

RECORDING INFORMATION SHEET**ESSEX COUNTY REGISTER'S OFFICE
HALL OF RECORDS , ROOM 130
465 MARTIN LUTHER KING Jr. Blvd
NEWARK NJ 07102**

INSTRUMENT NUMBER:

9035522

DOCUMENT TYPE :

DEED**Official Use Only**CAROLE A. GRAVES, REGISTER
ESSEX COUNTY, NJINSTRUMENT NUMBER
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May 8, 2009 11:06 am
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CONSIDERATION (R) \$0.00

MAIL COPY _____

NO COPY _____

ENVELOPE _____

ADDITIONAL STAMPINGS _____

Return Address (for recorded documents)

MCCARTER & ENGLISH LLP

FOUR GATEWAY CENTER

100 MULBERRY STREET

NEWARK NJ 07102

No. Of Pages (excluding Summary Sheet)

31

Recording Fee (excluding Transfer Tax)

\$330.00

Realty Transfer Tax

\$0.00

Amount Charged (Check # 3428)

\$330.00

Municipality

NEWARK

Parcel Information**Block** 165**Lot** 1.05**First Party Name**

ENVIRONMENTAL PROTECT,DEPT NJ

Second Party Name

HOUSING AUTHORITY NEWARK,CITY

Additional Information (Official Use Only)

***** DO NOT REMOVE THIS PAGE. *****
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***** RETAIN THIS PAGE FOR FUTURE REFERENCE. *****

Prepared by:

Keith E. Lynott, Esq.
Keith E. Lynott, Esq.

Record and return to:

Keith E. Lynott, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102

DEED NOTICE

This Deed Notice is made as of the 4th day of May, 2009, by The Housing Authority of the City of Newark (together with its successors and assigns, collectively "Owner").

1. **THE PROPERTY.** The Housing Authority of the City of Newark, 500 Broad Street, City of Newark, Essex County, New Jersey is the owner in fee simple of certain real property designated as Block 165, Lot 1.05 on the tax map of the City of Newark, Essex County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 264779; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. **DEPARTMENT'S ASSIGNED BUREAU.** The Office of Brownfield Reuse was the New Jersey Department of Environmental Protection program that was responsible for the oversight of the remediation of the Property. The matter was Case No. 05-10-13-0114-41.

3. **SOIL CONTAMINATION.** Station Plaza Newark Downtown Core Urban Renewal Company, LLC, has remediated contaminated soil at the Property, and the New Jersey Department of Environmental Protection approved a remedial action on February 4, 2009, such that soil contamination remains in certain areas of the Property which 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 New Jersey Department of Environmental Protection's approval of the remedial action work plan for the remediation of the site which included the Property, 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, 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 these contaminants, 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, along with the associated monitoring and maintenance activities and the biennial certification requirements are 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 enforcement officials.

5B. 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, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C.

6A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. Except as provided in Paragraph 6B, 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 the express written consent of the Department of Environmental Protection. 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. To request the consent of the Department of Environmental Protection, contact:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance, and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

ii. Notwithstanding subparagraph 6A.i., above, the Department of Environmental Protection's express written consent 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 exposure to contamination in excess of the applicable remediation standards does not occur;

(E) Submits a written report, describing the alteration, improvement, or disturbance, to the Department of Environmental Protection within sixty (60) calendar days after the end of each alteration, improvement, or disturbance. The owner, lessee or operator shall include in the report 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, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure. The owner, lessee, or operator shall submit the report to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance, and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

6B. 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, any person may temporarily breach any 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. 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 contamination;

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

v. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to the Department of Environmental Protection of such

emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (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. The owner, lessee, or operator shall submit the report to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance, and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

7A. MONITORING AND MAINTENANCE OF DEED NOTICE, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the persons responsible for conducting the remediation, the Owner, and the subsequent owners, lessees, and operators, shall monitor and maintain this Deed Notice, and certify to the Department on a biennial basis that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the deed notice shall include all of the following:

i. Monitoring and maintaining this Deed Notice according to the requirements in Exhibit C, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the site prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded:

7B. MONITORING AND MAINTENANCE OF ENGINEERING CONTROLS, AND PROTECTIVENESS CERTIFICATION. The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the person responsible for conducting the remediation, and, the Owner, and the subsequent owners, lessees, and operators, shall maintain all engineering controls at the Property and certify to the Department on a biennial basis that the remedial action of which each engineering control is a part remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the engineering controls shall include the following:

i. Monitoring and maintaining each engineering control according to the requirements in Exhibit C, to ensure that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes the engineering control remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes the engineering control, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.

8. 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 persons responsible for monitoring the protectiveness of the remedial action, as described in Paragraph 7, above, 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.

9. NOTICES.

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

iii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection at least thirty (30) calendar days before 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.

iv. The Owner and the subsequent owners shall provide written notice to the Department within thirty (30) calendar days following the owner's petition for or filing of any document initiating a rezoning of the Property. The Owner and the subsequent owners shall submit the written notice to:

Department of Environmental Protection
Division of Remediation Management and Response
Bureau of Operation, Maintenance, and Monitoring
Deed Notice Inspection Program
P.O. Box 413
401 E. State Street
Trenton, NJ 08625-0413

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. 58:10-23.11u and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

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.

12. 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.

13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.

ii. Any person may request in writing, at any time, that the Department terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.

iii. This Deed Notice may be revised or terminated only upon filing of an instrument, executed by the Department, in the office of the Register of Deeds and Mortgages of Middlesex County, New Jersey, expressly modifying or terminating this Deed Notice.

14A. 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, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A 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.

14B. 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, ground water monitoring wells, and ground water pumping system;

(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:

(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 (or if historic fill, include data from the Department's default concentrations at N.J.A.C. 7:26E-4.6, Table 4-2).

14C. 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 describe above, as follows:

(A) General Description of this Deed Notice:

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

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

(3) The objective of the restrictions.

