

Prepared by:  
Unruh, Turner, Burke & Frees, P.C.  
P.O. Box 515  
West Chester, PA 19381  
610-692-1371

Return to:  
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P/O Tax Parcel No. 52-5-109

### AGREEMENT TO EXTINGUISH FINAL RIGHT-OF-WAY AGREEMENT

This Agreement to Extinguish a Final Right-of-Way Agreement (“Agreement”) made this 8<sup>th</sup> day of July, 2021, by and between Big Bear Gulch, LLC (“Owner”), with an address of 606 Gordon Drive, Exton, PA 19341 and West Goshen Sewer Authority, a municipal authority (“Authority”), with an address located at 848 S. Concord Road, West Chester, Pennsylvania 19382, and also West Goshen Township, a second class township (“Township”) with an address located at 1025 Paoli Pike, West Chester, Pennsylvania 19380.

### BACKGROUND

WHEREAS, the Owners are owners of certain real estate situated in West Goshen Township, Chester County Pennsylvania, known as U.P.I. Tax Parcel Number 52-5-109, known as the former Boy Scouts property, located at 504 South Concord Road, West Goshen Township, Chester County, Pennsylvania, and described in a deed recorded in the Office of the Recorder of Deeds in and for Chester County, Pennsylvania on SEPT 3, 2021, in Record Book 0665 Page 144 (the “Property”); and

WHEREAS, the Property is under and subject to a Final Right-of-Way Agreement dated November 10, 1966 between the Chester County Council, Inc. Boy Scouts of America of West

Goshen Township, Grantor and the Township of West Goshen, Grantee for a Final Right-of-Way Agreement recorded in the Office of the Recorder of Deeds in Deeds Books 171 and 950; and

**WHEREAS**, the Final Right-of-Way Agreement has been assigned to the Authority; and

**WHEREAS**, the Owner has decided to relocate the existing sanitary sewer line located on the Property to a different location on the Property as more particularly depicted on the Preliminary/Final Title Plan for Big Bear Gulch, LLC prepared by D. L. Howell and Associates dated September 14, 2020, last revised April 20, 2021; and

**WHEREAS**, Owner shall grant to the Authority a new sanitary sewer easement on Lots 2 and 3 as more particularly depicted on the Plan; and

**WHEREAS**, the parties now desire to extinguish the Final Right-of-Way Agreement now that the new sanitary sewer easement has been established.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and intending to be legally bound hereby the parties do hereby covenant and agree as follows:

1. The above recitals and background are hereby incorporated into the body of this Agreement.
2. For the reasons set forth herein, the Owners and the Authority hereby extinguish the sanitary sewer easement created by the Final Right-of-Way Agreement recorded in the Office of the Recorder of Deeds of Chester County as Book 171 Page 950.
3. The Parties acknowledge that the consideration for this Agreement is the new sanitary sewer easement agreement which the Owner shall grant to the Authority in place of the Final Right-of-Way Agreement dated November 10, 1966.

4. This Agreement shall be governed and construed in accordance with the laws of the Commonwealth of Pennsylvania.

**IN WITNESS WHEREOF**, the Parties, intending to be legally bound hereby have caused this Agreement to be duly executed and delivered as of the date first above written.

BIG BEAR GULCH, LLC

Matthew J. DiGiulio  
By: Matthew John DiGiulio, Manager

WEST GOSHEN SEWER AUTHORITY

By: Theodore J. Murphy

WEST GOSHEN TOWNSHIP

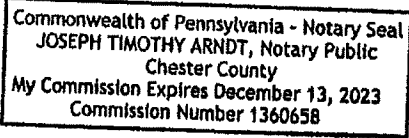
By: \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF CHESTER :

On the 2<sup>nd</sup> day of September, 2021, before me, the undersigned officer, personally appeared MATTHEW JOHN DIGIULIO who acknowledged himself to be the Manager of BIG BEAR GULCH, LLC, and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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

*Joseph Timothy Arndt*  
Notary Public

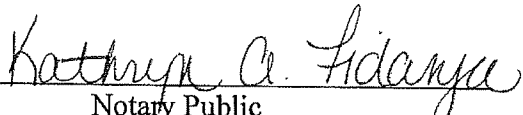


**ACKNOWLEDGMENT**

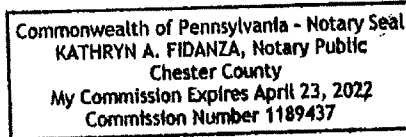
COMMONWEALTH OF PENNSYLVANIA :  
 : SS  
 COUNTY OF CHESTER :

On this 8<sup>th</sup> day of July, 2021, before me, the undersigned officer, personally appeared Ryan M. Jennings, Esquire (Attorney I.D. No. 309145), known to me (or satisfactorily proven) to be a member of the bar of the highest court of said state, certified that he was personally present when Theodore Murphy, Esquire, who acknowledged himself as Chairman of the West Goshen Sewer Authority, and being authorized to do so, executed the within instrument, and in due form of law, acknowledged the instrument to be his act and deed and that he executed it for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

  
 Notary Public

My Commission Expires:



COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF CHESTER :

On the \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned officer, personally appeared \_\_\_\_\_ who acknowledged himself/herself to be the \_\_\_\_\_ of the WEST GOSHEN TOWNSHIP, and that he/she, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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

\_\_\_\_\_  
Notary Public