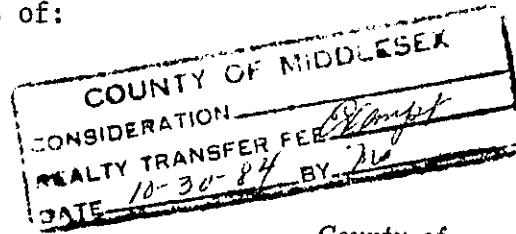


# This Indenture,

Between Wm. Flemer's Sons, Inc., T/A Princeton Nurseries,  
a New Jersey Corporation with address of:  
P.O. Box 191,  
Princeton, New Jersey 08540

of the Township of Plainsboro  
Middlesex , and State of New Jersey



, County of  
, party of the first part,

And

Elizabethtown Water Company

a corporation of the State of New Jersey, with principal offices at No. 1 Elizabethtown Plaza ,  
in the City of Elizabeth , County of  
Union and State of New Jersey, party of the second part.

## Witnesseth:

That the party of the first part, in consideration of the sum of (\$1.00) One dollar  
lawful money of the United States of America, does grant and convey unto the party of the second  
part, its successors and assigns, a perpetual right of way and easement for the construction, laying,  
operation, maintenance of water mains, conduits and appurtenances through  
that certain tract of land described as being in the Township of Plainsboro & South  
County of Middlesex and State of New Jersey: Brunswick

Describing a 15' wide easement on lands of Wm. Flemer's Sons, Inc., located in  
Plainsboro and South Brunswick Townships, in Middlesex County, State of New Jersey  
and shown on the Tax Map of Plainsboro Township as Lot 4, Block 4, Sheet 2 and in  
South Brunswick Township as Lots 13 and 12.03, Block 99, Sheet 34. Further  
described on Sheet 2, 3, 4 and 5.

Attached are drawings prepared by Nassau Surveying Company, Inc., dated 8/17/84  
showing the location of the easement.

Party of the Second Part further agrees to indemnify, hold harmless and defend  
Party of the First Part from and against any and all liability for loss, damage  
or expense which Party of the First Part may suffer or for which Party of the  
First Part may be held liable by reason of injury (including death) to any person  
or damage to any property arising out of or in any manner connected with the  
operation, construction, installation, maintenance, repairs and replacement of said  
mains installed herein.

Prepared by: Walter M. Bifaswell  
Walter M. Bifaswell  
Attorney at Law  
State of New Jersey

*Together with the right of ingress and egress to and from the lands for the aforesaid purposes.*

*Subject, however, to the party of the first part reserving the right to the full use of the land not inconsistent with this Grant and Conveyance.*

80.K3389 PAGE 338

NASSAU SURVEYING COMPANY, INC.

LAND SURVEYORS  
PRINCETON RESEARCH PARK  
359 WALL STREET  
PRINCETON, NEW JERSEY 08540

PHONE: (609) 924-9653

Order No. 13023  
Plainsboro Twp. Tax Map  
Sheet 2  
Block 4  
Lot 4

DESCRIPTION OF A FIFTEEN (15) FEET  
WIDE WATER LINE EASEMENT OVER  
AND THROUGH LANDS OF WM. FLEMER'S  
SONS, INC. SITUATE LYING AND BEING  
IN THE TOWNSHIP OF PLAINSBORO,  
COUNTY OF MIDDLESEX, STATE OF NEW  
JERSEY.

August 20, 1984

Description of a fifteen (15) feet wide water line easement, the centerline of which is more particularly described as follows:

BEGINNING at a point within lands of Wm. Flemer's Sons, Inc., said point being seventy-four and no hundredths (74.00) feet northwesterly of and perpendicular to the centerline of U.S. Route #1 at stationing 101+57.14 and from said beginning point running thence;

- (1) Through lands of Wm. Flemer's Sons, Inc., the following three (3) courses; North forty-two degrees, forty-five minutes, fifty-five seconds East (N 42° 45' 55" E) four hundred thirteen and eleven hundredths (413.11) feet to a point, thence;
- (2) North eighty-seven degrees, forty-five minutes, fifty-five seconds East (N 87° 45' 55" E) twenty-three and thirty-three hundredths (23.33) feet to a point, thence;
- (3) North forty-two degrees, forty-five minutes, fifty-five seconds East (N 42° 45' 55" E) nine hundred ninety-two and four tenths (992.4) feet to a point in the southerly line of other lands of Wm. Flemer's Sons, Inc., said point being in or near the division line between Plainsboro Township on the south and South Brunswick Township on the north, said point also being fifty-seven and five tenths (57.5) feet northwesterly of and perpendicular to the aforementioned centerline of U.S. Route #1 at station 115+79.13.