(B) Description of the monitoring necessary to determine whether:

(1) Any disturbances of the soil in the Restricted Areas did not result in the unacceptable exposure to the soil contamination;

(2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;

(3) The current land use on the Property is consistent with the restrictions in this Deed Notice;

(4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and

(5) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) Land use at the Property is consistent with the restrictions in this Deed Notice; and

(3) The remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2: Concrete Building Foundation and Concrete Paved Areas: Exhibit C-2 includes a narrative description of concrete building foundation and concrete paved sidewalk and pedestrian plaza areas as follows:

(A) General Description of the engineering control:

(1) Description of the engineering control;

(2) The objective of the engineering control; and

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

(B) Description of the operation and maintenance necessary to ensure that:

(1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/ performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

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

ATTEST:



[Print name and title]

The Housing Authority of the City of Newark

By



[Signature]

STATE OF NEW JERSEY

SS.:

COUNTY OF ESSEX

On April 23, 2009, Keith D. Kinard personally came before me, and this person acknowledged under oath to my satisfaction, that:


(a) this person is the Executive Director of the Housing Authority of the City of Newark, 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.


[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on May 4, 2009

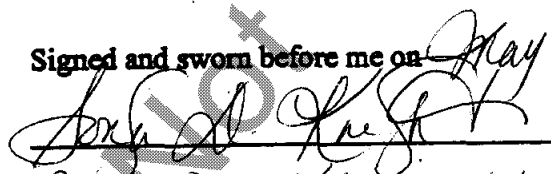
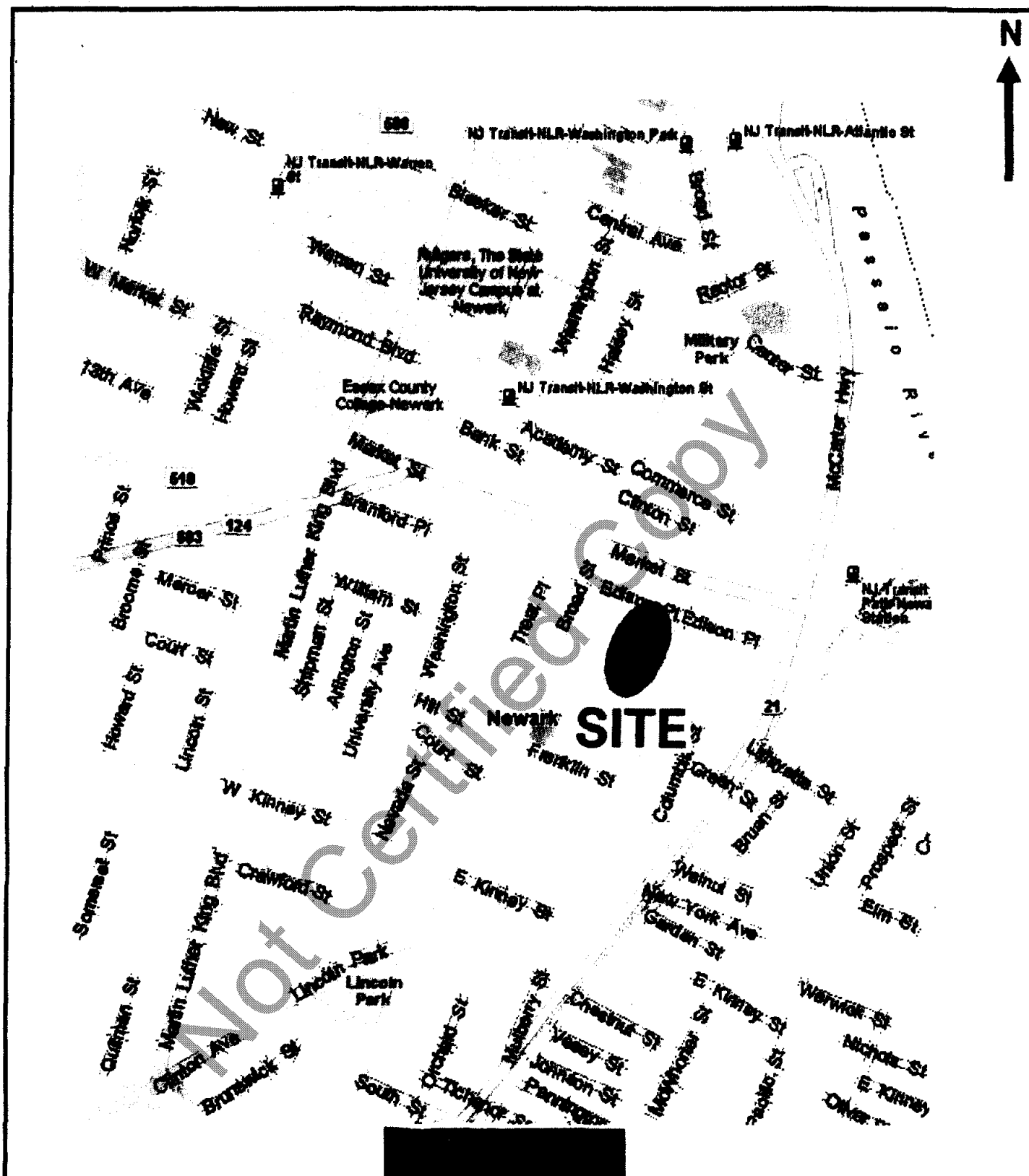

_____, Notary Public
Sandra D. Knight, Notary Public
[Print name and title]

EXHIBIT A-1

VICINITY MAP

Not Certified Copy



Reference: USGS Elizabeth Topographic Map



ELMWOOD PL, NJ • NEW YORK, NY • PHILADELPHIA, PA • DOYLESTOWN, PA
NEW HAVEN, CT • MIAMI, FL • TRENTON, NJ

Project

VICINITY MAP
PRUDENTIAL CENTER
165 MULBERRY STREET
BLOCK 165, LOT 1.05

NEW JERSEY

NEWARK

JOB NO.

100088401

DATE

12/8/08

SCALE

AS NOTED

EXHIBIT A-1

Exhibit A-2

Metes and Bounds Description of Property

The City of Newark tax map for the property, Block 165, Lot 1.05 is attached as part of Exhibit A-2.

