

MIDDLESEX COUNTY CLERK

Return To:

MCCARTHY AND SCHATZMAN  
731 ALEXANDER ROAD  
SUITE 201 PO BOX 2329  
PRINCETON NJ 08543

TRUSTEES OF PRINCETON <sup>University</sup>~~UNIVERSITY~~  
~~ITY~~

Index DEED BOOK

Book 05498 Page 0605

No. Pages 0010

Instrument DEED W/O ABSTRA

Date : 5/31/2005

Time : 11:11:22

Control # 200505310513

INST# DE 2005 009306

Employee ID CHARMC

|           |    |        |
|-----------|----|--------|
| RECORDING | \$ | 65.00  |
| DARM      | \$ | 27.00  |
| NJPRPA    | \$ | 18.00  |
| - - - - - | \$ | .00    |
|           | \$ | .00    |
|           | \$ | .00    |
|           | \$ | .00    |
|           | \$ | .00    |
|           | \$ | .00    |
|           | \$ | .00    |
| Total:    | \$ | 110.00 |

STATE OF NEW JERSEY  
MIDDLESEX COUNTY CLERK

ELAINE FLYNN  
COUNTY CLERK



200505310513



Cover sheet is part of Middlesex County filing record

Retain this page for future reference

Not part of the original submitted document

DO NOT REMOVE THIS PAGE.  
TO ACCESS THE IMAGE OF  
THE DOCUMENT RECORDED  
HEREUNDER BY BOOK AND  
PAGE NUMBER, USE THE  
BOOK AND PAGE NUMBER  
ABOVE.

B05498P0605

Prepared by:

Lewin J. Weyl  
Lewin J. Weyl  
Deputy Attorney General

RECORDED  
ELAINE M. FLYNN  
MIDDLESEX CTY CLERK

2007 MAY 31 AM 11:17

JUR # \_\_\_\_\_  
PAGE # \_\_\_\_\_  
# OF PAGES \_\_\_\_\_

RECORD AND RETURN TO:

G. CHRISTOPHER BAKER, ESQ.  
McCARTHY AND SCHATZMAN, P.A.  
PO BOX 2329  
PRINCETON, NJ 08543-2329

## CONSERVATION AND MAINTENANCE AGREEMENT

In consideration for the approval by the Delaware and Raritan Canal Commission of the State of New Jersey, of the storm water management plans for a certain project located within the Delaware and Raritan Canal State Park Review Zone proposed by Trustees of Princeton University, the owner/contract purchaser (circle one) (hereinafter "the Owner") of the property upon which the project will be located, has granted to the Commission a Conservation and Maintenance Easement to insure that the required storm water management facilities are maintained in accordance with Commission regulations. In relation thereto, the parties agree as follows:

1. The Trustees of Princeton University, a corporation/partnership/individual (circle one) of the State of New Jersey, with its principal office/residence (circle one) in the State of New Jersey located at Princeton Forrestal Center, 105 College Road E, Princeton, NJ 08540, is the owner/contract purchaser (circle one) of the lands in the Township of Plainsboro & South Brunswick, Middlesex County, more particularly known as Block(s) Ref. Staff Report, Lot(s) Reference DRCC Staff Report, on the tax map of the Township/County of Plainsboro & South Brunswick / Middlesex. which lands are located at Route One, Ridge Road, and Mapleton Road (street address) ("subject property").

In connection with a project proposed to be located on the subject property, Owner has submitted to the Delaware and Raritan Canal Commission its plans for the construction and installation of

storm water management facilities upon the premises in order to comply with the Commission's review zone regulations. These plans are contained in certain documents filed with the Commission as more particularly identified in the staff report by the Commission dated June 11, 2004, a copy of which report is attached hereto and made a part hereof.

2. On June 23, 2004, the Commission approved the above project application, and as a condition of its approval, the Commission required the applicant to insure that the storm water management facilities are maintained in a manner that will provide for their compliance with the standards and criteria enumerated in the Delaware and Raritan Canal State park review zone regulations then in force.

3. The Owner hereby agrees to properly maintain the storm water management facilities to insure said facilities function in accordance with the Delaware and Raritan Canal State Park review zone regulations in force as of this date and as set forth in the approved engineering plans dated May 19, 2004, prepared/ by Van Note-Harvey Associates. In the event that the Owner fails to comply in any respect in this obligation, Owner agrees, upon notification from the Commission, that the Commission shall have all of the rights and remedies afforded it by law for the enforcement of this conservation and maintenance easement agreement including the right to specifically enforce the same, and it further agrees that Owner, provided it is not in compliance, will remain liable for the cost of such proceedings as well as the cost and expenses incurred by the Commission relating to any required maintenance of the storm water management facilities performed by the Commission. In this connection, Owner agrees that the Commission, its agents, servants, and

