

83-03-43
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DEED RESTRICTION

THIS DEED RESTRICTION, Made this 23rd day of FEBRUARY, 1983, by and between the Department of Transportation, Maryland Port Administration, Grantor, and the Department of Health and Mental Hygiene, Grantee, both parties being agencies of the State of Maryland.

WHEREAS, Grantor is owner of a certain piece of land (hereinafter "Property") lying and being in Baltimore City, State of Maryland, which is more particularly described in Appendix A to this Deed Restriction, and which is shown as Parcels A, B, D and E on the plat entitled "Boundary Survey of Hawkins Point" by John E. Harms, Jr. & Associates, Inc., January 1983, attached as Appendix B hereto, both of which are expressly incorporated herein; being a portion of that parcel of land conveyed to the Maryland Port Authority (predecessor agency to the Grantor) from the United States of America by deed dated July 3, 1958 and recorded among the Land Records of Baltimore City at Liber J.F.C. 394 Page 460, and subject to the reservations and restrictions as contained therein;

WHEREAS, by Sublease of even date herewith, and recorded or intended to be recorded among the Land Records of Baltimore City, Grantor consents to the use of the Property for hazardous waste disposal facilities; and

WHEREAS, as a condition precedent to the obtaining of a state permit for a hazardous waste disposal facility, the Code of Maryland Regulations (COMAR) requires that the deed pertaining to the site in question be amended to stipulate to certain restrictions on the use of the site after completion of the disposal operations, COMAR 10.17.11.04 D (6);

NOW, THEREFORE, THIS DEED RESTRICTION WITNESSETH: that in consideration of the premises stated above, and the sum of Zero Dollars (\$0.00), the Grantor hereby grants and conveys to the Grantee, the following right, privilege and interest in the Property:

Upon completion of disposal operations on the Property, construction on the Property may not commence or be accomplished without first obtaining written authorization from the Grantee,

TO HAVE AND TO HOLD the foregoing right, privilege and interest unto and to the use of the Grantee, its successors or assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused this Deed Restriction to be executed and sealed in its name and in the name of the Board of Public Works of the State of Maryland as of the day and year first above written.

WITNESS:

W. L. Elbert

MARYLAND PORT ADMINISTRATION

By: W. Gregory Halpin (SEAL)
W. GREGORY HALPIN
Administrator

WITNESS:

Eleanor S. Hughes

APPROVED:

MARYLAND DEPARTMENT OF
TRANSPORTATION

By: Lowell K. Bridwell (SEAL)
LOWELL K. BRIDWELL
Secretary

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Thomas K. Farley
THOMAS K. FARLEY
Assistant Attorney General

ATTEST:

STATE OF MARYLAND
BOARD OF PUBLIC WORKS

By: Harry Hughes (SEAL)
Harry Hughes, Governor

By: Louis L. Goldstein (SEAL)
Louis L. Goldstein, Comptroller

Sandra R. Koester Reynolds
Sandra R. Koester, Secretary
Board of Public Works

By: William S. James (SEAL)
William S. James, Treasurer

STATE OF MARYLAND, ~~CITY OR COUNTY OF~~ Baltimore, TO WIT:

On this 8th day of March, 1983, before me the undersigned officer, personally appeared W. GREGORY HALPIN, Administrator of the Maryland Port Administration of the State of Maryland, known to me (or satisfactorily proven) to be the person who signed the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

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

My Commission Expires: July 1, 1986 Helen S. Cape
Notary Public

STATE OF MARYLAND, ~~CITY OR COUNTY OF~~ Anne Arundel, TO WIT:

On this 21st day of March, 1983, before me the undersigned officer, personally appeared LOWELL K. BRIDWELL, Secretary of the Maryland Department of Transportation of the State of Maryland, known to me (or satisfactorily proven) to be the person who signed the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

