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Book 05063 Page 0807  
No. Pages 0014  
Instrument DEED W/O ABSTRA  
Date : 7/02/2002  
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PRINCETON UNIVERSITY TRUSTEES  
OF

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STATE OF NEW JERSEY

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ELAINE FLYNN  
COUNTY CLERK



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Cover sheet is part of Middlesex County filing record

**Retain this page for future reference**

Not part of the original submitted document

B05063P-807

Prepared by and  
Record and Return to:

02 JUL 2 PM 1:47

G. Christopher Baker, Esq.  
McCARTHY AND SCHATZMAN, P.A.  
P.O. Box 2329  
Princeton, NJ 08540-2329

BOOK #  
PAGE #  
# OF PAGES

R/R TO  
**ACRES LAND TITLE AGENCY INC.**  
P.O. Box 769  
286 Essex St  
Millburn, NJ 07041  
Case No. 249002

### BERM MAINTENANCE EASEMENT AGREEMENT

THIS BERM MAINTENANCE EASEMENT AGREEMENT made this 24<sup>th</sup> day of June, 2002, between THE TRUSTEES OF PRINCETON UNIVERSITY, a New Jersey corporation, having an office at 105 College Road East, Princeton, New Jersey 08540 (herein called "Princeton") and BARCLAY SQUARE AT PRINCETON FORRESTAL, L.L.C., having an address at 1065 Route 22 West, Bridgewater, New Jersey 08807 (herein called "Barclay Square").

#### WITNESSED THAT:

WHEREAS, by Deed bearing even date herewith and executed and delivered immediately prior to this Agreement, Princeton granted and conveyed to Barclay Square a certain tract of land (herein called "Premises") situated in Plainsboro Township, Middlesex County, New Jersey, known and designated on the Plainsboro Township Tax Map as Lot 3.04, in Block 4, and more particularly described in Exhibit A attached hereto and by this reference made a part hereof; and

WHEREAS, Princeton is the owner of a certain tract of land (herein called "Retained Land") situated in Plainsboro Township, Middlesex County, New Jersey, known and designated on the Plainsboro Township Tax Maps as Lot 3.05, in Block 4, and more particularly described in Exhibit B attached hereto and by this reference made a part hereof; and

WHEREAS, Barclay Square has created a berm on a portion of the Retained Land (herein called "Easement Area"), more particularly described in Exhibits C1 and C2 attached hereto and by this reference made a part hereof, pursuant to a remedial approval granted by the New Jersey Department of Environmental Protection (herein called "NJDEP") relating to dieldrin-contaminated soil; and

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B05063P-808

WHEREAS, Princeton has imposed a Deed Notice on the Easement Area pursuant to the remedial approval granted by the NJDEP, which Deed Notice was recorded in the Office of the Middlesex County Clerk on February 13, 2002, in Deed Book 05016, Page 001 &c.

WHEREAS, the parties hereto desire to provide for the installation of landscaping and the maintenance of the landscape berm in the future;

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the parties hereto agree as follows:

1. Barclay Square, at its own cost and expense, shall plant landscaping on the berm created by it within the Easement Area in accordance with the plans attached hereto as Exhibits D1 and D2 and by this reference made a part hereof. Such installation of the landscaping shall be installed no later than 24 months from date of closing.

2. Barclay Square shall maintain, at its own cost and expense, in the portion of the landscape berm within the Easement Area from the centerline of the Easement Area to the eastern boundary of the Premises.

3. Princeton shall maintain, at its own cost and expense, the portion of the landscape berm within the Easement Area from the centerline of the Easement Area to the eastern boundary of the Easement Area. Any modifications or additions to the landscaping in the Easement Area previously installed by Barclay Square which are required in connection with the future development of the Retained Land shall be the sole responsibility of Princeton.

