

MIDDLESEX COUNTY CLERK

Return To:



PRINCETON UNIVERSITY *Trustees of*

Index DEED BOOK
Book 05016 Page 0001
No. Pages 0013
Instrument DEED W/O ABSTRA
Date : 2/13/2002
Time : 10:46:14
Control # 200202130155
INST# DE 2002 003088
Employee ID VENTIT

RECORDING	\$	80.00
OVERCHARGE	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
	\$.00
Total:	\$	80.00

STATE OF NEW JERSEY
MIDDLESEX COUNTY CLERK

ELAINE FLYNN
COUNTY CLERK



200202130155

THIS IS AN OFFICIAL
DOCUMENT OF THE CLERK'S
OFFICE USED IN RECORDING
FOR THE IMAGING SYSTEM.

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.

Cover sheet is part of Middlesex County filing record
Retain this page for future reference
Not part of the original submitted document

05016P-001

Prepared by and
Record and Return to:

02 FEB 13 AM 10:48

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

DEED NOTICE
for Part of Lot 3.05, in Block 4
Plainsboro Township, Middlesex County, New Jersey

This Deed Notice is made as of the 11th day of February, 2002, by The Trustees of Princeton University, having its address at 105 College Road East, Princeton, New Jersey 08543 (together with its successors and assigns, collectively, "Owner").

WITNESSETH:

WHEREAS, Owner is the owner in fee simple of certain real property designated as Block 4, Lot 3.05, on the tax map of the Township of Plainsboro, New Jersey Department of Environmental Protection Known Contaminated Site List Number NJL800417495, more particularly shown on Exhibit A attached hereto and made a part hereof (the "Property"); and

WHEREAS, the lead program during the remediation was the Bureau of Field Operations, and the program identification number was #99-12-23-0613-49; and

WHEREAS, the New Jersey Department of Environmental Protection ("Department") issued a remedial approval on January 2, 2001, in NJDEP Case #99-12-23-0613-49 concerning the Property in which the Department has approved the use of institutional controls and/or engineering controls in accordance with N.J.S.A. 58:10B-13; and

WHEREAS, this Deed Notice itself is not intended to create any interest in real estate in favor of the Department, nor to create a lien against the Property, but merely is intended to provide record or deed notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a condition of using institutional and/or engineering controls; and

Sheet # 21
Sheet # 22
Sheet # 23

8910

2036

FILE

MAP

SEE

ALSO

WHEREAS, the area depicted on Exhibit B attached hereto and made a part hereof (the "Affected Area") contains contaminants above the applicable remediation standards that would allow for the unrestricted use of the Property; and

WHEREAS, the type, concentration and specific location of the contaminants are described on the drawing and narrative in Exhibit B attached hereto and made a part hereof; and

WHEREAS, a narrative description of all institutional controls and associated monitoring and maintenance activities are provided in Exhibit C and area maps and diagram of as-built engineering controls are provided in Exhibit D; and

WHEREAS, to prevent the potential for unacceptable exposure to the contamination to humans or the environment, an engineering control consisting of vegetative cover overlaying the contaminated soil, which has been placed into a berm, is in place at the Property, at the location shown in Exhibit B; and

WHEREAS, in accordance with the Department's remedial approval, and in consideration of the terms and conditions of that approval, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, and to restrict certain activities at the Property , as set forth below.

NOW, THEREFORE, Owner agrees to the conditions and restrictions listed below and hereby notifies all interested parties, owners, lessees, and operators that the applicable regulations and statutes require of such person while owning, leasing, or operating the Property as follows:

1. RESTRICTED USE. The owner(s) of all or any fee interest in all or any portion of the Affected Areas and each operator of all or any portion of the Affected Areas, shall not allow any of the following uses of the following portions of the Affected Areas:

Portion of the Affected Area

Restricted Use

The Affected Area(s) as identified
in Exhibit B

The use shall be restricted
to non-residential uses only
pursuant to Paragraphs 2 and 3.

2. EMERGENCIES. In the event of an emergency which presents a significant risk to human health, safety, or the environment, the application of Paragraph 1 above may be temporarily and unilaterally suspended, by Owner, provided that the Owner:

- i. Immediately notifies the Department of the emergency;
- ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the residual contamination; and
- iv. Restores the Affected Areas to the pre-emergency conditions to the extent reasonably possible, and provides a report to the Department of such emergency and restoration efforts within ninety (90) calendar days after the end of the emergency.

3. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

(a) Except as provided in Paragraph 2 above, no owner or operator shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Affected Areas which disturbs any engineering control or which creates an unacceptable risk of exposure of humans or the environment to contamination in the Affected Areas without first obtaining the express written consent of the Department. Nothing herein shall constitute a waiver of the Owner's or operator's obligation to comply with all applicable laws and regulations.

(b) Notwithstanding subparagraph 3(a) above, the Department's consent is not required for any alteration, improvement, or disturbance provided the Owner or operator:

- i. Provides for restoration of any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance; and
- ii. Does not allow an exposure level above those noted under Restricted Uses, provided that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance.

4. ACCESS. While this Deed Notice is in effect, the Owner agrees to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued effectiveness of the institutional or engineering controls and to conduct

additional remediation to ensue the protection of the public health and safety and the environment.

