
EXHIBIT F86

RIGHT OF WAY AGREEMENT, DATED JANUARY 1, 2011,
BY AND AMONG MARCUS HOOK BOROUGH AND DELCORA

RIGHT-OF-WAY AGREEMENT

AND NOW, this ^{5th} 1 day of January ^{5th} ~~2010~~²⁰¹¹, FOR AND IN

CONSIDERATION OF One Dollar (\$1.00), receipt of which is hereby acknowledged, MARCUS HOOK BOROUGH, a Pennsylvania municipality with its principal office located at the intersection of 10th and Green Streets, Marcus Hook, Pennsylvania 19061, hereinafter referred to as Grantor, hereby grants to DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY (DELCORA), a Pennsylvania municipal authority with its principal office located at 100 East Fifth Street, Chester, Delaware County, Pennsylvania 19013, hereinafter referred to as Grantee, its successors and assigns, a permanent sanitary sewer easement and right of way for the purpose of installing, constructing, maintaining, operating, inspecting, repairing, renewing, relocating, changing or removing such sewer facilities as Grantee may deem necessary or appropriate, including specifically the existing ejector station and all mains or pipelines running thereto or therefrom, and any appurtenances and appliances thereto. Said rights of way shall encompass the entirety of the property commonly known as Market Square Memorial Park, situate in, Marcus Hook Borough, Delaware County, Pennsylvania, comprised of Folio Nos. 24-00-00129-00, 24-00-00130-00, 24-00-00151-00, 24-00-00152-00 and 24-00-00155-01, described more fully on Exhibit A, attached hereto and made a part hereof.

The Grantor hereby reserves to itself, its successors, and assigns, the use and enjoyment of said premises except for and subject to the purposes and uses hereby granted to the Grantee provided such use and enjoyment shall not interfere with or obstruct the rights herein granted, and by the acceptance of this right-of-way the said Grantee hereby agrees to pay to the Grantor, its successors and assigns, any damages which may to Grantor's property arise from constructing, maintaining, operating, changing and removing said pipeline or equipment.

The Grantee, to the extent permitted by the Political Subdivision Tort Claims Act, hereby releases, relinquishes and discharges and agrees to protect and indemnify and save harmless Grantor from and against any and all claims, demands, actions, causes of action and liability for injury to or death of persons and for loss of or damage to property (whether it be that of either party hereto or of third persons) caused by, growing out of, or occurring in connection with any activity of Grantee or condition created by Grantee pursuant to the rights granted by this instrument, including, but not limited to, the construction, maintenance, repair or presence of the aforesaid combined sewer outfall and any appurtenances thereon, unless due to the sole negligence of Grantor.

The Grantor expressly covenants and agrees that the Grantee, its successors and assigns, may enter upon the right of way conveyed herein at any time for the purpose of inspecting, installing, maintaining, replacing, relocating and/or removing said by-pass main.

To have and to hold such right of way for the purpose aforesaid unto the said Delaware County Regional Water Quality Control Authority (DELCORA), its successors

and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and
DELCORA has caused its corporate seal to be hereunto affixed and attested, and these
presents to be signed by its duly authorized officers the day and year first above written.

BOROUGH OF MARCUS HOOK

By: Robert H. Hershey Jr.
Title: President Council
Attest: Sam M. Smith
Secretary

**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL
AUTHORITY**

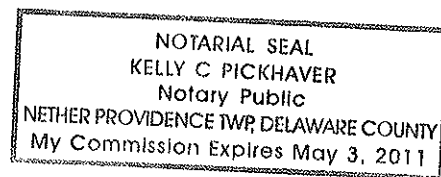
By: Joseph L. Salyucci
Joseph L. Salyucci
Executive Director
Attest: Robert A. Powell
Robert A. Powell
Business Development & Strategic
Planning Manager

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DELAWARE :

On this, the 3rd day of January, 2011, A.D., before me, a Notary Public, personally appeared JOSEPH L. SALVUCCI, who acknowledged himself to be the EXECUTIVE DIRECTOR of the DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY (DELCORA), and that he as Executive Director, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY (DELCORA) by himself as Executive Director.

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

Kelly C. Pickhaver



COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DELAWARE :

On this, the 5th day of January, 2011 A.D.,
before me, a Notary Public, personally appeared, Robert L. Kersey, President of Borough
Council of Marcus Hook Borough, who acknowledged the Borough being the Grantor in
the within Right-of-Way Agreement. In so doing, Mr. Kersey, swears that he executed the
foregoing instrument for the purposes therein contained by signing the document in the
places indicated.