The sidelines of the above described water line easement being parallel to and distant, seven and fifty hundredths (7.50) feet as measured at right angles to the above described centerline.

Containing 0.492 acres.

All as shown on the attached plan entitled, "Plan Showing Water Line Easement Through Lands Of Wm. Flemer's Sons, Inc., Plainsboro Twp., Middlesex Co., NJ, Scale as shown, Aug. 17, 1984." Prepared by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

The above described water line easement being across Lot 4, in Block 4, on Sheet 2, of the Plainsboro Twp. Tax Map.

According to a description by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

*Donald E. Allen*  
NASSAU SURVEYING COMPANY, INC.  
DONALD E. ALLEN

NJ PLS #17423

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NASSAU SURVEYING COMPANY, INC.

LAND SURVEYORS  
PRINCETON RESEARCH PARK  
359 WALL STREET  
PRINCETON, NEW JERSEY 08540

PHONE (609) 924-9653

Order No. 13023  
South Brunswick Twp. Tax Map  
Sheet 34  
Block 99  
Lot 13

DESCRIPTION OF A FIFTEEN (15) FEET  
WIDE WATER LINE EASEMENT OVER AND  
THROUGH LANDS OF WM. FLEMER'S SONS  
INC. SITUATE LYING AND BEING IN  
THE TOWNSHIP OF SOUTH BRUNSWICK,  
COUNTY OF MIDDLESEX, STATE OF NEW  
JERSEY.

August 20, 1984

Description of a fifteen (15) feet wide water line easement, the centerline of which is more particularly described as follows:

BEGINNING at a point in the northerly line of lands of Wm. Flemer's Sons, Inc. in or near the division line between South Brunswick Township on the north and Plainsboro Township on the south, said point also being, fifty-seven and five tenths (57.5) feet northwesterly or and perpendicular to the centerline of U.S. Route #1 at station 115+79.13 and from said beginning point running thence;

(1) Through lands of Wm. Flemer's Sons, Inc., North forty-two degrees, forty-five minutes, fifty-five seconds East (N 42° 45' 55" E) three hundred sixty-six (366) feet more or less to a point in the southerly line to still other lands of said Wm. Flemer's Sons, Inc., said point being fifty-seven and five tenths (57.5) feet northwesterly of and perpendicular to the centerline of the aforementioned U.S. Route #1 at station 119+45.13.

Containing 0.126 acres.

The sidelines of the above described water line easement being parallel to and distant, seven and fifty hundredths (7.50) feet as measured at right angles to the above described centerline.

All as shown on the attached plan entitled, "Plan Showing Water Line Easement Through Lands Of Wm. Flemer's Sons, Inc., South Brunswick Twp., Middlesex Co., NJ, Scale as shown, Aug. 17, 1984." Prepared by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

The above described water line easement being across Lot 13, in Block 99, on Sheet 34, of the South Brunswick Twp. Tax Map.

According to a description by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

Donald E. Allen  
NASSAU SURVEYING COMPANY, INC.

DONALD E. ALLEN

NJ PLS #17423

NASSAU SURVEYING COMPANY, INC.

LAND SURVEYORS  
PRINCETON RESEARCH PARK  
359 WALL STREET  
PRINCETON, NEW JERSEY 08540

PHONE: (609) 924-9653

Order No. 13023  
South Brunswick Twp. Tax Map  
Sheet 34  
Block 99  
Lot 12.03

DESCRIPTION OF A WATER LINE EASEMENT OVER AND THROUGH LANDS OF WM. FLEMER'S SONS, INC. SITUATE LYING AND BEING IN THE TOWNSHIP OF SOUTH BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.

