 seconds West 401.73 feet to the point of beginning; thence from the point of beginning, along the aforesaid lands of Westtown Township, South 62 degrees 40 minutes 49 seconds West 20.04 feet; thence through the aforesaid lands of Guadenzia, Inc., the following four (4) courses and distances: (1) North 23 degrees 55 minutes 26 seconds West 33.30 feet; (2) North 26 degrees 25 minutes 28 seconds West 313.92 feet; (3) North 25 degrees 44 minutes 53 seconds West 115.40 feet; (4) North 19 degrees 52 minutes 59 seconds East 8.37 feet to a point on line of lands now or late of Westtown Township; thence along said lands, the following two (2) courses and distances: (1) South 26 degrees 30 minutes 31 seconds East 18.16 feet; (2) North 62 degrees 40 minutes 49 seconds East 13.78 feet; thence through the aforesaid lands of Guadenzia, Inc. the following three (3) courses and distances: (1) South 25 degrees 44 minutes 53 seconds East 103.35 feet; (2) South 26 degrees 25 minutes 28 seconds East 314.24 feet; (5) South 23 degrees 55 minutes 26 seconds East 32.55 feet to the point of beginning; and **ENCOMPASSING** 9,097 square feet of land, be the same, more or less.

