

RIGHT OF WAY

THIS AGREEMENT, made this day of ,
1985, by ROBERT S. KAYDEN, JR. and COLEEN M. KAYDEN,
and Wife (hereinafter referred to as "Kayden"), John R Chamberlin
and Corinne L Orfanella, Husband and Wife (hereinafter referred
to as "Chamberlin and Orfanella")
").

W I T N E S S E T H ;

WHEREAS, Kayden is the owner
of certain premises sit-
uated in Manor Township ^{COUNT OF LANCASTER, PA.} along Letort Road and described more
fully in Deed Book U, Volume 57, Page 341, hereinafter
referred to as Tract A; and

WHEREAS, Frerichs is the owner of certain premises
situated in Manor Township along Letort Road and described more
fully in Deed Book T, Volume 80, Page 450, hereinafter referred
to as Tract B; and

WHEREAS, Frey is the owner of the premises adjoining
Kayden premises and said premises described more fully in Deed

Book E , Volume 76 , Page 80 , hereinafter referred to as Tract C; and

WHEREAS, Ortmann is the owner of certain premises situated in Manor Township along Letort Road and described more fully in Deed Book U, Volume 57, Page 341, hereinafter referred to as Tract A and currently under an Installment Sale Agreement; and

WHEREAS Frey desires the creation and declaration of certain easements and rights-of-way over and across Tract A and Tract B for the benefit of Tract C, and the owners of the burdened tracts are willing to grant such easement.

NOW, THEREFORE, the undersigned Frey, Kayden, Ortmann and Frerichs, intending to be legally bound, do hereby create, grant and declare the following easements and rights-of-way, over a strip of land which is ten (10') feet in width and which is more fully described in Schedule A annexed hereto, for the use and benefit of Frey, which easements and rights-of-way shall run in perpetuity with the land, subject to the terms, covenants and conditions stated in this declaration of easement:

A. This easement and right-of-way shall be for the following purpose:

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1. To permit ingress, egress and regress for persons, animals, motor vehicles, equipment, materials and supplies to and from Letort Road and the single-family dwelling house and farmland of Tract C. The burden upon the easement and right-of-way shall be limited to aforesaid uses.

B. The creation of the aforementioned easements and rights-of-way shall not be deemed to constitute an agreement to improve or to repair said rights-of-way nor constitute a charge of lien for the costs thereof against any of the lands described in the three aforementioned Deeds, except that anyone who shall hereafter disturb the surface condition of any part of said easements or rights-of-way for the purpose of installing, repairing, maintaining or replacing any utilities therein shall put the same back to the same condition or as near thereto as is practicable, as the same were prior thereto. All costs of improving, altering, repairing or maintaining the easements or rights-of-way shall be formed by those persons who shall make such improvements, alterations, repairs or maintenance without the right of reimbursement from any other tenant, mortgagee, etc. Frey shall indemnify and hold harmless Kayden, Ortman and Frerichs of and from all loss or damage arising from the condition of the right-of-way, excepting solely loss or damage

to Kayden, Ortman and/or Frerichs resulting from such parties' own negligent, willful or intentional actions, which shall not include responsibility for the condition of the right-of-way.

C. No barriers, fences, curbs or other obstructions to the free and unhampered use of said easements and rights-of-way shall hereafter be permitted nor shall any automobiles, trucks, motor vehicles or other personal property nor any building or other structure shall hereafter be parked, stored, constructed or permitted upon any part of said easements or rights-of-way.

D. The rights and privileges herein created shall extend not only to the record owner of the lands described in the three aforementioned Deeds, but also in favor of their heirs, and assigns, successors and interests, and mortgagees, any tenants to whom they may grant rights and privileges under these easements, any other persons or entities to whom they may grant rights and privileges under these easements and rights-of-way, and any other persons or entities to whom any of the foregoing may grant rights and privileges under these easements and rights-of-way, such rights and privileges may be granted either in writing or by tacit consent.

E. Frerichs shall be entitled to use the easement and right-of-way for access to their property for agricultural

purposes. Kayden and Ortman shall continue to be entitled to use the easement for any purpose whatsoever, so long as Frey's use of the easement is not thereby impeded.

F. All persons or entities claiming any interest in the land described in Schedule A hereof, which interest is under and subject to this declaration of easement, shall, upon request from the then record owner of the lands described in the three aforementioned Deeds, execute and deliver such further evidence or assurance to confirm this declaration of easement as is reasonably required by said record owner.

Robert S. Kayden, Jr.
Robert S. Kayden, Jr.

Coleen M. Kayden
Coleen M. Kayden

Richard L. Frerichs
Richard L. Frerichs

Marsha L. Frerichs
Marsha L. Frerichs

Jay V. Frey
Jay V. Frey

Pauline M. Frey
Pauline M. Frey

Werner Ortman
Werner Ortman

Mary C. Ortman
Mary C. Ortman

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COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF LANCASTER :

On this, the 24th day of January, 1985, before me, a Notary Public, the undersigned officer, personally appeared ROBERT S. KAYDEN, JR., and COLEEN M. KAYDEN, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

Valerie J. Romanic
Notary Public VALERIE J. ROMANIC, Notary Public
Columbia, Lancaster County, PA
My Commission Expires December 26, 1988

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF LANCASTER :

On this, the 22 day of JANUARY, 1985, before me, a Notary Public, the undersigned officer, personally appeared RICHARD L. FRERICHS and MARSHA L. FRERICHS, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

Kathleen M. Weiss
Notary Public KATHLEEN M. WEISS, Notary Public
MILLERSVILLE BORO. LANCASTER COUNTY
MY COMMISSION EXPIRES JAN 12, 1987
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF LANCASTER :

On this, the 25th day of January, 1985, before me, a Notary Public, the undersigned officer, personally appeared JAY V. FREY and PAULINE M. FREY, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

Deborah F. Nissley
Notary Public

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DEBORAH F. NISSLEY, Notary Public
Columbia Borough, Lancaster County
My Commission Expires: September 3, 1988

COMMONWEALTH OF PENNSYLVANIA :

Northumberland : SS:
COUNTY OF ~~LANCASTER~~ :

On this, the 14th day of JANUARY, 1985, before me, a Notary Public, the undersigned officer, personally appeared WERNER ORTMAN and MARY C. ORTMAN, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

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

Joseph W Bloom
Notary Public

Joseph W. Bloom, Notary Public
Upper Augusta Twp., Northumberland County
My Commission Expires Feb. 5, 1987
Member, Pennsylvania Association of Notaries



Description of 10.00 feet wide access right-of-way to be granted to Jay V. Frey by Werner Ortman, in Manor Township.

BEGINNING at a point the intersection of the west edge of the existing macadam road of State Highway Legislative Route No. 36008, known as Letort Road and the west line of the herein described right-of-way; thence extending along the west line of said right-of-way and extending along the present property line of Richard L. Frerichs and the grantee herein, N 16°-59'-36" W, a distance of 785.00' feet to a point in line of property now or late of the grantor herein; thence extending through the remaining property of the grantor and crossing said right-of-way, N 73°-00'-24" E, a distance of 10.00 feet to a point on the east line of the herein described right-of-way; thence extending through the remaining property of the grantor and along the east line of said right-of-way, S 16°-59'-36" E, a distance of 720.00' feet to a point; thence N 73°-00'-24" E, a distance of 20.00 feet to a point on the aforesaid west edge of the existing macadam road of Letort Road; thence extending along said west edge of macadam road, S 7°-47' W, a distance of 71.59 feet to a point, the place of BEGINNING.

Dwg. No. EP-285
JMS 6/25/84

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Exhibit "A"