August 20, 1984

Description of a water line easement more particularly described as follows:

BEGINNING at a point in the northerly line of lands of Wm. Flemer's Sons, Inc., said point being, fifty-seven and fifty hundredths (57.50) feet northwesterly of and perpendicular to the centerline of U.S. Route #1 at station 119+45.13 and from said beginning point running thence;

- (1) Along said northerly line of lands of Wm. Flemer's Sons, Inc., North seventy-four degrees, four minutes, thirty-five seconds West (N 74° 04' 35" W) eight and forty-one hundredths (8.41) feet to a point, thence;
- (2) Through lands of Wm. Flemer's Sons, Inc., the following three (3) courses; North forty-two degrees, forty-five minutes, fifty-five seconds East (N 42° 45' 55" E) one hundred sixty-two and forty-one hundredths (162.41) feet to a point, thence;
- (3) North forty-seven degrees, fourteen minutes, five seconds West (N 47° 14' 05" W) thirty and no hundredths (30.00) feet to a point, thence;
- (4) North forty-two degrees, forty-five minutes, fifty-five seconds East (N 42° 45' 55" E) thirty and no hundredths (30.00) feet to a point in the southerly line of lands of State Of New Jersey (Jughandle), thence;
- (5) Along the last mentioned lands, South forty-seven degrees, fourteen minutes, five seconds East (S 47° 14' 05" E) forty-five and no hundredths (45.00) feet to a point in the northwesterly right-of-way line of the aforementioned U.S. Route #1, said last mentioned point being fifty (50) feet northwesterly of and perpendicular to the centerline of the aforementioned U.S. Route #1 at station 121+33.75, thence;
- (6) Along said northwesterly line of U.S. Route #1, South forty-two degrees, forty-five minutes, fifty-five seconds West (S 42° 45' 55" W) one hundred eighty-four and eighty-three hundredths (184.83) feet to a point and corner to the first mentioned lands of Wm. Flemer's Sons, Inc., thence;
- (7) Along the northerly line of the last mentioned lands, North seventy-four degrees, four minutes, thirty-five seconds West (N 74° 04' 35" W) eight and forty-one hundredths (8.41) feet to the point and place of BEGINNING.

Containing 0.086 acres.