4. Princeton hereby grants to Barclay Square, its successors and assigns, a nonexclusive right and easement, the same to be appurtenant to and run with the Premises, to use the Easement Area for the purpose of installing landscaping in accordance with Paragraph 1 hereof and for the purpose of maintaining the same pursuant to Paragraph 2 hereof, provided, however:

(a) Barclay Square shall, at its sole cost and expense, acquire and maintain or cause to be acquired and maintained at all times hereunder policies of general and public liability insurance in the amount of not less than two million (\$2,000,000.00) dollars per occurrence, which shall be increased to commercially reasonable amounts and coverages in the future in accordance with generally prevailing standards for insurance in the area for first class office parks. Princeton shall be named as an additional insured party under such policy. Prior to commencing any work within the Easement Area as contemplated hereby, Barclay Square shall submit to Princeton certificates of insurance confirming such insurance coverage. Such insurance

coverage shall include a provision that the policy shall not be canceled or allowed to expire until at least thirty (30) days' prior written notice has been given to the Princeton. If such insurance shall lapse for any reason and is not restored within ten (10) days following written notification thereof by Princeton, then Princeton may terminate Barclay Square's rights hereunder, effective upon written notice to Barclay Square.

(b) Barclay Square shall indemnify, defend and hold harmless Princeton from and against any and all liability, loss, damages, claims or expenses of any kind, including, without limitation, claims or liabilities for damage or injury to persons or property, and reasonable attorneys' fees, caused by or arising out of, the alteration, maintenance, replacement, repair, inspection, operation and use of the landscape berm by Barclay Square or anyone for whom Barclay Square is legally responsible, or any other exercise of Barclay Square's rights contained herein or otherwise caused by or arising out of, or resulting from the presence of, the landscape berm within the Easement Area. Nevertheless, Barclay Square shall not be obligated to indemnify or reimburse Princeton to the extent that such liability, loss, damage, claim, or expense shall have been caused by Princeton's gross negligence or intentional misconduct.

5. This Agreement and the covenants, agreements and easements contained herein shall be binding upon and inure to the benefit of Princeton and Barclay Square and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first written above.

THE TRUSTEES OF PRINCETON  
UNIVERSITY

By:

  
Christopher McCrudden,  
Treasurer

BARCLAY SQUARE AT PRINCETON  
FORRESTAL CENTER, L.L.C.

By:

  
KENNETH S. PIZZO, SR.  
MANAGING MEMBER

STATE OF NEW JERSEY                    )  
    ) ss.:  
COUNTY OF MIDDLESEX                    )

I CERTIFY that on June 20, 2002, CHRISTOPHER McCRUDDEN, personally came before me, a Notary Public of the State of New Jersey, and this person acknowledged under oath, to my satisfaction, that:

(a) this person signed and delivered the attached document as the Treasurer of The Trustees of Princeton University, the corporation named in this document; and

(b) this document was signed and made by the corporation as its voluntary act and deed by virtue of authority from its Board of Trustees.

Sworn to and subscribed  
before me this day 20  
of June, 2002.

Diane Vernickas

DIANE VERNICKAS  
Notary Public of New Jersey  
My Commission Expires Dec. 12, 2005

805063P-811

STATE OF *New Jersey* )  
ss.:  
COUNTY OF *Essex* )

BE IT REMEMBERED that on *June 24*, 2002, before me,  
the subscriber, a Notary Public of the State of New Jersey, personally appeared  
**KENNETH S. PIZZO, Sr.** Managing Member of BARCLAY SQUARE AT PRINCETON  
FORRESTAL, L.L.C., and he signed the foregoing instrument in such capacity and that  
said Instrument is the voluntary act and deed of said limited liability company, made  
by virtue of authority from its Management Committee.

Sworn to and subscribed  
before me this *24* day  
of *June*, 2002.

*Barnet H. Epstein*  
BARNET H. EPSTEIN  
ATTORNEY AT LAW OF N.J.