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

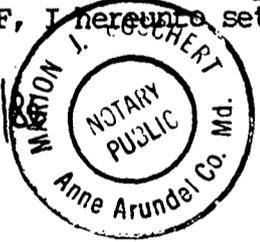
My Commission Expires: July 1, 1986 Diane T. Turley
Notary Public

STATE OF MARYLAND, CITY OR COUNTY OF Anne Arundel, TO WIT:

On this 7th day of April, 1983, before me the undersigned officer, personally appeared HARRY HUGHES, Governor of Maryland, LOUIS L. GOLDSTEIN, Comptroller of the Treasury of Maryland and WILLIAM S. JAMES Treasurer of Maryland, known to me (or satisfactorily proven) to be the persons who signed the foregoing instrument, and they severally acknowledged the same to be their act as the Board of Public Works of the State of Maryland, and the act of the State of Maryland.

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

My Commission Expires: 7/1/86 Marion J. Boschert
Notary Public



APPENDIX A

JOHN E. HARMS, JR. AND ASSOCIATES, INC. Consulting Engineers - Land Surveyors

PASADENA, MARYLAND

DESCRIPTION OF PARCELS "A", "B", "D" and "E"
BOUNDARY SURVEY OF HAWKINS POINT
BALTIMORE CITY, MARYLAND
FOR THE MARYLAND ENVIRONMENTAL SERVICE

BEGINNING for the same at a monument set at the end of the twenty eighth (28th) or North 24 degrees 41 minutes 10 seconds West 995.97 feet line of that quitclaim deed of conveyance which by deed dated July 3, 1958 and recorded among the Land Records of Baltimore City, Maryland in Liber 394 at Folio 460, was granted and conveyed by the United States of America to the Maryland Port Authority, running thence with and binding on part of the twenty ninth (29th) line of the aforementioned deed of conveyance as now surveyed,

BEING also the Southeast right-of-way line of the Chessie System Railroad (formerly B. & O. Railroad),

(1) Along the arc of a curve to the left 854.54 feet, having a radius of 988.41 feet, and being subtended by a chord of North 49 degrees 25 minutes 49 seconds West 828.17 feet to a pipe set on the Eastern right-of-way line of Quarantine Road as shown on a boundary survey plat prepared by John E. Harms, Jr & Associates, Inc., Consulting Engineers & Land Surveyors, thence running with and binding on the aforesaid right-of-way line,

(2) North 02 degrees 45 minutes 10 seconds West 100.56 feet to a pipe set, thence

(3) North 37 degrees 00 minutes 54 seconds East 92.24 feet to a pipe set, thence leaving the right-of-way line of Quarantine Road and running with and binding on the Division Line between the U.S. Gypsum Company Property and the property now being described, as shown on the aforemen-

tioned plat,

(4) North 76 degrees 47 minutes 00 seconds East 22.49 feet to a pipe set, thence

(5) Along the arc of a curve to the right 903.58 feet, having a radius of 785.00 feet, and being subtended by a chord of South 70 degrees 14 minutes 28 seconds East 854.52 feet to a pipe set at the end of the Division Line between the U.S. Gypsum Company Property and an outparcel as shown on the aforementioned plat, thence running with and binding on the Division Line between the outparcel and the property now being described,

(6) Along the arc of a curve to the right 104.87 feet, having a radius of 785.00 feet, and being subtended by a chord of South 33 degrees 26 minutes 19 seconds East 104.79 feet, thence

(7) South 29 degrees 36 minutes 43 seconds East 551.67 feet, thence

(8) North 65 degrees 20 minutes 15 seconds East 272.20 feet to the mean high tide line of Thoms Cove as located in November, 1982, thence leaving the outparcel property and running with and binding on the mean high tide line of Thoms Cove, as now surveyed, the following twelve (12) courses and distances,