employees, subject to forty-five (45) days prior written notice to Owner and any lender of record are hereby given access to that portion of the subject property affected by the storm water management facilities for the purpose of cleaning, repairing, and maintaining the approved storm water management facilities to insure these facilities comply with the standards and criteria of the review zone regulations as now in effect and the approved plans. Prior to the commencement of any proceedings to enforce this agreement and prior to incurring any cost or expenses for which the Owner assumes liability, the Commission will give the aforementioned forty-five (45) days notice to Owner and any lender of record, if any, together with an estimate of the costs, of its intention to so proceed or to incur such expenses and will afford the Owner and lender of record, if any, this time as may be extended with approval of the Delaware and Raritan Canal Commission to remedy any defect or deficiency relating to the condition of the storm water management facilities. The Commission shall not unreasonably withhold approval for an extension. Notwithstanding the rights granted herein to the Delaware and Raritan Canal Commission of the State of New Jersey, such rights do not include the right to alter any buildings on the property and to disturb the use thereof other than for the purpose of cleaning, repairing and maintaining the approved storm water management facilities contained thereon to insure their compliance with the standard and criteria of the review zone regulations as in effect on the date that this easement is recorded, and the approved plans.

4. This agreement is binding upon the Owner, its heirs, successors, and assigns; it shall be construed as an easement running with the land and shall be binding upon any person to whom title to the subject property is transferred as well as upon the heirs, successors and assigns of all

such persons. Notwithstanding anything contained herein to the contrary, the parties hereto acknowledge and agree that the responsibilities and obligations of the owner as set forth herein are personal to The Trustees of/ <sup>Princeton University</sup>, as long as he holds title to the subject property.

Upon passage of title from The Trustees of Princeton University, the responsibilities and obligations hereunder shall pass to the then title holder of the subject property.

5. Any written notice to Owner shall be directed to them as follows:

Any written notice to the Delaware and Raritan Canal Commission of the State of New Jersey shall be directed to them at:


Delaware and Raritan Canal Commission  
Route 29, Prallsville Mills  
P.O. Box 539  
Stockton, NJ 08559-0539

6. Owner agrees to record this Conservation and Maintenance Easement and provide the Commission with evidence of same.
7. Upon request, the Delaware and Raritan Canal Commission of the State of New Jersey agrees to provide a letter to Owner, or any lender or any party which Owner shall require, indicating whether the Commission, as of the date of said letter, has commenced any action under this easement.

IN WITNESS WHEREOF, the applicant has caused these presents to be duly executed and acknowledged, this 5 day of October 2004.

ATTEST:

Owner/Contract Purchaser

BY:   
Name: Ann Halliday  
Title: Assoc. Secretary

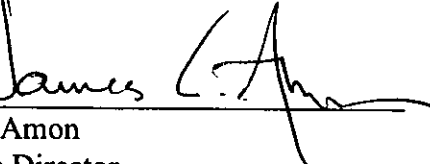
  
Name: Christopher McCrudden  
Title: Treasurer

Executed and acknowledged by the Canal Commission this 27<sup>th</sup> day of October, 2004.

ATTEST:

DELAWARE AND RARITAN CANAL  
COMMISSION OF THE STATE OF  
NEW JERSEY

BY: 

  
James C. Amon  
Executive Director

# STAFF REPORT



HC Rkw

**PLEASE REFER TO DRCC # WHEN SUBMITTING  
ADDITIONAL DOCUMENTS**

**DELAWARE AND RARITAN  
CANAL COMMISSION**

**DRCC #:** 03-3012

**DATE:** June 11, 2004

**PROJECT NAME:** Princeton Forrestal GDP

**Applicant:** The Trustees of Princeton University  
c/o Princeton Forrestal Center  
105 College Road East  
Princeton, NJ 08543-2329

**Engineer:** Richard K. Wizeman, PE  
Van Note-Harvey Associates  
777 Alexander Road  
Princeton, NJ 08540

**Attorney:** G. Christopher Baker, Esq.  
McCarthy and Schatzman, PA  
PO Box 2329  
Princeton, NJ 08543-2329

**RECEIVED**

**JUN 21 2004**

**VAN NOTE-HARVEY  
ASSOCIATES, P.C.**

**Project Location:**

**Road:** Route One, Ridge Road and Mapleton Road

**Municipality:** South Brunswick & Plainsboro Twps. **County:** Middlesex

| <b>Blocks:</b> | <b>South Brunswick:</b> | <b>Lots:</b>                                |
|----------------|-------------------------|---|
| 98             |                         | 10.02                                       |
| 99             |                         | 3.021, 8.04, 9.01, 10.021, 10.05, 12.03, 13 |
| 100            |                         | 2, 3, 4, 6.01                               |
| 102            |                         | 1.01, 2.031, 4, 5.01                        |
| 103            |                         | 2, 3.01                                     |
| 261            |                         | 2.011                                       |

|   | <b>Plainsboro:</b> |
|---|--------------------|
| 4 | 3.05, 4.03, 5      |

This application is for a General Development Plan Approval for the following: 1) stormwater management design for Detention Basins 1A and 1B; 2) approval of the stream corridor location, including verification of the 100-year floodplain delineation, Loop Road crossing, and a buffer-averaging proposal; 3) approval with regard to traffic impact of the intersection of the Loop Road with College Road West and Seminary Drive.

