



60 2009 00033420

Allegheny County
Valerie McDonald Roberts
Department of Real Estate
Pittsburgh, PA 15219

Instrument Number: 2009-33420

BK-DE VL-14131 PG-446

Recorded On: December 14, 2009 As-Deed Right of Way

Parties: DEEP VALLEY COAL & DISPOSAL INC

To EQUITRANS L P

of Pages: 5

Comment: AMEND & RATIFICATION & E

***** THIS IS NOT A BILL *****

Deed Right of Way	78.50
Pages > 4	0
Names > 4	0
Total:	78.50

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2009-33420
 Receipt Number: 1486224
 Recorded Date/Time: December 14, 2009 01:56:14P
 Book-Vol/Pg: BK-DE VL-14131 PG-446
 User / Station: K Hills - Cash Station 22

EQUITRANS LP
 ATTN JANICE A KRAUS
 225 NORTH SHORE DR
 PITTSBURGH PA 15212



Valerie McDonald Roberts, Manager
Dan Onorato, County Executive

Right of Way No. 28782

AMENDMENT AND RATIFICATION OF RIGHT OF WAY AND EASEMENT

This Amendment and Ratification of Right of Way and Easement (this "Agreement") is made and entered into this 4TH day of DECEMBER, 2009, effective September 24, 2007, by and between **DEEP VALLEY COAL AND DISPOSAL, INC.**, a Pennsylvania corporation, with an address of 7111 Old Steubenville Pike, Oakdale, Pennsylvania 15071, (collectively, "Grantor"), and **EQUITRANS, L.P.**, a Pennsylvania limited partnership, with an office at 225 North Shore Drive, Pittsburgh, Pennsylvania 15212 ("Grantee").

WHEREAS, Olga Fleck, Grantor (now Deep Valley Coal and Disposal, Inc.) and Grantee are parties to that certain right of way and easement agreement dated September 24, 2007, recorded in the Office of the Recorder of Allegheny County, Pennsylvania, in Deed Book 13407, at Page 87, as amended or modified from time to time, whether or not such amendments or modifications are of record (the "ROW Agreement"); and

WHEREAS, Grantor and Grantee now desire to ratify the ROW Agreement as being in full force and effect and to make certain amendments to the same.

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by Grantee to the Grantor, the receipt of which is hereby acknowledged, and other good and valuable consideration, the parties agree as follows:

1. Recitals Incorporated By Reference. Grantor and Grantee adopt the recitals set forth above as part of the ROW Agreement and such recitals are confirmed to be true and accurate by each party.

2. The ROW Agreement shall be and the same is hereby supplemented, modified and amended as follows:

a. Description of Right of Way and Easement Location. The centerline of the right of way and easement area, as described in the ROW Agreement is hereby amended and modified to be located as shown on the survey drawing dated 9/26/2007 and revised on 2/12/2008, 4/8/2008 and 2/3/2009, sheet 2 or 2, which is attached hereto for convenience but not made a part hereof and on Legal Description which is attached hereto and made a part hereof as "Exhibit A".

3. Ratification of Remaining ROW Agreement Provisions. Grantor and Grantee hereby (i) ratify and agree that the ROW Agreement is valid and in effect, (ii) agree that Grantee is not in violation of, nor has Grantee ever breached, any terms or provisions of the ROW Agreement, and (iii) ratify and affirm all of the terms and provisions of the ROW Agreement to the extent that they are not changed, altered or amended by this instrument.

4. Instrument Is Binding. The Provisions hereof shall be binding upon the parties, their heirs, legatees, devisees, personal representatives, successors, and assigns.

5. Counterparts. This instrument may be executed in one or more counterparts, each of which will be deemed to be an original copy of this instrument and all of which will be deemed to comprise one single instrument.

IN WITNESS WHEREOF, the parties have executed this instrument as of the date first set forth above.

(Remainder of Page Intentionally Left Blank)

GRANTOR:

GRANTEE:

DEEP VALLEY COAL AND DISPOSAL, INC.

EQUITRANS, L.P.

