

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: [Signature]  
[Signature]

David R. Draper, LSRP  
[Print name below signature]  
201803291005570 1172  
03/29/2018 09:48:39 AM DEED  
30 State Street, 315  
Dunellen, NJ 08829  
Hudson County Register of Deeds  
Permit No. 1349461

Recorded by: \_\_\_\_\_  
[Signature, Officer of County Recording Office]  
\_\_\_\_\_  
[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the 16<sup>th</sup> day of March, 2018, by M-C Plaza VI & VII, L.L.C., 343 Thornall Street, Edison, New Jersey 08837 (together with his/heirs/their successors and assigns, collectively "Owner").

1. THE PROPERTY. M-C Plaza VI & VII, L.L.C., 343 Thornall Street, Edison, New Jersey 08837 is the owner in fee simple of certain real property designated as Block(s) 11603 Lot(s) 3.1.01 (i.e., Block 11603, p/o Lot 31; i.e., Block 10 p/o Lot 22), on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 030353; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. David R. Draper, LSRP License No. 573769 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. M-C Plaza VI & VII, LLC 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 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 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-WARN-DEP 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-WARN-DEP 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 recurrence 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 Register of Deeds and Mortgages of Hudson 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 - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);
- 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, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include 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 each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice
  - (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 each restricted area that includes either (A) or (B) through (F):

- (A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

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

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

M-C Plaza VI & VII L.L.C.  
By: Roseland Residential, L.P., sole member  
By: Roseland Residential Trust, general partner

By: Gary T. Wagner

Name: Gary T. Wagner  
Title: General Counsel

Name: Ivan Beason  
Title: Assistant Secretary

STATE OF NEW JERSEY )  
  ) SS:  
COUNTY OF HUDSON )

I certify that on January 24, 2018, Ivan Beason personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the Assistant Secretary of Roseland Residential, L.P., the sole member of M-C Plaza VI & VII L.L.C., the limited liability company named in this document;

(b) this person is the attesting witness to the signing of this document by the proper company officer who is the General Counsel of the limited liability company; of Roseland Residential Trust, GP of Roseland Residential L.P., Sole Member

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

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

Name: Ivan Beason  
Title: Assistant Secretary

Signed and sworn before me on Jan 24, 2018  
[Signature] Notary Public

BEVERLY E. STURR  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 30, 2025

(C) Sample elevation based upon mean sea level;

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

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

(F) 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 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: Engineering Controls: Exhibit C-3 includes a narrative description of the Engineering Controls as follows:

(A) Description of the engineering control;

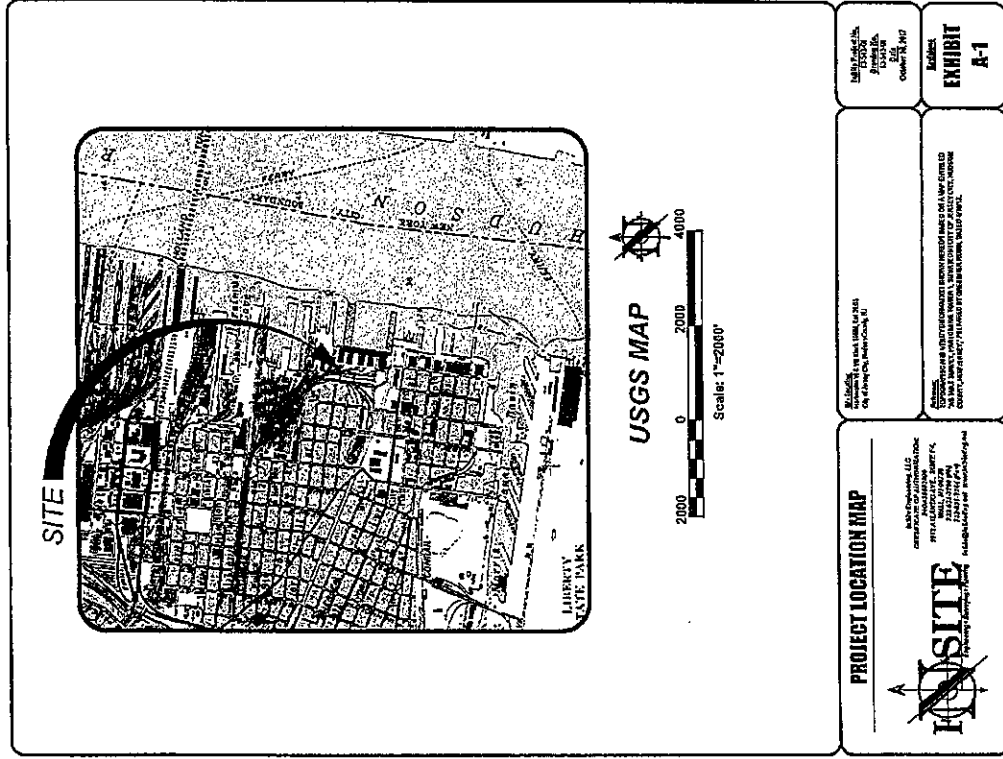
(B) The objective of the engineering control; and

