

Prepared by:

G. Christopher Baker  
G. Christopher Baker, Esquire

AGREEMENT

by and THIS AGREEMENT, made this 23rd day of October, 1986,

BETWEEN: WM. FLEMER'S SONS, INC., a New Jersey corporation having an office on Mapleton Road, P.O. Box 191, Princeton, New Jersey 08540,  
(hereinafter referred to as "Flemer"),

AND: COUNTY PLANNING BOARD OF THE COUNTY OF MIDDLESEX, having its office located in the City of New Brunswick, County of Middlesex and State of New Jersey,  
(hereinafter referred to as "County Planning Board")

WHEREAS, Flemer is the owner in fee simple of lands located in the Township of South Brunswick, County of Middlesex and State of New Jersey, known and designated as Lots 1 and 2.03, in Block 102; Lots 1, 2, 3, 4 and 5, in Block 99; Lot 3, in Block 102; Lot 19, in Block 109; Lot 6, in Block 260; and Lot 1.01, in Block 261, on the Tax Maps of the Township of South Brunswick (hereinafter referred to as "Property"); and

WHEREAS, Flemer has submitted for review by the County Planning Board a subdivision of premises in accordance with a map entitled "Sketch Plat of Proposed Subdivision of Property of William Flemer's Sons, Inc., South Brunswick Twp., Middlesex Co., N.J.," dated June 12, 1986, last revised October 20, 1986 (hereinafter referred to as "Subdivision Plan"); and

WHEREAS, the County Planning Board has jurisdiction over this subdivision pursuant to the Land Subdivision Resolution of the County of Middlesex (hereinafter referred to as "Land Subdivision Resolution"); and

WHEREAS, the County Planning Board has agreed to defer certain requirements relating to physical improvements set forth in the Land Subdivision Resolution with respect to the Property;

NOW, THEREFORE, it is agreed as follows:

1. In the event that any of the land which constitutes part of new Lot 3.01, in Block 99, shall again become subject to the jurisdiction of the County Planning Board because either or both the Land Subdivision Resolution or Site Plan Resolution of

the County of Middlesex (hereinafter referred to as "Site Plan Resolution) applies, then at the time that any further application shall be made affecting such lands, the County Planning Board shall review the need for physical improvements along Mapleton Road and Ridge Road and shall have the right to require compliance with the Land Subdivision Resolution and/or Site Plan Resolution as provided by law with respect to physical improvements along the entire frontage of new Lot 3.01, in Block 99, abutting Mapleton Road and Ridge Road.

2. In the event that any of the land which constitutes part of new Lot 3.02 in Block 99, shall again become subject to the jurisdiction of the County Planning Board because either or both the Land Subdivision Resolution or the Site Plan Resolution applies, then at the time that any further application shall be made affecting such lands, the County Planning Board shall review the need for physical improvements along Mapleton Road and shall have the right to require compliance with the Land Subdivision Resolution and/or Site Plan Resolution as provided by law with respect to physical improvements along the entire frontage of new Lot 3.02, in Block 99, abutting Mapleton Road.
3. In the event that any of the land which constitutes part of new Lot 2.031, Block 102, shall again become subject to the jurisdiction of the County Planning Board because either or both the Land Subdivision Resolution or the Site Plan Resolution applies, then at the time that any further application shall be made affecting such lands, the County Planning Board shall review the need for physical improvements along Mapleton Road and shall have the right to require compliance with the Land Subdivision Resolution and/or Site Plan Resolution as provided by law with respect to physical improvements along

the entire frontage of new Lot 2.031, Block 102, abutting Mapleton Road.

4. In the event that any of the land which constitutes part of new Lot 1.01, Block 102, shall again become subject to the jurisdiction of the County Planning Board because either or both the Land Subdivision Resolution or the Site Plan Resolution applies, then at the time that any further application shall be made affecting such lands, the County Planning Board shall review the need for physical improvements along Ridge Road and shall have the right to require compliance with the Land Subdivision Resolution and/or Site Plan Resolution as provided by law with respect to physical improvements along the entire frontage of new Lot 1.01, Block 102, abutting Ridge Road.
5. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto, and this Agreement shall be construed in accordance with and governed by the laws of the State of New Jersey.
6. This Agreement shall become effective only upon the filing of the Subdivision Plan with, or recording of the Subdivision and Consolidation Deeds for the Subdivision Plan in the Middlesex County Clerk's Office. Within three (3) business days of such filing or recordation, Flemer shall notify the County Planning Board of the recording date and book and page number, or as the case may be, the filing date and map file number.

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

ATTEST:

Richard J. Henkel, Secretary

WM. FLEMER'S SONS, INC

By:

William Flemer, III, President

ATTEST:

*Harriet Gubkin*

Harriet Gubkin  
Administrative Secretary

COUNTY PLANNING BOARD OF THE  
COUNTY OF MIDDLESEX

By:

*Hyman Center*

Hyman Center, Chairman

(4)

BOOK 3566 PAGE 886

STATE OF NEW JERSEY )  
COUNTY OF MIDDLESEX ) SS.

I CERTIFY that on October 23rd, 1986, WILLIAM FLEMER, III came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person signed, sealed and delivered the attached document as President of WM. FLEMER'S SONS, INC., the corporation named in this document;
- (b) the proper corporate seal was affixed; and
- (c) this document was signed and made by the corporation as its voluntary act and deed by virtue of authority from the Board of Directors.

Betty R. Miller

NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION (Notary) JULY 25, 1987

**State of New Jersey**  
**County of Middlesex**

SS.: BOOK 3566 PAGE 883  
Key 243 PM 186

Be it Remembered, that on this 28th day of October <sup>RECEIVED IN THE OFFICE OF THE</sup> <sup>1986</sup> before me  
the subscriber A Notary Public of New Jersey

personally appeared Hyman Center who, I am satisfied, is the person  
who signed the within instrument as Chairman/Vice Chairman  
of Subdivision and Site Plan Committee of the Middlesex County Planning Board  
the municipal body named therein and he thereupon acknowledged that the said instrument  
made and sealed with its corporate seal, was signed, sealed with the corporate seal and delivered  
by him as such officer and is the voluntary act and deed of the municipal corporation, made by virtue  
of authority from its Board.

1) *Leatherby* *55* *hawthorn*  
278 *Alexander* *St.*  
P.C. *Box* 2329  
*Princeton* *N.J.*  
105540

**A Notary Public of the State of New Jersey**

EDWARD E. DONNELLY  
Notary Public of New Jersey  
My Comm. Expires May 26, 1922

BOOK 3566 PAGE 887