

MORRIS COUNTY, NEW JERSEY  
JOAN BRAMHALL, COUNTY CLERK  
DEEDW-DR BOOK 22273 PG 1647  
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RECORDING FEES 8.00  
MARGINAL NOTATION CD 0.00 ST 0.00

Prepared by: Raymond M. Cody, Esq.  
[Signature]

**RECORD AND RETURN TO:**  
*Borough of Madison Clerk  
50 Kings Road  
Madison, NJ 07940  
c/o James J. Cleary, Esq.*

DEED NOTICE

This Deed Notice is made as of the 5<sup>th</sup> day of March, 2013, by Borough of Madison, 50 Kings Road, Madison, NJ 07940 (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. The Borough of Madison, 50 Kings Road, Madison, NJ 07940, is the owner in fee simple of certain real property designated as Block 601 Lot 1.01, on the tax map of the Borough of Madison, Morris County, New Jersey. The New Jersey Department of Environmental Protection Program Interest Number for the contaminated site which includes this property is 564497; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. As per the NJDEP Site Remediation Program, Joseph Norton, LSRP #573787 has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. SOIL CONTAMINATION. The Borough of Madison has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls (5-foot fencing) in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other

20

good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. RESTRICTED LAND USES. The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility without the Department's prior written approval.

5C. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.

6A. CHANGE IN OWNERSHIP AND REZONING.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted 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 any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at [www.nj.gov/srp/forms](http://www.nj.gov/srp/forms) within thirty (30) calendar days after the effective date of any

conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at [www.nj.gov/srp/forms](http://www.nj.gov/srp/forms), within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

#### 7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

## 8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the County Clerk of Morris County, New Jersey, expressly terminating this Deed Notice.

ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

#### 10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

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

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map (USGS Map) - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property.

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as well as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less. The Property Map includes diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of the engineering control; and

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for the restricted area that includes (A) through (E):

(A) Sample location designation from Restricted Area map (Exhibit B-1);

(B) Sample elevation based upon mean sea level;

(C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(D) The restricted and unrestricted use standards for each contaminant in the table; and

(E) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and fencing - engineering controls] as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

(A) Description and estimated size of the Restricted Areas as described above;

(B) Description of the restrictions on the Property by operation of this Deed Notice; and

(C) The objective of the restrictions.

ii. Exhibit C-2: Fencing and signage - engineering control: Exhibit C-2 includes a narrative description of fencing as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control;
- (C) How the engineering control is intended to function.

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

ATTEST:

Borough of Madison

Elizabeth Osborne  
Elizabeth Osborne, Borough Clerk

By Robert H. Conley  
Robert H. Conley, Mayor

STATE OF NEW JERSEY      SS.:  
COUNTY OF MORRIS

I certify that on 3/5, 2013, Elizabeth Osborne personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the <sup>CLERK</sup> [secretary/assistant secretary] of <sup>THE BOROUGH OF MADISON</sup> [Owner], the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