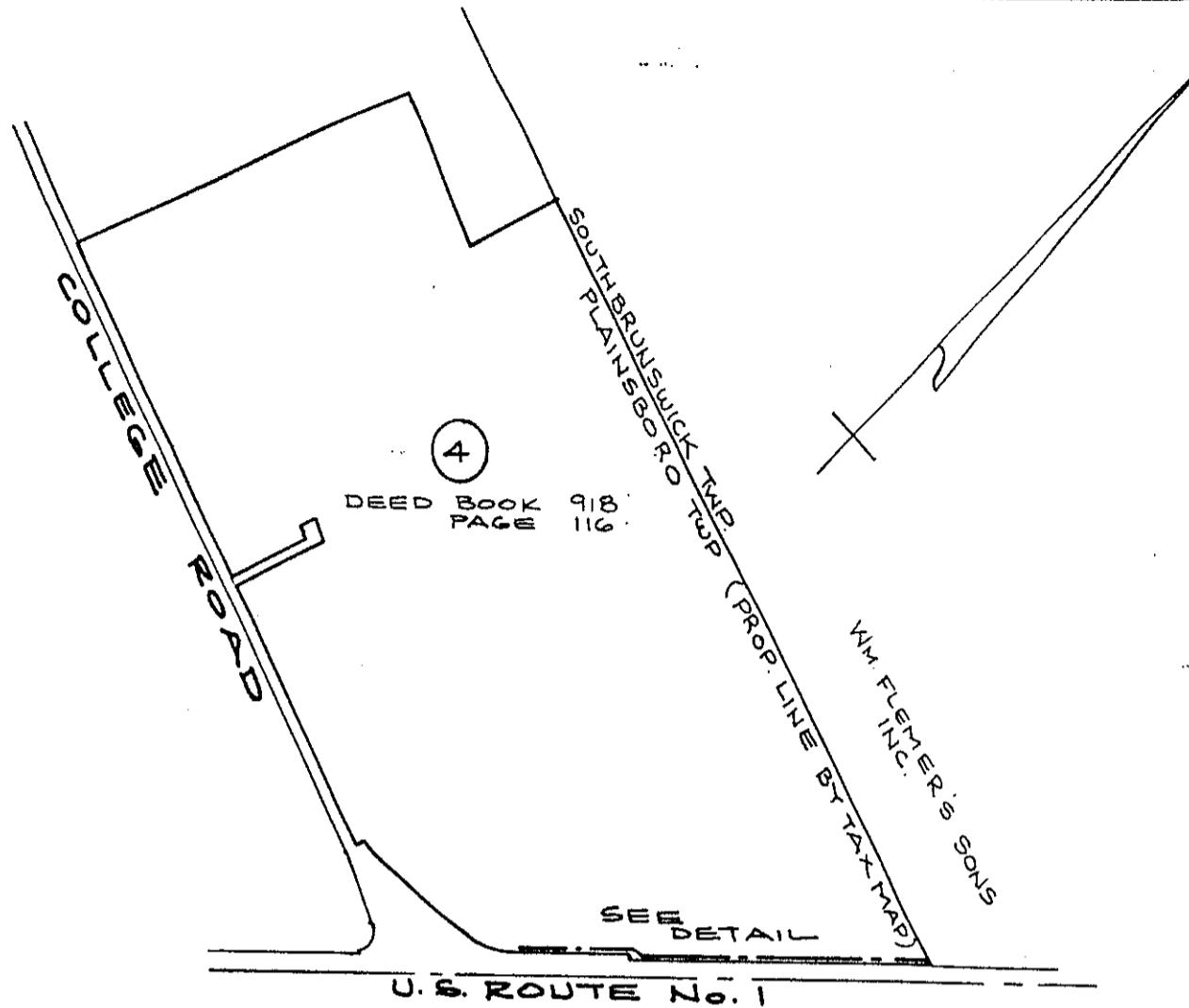
80-K3389 PAGE 341

All as shown on the attached plan entitled, "Plan Showing Water Line Easement Through Lands Of Wm. Flemer's Sons, Inc., South Brunswick Twp., Middlesex Co., NJ, Scale as shown, Aug. 