(9) South 17 degrees 39 minutes 25 seconds East 68.76 feet, thence

(10) South 29 degrees 01 minutes 56 seconds East 242.18 feet, thence

(11) South 45 degrees 49 minutes 37 seconds East 266.12 feet, thence

(12) South 58 degrees 52 minutes 29 seconds East 207.71 feet, thence

(13) South 71 degrees 11 minutes 58 seconds East 249.73 feet, thence

- (14) South 83 degrees 12 minutes 12 seconds East 108.41 feet, thence
- (15) North 63 degrees 55 minutes 00 seconds East 125.54 feet, thence
- (16) North 84 degrees 10 minutes 59 seconds East 66.96 feet, thence
- (17) South 46 degrees 08 minutes 00 seconds East 111.78 feet, thence
- (18) North 89 degrees 01 minutes 20 seconds East 211.57 feet, thence
- (19) North 59 degrees 55 minutes 41 seconds East 98.00 feet, thence
- (20) North 50 degrees 47 minutes 12 seconds East 131.61 feet, thence

leaving the mean high tide line of Thoms Cove and running with and binding on the Northwest side of Dock Road as it projects to intersect the mean high tide line of Thoms Cove,

(21) South 39 degrees 29 minutes 05 seconds East 13.04 feet to intersect the Division Line between the Eastalco Aluminum Company and the property now being described, thence running with and binding on said Division Line,

(22) South 50 degrees 30 minutes 55 seconds West 795.48 feet, thence

(23) South 39 degrees 29 minutes 05 seconds East 518.86 feet to a monument set, said monument being on the Division Line between a Baltimore Gas & Electric Company right-of-way (120' wide) and the property now being described, thence running with and binding on said Division Line,

(24) South 50 degrees 30 minutes 55 seconds West 855.30 feet to a new monument set in place of the remains of an old monument found, thence

(25) South 04 degrees 51 minutes 53 seconds East 146.25 feet to a pipe found on the right-of-way line of the approach to Key Bridge (Maryland Route 695), thence leaving the aforesaid Baltimore Gas & Electric Company

right-of-way and running with and binding on the aforesaid Maryland Route 695 right-of-way line,

(26) South 50 degrees 30 minutes 55 seconds West 96.45 feet to a pipe set where the aforementioned right-of-way line intersects the twenty fifth (25th) or North 51 degrees 43 minutes 10 seconds West 483.67 feet line of the aforementioned deed of conveyance, said pipe being on and distant South 51 degrees 48 minutes 45 seconds East 177.95 feet from the end of said line, said pipe being also on the aforementioned Southeast right-of-way line of the Chessie System Railroad, thence leaving the right-of-way line of Maryland Route 695 and running with and binding on the remainder of the twenty fifth (25th) line, all of the twenty sixth (26th) line, all of the twenty seventh (27th) line, and part of the twenty eighth (28th) line of the aforementioned conveyance, being also the Southeast right-of-way line of the Chessie System Railroad,

(27) North 51 degrees 48 minutes 45 seconds West 177.95 feet to an iron bar found, thence

(28) North 34 degrees 11 minutes 45 seconds West 985.08 feet to a pipe set, thence

(29) North 29 degrees 22 minutes 15 seconds West 464.92 feet to a pipe set, thence

(30) North 24 degrees 39 minutes 45 seconds West 628.88 feet to a pipe found where the Division Line between the Cosmin Lease Property (Parcel "C") and the property now being described intersects the aforementioned twenty eighth (28th) line thence leaving the Southeast right-of-way line of

the Chessie System Railroad and running with and binding on the aforesaid Division Line,

(31) North 65 degrees 20 minutes 15 seconds East 310.00 feet to a monument set, thence

(32) North 29 degrees 36 minutes 43 seconds West 324.84 feet to a pipe set, thence

(33) South 60 degrees 23 minutes 17 seconds West 283.03 feet to a pipe set where the Division Line between the Cosmin Lease Property (Parcel "C") and the property now being described intersects the aforementioned twenty eighth (28th) line at a point on and distant South 24 degrees 39 minutes 45 seconds East 67.48 feet from the end of said line, thence running with and binding on the remainder of said line, being also the Southeast right-of-way line of the Chessie System Railroad,

(34) North 24 degrees 39 minutes 45 seconds West 67.48 feet to the place of beginning, containing 57.855 acres of land, more or less.