By: Patrick J. Fleck, Jr.
Typed Name: Patrick J. Fleck, Jr.
Its: Owner

By: Edward M. Nolan
Its: Executive Vice President

By: Patricia Fleck Kavic
Typed Name: Patricia Fleck Kavic
Its: Owner

COMMONWEALTH OF PENNSYLVANIA;
COUNTY OF Allegheny :

Before me, Janice A. Saltzman, a Notary Public, on this day personally appeared Patrick J. Fleck and Patricia Fleck Kavic, known to me to be the owners of DEEP VALLEY COAL AND DISPOSAL, INC., whose names are subscribed to the foregoing instrument, and acknowledged to me that said persons executed said instrument for the purposes therein expressed. Given under my hand and seal of office this 4th day of December, 2009.

(SEAL)

Janice A. Saltzman
Notary Public

My Commission expires _____

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Janice A. Saltzman, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Oct. 28, 2012
Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA;
COUNTY OF Allegheny :

Before me, Janice A. Saltzman, a Notary Public, on this day personally appeared Edward M. Nolan, known to me to be the person whose name is subscribed to the foregoing instrument, and known to be the Exec. V. President of EQUITRANS, L.P., and acknowledged to me that he executed said instrument for the purposes therein expressed as the act of said limited partnership. Given under my hand and seal of office this 7th day of December, 2009.

(SEAL)

Janice A. Saltzman
Notary Public

My Commission expires _____

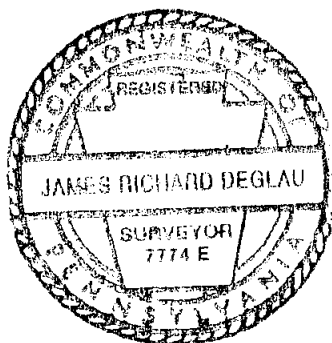
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Janice A. Saltzman, Notary Public
City of Pittsburgh, Allegheny County
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**CENTERLINE DESCRIPTION FOR AN EXISTING 50' GAS LINE
RIGHT-OF-WAY THROUGH LAND NOW OR FORMERLY OF
DEEP VALLEY SANITARY LANDFILL, INC.**

ALL that certain lot or parcel of ground situate in the Township of North Fayette, County of Allegheny and Commonwealth of Pennsylvania being bounded and described as follows, to-wit:

BEGINNING at a point on the southwesterly side of lands Now or Formerly of Parkway West Area Vocational Technical School Authority, property Now or Formerly of County of Allegheny and property of grantor herein described; thence along the dividing property line Now or Formerly of County of Allegheny and grantor herein described the following five (5) courses and distances: 1) S 07° 11' 20" E for a distance of 124.27 feet to a point; thence 2) S 80° 13' 50" E a distance of 224.60 feet to a point; thence 3) S 38° 46' 10" W a distance of 259.07 feet to a point; thence 4) S 15° 13' 50" E a distance of 290.40 feet to a point; thence 5) S 16° 13' 50" E a distance of 250.82 feet to a point at the TRUE PLACE OF BEGINNING; thence by a line through property of grantor herein described the following thirteen (13) courses and distances: 1) N 89° 53' 44" W a distance of 10.70 feet to a point; thence 2) N 46° 02' 12" W a distance of 71.50 feet to a point; thence 3) S 82° 09' 29" W a distance of 59.04 feet to a point; thence 4) N 55° 08' 34" W a distance of 8.23 feet to a point; thence 5) N 09° 06' 58" W a distance of 109.40 feet to a point; thence 6) N 11° 30' 30" W a distance of 151.83 feet to a point; thence 7) N 21° 46' 12" W a distance of 77.62 feet to a point; thence 8) N 25° 31' 48" W a distance of 75.66 feet to a point; thence 9) N 27° 25' 46" W a distance of 86.82 feet to a point; thence 10) N 36° 18' 30" W a distance of 78.73 feet to a point; thence 11) N 47° 30' 01" W a distance of 77.73 feet to a point; thence 12) N 49° 27' 29" W a distance of 79.21 feet to a point; thence 13) N 49° 44' 41" W a distance of 74.53 feet to a point, said point being a distance of 292.99 feet from the westerly dividing property line Now or Formerly of County of Allegheny and property of grantor herein described.

BEING designated as Block 411-K, Lot 01 in the Deed Registry Office of Allegheny County, Pennsylvania.



Respectfully Submitted,

Deglau Engineering

James R. Deglau, R.S.

James R. Deglau, R.S.

No. 28782

AMENDMENT OF RIGHT OF WAY

DEEP VALLEY COAL AND DISPOSAL

AND

EQUITRANS, L.P.

MAIL TO: Janice A. Kraus
Equitrans, L.P.
225 North Shore Drive
Pittsburgh, PA 15212