17, 1984." Prepared by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

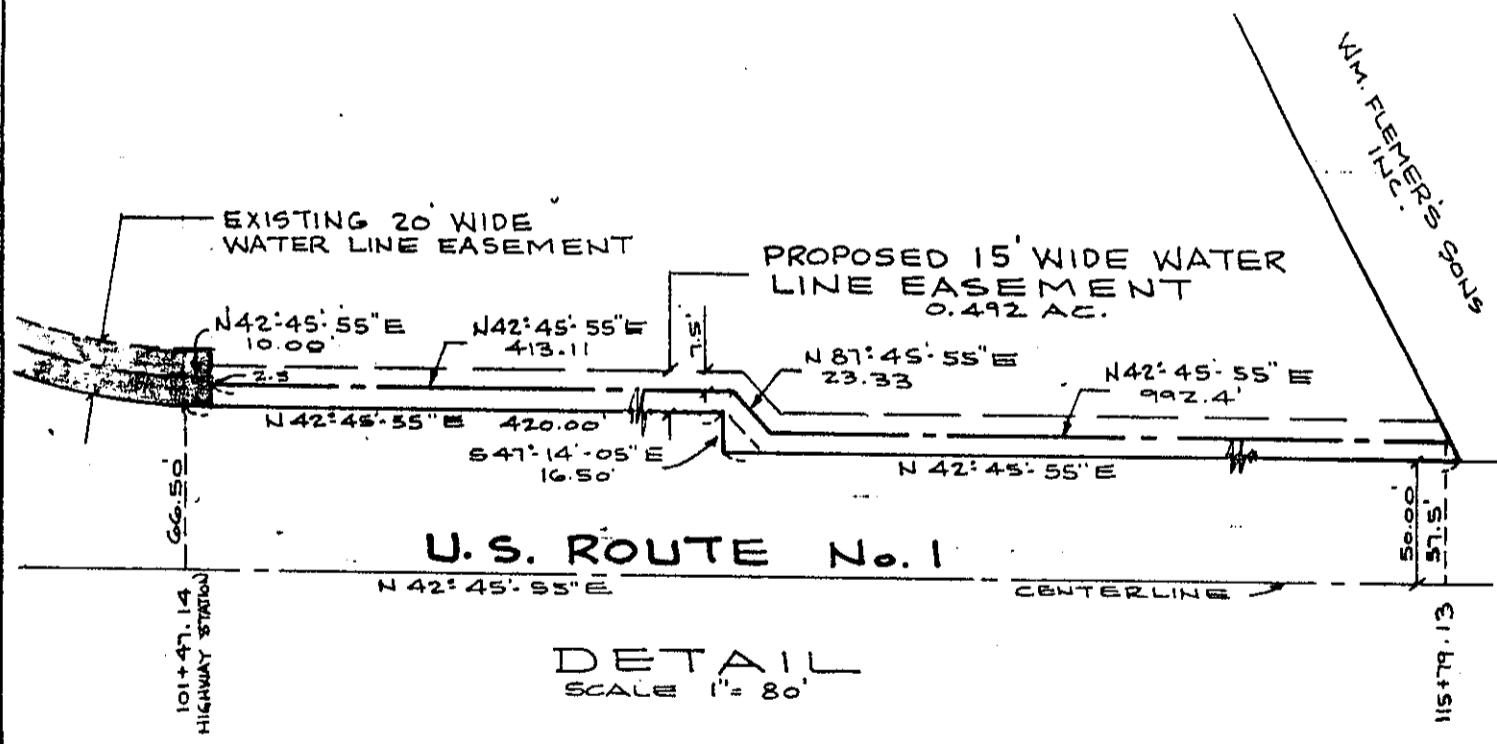
The above described water line easement being across Lot 12.03, in Block 99, on Sheet 34, of the South Brunswick Twp. Tax Map.