SUBJECT to an easement area for an entrance way to the Cosmin Lease Property (Parcel "C") as shown on the aforementioned plat and being described as follows,

BEGINNING for the same at a point on and distant North 65 degrees 20 minutes 15 seconds East 205.00 feet from the beginning of the thirty first (31st) or North 65 degrees 20 minutes 15 seconds East 310.00 feet line of this description and running thence with and binding on said thirty first (31st) line,

(1) North 65 degrees 20 minutes 15 seconds East 105.00 feet to the end of said line, thence

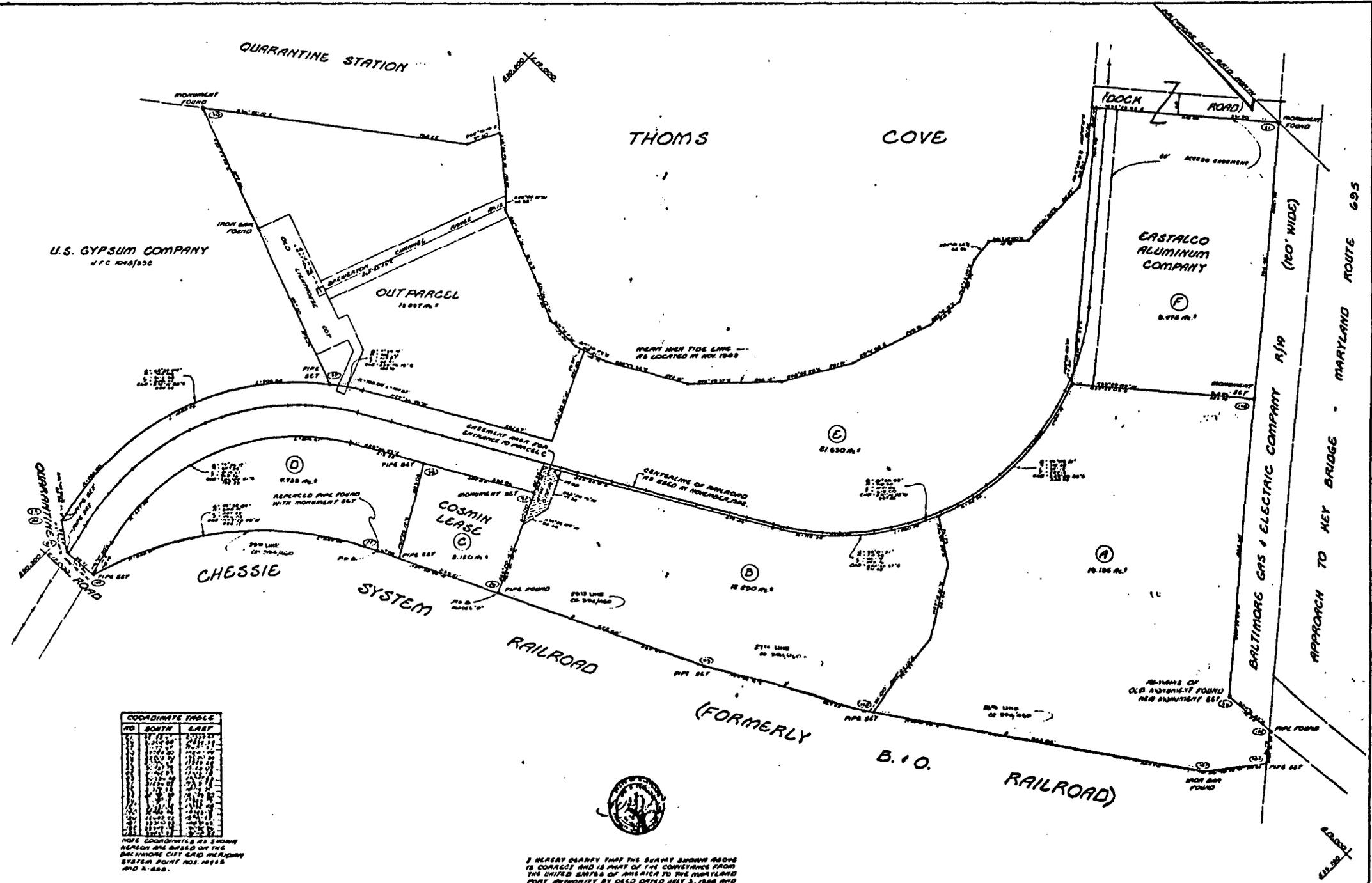
(2) North 65 degrees 20 minutes 15 seconds East 82.56 feet, thence
(3) South 29 degrees 25 minutes 41 seconds East 54.98 feet, thence
(4) South 65 degrees 20 minutes 15 seconds West 117.38 feet, thence
(5) North 78 degrees 25 minutes 04 seconds West 92.68 feet to the
place of beginning, containing 0.192 acres of land, more or less. This
easement is contained entirely within Parcel "B" as shown on the aforemen-
tioned plat.