(C) How the engineering control is intended to function.

**EXHIBIT A – MAPS OF THE PROPERTY**

**Exhibit A-1. Vicinity Maps**

Exhibit A-1 depicts the Site's location on a USGS Topographic Map.

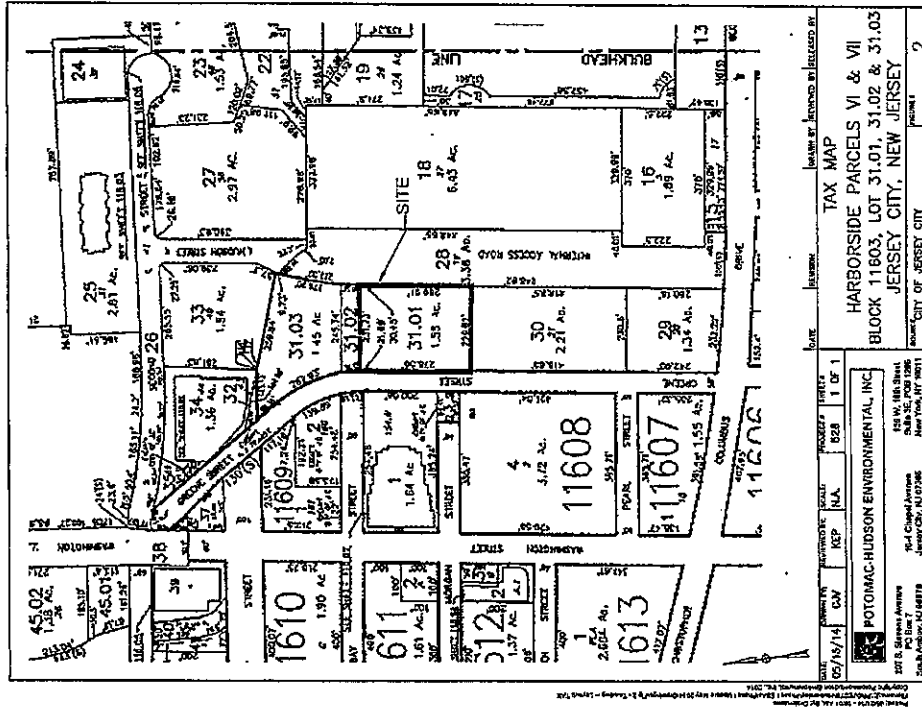


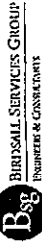
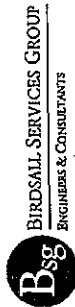
<p><b>PROJECT LOCATION MAP</b></p> <p>MAPS ENGINEERING, LLC GENERAL ENGINEERING AND SURVEYING 100 WEST 17TH STREET, 10TH FLOOR NEW YORK, NY 10011 TEL: 212 245 1100 WWW.MAPSENGR.COM</p>	<p>REVISIONS TO THIS MAP SHALL BE MADE BY THE ORIGINAL AUTHOR OR HIS SUCCESSORS.</p>	<p>DATE: 10/15/10 BY: [Signature] CHECKED BY: [Signature]</p>	<p><b>EXHIBIT A-1</b></p>
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**Exhibit A-2. Metes and Bounds Description**

A City of Jersey City municipal tax map depicting the property is attached.