According to a description by Nassau Surveying Company, Inc., Land Surveyors, Princeton Research Park, Princeton, NJ, 08540.

*Donald E. Allen*  
NASSAU SURVEYING COMPANY, INC.  
DONALD E. ALLEN  
NJ PLS #17423



PROPERTY PLAN  
SCALE 1" = 600'



PLAINSBORO TWP. TAX MAP  
SHEET 2  
BLOCK 4  
LOT 4

NASSAU SURVEYING COMPANY, INC.  
LAND SURVEYORS  
PRINCETON RESEARCH PARK PRINCETON NEW JERSEY 08540

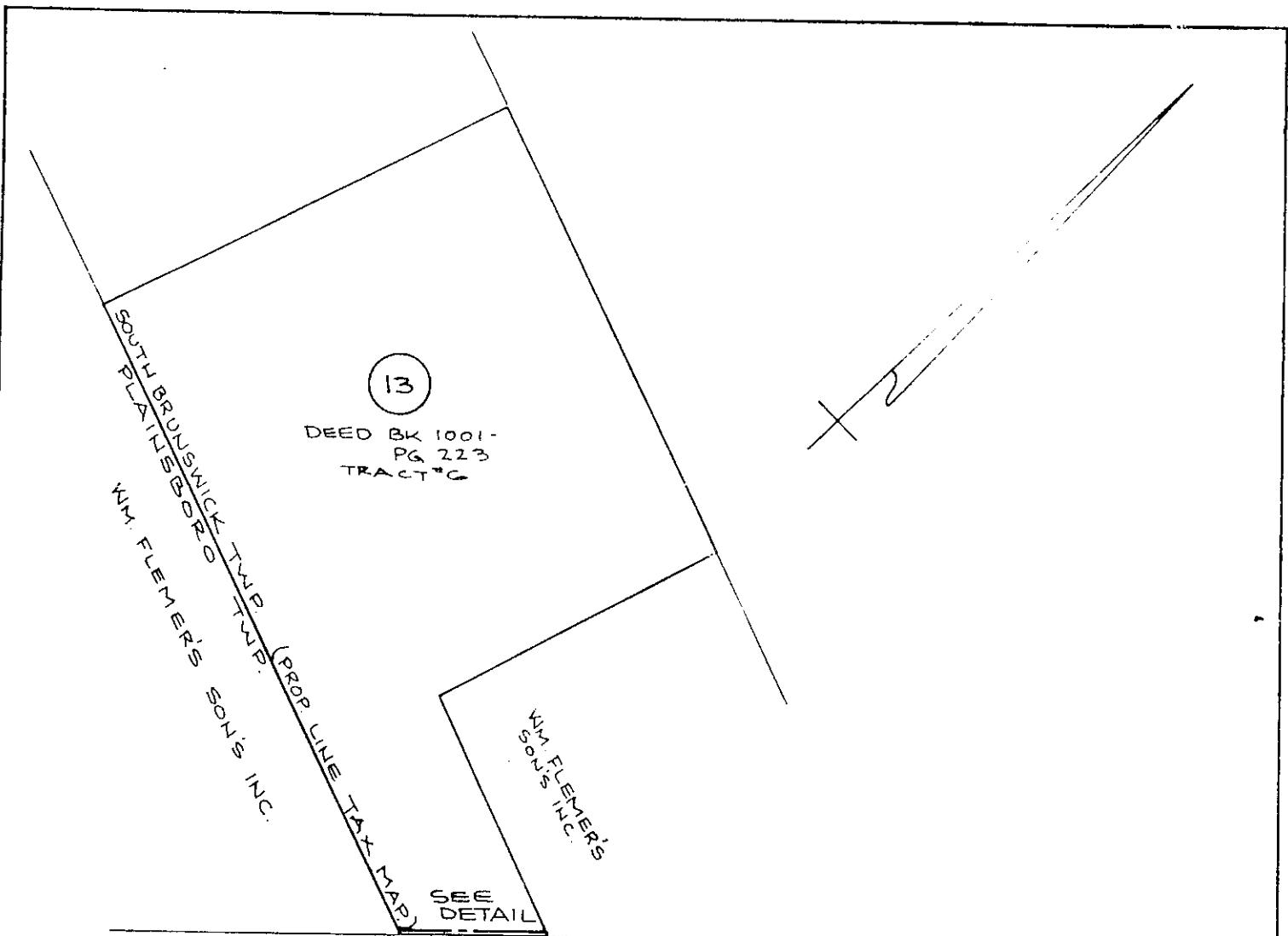
*Conrad E. Allen*

8-20-84  
DATE OF  
SIGNATURE

DONALD E. ALLEN  
N.J. L.S. # 17423

PLAN  
SHOWING WATER LINE EASEMENT  
THROUGH LANDS OF  
WM. FLEMER'S SONS, INC.  
PLAINSBORO TWP. MIDDLESEX CO. N.J.  
SCALE AS SHOWN AUG. 17, 1984

| DRAWN BY<br>RE     | FIELD BK. | ORDER NO. | FILE NO.                       | SHEET NO. |
|--------------------|-----------|-----------|--------------------------------|-----------|
| CHECKED BY<br>F.C. | PAGE      | 13023     | PLAINSBORO<br>TWP.<br>EASEMENT |           |



U. S. ROUTE No. 1

PROPERTY PLAN  
SCALE 1" = 400'PROPOSED 15' WIDE WATER  
LINE EASEMENT  
0.126 AC.

U. S. ROUTE No. 1

N 42° 45' 55" E CENTERLINE

DETAIL  
SCALE 1" = 60'115+78.13  
HIGHWAY  
STATION

116+45.13

NO. K 3389 PAGE 344

SOUTH BRUNSWICK TWP.  
SHEET 34 TAX MAP  
BLOCK 99  
LOT 13NASSAU SURVEYING COMPANY, INC.  
LAND SURVEYORS  
PRINCETON RESEARCH PARK PRINCETON NEW JERSEY 08540