5. NOTICE TO LESSEES AND OTHER HOLDERS OF PROPERTY INTERESTS. Owner shall cause all leases, grants, and other written transfers of interest in the Affected Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of Owner to provide any notice required by any law, regulation, or order of any governmental authority.

6. ENFORCEMENT OF VIOLATIONS. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. A violation of this Deed Notice shall not affect the status of the ownership of or title to the Property. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11u, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

7. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court. In the event that the provision invalidated is of such a nature that this provision cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

8. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns while each is an owner or operator of the Property, and the Department.

9. REQUIREMENT OF NOTIFICATION. The Owner shall notify any person who intends to excavate on the Property of the nature and location of any contamination existing on the Property and of any conditions or measures necessary to prevent exposure to contaminants.

10. TERMINATION AND MODIFICATION.

(a) This Deed Notice shall terminate only upon filing of an instrument, executed by the Department, in the office of the County Clerk of Middlesex County, New Jersey, expressly terminating this Deed Notice.

(b) Any person may request in writing at any time that the Department modify or terminate this Deed Notice or initiate termination proceedings based on, for example, a proposal that the Property does not pose an unacceptable risk to public health and safety or the environment. Within ninety (90) calendar days after receiving the request the Department will either:

i. Approve the request and have the Owner;

-Record with the office of the county recording officer a notice executed by the Department that the use of the Property is no longer restricted and the Deed Notice is terminated or record a modified Deed Notice delineating the new restrictions; and

-Provide written notice to each municipality in which the Property is located, with a copy to the Department, of the removal or change of the restrictions contained herein; or


ii. Issue a written notification of intent to deny the request pursuant to (c) below.


(c) The Department will set forth in a notice of intent to deny a request to modify or terminate this Deed Notice the basis for its decision. The owner can respond to the intent to deny by providing new or additional information or data. The Department will review any such new or additional information or data and issue a final decision to grant or deny the request within sixty (60) calendar days after the Department's receipt of the owner's response.

IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the day and year first written above.

ATTEST:

THE TRUSTEES OF PRINCETON
UNIVERSITY


Ann Halliday,
Associate Secretary

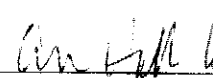
By: 
Christopher McCrudden,
Treasurer

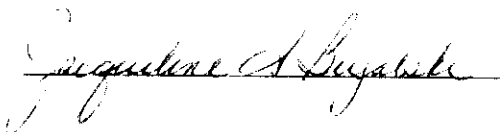
STATE OF NEW JERSEY)
) ss.:
COUNTY OF MIDDLESEX)

I CERTIFY that on February 16, 2001, ANN HALLIDAY, 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 is the Associate Secretary of The Trustees of Princeton University;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is Christopher McCrudden, Treasurer of The Trustees of Princeton University;
- (c) this document was signed and delivered by The Trustees of Princeton University as its voluntary act and was duly authorized;
- (d) this person know the proper seal of The Trustees of Princeton University which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

Sworn to and subscribed
before me this 11th day
of February, 2002.


Ann Halliday,
Associate Secretary



JACQUELINE S. BUJALSKI
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES DECEMBER 15, 2004

6.

006003P-007

**THIS APPEARS ON YOUR
DOCUMENT SO THAT IT WILL BE
RECOGNIZED BY OUR SCANNER...
THANK YOU**

EXHIBIT A

*Preliminary/Final Subdivision Plan
of Property of Trustees of
Princeton University (Lot 3.05, Block 4)*

10000000-0000

**THIS APPEARS ON YOUR
DOCUMENT SO THAT IT WILL BE
RECOGNIZED BY OUR SCANNER...
THANK YOU**

EXHIBIT B

Description of Affected Areas and Type, Concentration
and Specific Location of Contaminants

20060107-609

The Affected Area consists of the portion of the Property identified as "Berm" on Exhibit B. Soil containing concentrations of dieldrin in excess of the Residential Direct Contact Soil Cleanup Criteria (RDCSCC) as presented in the attached Exhibit B, Figure 3, entitled "Excavation Plan," was placed on the berm. As the dieldrin-contaminated soil was mixed in the process of excavation and placement into the berm, the concentration of dieldrin in the berm cannot be precisely determined but is anticipated to be within the range of 42 ug/kg to approximately 300 ug/kg.

**THIS APPEARS ON YOUR
DOCUMENT SO THAT IT WILL BE
RECOGNIZED BY OUR SCANNER...
THANK YOU**

EXHIBIT C

Description of Institutional and Engineering Controls
and Associated Monitoring and Maintenance Activities

20000P-011

Six inches of topsoil with surface vegetative cover is currently in place over the berm composed of the dieldrin-contaminated soil. The location of the berm is depicted in Exhibit B, Figure 3. The Owner will maintain this engineering control for the time period in which the Deed Notice is in place at the Property, with any changes to this control made pursuant to the Alterations, Improvements, and Disturbances section of this Deed Notice. No other institutional or engineering controls, except as described herein, will be instituted at the site for the purpose of restricting contact with the Affected Area.

**THIS APPEARS ON YOUR
DOCUMENT SO THAT IT WILL BE
RECOGNIZED BY OUR SCANNER...
THANK YOU**

EXHIBIT D

Area Maps and Diagram of As-Built
Engineering Controls

10010P-013