ALSO subject to the right to ingress and egress through Parcel "E" in
favor of the Cosmin Lease Property (Parcel "C").

ALSO subject to the right to ingress and egress to the outparcel and
the existing lighthouse facility in favor of the United States of America.

ALSO subject to the right to use and maintain existing railroad facili-
ties for ingress and egress to East Alco Aluminum Company (Parcel "F") in
favor of the Chessie System Railroad.

BEING part of that parcel of land which by deed dated July 3, 1958 and
recorded among the Land Records of Baltimore City, Maryland in Liber 394 at
Folio 460, was granted and conveyed by the United States of America to the
Maryland Port Authority.



COORDINATE TABLE

NO.	EASTING	NORTH
1	1000.00	1000.00
2	1000.00	1000.00
3	1000.00	1000.00
4	1000.00	1000.00
5	1000.00	1000.00
6	1000.00	1000.00
7	1000.00	1000.00
8	1000.00	1000.00
9	1000.00	1000.00
10	1000.00	1000.00
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14	1000.00	1000.00
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77	1000.00	1000.00
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79	1000.00	1000.00
80	1000.00	1000.00
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82	1000.00	1000.00
83	1000.00	1000.00
84	1000.00	1000.00
85	1000.00	1000.00
86	1000.00	1000.00
87	1000.00	1000.00
88	1000.00	1000.00
89	1000.00	1000.00
90	1000.00	1000.00
91	1000.00	1000.00
92	1000.00	1000.00
93	1000.00	1000.00
94	1000.00	1000.00
95	1000.00	1000.00
96	1000.00	1000.00
97	1000.00	1000.00
98	1000.00	1000.00
99	1000.00	1000.00
100	1000.00	1000.00

THE COORDINATES AS SHOWN RELATE TO THE BALTIMORE CITY AND MARYLAND SYSTEM POINT NO. 10115 AND 2-555.

I HEREBY CERTIFY THAT THE SURVEY SHOWN ABOVE IS CORRECT AND IS PART OF THE CONVEYANCE FROM THE UNITED STATES OF AMERICA TO THE MARYLAND PORT AUTHORITY BY DEED DATED MAY 3, 1948 AND RECORDED UNDER THE LAND RECORDS OF BALTIMORE CITY IN BOOK 889 AT PAGE TWO.

J. W. ... 11/11/83

JOHN E. HARMS, JR. & ASSOCIATES, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
Baltimore Maryland

BOUNDARY SURVEY OF
HAWKINS POINT
BALTIMORE CITY, MD.
FOR THE MARYLAND ENVIRONMENTAL SERVICES
OF THE DEPARTMENT OF NATURAL RESOURCES

APPENDIX B

1-8-57