A metes and bounds description as described by Birdisall Services Group is also included.





May 8, 2012

Job No. 02113101000

May 8, 2012

Job No. 02113101000  
Page 2 of 2

**DESCRIPTION OF PROPERTY  
PROPOSED LOT 31.01  
BLOCK 11603  
CITY OF JERSEY CITY, HUDSON COUNTY, NEW JERSEY**

Being known and designated as Proposed Lot 31.01, Block 11603 as shown on a map entitled, "Preliminary/Final Major Subdivision Block 10, Lot 22 Haberside Plaza VI and VII situated in the City of Jersey City, Hudson County, New Jersey", prepared by Birdsall Services Group, Inc., dated January 23, 2012, last revised on May 3, 2012, and being more particularly described as follows:

**BEGINNING** at a point along the Easterly line of (58.0' R.O.W.), Greene Street at the division line between Lots 30 and 31 Block 11603. Said point being North 81 degrees 46 minutes 06 seconds West a distance of 229.62 feet measured along the said division line from the Westerly line of Lot 28 Block 11603; thence running

1. North 08 degrees 23 minutes 36 seconds East, a distance of 278.56 feet along the said Easterly line of Greene Street to a point of curvature therein; thence
2. Continuing along the said Easterly line of Greene Street, along a curve to the left in a Northeasterly direction, having a radius of 364.00 feet, an arc length of 21.69 feet, a central angle of 03 degrees 24 minutes 49 seconds, a chord bearing of North 00 degrees 41 minutes 11 seconds East and chord length of 21.68 feet to a point at the division line between Proposed Lots 31.01 and 31.02, Block 11603. Said point also being a point of intersection between the said Easterly line of Greene Street with the Southerly line of (50' wide) Proposed Right-of-Way to be dedicated to the City of Jersey City; thence
3. South 81 degrees 46 minutes 06 seconds East, a distance of 231.73 feet along the said division line between Proposed Lots 31.01 and 31.02, Block 11603 a point in the Westerly line of Lot 28 Block 11603; thence the following two courses along the said Westerly line of Lot 28 Block 11603.
4. Along a curve to the left in a Southwesterly direction, having a radius of 200.00 feet, an arc length of 30.45 feet, a central angle of 08 degrees 43 minutes 23 seconds, a chord bearing of South 12 degrees 35 minutes 37 seconds West and chord length of 30.42 feet to a point of tangency; thence
5. South 08 degrees 13 minutes 54 seconds West, a distance of 269.91 feet to a point at the division line between Lots 30 and 31 Block 11603; thence

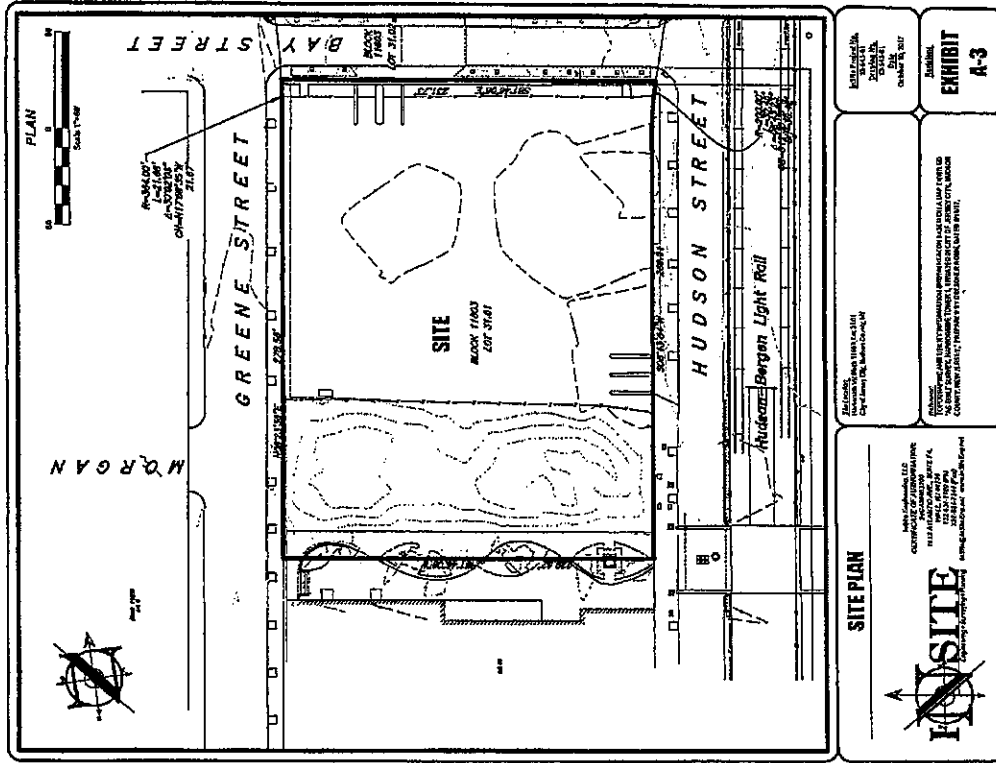
6. North 81 degrees 46 minutes 06 seconds West, a distance of 229.62 feet along the said division line between Lots 30 and 31 Block 11603 to the point and place of **BEGINNING**.  
Contains 68,840 S.F. = 1.58 Acres  
The above described property subject to any and all easements and/or restrictions of record if any.