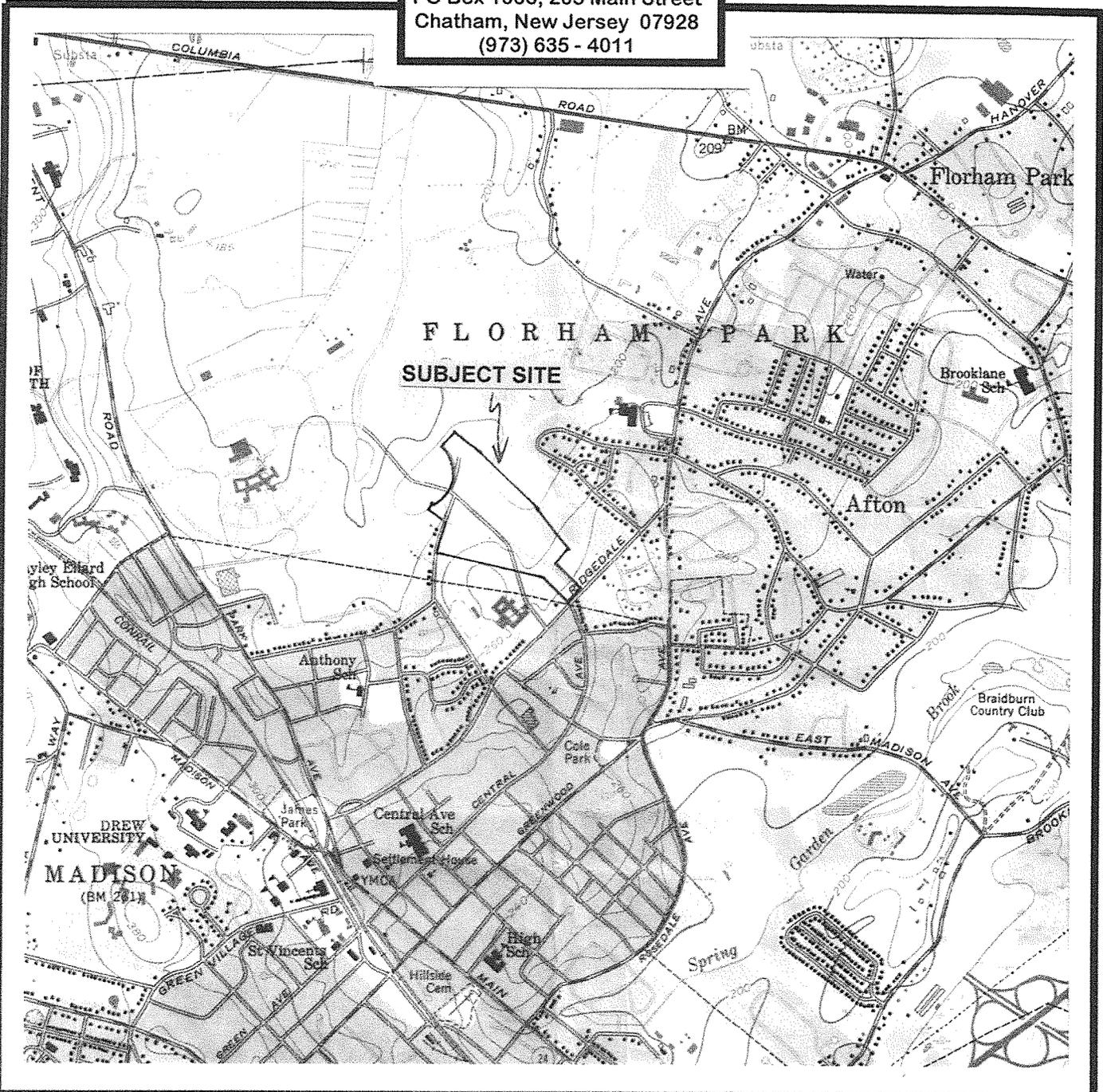
Elizabeth Osborne  
Elizabeth Osborne, Borough Clerk

Signed and sworn before me on 3/5, 2013

Raymond M. Codey  
Raymond M. Codey  
An attorney at law of N.J.

RECORD & RETURN:  
Raymond M. Codey, Esq.  
50 Kings Road  
Madison, NJ 07940

**PK ENVIRONMENTAL**  
PO Box 1066, 205 Main Street  
Chatham, New Jersey 07928  
(973) 635 - 4011



**EXHIBIT A-1 – VICINITY MAP (USGS MAP)**

**SOURCE:** USGS Map – Morristown, NJ Quad

Block 601 Lot 1.01

184 Ridgedale Avenue

Borough of Madison, Morris County, NJ

**SCALE:** 1 inch = 2000 feet





Environmental Site Mapping • Hazardous Materials and Waste Surveys  
Aerial Control and GPS Surveys • Topographic and Existing Condition Surveys  
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February 21, 2013

**Exhibit A2**  
**Description of Property**  
**Madison Recreation Complex**  
**Tax Lot 1.01 Block 601**  
**Borough of Madison, Morris County, New Jersey**  
**(Formerly Lot 5.02 Block 1401 Borough of Florham Park)**