Donald E. Allen

8-20-84  
DATE OF  
SIGNATURE

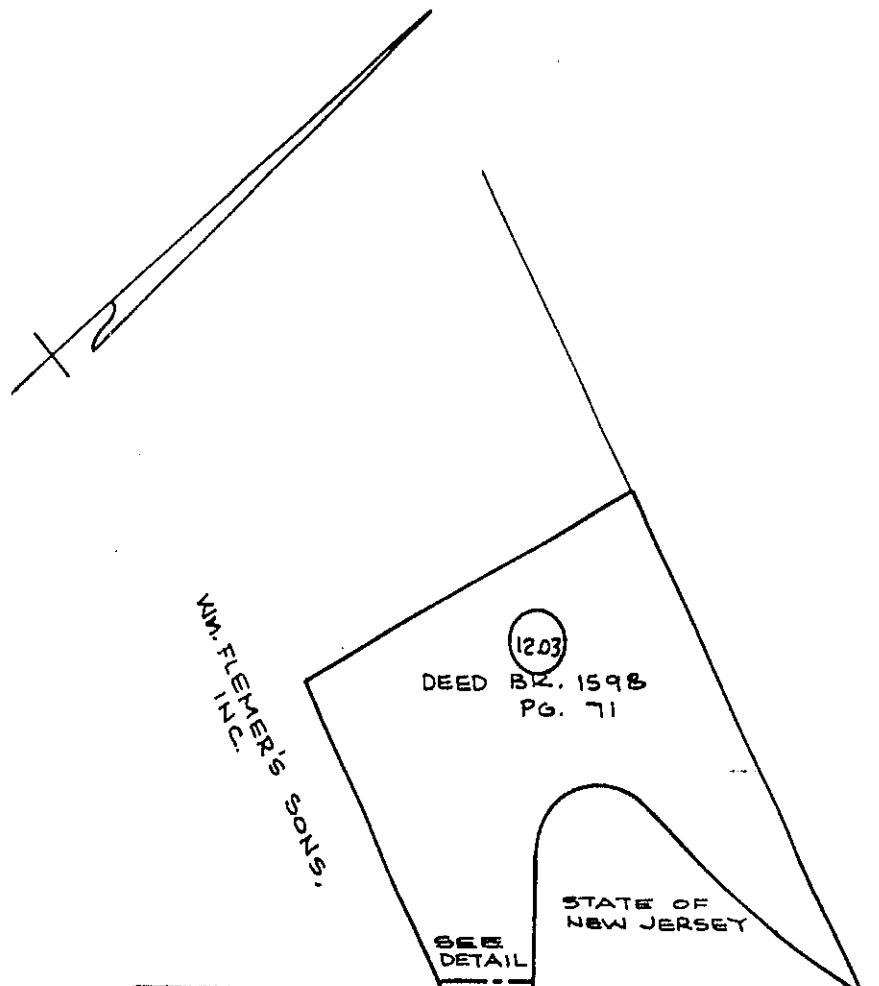
## PLAN

SHOWING WATER LINE EASEMENT  
THROUGH LANDS OF

WM. FLEMER'S SONS, INC.

SOUTH BRUNSWICK TWP. MIDDLESEX CO. N.J.  
SCALE AS SHOWN AUG. 17 1984DONALD E. ALLEN  
N.J.L.S. # M423

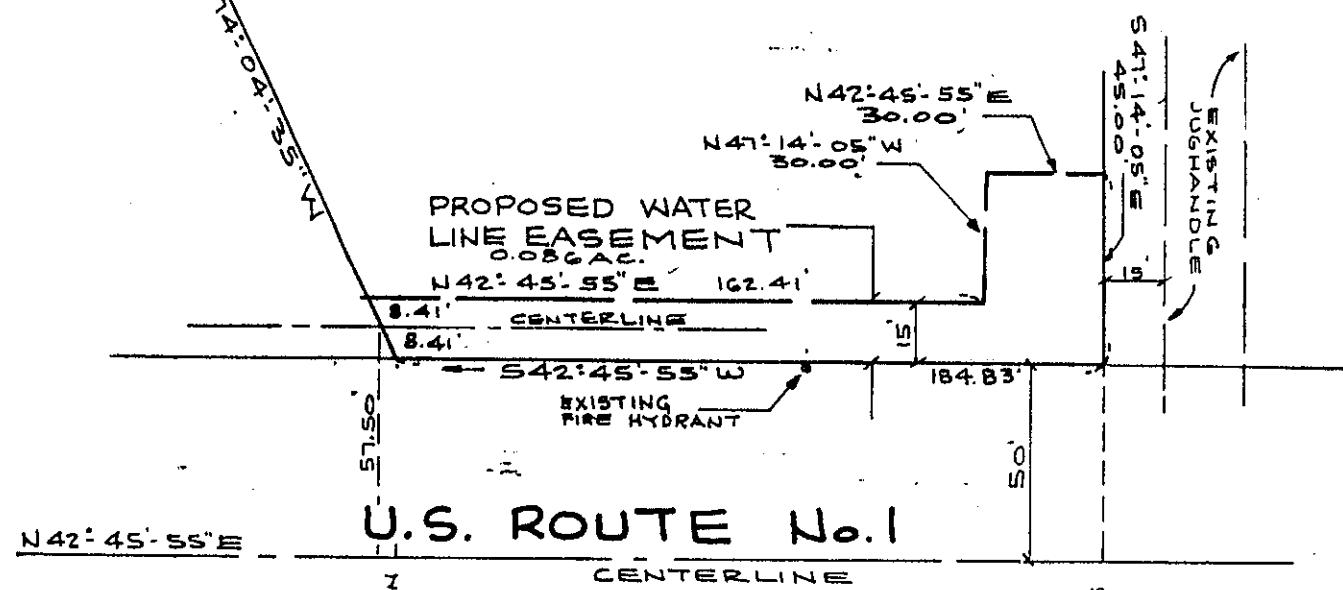
| DRAWN BY<br>D.E.A.   | FIELD BK. | ORDER NO. | FILE NO.<br>SOUTH BRUNSWICK<br>TWP<br>EASEMENT | SHEET NO. |
|----------------------|-----------|-----------|--|-----------|
| CHECKED BY<br>E.C.C. | PAGE      | 13023     |  |           |



U.S. ROUTE No. 1

## PROPERTY PLAN

SCALE 1" = 400'



U.S. ROUTE No. 1

CENTERLINE

## DETAIL

SCALE 1" = 50'