**Project Description:**

|                               |          |                         |          |
|-------------------------------|----------|-------------------------|----------|
| <b>Residential</b>            | <b>X</b> | <b>Non-residential</b>  |          |
| <b>Zone A</b>                 | <b>X</b> | <b>Zone B</b>           |          |
| <b>X Major Project</b>        |          | <b>Minor Project</b>    |          |
| <b>X Class I</b>              |          | <b>Class II</b>         |          |
| <b>Subject to Review for:</b> | <b>X</b> | <b>Drainage</b>         |          |
|                               | <b>X</b> | <b>Traffic Impact</b>   | <b>X</b> |
|                               |          | <b>Visual</b>           |          |
|                               |          | <b>Stream Corridors</b> |          |

**PO BOX 539 STOCKTON, NJ 08559 609-397-2000 FAX 609-397-1081**

**B05498P0611**

**B05498P0611**

THIS STAFF REPORT IS ISSUED AS A GUIDE TO APPLICANTS IN COMPLYING WITH DRCC REGULATIONS. IT IS NOT AN APPROVAL. NO CONSTRUCTION SHALL BEGIN UNTIL A CERTIFICATE OF APPROVAL HAS BEEN ISSUED.

**Documents received:** Floodplain Delineation Plans, dated last revised 4/30/04; Floodplain Delineation Amendment #1—Loop Road Crossing, dated 4/30/04; Princeton Forrestal Center General Development Plan: Overall Stormwater Management Facilities, dated 5/4/19 and 5/19/04; Stormwater Management Facilities 1A & 1B, dated last revised 3/26/04; DRCC Stream Corridor Averaging Plan, dated 5/19/04; Engineering Report, dated last revised 4/30/04; Engineering Report for Stormwater Facilities 1A and 1B, dated last revised 5/19/04 (all documents prepared by Van Note-Harvey Associates); Traffic Impact Assessment of Princeton Forrestal Center, dated 8/1/03, prepared by Orth-Rodgers Associates, Inc.

---

**Drainage Impact Review:**

1. Commission staff recommends that the application for the overall stormwater management design be approved with the following condition:

As each phase of the project is being designed, grading and layout plans must be submitted for verification of the drainage and impervious area limits for the 9 detention basins as proposed by the General Development Permit plans.

2. Please submit two copies of conservation and maintenance easements for these detention facilities, with original signatures on both copies.

**Traffic Impact Review:**

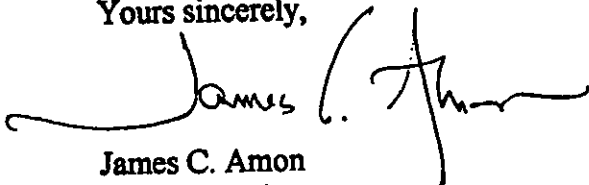
Commission staff will recommend that the intersection location of the proposed Loop Road with College Road West and Seminary Drive be approved.

**Stream Corridor Impact Review:**

1. Commission staff will recommend approval of the conditional uses of detention basins and the Loop Road crossing.
2. We require two copies of conservation easements and a legal description of metes and bounds of the stream corridor.

Please call this office should you have any questions regarding the above.

Yours sincerely,



James C. Amon  
Executive Director



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

I CERTIFY that on *May 18*, 2005, 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;

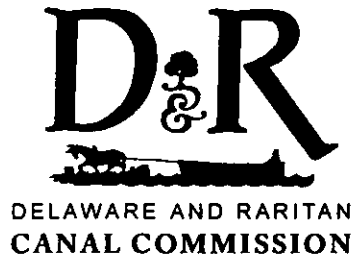
(b) this document was signed and made by the corporation as its voluntary act and deed by virtue of authority from its Board of Directors.

Signed and sworn to before  
me on *May 18*, 2005



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

B05498P0613



STATE OF NEW JERSEY:

:SS

COUNTY OF HUNTERDON:

BE IT REMEMBERED that on this 27<sup>th</sup> day of October 2004, before me the subscriber, personally appeared James C. Amon, Executive Director of the Delaware and Raritan Canal Commission, who I am satisfied is the person named in and who executed the within instrument, and thereupon he acknowledged that he signed, sealed and delivered the same as his voluntary act and deed, for the purposes therein expressed, and that the full and actual consideration paid for this easement, as such consideration is defined in P.L. 1968, c.49, Sec. 1(c), is for the approval of the Delaware and Raritan Canal Commission of the State of New Jersey, of the storm water management plans for a certain project located within the Delaware and Raritan Canal State Park review zone proposed by the owner.

Janice Holms  
Notary Public  
State of New Jersey

JANICE HOLMS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 10/4/2009

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
James E. McGreevey, Governor Bradley M. Campbell, Commissioner

PRALLSVILLE MILLS 33 RISLER STREET P.O. BOX 539 STOCKTON, NJ 08559-0539  
609-397-2000 FAX 609-397-1081 www.dandrcanal.com

805498P 614