All that certain tract or parcel of land located along Ridgedale Avenue in the Borough of Madison, Morris County, New Jersey, bounded and described as follows:

Being part of Lot 5.02 Block 1401 as shown on a certain map entitled "Preliminary and Final Major Subdivision Plat, Lots 1 and 5.02 Block 1401, Rockefeller Group Corporate Park, Borough of Florham Park, Morris County, New Jersey" prepared by the Chester, Ploussas, Lisowsky Partnership, dated October 6, 2009 and revised through November 23, 2009 and filed in the Morris County Clerk's Office on April 5, 2010 in Plat Book 7 page 95, File No. 20100208007. Being more particularly described as follows:

**BEGINNING** at a point in the northwesterly sideline of Ridgedale Avenue, being 33 feet northwesterly of the record centerline, where same is intersected by the dividing line between Lot 5.02 as shown on the aforementioned map and Lot 1 Block 2701, said point being marked with a concrete monument found having New Jersey State Plane Grid Coordinates NAD83 of North 705,855.39 East: 518,459.07 (US Survey Feet) as measured in 2008; and runs thence

1. Along said northwesterly sideline of Ridgedale Avenue, South 43 degrees 47 minutes 34 seconds West (map bearing South 43 degrees 41 minutes 10 seconds West) 214.08 feet to a point in same; thence
2. Leaving said sideline, along the dividing line between Tax Lot 1.01 Block 601 (formerly Lot 5.02 Block 1401 Borough of Florham Park) and Lot 1 Block 1503, North 46 degrees 12 minutes 28 seconds West (map bearing North 46 degrees 18 minutes 52 seconds West) 523.65 feet to an angle point in same, marked with a capped iron set, passing over the center of a concrete monument found 0.07 feet from the beginning of this course; thence
3. Continuing along said dividing line, North 80 degrees 33 minutes 06 seconds West (map bearing North 80 degrees 39 minutes 30 seconds West) 1,544.43 feet to a point in the easterly line of Burnet Road, variable width right of way, said point being marked with a concrete monument found having New Jersey State Plane Grid Coordinates NAD83 of North: 706,316.73 East: 516,409.66 (US Survey Feet); thence
4. Along said sideline of Burnet Road, North 02 degrees 52 minutes 39 seconds East (map bearing North 02 degrees 46 minutes 15 seconds East) 93.47 feet to an angle point in same; thence

5. Continuing along same, North 20 degrees 52 minutes 39 seconds East (map bearing North 20 degrees 46 minutes 15 seconds East) 309.16 feet to a point being the Northeasterly corner of the terminus of Burnet Road; thence
6. Along the northerly terminus of Burnet Road, and along the dividing line between Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park) and Lot 6 Block 1501 Borough of Florham Park, North 58 degrees 45 minutes 11 seconds West (map bearing North 58 degrees 51 minutes 35 seconds West) 248.07 feet to a point; thence
7. Along the dividing line between Lot 3 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park), North 37 degrees 21 minutes 59 seconds East (map bearing North 37 degrees 15 minutes 35 seconds East) 97.70 feet to a point, said point being marked with a capped iron set; thence
8. Continuing along the dividing line between Lot 3 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park), South 89 degrees 53 minutes 36 seconds East (map bearing North 90 degrees 00 minutes 00 seconds East) 250.85 feet to a point of curvature, said point being marked with a capped iron set; thence
9. Continuing along the dividing line between Lot 3 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park), easterly along a curve to the left, having a radius of 320.00 feet, a central angle of 35 degrees 00 minutes 00 seconds, a chord of North 72 degrees 36 minutes 24 seconds East 192.45 feet for an arc length of 195.48 feet to a point, said point being marked with a capped iron set; thence
10. Continuing along the dividing line between Lot 3 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park), by a line radial to the previous course, North 34 degrees 53 minutes 36 seconds West (map bearing North 35 degrees 00 minutes 00 seconds West) 7.00 feet to a point being a corner of Lot 1 Block 1401 Borough of Florham Park as shown on aforesaid map entitled "Preliminary and Final Major Subdivision Plat, Lots 1 and 5.02 Block 1401, Rockefeller Group Corporate Park, Borough of Florham Park, Morris County, New Jersey" prepared by the Chester, Ploussas, Lisowsky Partnership, dated October 6, 2009 and revised through November 23, 2009 and filed in the Morris County Clerk's Office on April 5, 2010 in Plat Book 7 page 95, File No. 20100208007, said point being marked with a capped iron set ; thence

