

**Green Acres Program
State House Commission Pre-Application
Local Parkland—Major Disposal/diversion**

ATTACHMENT I: ENVIRONMENTAL ASSESSMENT REPORT OUTLINE

I. A DESCRIPTION OF THE PROPOSED DISPOSAL OR DIVERSION

Include in this section a brief description of the project including the following:

- A. Title/name of proposed activity
- B. Preparer of Document
- C. Location maps with the site outlined on the following; USGS 7.5 Minute Quad, USDA Soils, County Road and Tax Map

II. A DESCRIPTION OF THE ENVIRONMENTAL CONDITIONS ON THE PARKLAND PROPOSED FOR DISPOSAL OR DIVERSION AND REPLACEMENT PARCELS (IF ANY) PRIOR TO THE IMPLEMENTATION OF THE PROJECT

Include a description of the existing environmental conditions on the parkland proposed for disposal or diversion and replacement parcels (if any) in each of the following areas:

- A. **Natural resources of the site and surrounding area** – Describe geological character, soil characteristics, topography, land form (i.e. wetlands, steep slopes, etc.), hydrological features, surface water classification and biological resources of the area including State and federal threatened and endangered species and critical habitats. (Please contact the NJ Natural Heritage Program and review the NJ DFW Landscape Project Mapping for the most recent information regarding threatened or endangered species)
- B. **Man-made resources** – Describe present site land use, adjacent land uses, access, the presence of any hazardous substances or waste, the presence of any underground storage tanks or structures, the presence of abandoned wells not properly sealed, transportation patterns, and zoning.
- C. **Human resources** – Describe cultural and social factors; park and recreational facilities; aesthetic features; historical, archeological, and architectural resources.

III. PROBABLE ENVIRONMENTAL IMPACTS TO THE PARKLAND AND REPLACEMENT PARCELS (IF ANY) IF THE PROPOSED DISPOSAL OR DIVERSION IS APPROVED

Identify and describe direct, indirect and cumulative impacts, beneficial and adverse, anticipated from the proposed disposal or diversion on all natural, man-made, human and economic resources during all aspects of site preparation, construction, and project operation. Using the existing parkland without the project as a basis for analyzing anticipated impacts, provide the following information:

- A. **Land:**
 - 1. Discuss the consistency of the proposed disposal or diversion with the following; the State Development and Redevelopment Plan, Regional and local land use plans and current zoning
 - 2. Discuss how the proposal will change the general character of the area; and

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3. Discuss whether the proposed action will result in the loss or alteration of any ecologically sensitive lands such as flood plains, steep slopes, wetlands, preserved farmland and dedicated open space or disturb any areas of contaminated soils.
- B. Water:**
1. Identify and discuss methods to be used to meet State water quality standards;
 2. Discuss whether or not the proposed project will result in increased pollution or turbidity levels within a surface waterbody and, if so, what the effects will be downstream and upstream;
 3. Discuss the beneficial and adverse effects of the proposed action on aquatic biota and habitats; and
 4. Discuss the effects that the proposed action will have on surface and ground water quality and quantity and the basis of the determination.
- C. Air:**
1. For buildings and stationary sources of air pollutants, discuss whether the project will meet applicable emission standards and regulations contained in the State Air Pollution Control Code;
 2. As applicable, discuss precautions taken to prevent noise problems; and
 3. As applicable, discuss precautions taken to prevent odor problems.
- D. Aquatic and Terrestrial Wildlife:**
1. Discuss any loss (or gain) of wildlife habitat and its anticipated effect;
 2. Discuss any impacts on State and federal threatened and endangered plants or animal species and critical habitat; and
 3. Discuss any impacts to trees greater than 6" diameter at breast height (dbh).
- E. Social and Economic:**
1. Discuss how the project could affect historic, archaeological, or cultural resources on or eligible for the National or State Register of Historic Places;
 2. Discuss how the proposed disposal or diversion would affect public access and public recreational facilities; and
 3. Discuss how environmental justice was considered during the environmental decision making process. If an environmental justice analysis was done, provide information regarding status and/or findings of the analysis.
- F. Solid Waste** - Discuss methods for solid waste handling both during construction and subsequent operation.
- G. Aesthetics** - Discuss how the natural or present character of the area will be changed as a result of the proposed action.

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- H. **Sustainability** - (protecting the resources and systems that support us today so that they will be available to future generations) - Discuss actions taken during the environmental decision making process (siting, water efficiency, energy efficiency, material/resource use) to insure that the project is a sustainable development that will avoid or minimize negative impacts, strengthen positive ones, take advantage of environmental opportunities, and protect resources.
- I. **Cumulative Effects** - Discuss any cumulative effects of the proposed action.