8050637-812

125

Phone: (609) 243-0428  
 Fax: (609) 987-0005

**NASSAU SURVEYING**  
 Division of Van Note-Harvey Associates, P.C.  
 Land Surveyors  
 777 Alexander Road  
 P.O. Box 3227  
 Princeton, New Jersey 08543-3227

<http://www.vannoteharvey.com>  
 E-mail: vnhu@aol.com

Order No. 04-11-32050-15  
 Plainsboro Township Tax Map  
 Sheet 2  
 Block 4  
 Proposed Lot 3.04

**DESCRIPTION OF PROPOSED LOT 3.04**  
 IN BLOCK 4 AS SHOWN ON SHEET 2 OF  
 THE PLAINSBORO TOWNSHIP TAX  
 MAP, SITUATE, LYING AND BEING IN  
 THE TOWNSHIP OF PLAINSBORO,  
 COUNTY OF MIDDLESEX, STATE OF  
 NEW JERSEY

January 17, 2001  
 Revised March 2, 2001  
 Revised May 3, 2002

**BEGINNING** at a **POINT** in the existing northerly right-of-way line of Seminary Road, 16.5 feet as measured at right-angles from the centerline thereof, said point being the easterly terminus of a 426.37 foot radius connecting the said existing northerly right-of-way line of Seminary Road with the new northeasterly right-of-way line of Seminary Road, and from said **BEGINNING POINT** running, thence;

- (1) Along the aforesaid new northeasterly right-of-way line of Seminary Road, the following two (2) courses: Along a curve bearing to the right in a northwesterly direction, having a radius of 426.37 feet, an arc length of 325.73 feet, a delta angle of 43 degrees 46 minutes 18 seconds, to a point of compound curvature, thence;
- (2) Along a curve bearing to the right in a northwesterly direction, having a radius of 367.00 feet, an arc length of 104.05 feet, a delta angle of 16 degrees 14 minutes 38 seconds, to a point, said point being the southwesterly terminus of a transition line connecting the aforesaid new northeasterly right-of-way line of Seminary Road with a new easterly right-of-way line of Mapleton Road, variable width, thence;
- (3) Along the aforesaid transition line, N 35 degrees 16 minutes 59 seconds E, 40.41 feet to a point in the aforesaid new easterly right-of-way line of Mapleton Road, thence;
- (4) Along Mapleton Road, the following seven (7) courses: Along a curve bearing to the right in a northerly direction, having a radius of 337.00 feet, an arc length of 44.03 feet, a delta angle of 07 degrees 29 minutes 10 seconds, to a point, thence;
- (5) N 48 degrees 43 minutes 32 seconds W, 40.34 feet to a point, thence;
- (6) Along a curve bearing to the right in a northerly direction, having a radius of 367.00 feet, an arc length of 210.21 feet, a delta angle of 32 degrees 49 minutes 05 seconds, to a point, thence;
- (7) N 34 degrees 17 minutes 44 seconds E, 66.74 feet to a point of curvature, thence;
- (8) Along a curve bearing to the left in a northeasterly direction, having a radius of 625.48 feet, an arc length of 61.33 feet, a delta angle of 05 degrees 37 minutes 04 seconds, to a point, thence;
- (9) N 34 degrees 17 minutes 45 seconds E, 578.61 feet to a point of curvature, thence;
- (10) Along a curve bearing to the left in a northerly direction, having a radius of 3,634.75 feet, an arc length of 473.69 feet, a delta angle of 07 degrees 28 minutes 01 second, to a point in the southerly line of Lot 3.021 in Block 99, said point also being in the municipal boundary line between South Brunswick Township, to the north, and Plainsboro Township, to the south, thence;

- (11) Along the southerly line of said lands, S 74 degrees 01 minute 15 seconds E, 404.45 feet to a point corner to Proposed Lot 3.05 in Block 4, thence;
- (12) Along said lands, the following three (3) courses: S 15 degrees 14 minutes 55 seconds W, 760.96 feet to a point, thence;
- (13) S 74 degrees 45 minutes 05 seconds E, 38.15 feet to a point, thence;
- (14) S 15 degrees 14 minutes 55 seconds W, 860.00 feet to a point in the aforesaid northerly right-of-way line of Seminary Road, said point having NJSHP values of N 555785.792, E 2013338.101, thence;
- (15) Along said right-of-way line, N 74 degrees 49 minutes 45 seconds W, 412.52 feet to the **POINT** and **PLACE** of **BEGINNING**.