Along the line Lot 1 Block 1401 the following eight courses:

11. Northeasterly along a curve to the left, not tangent to the previous course, having a radius of 313.00 feet, a central angle of 9 degrees 14 minutes 52 seconds, a chord of North 50 degrees 28 minutes 58 seconds East (map bearing North 50 degrees 22 minutes 34 seconds East) 50.46 feet, for an arc length of 50.52 feet to a point of reverse curvature, said point being marked with a spike and tag set; thence
12. Easterly along a curve to the right having a radius of 40.00 feet, a central angle of 87 degrees 14 minutes 52 seconds, a chord of North 89 degrees 28 minutes 58 seconds East (map bearing North 89 degrees 22 minutes 34 seconds East) 55.19 feet, for an arc length of 60.91 feet to a point of tangency, said point being marked with a spike and tag set; thence
13. South 46 degrees 53 minutes 36 seconds East (map bearing South 47 degrees 00 minutes 00 seconds East) 168.08 feet to a point, said point being marked by a spike and tag set; thence

14. Crossing an existing paved roadway, North 43 degrees 06 minutes 24 seconds East (map bearing South 43 degrees 00 minutes 00 seconds West) 25.00 feet to a point, said point being marked with a spike and tag set; thence
15. Northwesterly along a curve to the right, not tangent to the previous course, having a radius of 125.00 feet, a central angle of 17 degrees 16 minutes 00 seconds, a chord of North 38 degrees 15 minutes 35 seconds West (map bearing South 38 degrees 21 minutes 59 seconds East) 37.53 feet for an arc length of 37.67 feet to a point of compound curvature, said point being marked with a spike and tag set; thence
16. Northwesterly along a curve to the right having a radius of 280.00 feet, a central angle of 37 degrees 37 minutes 08 seconds, a chord of North 10 degrees 49 minutes 02 seconds West (map bearing South 10 degrees 55 minutes 26 seconds East) 180.56 feet, for an arc length of 183.84 feet to a point of tangency, said point being marked with a spike and tag set; thence
17. North 07 degrees 59 minutes 32 seconds East (map bearing South 07 degrees 53 minutes 08 seconds West) 244.81 feet to a point of curvature, said point being marked with a spike and tag set; thence
18. Northerly along a curve to the left having a radius of 845.00 feet, a central angle of 44 degrees 45 minutes 14 seconds, a chord of North 14 degrees 23 minutes 05 seconds West (map bearing North 14 degrees 29 minutes 29 seconds West) 643.38 feet, for an arc length of 660.03 feet to a point, said point being marked with a spike and tag set; thence
19. Partly along the dividing line between Lot 1 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham park), and continuing along the dividing line between Lot 5.01 Block 1401 Borough of Florham Park and Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham park) as shown on the aforesaid map entitled "Preliminary and Final Major Subdivision Plat, Lots 1 and 5.02 Block 1401, Rockefeller Group Corporate Park, Borough of Florham Park, Morris County, New Jersey" prepared by the Chester, Ploussas, Lisowsky Partnership, dated October 6, 2009 and revised through November 23, 2009 and filed in the Morris County Clerk's Office on April 5, 2010 in Plat Book 7 page 95, File No. 20100208007, North 46 degrees 40 minutes 03 seconds East (map bearing North 46 degrees 33 minutes 39 seconds East) 244.28 feet to a point in the southwesterly line of New Jersey State Highway Route 24, a variable width right of way, this course passes over a concrete monument found at 30.10 feet from the beginning of this course and passes over a concrete monument found 0.09 feet from the terminus of this course; thence
20. Along said line of New Jersey State Highway Route 24, South 43 degrees 19 minute 57 seconds East (map bearing South 43 degrees 26 minutes 21 seconds East) 327.61 feet to an angle point in same; thence
21. Continuing along said line of New Jersey State Highway Route 24, South 40 degrees 33 minutes 52 seconds East (map bearing South 40 degrees 40 minutes 16 seconds East) 1,112.20 feet to an angle point in same, this course passes over a concrete monument 0.08 feet from its terminus; thence
22. Continuing along said line of New Jersey State Highway Route 24, South 30 degrees 59 minutes 35 seconds East (map bearing South 31 degrees 05 minutes 59 seconds East) 709.89 feet to the most northerly corner of Lot 1 Block 2701 Borough of Florham Park, being marked with a capped iron set; thence
23. Along the dividing line between Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park) and Lot 1 Block 2701 Borough of Florham Park, South 43 degrees 50 minutes 44 seconds West (map bearing South 43 degrees 44 minutes 20 seconds West) 351.13 feet to a point, said point being marked with a concrete monument found; thence