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

Aubrey Elizabeth Mulholland

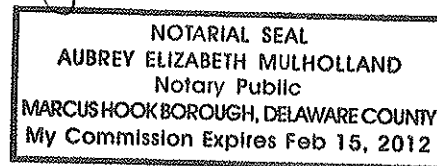


Exhibit A

A certain parcel of land situate in the Commonwealth of Pennsylvania, Delaware County, being all of the Upper Wharf, a portion of Tract Number 1 of the Marcus Hook Wharves and Ice Harbor Project, owned by the United States of America, hereinafter referenced to by Tract Number, and more particularly bounded and described as follows:

Beginning at a corner of the project boundary common to Tract Number 1 and lands now or formerly owned by the Commonwealth of Pennsylvania, being the northwest corner of the Upper Wharf, in the southern right-of-way line of Delaware Avenue, said corner being further located South $28^{\circ}54'$ West approximately 76 feet from the intersection of the northern right-of-way line of said Avenue and the western right-of-way line of Church Street; thence, leaving lands of said Commonwealth, and with said boundary, along said Avenue southern right-of-way line, a line of Tract Number 1.

North $54^{\circ}51'$ East approximately 30 feet to another corner on said boundary common to Tract Number 1 and lands of said Commonwealth; thence, leaving said Avenue southern right-of-way line and continuing with said boundary, a line between Tract Number 1 and lands of said Commonwealth, the following courses and distances:

South $32^{\circ}51'$ East approximately 248 feet,
South $57^{\circ}09'$ West approximately 8 feet,
South $32^{\circ}51'$ East approximately 30 feet,

South $32^{\circ}51'$ East approximately 72 feet, to another corner on said boundary common to Tract Number 1 and lands of said Commonwealth, on the Bulkhead Line on the northern side of the Delaware River; thence, leaving lands of said Commonwealth and along said Bulkhead, downstream, a line of Tract Number 1, continuing with said boundary the following courses and distances:

South $55^{\circ}53'$ West approximately 10 feet
South $60^{\circ}20'$ West approximately 20 feet to another corner on said boundary common to Tract Number 1 and lands of said Commonwealth, thence, leaving said Bulkhead and continuing with said boundary, a line between Tract Number 1 and lands of said Commonwealth, the following courses and distances:

North $32^{\circ}51'$ West approximately 72 feet,
North $57^{\circ}09'$ East approximately 8 feet
North $32^{\circ}51'$ West approximately 30 feet
South $57^{\circ}09'$ West approximately 8 feet
North $32^{\circ}51'$ West approximately 246 feet to the place of beginning, containing 0.25 of an acre, more or less.

The bearings used herein are referenced to a "United States Property at Marcus Hook" map, dated 12 March 1924.

and

ALL THAT CERTAIN Lot or piece of land, hereditaments and appurtenances, SITUATE in the Borough of Marcus Hook, County of Delaware and State of Pennsylvania, being designated as Tract "K" on Plan of lands in the Partition of the Estate of William McLaughlin, recorded at Media, Pennsylvania, in Orphans Court Docket "E" page 35.

SITUATE on the Southerly side of Delaware Avenue (formerly Front Street) East of an adjoining tract "J" on said Plan between Market and Church Street.

CONTAINING in front on the said Delaware Avenue, 33 feet and extending in depth Southwardly, 290 feet to the low water mark on the Delaware River.

BOUNDED on the East by lands now or late of James L. Rankin and on the West by lands now or late of the Estate of Rachel Newlin, deceased.

BEING the same premises which Joseph Ruggeri, Unmarried, by Indenture bearing date the 2nd day of March A.D. 1976 and recorded in the Office of the Recorder of Deeds &c., in and for the County of Delaware, aforesaid, in Deed Book 2563 page 149, granted and conveyed unto Anthony J. Palermo and Hildegard L. Palermo, his wife and Roger Meyerstein, in fee.