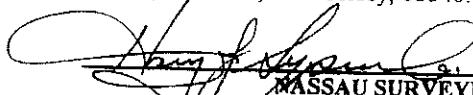
Containing 1,029,921 square feet or 23.644 acres of land more or less.

The above described premises being subject to or together with any easements as shown on the hereinafter referenced plan.

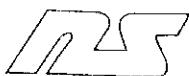
The above described premises being subject to or together with any other easements and/or declarations of record.

The above described premises as being shown on a certain map entitled "Preliminary/Final Subdivision Plan of Property of Trustees of Princeton University," situate in Plainsboro Township, Middlesex County, N.J., Scale: 1" = 100', prepared by Nassau Surveying, a Division of Van Note-Harvey Associates, P.C., dated June 15, 2000, and duly filed in the Middlesex County Clerk's Office on May 30, 2001 as Map No. 6123, File No. 985.

According to a description by Nassau Surveying, a Division of Van Note-Harvey Associates, P.C., Land Surveyors, 777 Alexander Road, Princeton, New Jersey, 08540.

  
MASSAU SURVEYING  
DIVISION OF VAN NOTE-HARVEY ASSOCIATES, P.C.  
HARRY J. SYPNIEWSKI  
NEW JERSEY LAND SURVEYOR #20808

805063P-814



Phone: (609) 243-0428  
Fax: (609) 987-0005

**NASSAU SURVEYING**  
Division of Van Note-Harvey Associates, P.C.  
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Princeton, New Jersey 08543-3227

<http://www.vannotcharvey.com>  
E-mail: [vnha@aol.com](mailto:vnha@aol.com)

Order No. 04-11-32050-15  
Plainsboro Township Tax Map  
Sheet 2  
Block 4  
Proposed Lot 3.05

**DESCRIPTION OF PROPOSED LOT 3.05**  
IN BLOCK 4 AS SHOWN ON SHEET 2 OF  
THE PLAINSBORO TOWNSHIP TAX  
MAP, SITUATE, LYING AND BEING IN  
THE TOWNSHIP OF PLAINSBORO,  
COUNTY OF MIDDLESEX, STATE OF  
NEW JERSEY

January 17, 2001  
Revised March 2, 2001  
Revised May 3, 2002

**BEGINNING** at a **POINT** in the northerly right-of-way line of Seminary Road, 16.5 feet as measured at right-angles from the centerline thereof, said point being S 74 degrees 49 minutes 45 seconds E, 412.52 feet, along said right-of-way line, from the easterly terminus of a 426.37 foot radius connecting the said northerly right-of-way line of Seminary Road with the new northeasterly right-of-way line of Seminary Road, and from said **BEGINNING POINT** running, thence;

- (1) Along Proposed Lot 3.04 in Block 4, the following three (3) courses: N 15 degrees 14 minutes 55 seconds E, 860.00 feet to a point, thence;
- (2) N 74 degrees 45 minutes 05 seconds W, 38.15 feet to a point, thence;
- (3) N 15 degrees 14 minutes 55 seconds E, 760.96 feet to a point in the southerly line of Lot 3.021 in Block 99, said point also being in the municipal boundary line between South Brunswick Township, to the north, and Plainsboro Township, to the south, thence;
- (4) Along said lands, S 74 degrees 01 minutes 15 seconds E, 1,240.92 feet to a point corner to Lot 4.03 in Block 4, said point having NJSHP values of N 557018.105, E 2014920.593, thence;
- (5) Along said lands, the following three (3) courses: S 14 degrees 43 minutes 45 seconds W, 358.02 feet to a point, thence;
- (6) N 73 degrees 44 minutes 45 seconds W, 526.02 feet to a point, thence;
- (7) S 17 degrees 00 minutes 15 seconds W, 1,256.08 feet to a point in the aforesaid northerly right-of-way line of Seminary Road, said point having NJSHP values of N 555617.911, E 2013957.238, thence;
- (8) Along said right-of-way line, the following two (2) courses: N 74 degrees 45 minutes 05 seconds W, 2.08 feet to a point, thence;
- (9) N 74 degrees 49 minutes 45 seconds W, 639.41 feet to the **POINT** and **PLACE** of **BEGINNING**.

