



60 2006 00042156

Allegheny County
Valerie McDonald Roberts
Recorder of Deeds
Pittsburgh, PA 15219

Instrument Number: 2006-42156

Recorded On: December 19, 2006 As-Deed Agreement

Parties: PHILLIPS T W GAS & OIL CO

To PENNSYLVANIA COMWTH BY DEP TRANS

of Pages: 7

Comment: TERM R OF W

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

Deed Agreement		49.00
Pages > 4	2	
Names > 4	0	
Total:		49.00

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Allegheny County, PA

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

File Information:

Record and Return To:

Document Number: 2006-42156
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User / Station: S Brletic - Cash Station 25

MEYER UNKOVIC & SCOTT
WILL CALL
PITTSBURGH PA 15219



Valerie McDonald-Roberts Recorder of Deeds

**PARTIAL RELEASE, DISCHARGE AND
TERMINATION OF RIGHT-OF-WAY**

THIS PARTIAL RELEASE, DISCHARGE AND TERMINATION OF RIGHT-OF-WAY ("Partial Release") is made as of this 14th day of December, 2006 by **T. W. PHILLIPS GAS AND OIL CO.** (hereinafter referred to as "T. W. Phillips") in favor of HIGHLAND MALL SHOPPES, L.P., a Pennsylvania limited partnership (hereinafter referred to as "Owner") and the **COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION** (hereinafter referred to as "PennDOT"), and provides as follows:

WHEREAS, T. W. Phillips owns a right-of-way (hereinafter referred to as the "Right-of-Way") across certain property situate in Harrison Township, Allegheny County, Pennsylvania, as more particularly described on Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), pursuant to a Pipeline Right of Way Agreement dated as of September 9, 2005 and recorded in the Allegheny County Recorder of Deeds Office at Deed Book Volume 12590, page 83; and

WHEREAS, Owner desires to dedicate the Property to PennDOT by Deed of Dedication; and

WHEREAS, PennDOT requires that the Right-of-Way be extinguished and released prior to the acceptance of a Deed of Dedication for the Property; and

WHEREAS, T. W. Phillips has agreed to extinguish the Right-of-Way over and across the Property.

NOW THEREFORE, for good and valuable consideration, and intending to be bound hereby, T. W. Phillips hereby releases and forever quitclaims to Owner and PennDOT, their successors and assigns, all of T. W. Phillips' right, title and interest in the Right-of-Way over and across the Property, as shown on the map attached hereto as Exhibit "B".

It is the intent of this Partial Release that all rights T. W. Phillips had under the Right-of-Way over and across the Property shall be forever extinguished, and that PennDOT, upon acceptance of the Deed of Dedication for the Property, shall have and enjoy the Property free and absolutely discharged from the Right-of-Way.


This Partial Release shall be recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania.

[SIGNATURES ON FOLLOWING PAGE]


IN WITNESS WHEREOF, the undersigned, intending to be legally bound, has caused this Partial Release, Discharge and Termination of Right-of-Way to be executed as of the day and year first above written.

ATTEST

T. W. PHILLIPS GAS AND OIL CO.



Secretary

By: 

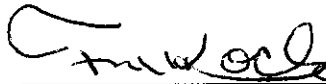
Vice President -
Operations and Engineering

ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF BUTLER)

On this the 13th day of December, 2006, before, a Notary Public, the undersigned officer, personally appeared Keith A. Swanton who acknowledged himself to be the Vice President - Operations and Engineering of T. W. PHILLIPS GAS AND OIL CO., and that he, as such Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation on behalf of and as such Officer.

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



Notary Public

Notarial Seal
Frank J. Keon, Jr., Notary Public
City Of Butler, Butler County
My Commission Expires Mar. 14, 2007
Member, Pennsylvania Association Of Notaries