The metes and bounds description of the property is as follows:

BEGINNING at a point on northerly line of Lafayette Street, said point being distant 246.23 feet easterly from the corner formed by the intersection of Broad Street and the said northerly line of Lafayette Street; thence,

- (1) North 67 degrees 4 minutes 0 seconds West 490 feet to a point on the northerly line of Lafayette Street; thence,
- (2) South 67 degrees 44 minutes 54 seconds West 21.28 feet to a point; thence,
- (3) South 22 degrees 33 minutes 47 seconds West 35.33 feet to a point; thence,
- (4) South 21 degrees 25 minutes 56 seconds West 77.96 feet to a point; thence,
- (5) South 20 degrees 18 minutes 4 seconds West 494.44 feet to a point; thence,
- (6) South 24 degrees 48 minutes 18 seconds East 19.89 feet to a point; thence,
- (7) North 68 degrees 8 minutes 42 seconds West 489.09 feet to a point; thence,
- (8) South 20 degrees 18 minutes 39 seconds West 30.96 feet to a point; thence,
- (9) South 69 degrees 41 minutes 21 seconds East 19.95 feet to a point; thence,
- (10) South 20 degrees 18 minutes 6 seconds West 201.97 feet to a point; thence,
- (11) North 67 degrees 5 minutes 4 seconds West 25.0 feet to a point; thence,
- (12) South 20 degrees 40 minutes 26 seconds West 311.13 feet to a point; thence,
- (13) South 20 degrees 18 minutes 39 seconds West 83.87 feet to a point or place of BEGINNING.

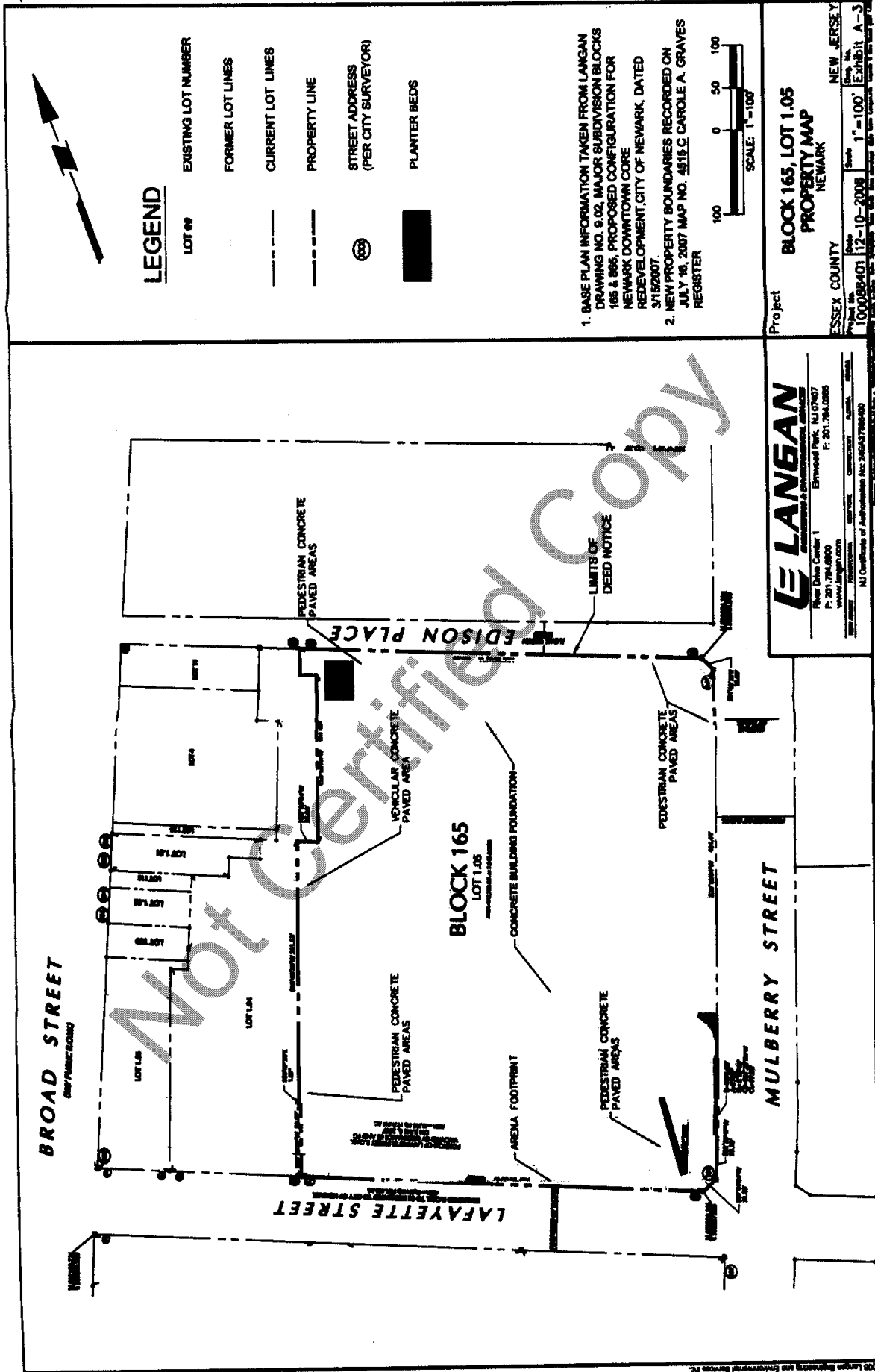
The above description is in accordance with survey dated 15 March 2007, made by Langan Engineering & Environmental Services for Newark Downtown Core Redevelopment, City of Newark, "Major Subdivision, Block 165 and 865."