Prepared By:  
**BIRDSALL-SERVICES GROUP, INC.**  
  
Frank J. Baciowski, P.L.S.  
Professional Land Surveyor  
N.J. License No. 39735

MS:\client\new\block\11603\11603-Development\02113101000\02113101\_01.dwg

**Exhibit A-3: Property Map**

This drawing presents the current layout and boundaries of the Site. To date, improvements have not been completed at the Site. The intended long-term use of the property includes mixed-use residential and commercial spaces.







**EXHIBIT C-1- DESCRIPTION OF INSTITUTIONAL AND ENGINEERING CONTROLS**

**Exhibit C-1: Deed Notice as an Institutional Control**

- (A) The Restricted Area included in this Deed Notice is the entirety of Block 11603, Lot 31.01. The property is located at 200 Greene Street, Jersey City, Hudson County, New Jersey. The property encompasses approximately 1.58 acres.
- (B) The restrictions of the property by operation of this Deed Notice are to remain in place for as long as the residual contamination remains at the property and includes institutional and engineering controls. No excavations or other disturbances of the engineering control are permitted without making the appropriate notifications, taking the necessary health and safety precautions and restoring the engineering controls to their as-built conditions or making them more protective of human health and the environment.
- (C) The objective of the restrictions is to prevent human exposure to the contaminants that remain present at the property.
- (D) In accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-8, and this Deed Notice, monitoring is required for compliance and effectiveness of the institutional and engineering controls in this document. As part of this Deed Notice, a biennial certification will be prepared and submitted to NJDEP. The necessary Site inspections will be completed as a part of this certification. If any disturbances are noted during these inspections, the appropriate actions will be taken to correct them to ensure the continued protection of the public health and environment. Any corrective actions, changes, or disturbances to the property will be reported and submitted with the biennial certification.

**Exhibit C-2: Engineering Controls**

- (A) The entire Site is capped with the following:
- Concrete sidewalks: 4 inches of concrete over 4 inches of clean stone
  - Asphalt parking surface: 3 inches of asphalt topcoat over 9 inches aggregate base mix
  - Landscapes: 6 inches of clean soil over minimum 12 inches aggregate base mix
  - Pavers: 2 inch pavers over 3 inches bedding sand, and minimum 25 inches aggregate base mix
- (B) The purpose of the engineering controls is to protect the public and environment from direct contact with contaminants remaining at the property. The impervious surfaces and clean fill will prevent direct contact with any contaminants remaining at the property.
- (C) Annual inspections will be performed at the Site to ensure that the integrity of the engineering controls has not been compromised. During the inspection, the entire Site will be examined for cracks or other loss of integrity of the impervious cover, soil erosion, and any reduction in clean fill material. If the integrity has been compromised, actions to correct the problems will be initiated. Results of the inspections, the inspector's name, and date of

the inspections as well as any corrective actions will be recorded and reported in the biennial certifications submitted to NJDEP.