Containing 1,290,508 square feet or 29.626 acres of land more or less.

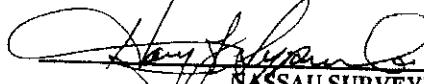
The above described premises being subject to or together with any easements as shown on the hereinafter referenced plan.

The above described premises being subject to or together with any other easements and/or declarations of record.

305063P-815

The above described premises as being shown on a certain map entitled "Preliminary/Final Subdivision Plan of Property of Trustees of Princeton University," situate in Plainsboro Township, Middlesex County, N.J., Scale: 1" = 100', prepared by Nassau Surveying, a Division of Van Note-Harvey Associates, P.C., dated June 15, 2000, and duly filed in the Middlesex County Clerk's Office on May 30, 2001 as Map No. 6123, File No. 985.

According to a description by Nassau Surveying, a Division of Van Note-Harvey Associates, P.C., Land Surveyors, 777 Alexander Road, Princeton, New Jersey, 08540.

  
NASSAU SURVEYING  
DIVISION OF VAN NOTE-HARVEY ASSOCIATES, P.C.  
HARRY J. SYPNIEWSKI  
NEW JERSEY LAND SURVEYOR #20808

305063P-816



# LYNCH, GIULIANO & ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND AND HYDROGRAPHIC SURVEYORS  
 MARINE CONSULTING • ENVIRONMENTAL STUDIES • LAND PLANNERS  
 LANDSCAPE ARCHITECTS

0662-21

John L. Wuestneck  
 Michael J. Giuliano  
 David G. Eareckson

December 12, 2001

#### Registered Professional Staff:

Donald M. Abbott  
 Eric R. Ballou  
 Frank J. Barlowski  
 Jeffrey J. Carr  
 Paul D. Cray  
 Frank R. DeSantis

Richard A. Finlay  
 Steven J. Lopes  
 John W. McCord Sr.  
 Thomas Pianetti  
 Andrew W. Raichle  
 Michael S. Sinnema  
 R. Niels Sperling

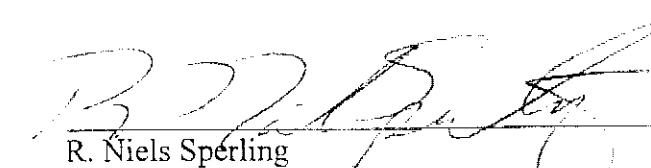
## DESCRIPTION OF BERM EASEMENT SITUATED IN PLAINSBORO TOWNSHIP, MIDDLESEX COUNTY, NEW JERSEY

Being within Lot 3.05 Block 4. Said Lot and Block as shown on a map entitled "Preliminary/Final Subdivision Plan of Property of Trustees of Princeton University" filed 5/30/01 as map no. 6123, file no. 985.

BEGINNING at a point on the municipal boundary line between South Brunswick and Plainsboro Township at the division line between Lots 3.04 and 3.05 Block 4. Said point also being distant 404.45 feet measured along said municipal boundary line, in an easterly direction from the easterly line, (36.00 feet from centerline), of Mapleton Road. Thence running:

- 1) Along said municipal boundary, South 73 degrees 48 minutes 46 seconds East, 100.00 feet to a point; thence
- 2) South 15 degrees 27 minutes 24 seconds West, 659.68 feet to a point; thence
- 3) South 74 degrees 32 minutes 36 seconds East, 38.15 feet to a point; thence
- 4) South 15 degrees 27 minutes 24 seconds West, 959.86 feet to a point on the northerly line of Seminary Drive (33.00 feet Right-Of-Way); thence
- 5) Along said line North 74 degrees 32 minutes 36 seconds West, 100.00 feet to a point; thence
- 6) North 15 degrees 27 minutes 24 seconds East, 860.00 feet to a point; thence
- 7) North 74 degrees 32 minutes 36 seconds West, 38.15 feet to a point; thence
- 8) North 15 degrees 27 minutes 24 seconds East, 760.96 feet to the point and place of BEGINNING.