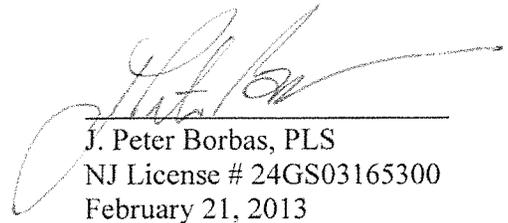
24. Continuing along the dividing line between Tax Lot 1.01 Block 601 Borough of Madison (formerly Lot 5.02 Block 1401 Borough of Florham Park) and Lot 1 Block 2701 Borough of Florham Park, South 46 degrees 09 minutes 16 seconds East (map bearing South 46 degrees 15 minutes 40 seconds East) 496.35 feet to the point and place of BEGINNING.

Containing 49.439 acres of land more or less.

The above described parcel being subject to:

1. Access and utility easement as shown on filed map number 5723.
2. 20 feet wide utility easements as shown on filed map number 5723.
3. 10 feet wide telecommunications easement as shown on map filed in Book 7 Page 70 File number 2008084454.
4. Easement for ingress & egress as shown on map filed in Book 7 Page 95 File 20100208807.
5. 20' wide gas easement, recorded in the Morris County Clerk's office on February 19, 2013 in Book 022257 Page 0344.

The above description was written pursuant to a survey of property designated as Tax Lot 1.01 Block 601 Borough of Madison (Formerly Lot 5.02 Block 1401 Borough of Florham Park) Morris County, New Jersey. Said survey was prepared by Borbas Surveying and Mapping, 402 Main Street, Boonton, NJ 07005, original date December 22, 2008, amended to February 14, 2013 and is marked as file No. 080801.



J. Peter Borbas, PLS  
NJ License # 24GS03165300  
February 21, 2013





## EXHIBIT C-1



Environmental Site Mapping • Hazardous Materials and Waste Surveys  
Aerial Control and GPS Surveys • Topographic and Existing Condition Surveys  
Remote Sensing and GIS • Hydrographic/Bathymetric Surveys • ALTA/ACSM Certified Surveys  
Transportation and Right of Way Surveys • Deformation and Structure Monitoring Surveys

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**Description of Two (2) Restricted Areas  
Located on Tax Lot 1.01 Block 601 Madison Recreation Complex  
Borough of Madison, Morris County, New Jersey  
(Formerly Lot 5.02 Block 1401 Borough of Florham Park)**

**North Restricted Area**

**BEGINNING** at the most westerly corner of Lot 1 Block 2701 Borough of Florham Park, being the terminus of the 23<sup>rd</sup> course of Lands described in Exhibit A2 as Tax Lot 1.01 Block 601 Borough of Madison, being marked with a concrete monument found and runs thence the following nine (9) courses across said Tax Lot 1.01 Block 601:

1. South 43 degrees 50 minutes 44 seconds West, 27.73 feet to a point; thence the following three (3) courses are along the northerly edge of a paved roadway.
2. North 52 degrees 14 minutes 20 seconds West, 49.24 feet to a point; thence
3. Northwesterly on a curve to the left, not tangent to the previous course having a radius of 430.04 feet, a central angle of 13 degrees 42 minutes 00 seconds, a chord of North 59 degrees 05 minutes 20 seconds West 102.58 feet, for an arc length of 102.83 feet to a point; thence
4. North 65 degrees 56 minutes 20 seconds West, 110.19 feet to a point; thence
5. North 17 degrees 06 minutes 40 seconds East, 107.79 feet to a point marked with an capped iron pipe set (this course passes over a capped iron pipe set 15.11' from the beginning of this course); thence
6. South 75 degrees 21 minutes 41 seconds East, 121.35 feet to a point marked with an capped iron pipe set; thence
7. South 35 degrees 22 minutes 04 seconds East, 47.43 feet to a point marked with an capped iron pipe set; thence
8. South 49 degrees 59 minutes 28 seconds East, 68.88 feet to a point marked with an capped iron pipe set; thence
9. South 45 degrees 37 minutes 57 seconds East, 79.89 feet to a point in the dividing line between Lot 1 Block 2701 Borough of Florham Park and Tax Lot 1.01 Block 601, Borough of Madison, being in the 23<sup>rd</sup> course of lands described above as Tax Lot 1.01 Block 601, said point marked with an capped iron pipe set; thence
10. Along said dividing line, South 43 degrees 50 minutes 44 seconds West, 57.28 feet to the point and place of BEGINNING.

Containing 30,222 square feet or 0.694 acres of land more or less.

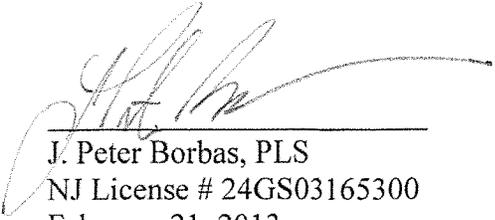
## South Restricted Area

**BEGINNING** at a point on the dividing line between Lot 1 Block 601 and Tax Lot 1.01 Block 601 Borough of Madison, being in the 2<sup>nd</sup> course of lands described in Exhibit A2 as Tax Lot 1.01 Block 601 Borough of Madison, said point being 222.81 feet northwesterly along said 2<sup>nd</sup> course from the beginning of said 2<sup>nd</sup> course, also being 222.74 feet northwesterly along said 2<sup>nd</sup> course from a concrete monument in said 2<sup>nd</sup> course, and runs thence;

1. Along the dividing line between Lot 1 Block 601 and Tax Lot 1.01 Block 601 Borough of Madison, North 46 degrees 12 minutes 28 seconds West, 300.84 feet to a corner in same marked with an capped iron pipe set; thence
2. Continuing along the dividing line between Lot 1 Block 601 and Tax Lot 1.01 Block 601 Borough of Madison, North 80 degrees 33 minutes 06 seconds West, 101.24 feet to a point; thence the following thirteen (13) courses across Tax Lot 1.01 Block 601 Borough of Madison
3. North 23 degrees 42 minutes 40 seconds West, 82.32 feet to a point marked with an capped iron pipe set; thence
4. North 49 degrees 38 minutes 14 seconds East, 148.00 feet, this course passes over an iron pipe set 16.17' from the terminus of this course to a point; thence the following ten (10) courses are along the southerly edge of a paved roadway.
5. South 62 degrees 15 minutes 11 seconds East, 27.02 feet to a point; thence
6. Southeasterly along a curve to the right, not tangent to the previous course having a radius of 354.79 feet, a central angle of 16 degrees 24 minutes 27 seconds, a chord of South 54 degrees 07 minutes 38 seconds East 101.25 feet, for an arc length of 101.60 feet to a point; thence
7. southeasterly on a curve to the right, not tangent to the previous course having a radius of 1,507.35 feet, a central angle of 03 degrees 23 minutes 10 seconds, a chord of South 44 degrees 13 minutes 49 seconds East 89.07 feet, for an arc length of 89.08 feet to a point; thence
8. South 39 degrees 38 minutes 01 seconds East, 144.24 feet to a point; thence
9. South 01 degrees 21 minutes 24 seconds West, 27.70 feet to a point; thence
10. South 42 degrees 45 minutes 37 seconds East, 29.63 feet to a point; thence
11. South 04 degrees 32 minutes 48 seconds West, 5.41 feet to a point; thence
12. South 76 degrees 41 minutes 50 seconds East, 21.38 feet to a point; thence
13. North 02 degrees 19 minutes 27 seconds East, 18.01 feet to a point; thence
14. South 46 degrees 20 minutes 55 seconds East, 25.05 feet to a point; thence
15. Leaving said roadway, South 42 degrees 05 minutes 18 seconds West, 121.49 feet to the point and place of BEGINNING.