G:\Data\4100088401\Office Data\Reports\Exhibit A, lot 1.05.doc

EXHIBIT A-3

SCALED PROPERTY MAP

Not Certified Copy



LEGEND

- LOT #
- EXISTING LOT NUMBER
- FORMER LOT LINES
- CURRENT LOT LINES
- PROPERTY LINE
- STREET ADDRESS (PER CITY SURVEYOR)
- PLANTER BEDS

1. BASE PLAN INFORMATION TAKEN FROM LANGAN DRAWING NO. 8.02, MAJOR SUBDIVISION BLOCKS 165 & 166, PROPOSED CONFIGURATION FOR NEWARK DOWNTOWN CORE REDEVELOPMENT, CITY OF NEWARK, DATED 3/15/2007.
2. NEW PROPERTY BOUNDARIES RECORDED ON JULY 18, 2007 MAP NO. 4519 C, CAROLE A. GRAVES REGISTER



Project
BLOCK 165, LOT 1.05
PROPERTY MAP
NEWARK

ESSEX COUNTY
10008401
12-10-2008
Scale 1"=100'
NEW JERSEY
Exhibit A-3

LANGAN
LANGAN ENGINEERING & ARCHITECTURE, P.C.
Newark, NJ 07102
P: 201.794.0800 F: 201.794.0805
www.langan.com

Professional Engineer
Professional Architect
NJ Certificate of Authorization No. 26642780-000

EXHIBIT B-1

RESTRICTED AREA MAP

Not Certified Copy

LEGEND

- | LOT # | EXISTING LOT NUMBER | FORMER LOT LINES | CURRENT LOT LINES | PROPERTY LINE | STREET ADDRESS
(PER CITY SURVEYOR) | BORINGS |
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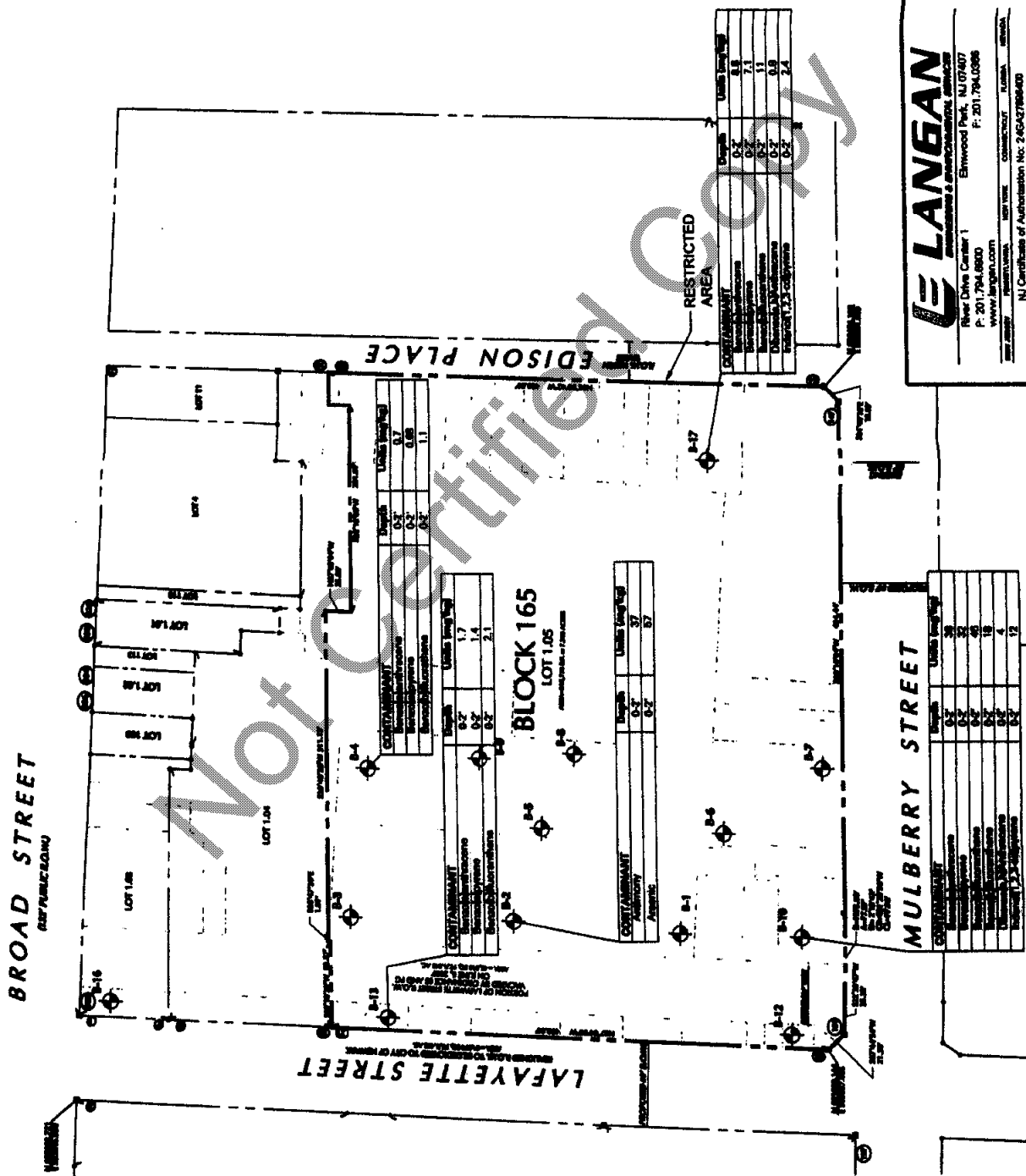
1. BASE PLAN INFORMATION TAKEN FROM LANGAN DRAINING NO. 9.02, MAJOR SUBDIVISION BLOCKS 165 & 868, PROPOSED CONFIGURATION FOR NEWARK DOWNTOWN CORE REDEVELOPMENT, CITY OF NEWARK, DATED 3/15/2007.
2. NEW PROPERTY BOUNDARIES RECORDED ON JULY 18, 2007 MAP NO. 4515 C CAROLE A. GRAVES REGISTER



Project

**BLOCK 165, LOT 1.05
RESTRICTED AREAS
NEWARK**

ESSEX COUNTY	Project No. 100088401	Date 12-10-2008	Scale 1"=100'	Dep. No. Exhibit B-1	NEW JERSEY



LE LANGAN

ENVIRONMENTAL & ELECTROCHEMICAL SERVICES
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EXHIBIT B-2

RESTRICTED AREA DATA TABLES

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EXHIBIT B-2

Appendix A: The M-Index S-J Resemblance Statistics

Legend - Compound exceeds the POLICY and remediation clearance
NA - Not applicable
NR - Reporting Unit
ND - Not detected
N/A - Not applicable
J - Values are estimated concentration, analysis found below the method detection limit
B - One blank was used in the sample

NOTE: Groups are working on the assignment.