Containing 165,844 s.f.

  
 R. Niels Sperling  
 Professional Land Surveyor  
 New Jersey License #27503





# LYNCH, GIULIANO & ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND AND HYDROGRAPHIC SURVEYORS  
MARINE CONSULTING • ENVIRONMENTAL STUDIES • LAND PLANNERS  
LANDSCAPE ARCHITECTS

0662-21

John L. Wuestneck  
Michael J. Giuliano  
David G. Eareckson

December 12, 2001

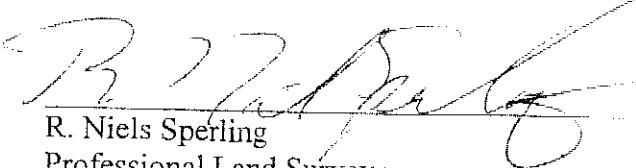
**DESCRIPTION OF BERM MAINTENANCE EASEMENT  
SITUATED IN  
PLAINSBORO TOWNSHIP, MIDDLESEX COUNTY, NEW JERSEY**

Being within Lot 3.05 Block 4. Said lot and block as shown on a map entitled "Preliminary/Final Subdivision Plan of Property of Trustees of Princeton University" filed 5/30/01 as map no. 6123, file no. 985.

BEGINNING at a point on the municipal boundary line between South Brunswick and Plainsboro Township at the division line between Lots 3.04 and 3.05 Block 4. Said point also being distant 404.45 feet measured along said municipal boundary line, in an easterly direction from the easterly line (36.00 feet from centerline) of Mapleton Road. Thence running:

- 1) Along said municipal boundary, South 73 degrees 48 minutes 46 seconds East, 50.00 feet to a point; thence
- 2) South 15 degrees 27 minutes 24 seconds West, 710.32 feet to a point; thence
- 3) South 74 degrees 32 minutes 36 seconds East, 38.15 feet to a point; thence
- 4) South 15 degrees 27 minutes 24 seconds West, 909.93 feet to a point on the northerly line of Seminary Drive (33.00 feet Right-Of-Way); thence
- 5) Along said line North 74 degrees 32 minutes 36 seconds West, 50.00 feet to a point; thence
- 6) North 15 degrees 27 minutes 24 seconds East, 860.00 feet to a point; thence
- 7) North 74 degrees 32 minutes 36 seconds West, 38.15 feet to a point; thence
- 8) North 15 degrees 27 minutes 24 seconds East, 760.96 feet to the point and place of BEGINNING.

Containing 82,938 s.f.