and

BEGINNING at the point formed by the intersection of the Southwesterly side of Market Street (eighty-two feet wide) and the Northwesterly side of Delaware Avenue (thirty-three feet wide); thence extending from said point of beginning, South sixty-two degrees, thirty-seven minutes, forty-one seconds West, measured along the said side of Delaware Avenue Two hundred Ten and Eighty-one one-hundredths feet to a monument in line of land now or late of Eva Vernon Lack; thence extending North Twenty-four degrees five minutes, Twenty-four second West, measured partly along the last mentioned land partly along the land now or late of S. D. Miller Two hundred Seven and Sixty-three one-hundredths feet to a point on the Southeasterly side of Second Street (thirty feet wide); thence extending North Sixty-two degrees Twenty-seven minutes Forty-one seconds East measured along the said side of Second Street One hundred Twenty-three and Forty-three one-hundredths feet to a point in line of land now or late of Donato De Palma, thence extending along the last mentioned land the two following courses and distances: (1) South Twenty-four degrees, Four minutes, Thirty seconds East Fifty-nine and Sixty-four one-hundredths feet to a point; and (2) North Sixty-two degrees, Thirty-two minutes, Forty-one seconds East Seventy-nine and Nine one-hundredths feet to a point on the Southwesterly side of Market Street aforesaid; thence extending South Twenty-seven degrees, Eighteen minutes Nineteen Seconds East measured along the said side of Market Street One hundred forty-eight and Twenty-two one-hundredths feet to the first mentioned point of intersection and place of beginning.

Being that same part and parcel of land conveyed to Grantor (formerly known as Sun Oil Company) by the United States of America by Quitclaim deed dated April 29, 1960 and registered in the Deed Registration Department of Delaware County, Pennsylvania on May 6, 1960.

and

BEGINNING at a point on the northwesterly right-of-way line of Delaware Avenue (Sixty feet wide), said point of beginning being at the distance of One hundred thirteen feet measured North Sixty-two degrees Thirty-seven minutes Forty-one seconds East along the said Northwesterly right-of-way line of Delaware Avenue from its intersection with the Northeasterly right-of-way line of Green Street (Fifty feet wide); thence from said point of beginning (1) North Twenty-three degrees Thirty-six minutes Four seconds West One hundred twenty-seven and forty-three one-hundredths feet to a point; thence (2) North Sixty-two degrees Twenty-six minutes Fifty-six seconds East Seventy-eight and ninety-three one-hundredths feet to a point; thence (3) South Twenty-four degrees Five minutes Twenty-four seconds East One hundred twenty-seven and sixty-one one-hundredths feet to a point on the Northwesterly right-of-way line of Delaware Avenue; thence (4) along the said Northwesterly right-of-way line of Delaware

Avenue South Sixty-two degrees Thirty-seven minutes Forty-one seconds West Eighty feet to the first mentioned point and place of beginning. Being known and numbered 18 Delaware Avenue.

Being that same part and parcel of land conveyed to Grantor (formerly known as Sun Oil Company) by Ettie M. Anderson, a widow, by fee simple deed dated November 4, 1960.

and

ALL THAT CERTAIN lot or piece of ground, SITUATE in the Borough of Marcus Hook, County of Delaware, State of Pennsylvania, described according to a Plan of Property for George Piasecki, Jr. made by H. Gilroy Damon Associates, Inc., Civil Engineers, Sharon Hill, Pa. dated October 29, 1970 as follows, to wit:

BEGINNING at a point in Delaware Avenue (33 feet wide, proposed to be widened to 60 feet), said point being measured North 64 degrees 50 minutes 38 seconds East, 33.84 feet from a point a corner of lands now or late of the William J. McClure Public Park; thence extending from said beginning point and along the said Delaware Avenue the two following courses and distances: (1) North 64 degrees 50 minutes 38 seconds East 25.70 feet to a point and existing pipe; and (2) North 58 degrees 51 minutes 32 seconds East 64.16 feet to a pipe, also being a corner now or late of F.M.C. Corporation; thence extending along same South 31 degrees 5 minutes 48 seconds East 349.03 feet to a point, being the established bulk head line of the Delaware River; thence extending along same South 60 degrees 19 minutes 36 seconds West 121.56 feet to a point, a corner of lands now or late of Robert Bave; thence extending along same North 25 degrees 53 minutes 4 seconds West 349.77 feet to the first mentioned point and place of beginning.

BEING the same premises which Walter T. ReDavid, Clerk of Orphan's Court of Delaware County by Deed dated 4/27/66 and recorded in Delaware County in Deed Book 2240 page 1156 conveyed unto George Piasecki, Jr. and Marilyn Piasecki, his wife.