20100118-2

► **How to Get the Most Out of Your Computer**

NOTE:
Only combinations with disjuncts are shown

EXHIBIT C-1

Deed Notice as Institutional Control

This exhibit consists of a narrative description of the institutional control for the property, which is designated as Block 165, Lot 1.05 on the tax map of the City of Newark and is more fully described at Exhibit A-2 hereof (the Metes and Bounds description) (the Restricted Area). The Restricted Area encompasses 7.248 acres of land improved with the Prudential Center and concrete pedestrian sidewalks, plaza, and access ways. This Deed Notice restricts the use of the Restricted Area to non-residential uses and is intended to limit the potential for human contact and exposure to the subsurface soils in the Restricted Area.

This Exhibit C-1 includes a narrative description of the property and historical background and a summary of the required monitoring activities.

A. Narrative Description and Historical Background

The Prudential Center facility is situated on a 7.248 acre parcel that was previously occupied by various commercial, light industrial and residential properties, including a cemetery and railroad terminal. In addition, due to the construction of the "new" Lafayette Street approximately 85-feet to the south of its former location, Lot 1.05 also includes an approximately 85-foot strip of land that included the previous Lafayette Street and an approximately 23-foot wide strip of land that was previously a part of the former City of Newark Block 865. The property extends to Edison Place to the north, Lafayette Street to the south, and Mulberry Street to the east. The property borders to the west a multi-level parking garage, the rear of several previously existing buildings and the First Presbyterian Church.

Historical documents indicate that the cemetery, which encompasses the northern portion of the parcel along Edison Place, was used until the late 1950's. An archaeological excavation of the former cemetery was undertaken in the summer of 2005 and all identified remains within the footprint of the arena were disinterred and returned to the neighboring church.

Historical documents indicate that the southern portion of the property extending to Lafayette Street was used as a rail yard for Jersey Central Railroad. A passenger terminal was situated on the western portion of the former Jersey Central Railroad property, a portion of which still remains located between two buildings along Broad Street. The former railroad tracks extended in the east-west direction, and along with the cemetery, occupied a significant portion of the property. Evidence of the former railway and platforms, primarily concrete and wooden railroad ties were uncovered and removed from the site during the site grading and preparation activities. Both the railroad tracks and the cemetery were covered by an asphalt and used as a parking lot for several decades.

In addition, the southwestern portion of the property was redeveloped in the late 1980's into the Renaissance Mall, a multi-level building that was never completed and left abandoned on the property until it was demolished in 2004.

Beginning around 2004, site investigation activities were performed on the property to evaluate subsurface conditions. An October 2004 investigation consisted of numerous soil borings extending to a depth of approximately 20 feet. Samples were collected from the fill materials, located near the surface and the natural soils encountered at various depths in the borings. The analytical results revealed the presence of several contaminants in the surficial fill material in exceedance of the New Jersey Department of Environmental Protection (NJDEP) Soil Cleanup Criteria (SCC). There were no contaminants identified in the native soil samples at concentrations exceeding the NJDEP SCC.

As described in Exhibit B, selected polycyclic aromatic hydrocarbons (PAHs) and metals at concentrations above the NJDEP's Residential Direct Contact SCC remain on the site. The contaminant concentrations found in the fill material are within the concentration ranges found in typical historic fill material, and the physical characteristics of the fill material are consistent with the historic fill definition listed NJAC 7:26E. As such, the fill materials are considered to be historic fill.

It should be noted that the underlying soils and fill materials, that contained the identified contaminant exceedances were extensively reworked during the arena construction activities. Exhibit B-1, Restricted Areas identifies the specific locations where the exceedances were identified in the fill in October 2004 prior to their being reworked during construction activities that began in 2005.

To eliminate direct contact exposure with the contaminants that remain in-place and to eliminate the potential of the off-site migration of the contaminants, institutional controls (i.e. a Deed Notice) and engineering controls will be instituted at the site. The engineering controls consist of the arena building and associated asphalt and concrete surfaces (Exhibit C-2).

B. Monitoring Requirements

Periodic monitoring will be performed at the property in accordance with the requirements of NJAC 7:26E-8.5 to ensure that this Deed Notice remains an effective institutional control to limit human contact and exposure to the subsurface soil in the Restricted Area and protective of public health and safety and the environment. The monitoring activities will be sufficient in order to determine whether: (i) any disturbances of the soil in the Restricted Areas resulted in any unacceptable exposure to contaminated soils; (ii) there have been any land use changes within the Restricted Area subsequent to the later of the date of recording of this Deed Notice or the date of the most recently submitted Deed Notice Biennial Certification; (iii) the current land uses within the Restricted Area are consistent with the restrictions set forth in this Deed Notice; and (iv) any newly promulgated or modified requirements of applicable regulations or laws apply to the Restricted Area.

A monitoring report will be submitted with the Deed Notice Biennial Certification. The monitoring report shall: (i) describe the specific activities conducted in support of the Deed Notice Biennial Certification; (ii) confirm that the land uses within the Restricted Area are consistent with the restrictions set forth in the Deed Notice; and (iii) confirm that

the remedial action, which includes this Deed Notice, continues to be protective of public health and safety and the environment.