Containing 64,165 square feet or 1.473 acres of land more or less.

The above description was written pursuant to a survey of property designated as Tax Lot 1.01 Block 601 Borough of Madison (Formerly Lot 5.02 Block 1401 Borough of Florham Park) Morris County, New Jersey. Said survey was prepared by Borbas Surveying and Mapping, 402 Main Street, Boonton, NJ 07005, original date December 22, 2008, amended to February 14, 2013 and is marked as file No. 080801.



J. Peter Borbas, PLS  
NJ License # 24GS03165300  
February 21, 2013

EXHIBIT C-1/EXHIBIT C-2

The restricted area consists of the 2.167 acres located on the north and south side of the access driveway with the Madison Recreation Area referenced as Block 6.01 Lot 1.01 in the Borough of Madison, NJ. The North Area is 30,222 square feet (0.694 acres) and the South Area is 64,165 square feet (1.473 acres) in size.

Public access to the restricted area is prohibited to prevent human contact to the arsenic contaminated surface soils. Therefore the restricted area is encompassed by a 5-foot high chain link fence. Signs, 10" x 14" in size, reading "RESTRICTED AREA- DO NOT ENTER" are displayed on the fence at a distance of approximately one sign per 50 feet.



**RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING NOTICE OF DEED RESTRICTION FOR A PORTION OF THE PREMISES KNOWN AS BLOCK 601, LOT 1.01 ON THE CURRENT TAX MAP OF THE BOROUGH OF MADISON**

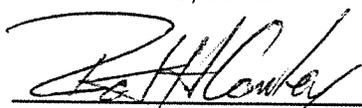
**WHEREAS**, the Borough Engineer has recommended that the Borough Council authorize a Notice of Deed Restriction on a portion of the property commonly known as the Madison Recreation Center, Block 1401, Lot 5.02 on the current tax map of the Borough of Madison, to facilitate the disbursement of New Jersey Department of Environmental Protection, Green Acres Program funding; and

**WHEREAS**, the New Jersey DEP, Green Acres Program will provide funding to the Borough of Madison for costs associated with the acquisition of property known as the Madison Recreation Center in the amount in excess of \$1.2 million dollars; and

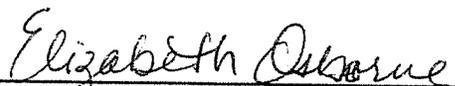
**WHEREAS**, the Borough Council has determined to authorize the execution of a Notice of Deed Restriction to a portion of the deed for the Madison Recreation Center site.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Madison, County of Morris, and State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute on behalf of the Borough of Madison a Notice of Deed Restriction in a form approved by the Acting Borough Attorney.

ADOPTED AND APPROVED  
December 10, 2012

  
\_\_\_\_\_  
ROBERT H. CONLEY, Mayor

Attest:

  
\_\_\_\_\_  
ELIZABETH OSBORNE, Borough Clerk