SO. BRUNSWICK TWP. TAX MAP

SHEET 34  
BLOCK 99  
LOT 12.03

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NASSAU SURVEYING COMPANY, INC.  
LAND SURVEYORS  
PRINCETON RESEARCH PARK, PRINCETON NEW JERSEY 08540

*Donald E. Allen*

8-20-84

DATE OF  
SIGNATURE

**DONALD E. ALLEN**  
N.J.L.S. # 17423

**PLAN**  
SHOWING WATER LINE EASEMENT  
THROUGH LANDS OF  
**WM. FLEMER'S SONS, INC.**  
SOUTH BRUNSWICK TWP. MIDDLESEX CO. N.J.  
SCALE AS SHOWN AUG. 17, 1984

|                             |           |           |   |           |
|-----------------------------|-----------|-----------|---|-----------|
| DRAWN BY<br><i>D.E.A.</i>   | FIELD BK. | ORDER NO. | FILE NO.<br>So. BRUNSWICK<br>TWP.<br>EASEMENT | SHEET NO. |
| CHECKED BY<br><i>F.C.L.</i> | PAGE      | 13023     |   |           |

It is covenanted by the party of the first part that said party has the right to convey the said right of way and easement to the party of the second part and that said party is the true, lawful and right owner of all and singular the above described lands, and that the said lands at the time of the sealing and delivery of these presents are not encumbered by any mortgage, judgment, limitation or by any encumbrance whatsoever, by which the aforesaid right of way and easement hereby made, can or may be changed, charged, altered or defeated in any way whatsoever.

It is expressly agreed that the party of the second part may enter upon the above described lands for the purpose of erecting, installing, moving, removing, repairing, altering, maintaining or operating any structures, fixtures, appurtenances, equipment, pipes, mains, conduits or the like or for the purpose of maintaining such easement or right of way, without any prior notice being given to the party of the first part by the party of the second part and any and all such notice as is or may be required by any statute or law of the State of New Jersey or any other local or municipal ordinance is hereby waived by the party of the first part.

It is covenanted by the party of the second part that it will pay any damage which may arise to crops, fences or other property of the party of the first part by reason of the construction, laying, operation, maintenance of such mains, conduits and appurtenances. If the amount of said damage is not mutually agreed upon by the parties hereto the damage shall be determined by three disinterested persons, one to be appointed by the party of the first part, one by the party of the second part, and the third by two persons aforesaid, and the amount so determined by the aforesaid three persons under oath shall be final and conclusive.

In Witness Whereof, the party of the first part has set hand and seal or caused these presents to be signed by its proper corporate officers and caused its proper corporate seal to be hereto affixed this 15<sup>th</sup> day of Oct 1984.

Attest:

Richard J. Henkel, Secretary

Witness:

Betty R. Ritter

By: Wm. Flemer's and Sons, Inc. T/A  
Princeton Nurseries

William Flemer IV, Vice President

(L.S.)

State of New Jersey, County of

that on

19

} ss.: Be it Remembered,

personally appeared

, before me, the subscriber,

who, I am satisfied, the person named in and who executed the within Instrument, and thereupon acknowledged that signed, sealed and delivered the same as act and deed, for the uses and purposes therein expressed, and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1 (c), is \$

State of New Jersey, County of MIDDLESEX } ss.: Be it Remembered,  
that on OCTOBER 15, 1984, before me, the subscriber,

personally appeared Richard J. Henkel

who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the Secretary of

the Corporation named in the within Instrument; is the Vice President  
that William Flemer IV President of said Corporation; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Corporation; that deponent well knows the corporate seal of said Corporation; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said President as and for the voluntary act and deed of said Corporation, in presence of deponent, who thereupon subscribed his name thereto as attesting witness, and that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within deed, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is \$1.00

Sworn to and subscribed before me,  
the date aforesaid:

Paulina A. Micchowicz  
Notary Public in the State of New Jersey  
My Commission Expires June 21, 1988

Richard J. Henkel, Secretary

RO K 3389 PAGE 348

15045

RECEIVED & RECORDED  
MAY 19 1984 NEW JERSEY

RIGHT OF WAY

and

EASEMENT AGREEMENT

84 OCT 30 PM 2:00

BOOK 3389 PAGE 337

THOMAS J. VILLENEUX  
COUNTY CLERK

Between  
Wm. Flemer's Sons, Inc.  
T/A Princeton Nurseries

And

Elizabethtown Water Company

20.00  
LA

Walter M. Braswell  
Attorney at Law  
1 Elizabethtown Plaza  
Elizabeth, N. J. 07207

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