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EXHIBIT C-2

CONCRETE BUILDING FOUNDATION AND CONCRETE PAVED AREAS AS ENGINEERING CONTROLS

Description

In addition to the institutional control described in Exhibit C-1 hereto, the Property contains physical engineering controls that are intended to limit the potential for human exposure to contaminated subsurface soils within the Restricted Area. The specific engineering controls described in this Exhibit C-2 consists of a concrete building foundation of the Prudential Center, concrete paved pedestrian sidewalks and roadway, and landscaping planter beds located at the Property as depicted on the Restricted Area Map attached hereto as Exhibit B-1. The foundation of the Prudential Center consists of reinforced concrete slabs. The concrete paved sidewalks consist of reinforced concrete and the concrete paved roadway consists of an additional thickness of reinforced concrete. The landscaping planter beds consist of a mulch layer over clean landscaping soil. An as-built plan showing the engineering controls for this Lot 1.05 is provided in this Exhibit as Figure 1. A generalized cross section is provided in Figures 2, 3, and 4. The purpose and intent of these engineering controls are to limit human contact and exposure to contaminated subsurface soils underlying the buildings and concrete paved areas within the Restricted Area.

Monitoring/Maintenance Activities

Monitoring of these engineering controls will consist of annual visual inspections of the visible Arena building slab and the pedestrian access ways, plazas and sidewalks and the evaluation of the integrity of these areas. The monitoring activities are intended to ensure that (i) the engineering controls continue to be protective of public health and safety and the environment, and (ii) any alteration, excavation, disturbance, of the engineering control is identified on a timely basis and appropriately addressed, repaired and corrected. A monitoring/inspection log will be maintained to document the performance and the results of the monitoring and inspection activities described above ("the Inspection Log"). The Inspection Log shall include (i) the name of the person conducting the inspection, (ii) the date(s) of the inspection, and (iii) the results of the inspection, including any observations concerning the condition of the engineering controls.

Maintenance of the engineering control will be conducted on an as-needed basis based on the results of the monitoring activities described above. Observed cracking, settling or other damage to the engineering controls that impacts the protectiveness of the engineering controls will be repaired and/or addressed as appropriate.

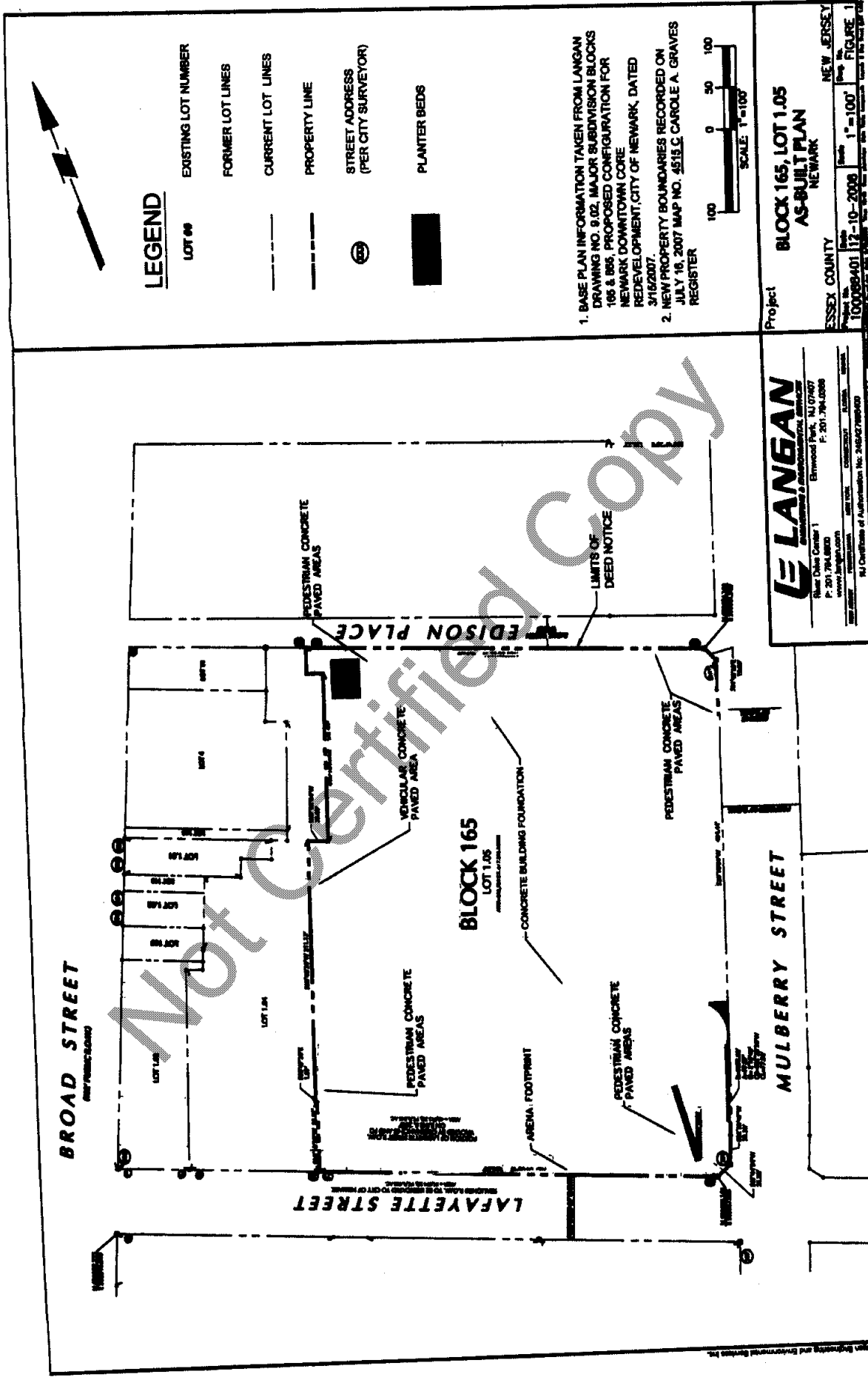
Reporting

A monitoring report will be submitted with the Deed Notice Biennial Certification. The monitoring report shall: (i) describe the specific activities conducted in support of the Deed Notice Biennial Certification; (ii) confirm that the land uses within the Restricted Area are consistent with the restrictions set forth in the Deed Notice; and (iii) confirm that the remedial