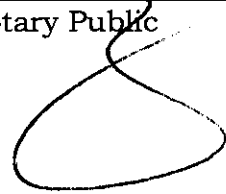
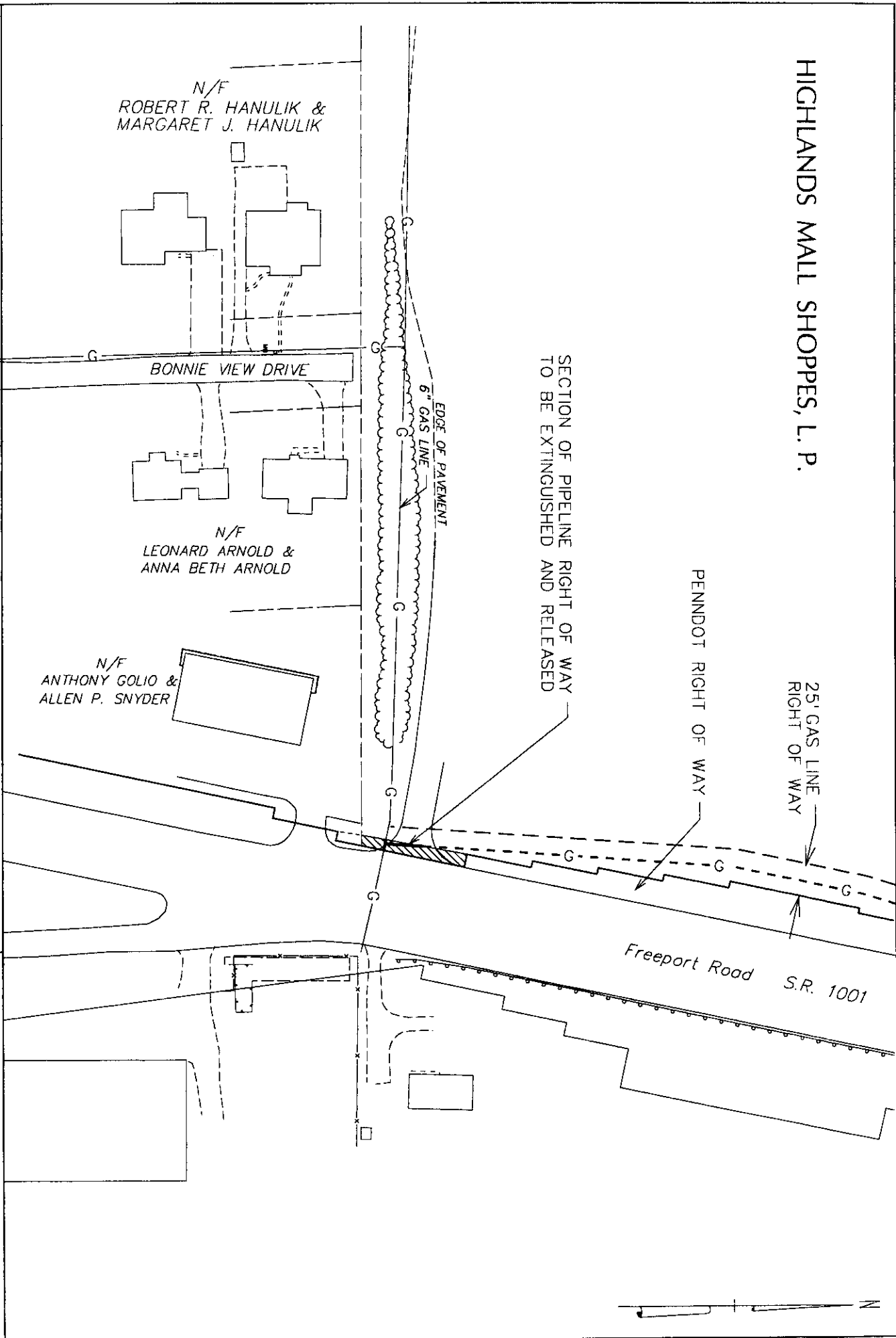




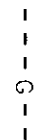
EXHIBIT "A"
LEGAL DESCRIPTION

ALL those certain parcels of land situate in the Township of Harrison, Allegheny County, Pennsylvania, being all of Parcel D in the Highlands Mall Plan of Lots of record in the Recorder's Office of Allegheny County, Pennsylvania in Plan Book Volume 255, page 59.

BEING designated as a part of Block 1846-B, Lot 120.

HIGHLANDS MALL SHOPPES, L. P.



 PROPERTY TO BE ACQUIRED BY PENNDOT (PARCEL D)
 SECTION OF PIPELINE RIGHT OF WAY TO BE EXTINGUISHED AND RELEASED
 GAS LINE LOCATION PER SEPTEMBER 2005 RIGHT OF WAY AGREEMENT

Highlands Mall Shoppes, L. P.
 Release and Extinguishment
 of Gas Line Right of Way
 TWP.: HARRISON
 SCALE: 1" = APPROX. 100'
 CO.: ALLEGHENY
 DATE: DEC. 13, 2006

T.W. PHILLIPS
 GAS AND OIL CO.
 206 NORTH MAIN STREET
 BUTLER, PENNSYLVANIA 16001

**PARTIAL RELEASE,
DISCHARGE AND
TERMINATION OF
RIGHT-OF-WAY**

T.W. PHILLIPS GAS AND OIL CO.

In favor of

HIGHLAND MALL SHOPPES, L.P.,

a Pennsylvania
limited partnership

(the "Owner")

WILL CALL



J. Robert Hanlon, Jr., Esquire

(412) 456-2839