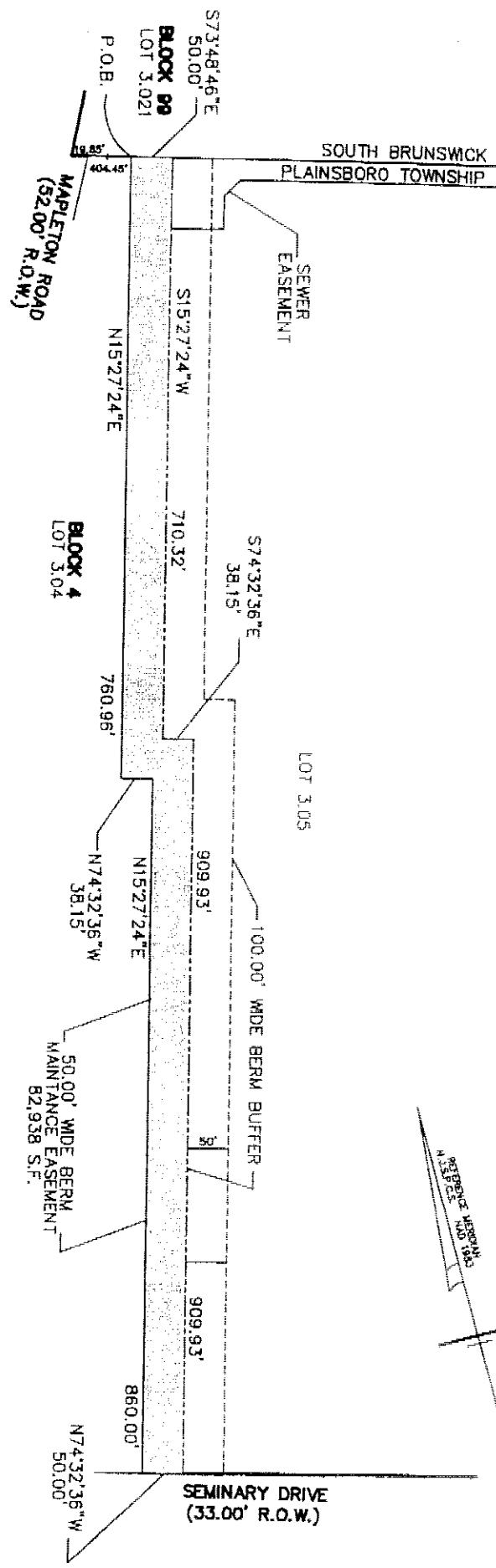
  
R. Niels Sperling  
Professional Land Surveyor  
New Jersey License #27503

805063P-819

H:\WINWORD\06620021\DESC\Berm Buffer Easement.doc

REPLY TO:  582 PLAZA TERRACE EAST • BRICK • NEW JERSEY • 08723 • TEL: (732) 477-3330 • FAX: (732) 477-4285  
 23 CHAPEL AVENUE • JERSEY CITY • NEW JERSEY • 07305 • TEL: (201) 915-5183 • FAX: (201) 333-7084  
 95A CONNECTICUT DRIVE • BURLINGTON • NEW JERSEY • 08016 • TEL: (609) 239-4378 • FAX: (609) 239-4567

GENERAL NOTES:  
 1. BOUNDARY SHOWN HEREON BASED ON PLAN ENTITLED  
 "PRELIMINARY/FINAL SUBDIVISION PLAN OF PROPERTY OF  
 TRUSTEES OF PRINCETON UNIVERSITY, SITUATED IN PLAINSBORO  
 TOWNSHIP, MIDDLESEX COUNTY NEW JERSEY," PREPARED BY  
 NASSAU SURVEYING DATED 9/28/00 LAST REVISED 3/19/01. SAID  
 PLAN BEING FILED IN THE MIDDLESEX COUNTY CLERK'S OFFICE ON  
 5/30/01 AS MAP 6123 FILE NO. 985.



**PLAN OF 50.00' BERM MAINTENANCE EASEMENT  
LOT 3.05 BLOCK 4**

SITUATED IN  
PLAINSBORO TOWNSHIP, MIDDLESEX COUNTY, NEW JERSEY

PREPARED BY

**LYNCH, GIULIANO & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 LAND PLANNERS  
 LAND SURVEYORS

**R. NIELS SPERLING, P.L.S., P.P.**

Michael J. Giuliano, Jr. PE No 23314 PROFESSIONAL LAND SURVEYOR  
 John L. Wustneck PE No 36698 N.J. Lic. No. 27503  
 David G. Eberle PE No 42244 Date 2/23/01

| File No. | Date:    | Drawn By: | Scale:  | Revisions: |
|----------|----------|-----------|---------|------------|
| 0662-21  | 12/04/01 | RAO       | 1"=200' |            |

BU5063P-820

5063-820