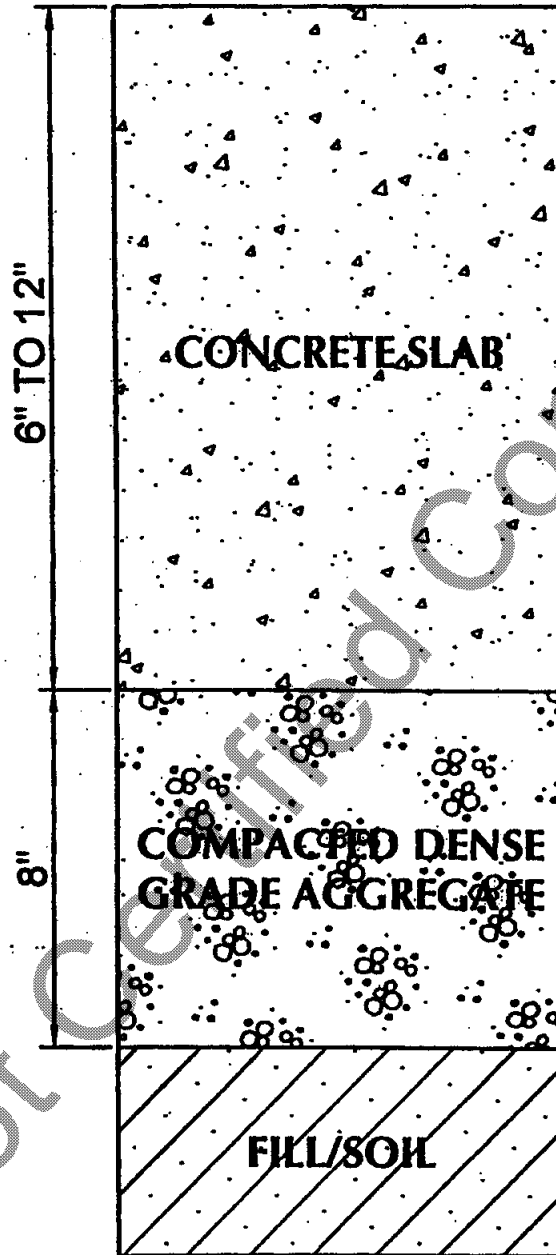
action, which includes the engineering controls, continues to be protective of public health and safety and the environment.

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BUILDING FOUNDATION



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NJ Certificate of Authorization No: 24GA27896400

Project

CAP SECTIONS
BLOCK 165, LOT 1.05
NEWARK

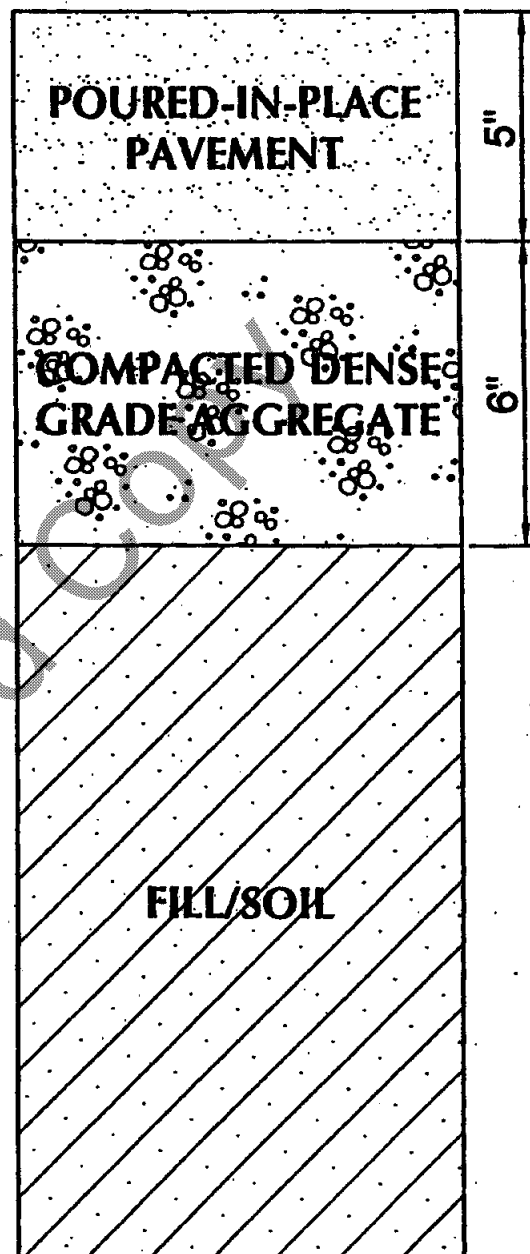
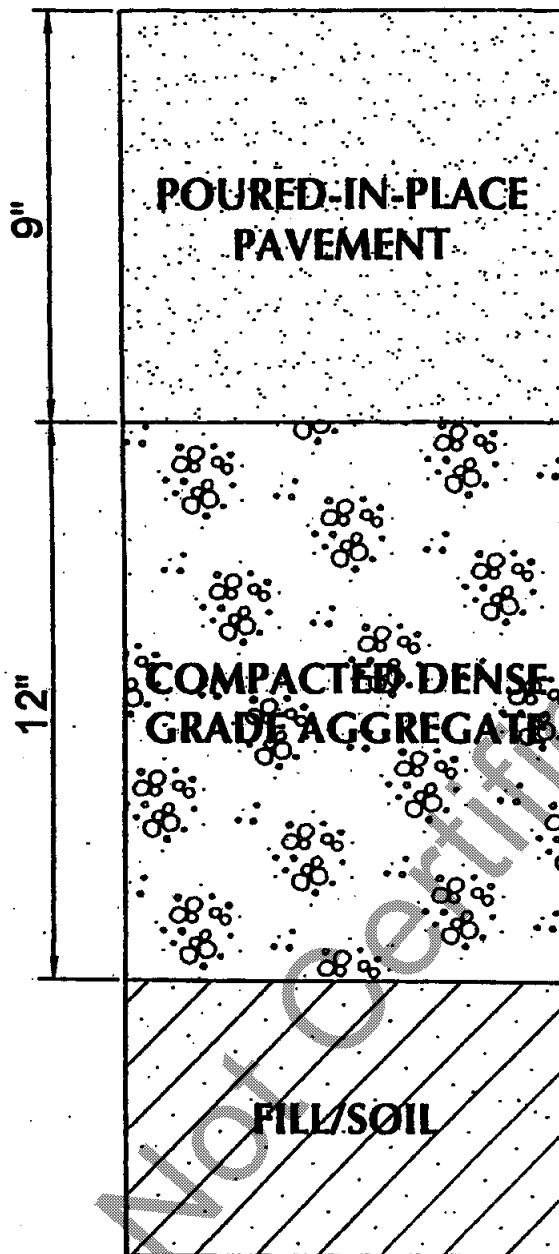
ESSEX COUNTY

