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Michael E. Kozikowski
New Castle Recorder DEE

Tax Parcel No. 21-010.00-016
Return to: Trustees of the New
Castle Common
P.O. Box 453
New Castle, DE 19720
Prepared by: Cooch and Taylor
C&T File No. RE10/057 APT/mmf

DEED

THIS DEED, made this 21st day of May in the year of our LORD Two Thousand Ten

BETWEEN Lena F. Deemer, of New Castle County and State of Delaware, party of the first part, Grantor

AND

Trustees of the New Castle Common, a corporation existing under the laws of the State of Delaware, of New Castle County and State of Delaware, party of the second part, Grantee.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

ALL that certain lot, piece or parcel of land with the buildings thereon erected, the remaining foundation of a barn, and the rubble from the building which suffered a fire and collapsed, situate in the Town of New Castle, New Castle County and State of Delaware, and being more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the northeasterly side of a formerly proposed 80 feet wide Avenue distant North 34 degrees 19-1/2 minutes East, 80.29 feet from a concrete monument set at the northeasterly corner of the property of the New Castle Special School District, said concrete monument being distant along the easterly boundary line of the New Castle Special School District which is the westerly boundary line of a 40 feet wide reservation (said westerly boundary line of the 40 feet wide reservation was planned to be the westerly side of a formerly proposed 100 feet wide Avenue) North 34 degrees 19-1/2 minutes East, 523.70 feet from the northeasterly side of the New Castle and Frenchtown Turnpike (at 60 feet wide), thence from said Beginning point along the northeasterly side of said formerly proposed 80 feet wide Avenue and parallel to the northeasterly boundary line of the said New Castle Special School District, North 60 degrees 34 minutes West, 297.42 feet to a corner of other lands now or formerly of the heirs of May duPont Saulsbury; thence along the boundary

GRANTEE'S ADDRESS

201 Delaware Street, P. O. Box 453
New Castle, DE 19720

TAX PARCEL NUMBER

21-010.00-016

line of other lands now or formerly of the heirs of May duPont Saulsbury the three following courses and distances: (1) North 29 degrees 26 minutes East, 208.71 feet; (2) South 60 degrees 34 minutes East, 417.42 feet and; (3) South 29 degrees 26 minutes West, 208.71 feet to a corner; thence along the extension and along the northeasterly side of said above mentioned formerly proposed 80 foot wide Avenue, North 60 degrees 34 minutes West, 120.00 feet to the place of Beginning. Containing within said metes and bounds 2.00 acres of land be the same more or less.

BEING the same lands and premises which Alice H. Potter and William S. Potter, her husband, Mary H. Browning and A. Willis Browning, her husband, Edmund H. Harvey and Jeanne B. Harvey, his wife, and Sophie H. Sharpless and C. Gordon Sharpless, her husband by deed dated June 21, 1949 and recorded in the Office of the Recorder of Deeds in and for New Castle County in Deed Record D, Volume 49, Page 414 did grant and convey unto Buddy Scranton Deemer and Lena F. Deemer, husband and wife, in fee. And the said Buddy Scranton Deemer died a resident of New Castle County, Delaware on September 6, 1988, Register of Wills #93687, leaving to survive him as surviving tenant by the entirety, the said Lena F. Deemer, party of the first part hereto.

It appears that at the time of the above described conveyances, the grantors anticipated an 80 foot wide Avenue to be opened through other land of the grantors and through lands of The Mayor and Council of New Castle for access to the New Castle and Frenchtown Turnpike. The legal description also mentions a "40 foot wide reservation" and a proposed 100 foot wide Avenue. Neither the anticipated 80 foot nor 100 foot wide Avenues were ever publicly opened or constructed. No open street shows on the current City of New Castle map for access to this parcel. The grantors at that time were the owners of the land necessary for access to the "40 foot wide reservation" for access to the New Castle and Frenchtown Turnpike. This leads to an implied easement created by the conveyance to Buddy Scranton Deemer and Lena F. Deemer because the parties would not create a land-locked parcel and in such circumstances, the common law implies an easement. The "40 foot wide reservation" is what the grantors or their predecessor in title reserved from the deed to the Mayor and Council of New Castle in deed record F volume 37, page 369 for access to the New Castle and Frenchtown Turnpike. The implied easement over other lands of the grantors is what provides access to the "40 foot wide reservation". **Therefore**, to the extent the Grantor herein, Lena F. Deemer, has any implied easement, right to use the "40 foot wide reservation", prescriptive easement, or any other rights of access from this parcel to the New Castle and Frenchtown Turnpike or other public street, the Grantor does hereby remise, release and quitclaim all such rights and interests to the Grantee herein. Grantee now owns the land where the implied easement is (deed T-74-510); therefore, Grantee has legal access to the New Castle and Frenchtown Turnpike by the implied easement over land it owns in deed T-74-510 and the "40 foot wide reservation" granted herein (which land is also is already owned by Grantee).

The Grantee does not intend to merge the two acre parcel herein conveyed with other land owned by Grantee.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her Hand and Seal the day and year aforesaid.

SEALED AND DELIVERED IN THE PRESENCE OF:

Timothy Scully
.....
Witness

Lena F. Deemer (SEAL)
.....
Lena F. Deemer

STATE OF DELAWARE)
 :
NEW CASTLE COUNTY) SS

BE IT REMEMBERED, That on this 21st day of May in the year of our LORD Two Thousand Ten, personally came before me, the Subscriber, a Notarial Officer, Lena F. Deemer, known to me personally to be such, and duly acknowledged this Indenture to be her act and deed.

GIVEN under my Hand and Seal of office, the day and year aforesaid.

Andrew F. Taylor
.....
Notarial Officer

Andrew F. Taylor, Attorney-at-Law
Notarial Officer - State of Delaware
Permanent Commission