NEW JERSEY

Project No.	Date	Scale	Dwg. No.
100088401	12-10-2008	N.T.S.	FIGURE 2

VEHICULAR CONCRETE PAVEMENT

PEDESTRIAN CONCRETE PAVEMENT



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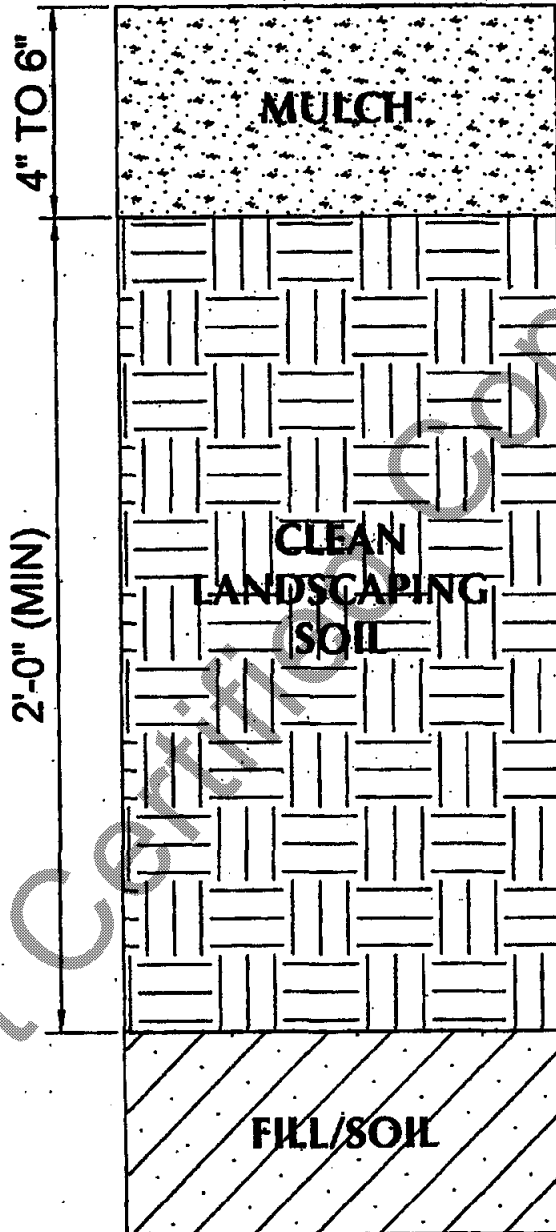
Project
ASPHALT / CONCRETE SLAB CAP
BLOCK 165, LOT 1.05
NEWARK

ESSEX COUNTY

NEW JERSEY

Project No. 100088401	Date 12-10-2008	Scale N.T.S.	Dwg. No. FIGURE 3
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PLANTING BEDS



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NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA MINNAPOTA

NJ Certificate of Authorization No: 24GA27996400

Project

CAP SECTIONS
BLOCK 165, LOT 1.05
NEWARK

ESSEX COUNTY

NEW JERSEY

Project No.	Date	Scale	Draw. No.
100088401	02-13-2009	N.T.S.	FIGURE 4

Exhibit A-2

Metes and Bounds Description of Property

The City of Newark tax map for the property, Block 165, Lot 1.05 is attached as part of Exhibit A-2.

The metes and bounds description of the property is as follows:

BEGINNING at a point on northerly line of Lafayette Street, said point being distant 246.23 feet easterly from the corner formed by the intersection of Broad Street and the said northerly line of Lafayette Street; thence,

- (1) North 67 degrees 4 minutes 0 seconds West 490 feet to a point on the northerly line of Lafayette Street; thence,
- (2) South 67 degrees 44 minutes 54 seconds West 21.28 feet to a point; thence,
- (3) South 22 degrees 33 minutes 47 seconds West 35.33 feet to a point; thence,
- (4) South 21 degrees 25 minutes 56 seconds West 77.96 feet to a point; thence,
- (5) South 20 degrees 18 minutes 4 seconds West 494.44 feet to a point; thence,
- (6) South 24 degrees 48 minutes 18 seconds East 19.89 feet to a point; thence,
- (7) North 68 degrees 8 minutes 42 seconds West 489.09 feet to a point; thence,
- (8) South 20 degrees 18 minutes 39 seconds West 30.96 feet to a point; thence,
- (9) South 69 degrees 41 minutes 21 seconds East 19.95 feet to a point; thence,
- (10) South 20 degrees 18 minutes 6 seconds West 201.97 feet to a point; thence,
- (11) North 67 degrees 5 minutes 4 seconds West 25.0 feet to a point; thence,
- (12) South 20 degrees 40 minutes 26 seconds West 311.13 feet to a point; thence,
- (13) South 20 degrees 18 minutes 39 seconds West 83.87 feet to a point or place of **BEGINNING**.

The above description is in accordance with survey dated 15 March 2007, made by Langan Engineering & Environmental Services for Newark Downtown Core Redevelopment, City of Newark, "Major Subdivision, Block 165 and 865."

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