IV. METHODS OF PROMOTING APPROPRIATE ENVIRONMENTAL DESIGN AND METHODS OF MITIGATING ADVERSE ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE DISPOSAL OR DIVERSION

Discuss avoidance, remedial, protective, sustainable and mitigative measures to be taken as part of the proposed project in response to adverse environmental impacts. Mitigating measures refer to those methods used to ensure that the project is brought into compliance with all governing regulations including, but not limited to, air, water quality, noise control, solid waste, radiation, and land-use regulations. The discussion of avoidance, remedial, protective, sustainable and mitigative measures may include, but not be limited to, the following considerations:

(If any State or Federal permits/approvals have been applied for the following items please identify and **briefly** discuss any potential instances of noncompliance with State and/or Federal standards as well as the status of any permits before any regulatory agencies)

- A. Site location;
- B. Air quality through control apparatus and/or controlled combustion process;
- C. Water quality through treatment of wastewater and/or eutrophication control;
- D. Erosion and sedimentation control measures;
- E. Storm water runoff control measures from paved areas;
- F. Measures to conserve water;
- G. Noise control measures;
- H. Energy conservation measures;
- I. Traffic control measures;
- J. Recycling potential;
- K. Establishment of buffer zones, selective clearing, and/or landscaping;
- L. Protective measures for aquatic and terrestrial plants and animals;
- M. Architectural techniques to blend structures with the surrounding area;

V. AVOIDANCE OF ADVERSE ENVIRONMENTAL IMPACTS

Describe in detail those impacts which cannot be reduced to acceptable levels, their implications, and the reasons why the action is being proposed notwithstanding their effect.

**4. LAND VALUATION FORMS
(ATTACHMENT II)**

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ATTACHMENT II: LAND VALUATION FORMS

DIVERTED/DISPOSAL PARCEL(S)

Please fill out each section completely. If any section is left blank, the form will not be reviewed. If a section is not applicable to the application please indicate "Not Applicable" or "N/A". A minimum of three comparable sales for the diverted/disposal parcel(s) will need to be provided.

If additional space is needed to adequately describe the parcel please use a separate page.

1. Parcel Information

Block(s) Block 147.02 (New Block 2201)
Lot(s) P/O Lot 2 (P/O New Lot 2)
Acreage (by lot) 115.698 ac. (Diversion Area consists of 2 acres)
Vacant [checked] Improved* []

*If improved please describe all improvements on a separate page.

2. Zoning

Primary permitted uses
Minimum lot size 15 acres

Recreational and preservation parks, playgrounds and related facilities, public/private compounds, coordination buildings, clubs, activities of a dual-use, public, school, fraternal, or recreational character, such as swimming clubs, or fraternal organizations, government owned facilities and associated accessory structures, and uses may be required and approved by the Planning Board where appropriate.

3. Interest

Fee [checked] Easement [] Fee and easement []
Type of easement N/A
Temporary easement [] Permanent easement []

4. Environmental Constraints (list individual acreage encumbered by each constraint)

Wetlands 0.68 ac. C1 Streams 0 ac.
Tidelands 0 ac. Steep Slopes 0 ac.
Other N/A ac. Other N/A ac.

5. Physical Constraints

Legal access N/A
Landlocked N/A

6. Value Information

Assessed Value 2,313,800 Director's Ratio 99.05

7. Estimated Market Value

intended Use Compost Facility
Highest and best use

8. Tax Assessor Certification - I hereby certify that the information provided in this Land Valuation Form for both the Diverted/Disposal Parcel(s) is true and accurate.

Toni Nagle-Rowe
Prepared by Tax Assessor (print name)

Signature [Handwritten Signature]

Date 1-25-12

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9. Comparable Sales

SALE #1

Date of Sale: 4-12-10 Book: 14612 Page: 343
Location: E Pleasant Grove Rd.
Block: 9601 Lot: 18, 20, 26
Grantor: EVAN + NEIL NAPPE
Grantee: St of NJ
Lot Size: 58.00 acres
Sales Price: 475,000
Unit Value: _____
Zoning: R5
Highest & Best Use: _____
Verification: _____

SALE #2

Date of Sale: 3-1-11 Book: 14846 Page: 749
Location: S stump tavern Rd.
Block: 17101 Lot: 27, 26
Grantor: John + Bernadette Petruski
Grantee: Ocean County
Lot Size: 37.76 acres
Sales Price: 833,109
Unit Value: _____
Zoning: FA 6
Highest & Best Use: _____
Verification: _____

SALE #3

Date of Sale: 12-29-11 Book: 15071 Page: 1096
Location: Bowman Rd.
Block: 19201 Lot: 4, 5, 6, 7, 11 BL, 19301 L. 14, 15, 17, 8
Grantor: Ocean County BL 16406 15 BL 16407
Grantee: Clayton Lots 1-4
Lot Size: 329.79 acres
Sales Price: 4,500,000
Unit Value: _____
Zoning: RD9, FA2
Highest & Best Use: _____
Verification: _____

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REPLACEMENT PARCEL(S)

Please fill out each section completely. If any section is left blank, the form will not be reviewed. If a section is not applicable to the application please indicate "Not Applicable" or "N/A". A minimum of three comparable sales for the replacement parcel(s) will need to be provided.

If additional space is needed to adequately describe the parcel please use a separate page.

1. Parcel Information

Block(s) 17202 (Old Block 9.01)
Lot(s) 14 & 15 (Old Lots 89 & 90)
Acreage (by lot) 17202/14 = 2.1 ac.; 17202/15 = 2.1 ac.
Vacant [checked] Improved* []

*If improved please describe all improvements on a separate page.

2. Zoning

Primary permitted uses Single-family dwelling unit, agriculture, agricultural employee housing as an element of and necessary to an active agricultural operation, forestry, low intensity recreation uses, public service infrastructure.
Minimum lot size 3 acres

3. Interest

Fee [checked] Easement [] Fee and easement []
Type of easement N/A
Temporary easement [] Permanent easement []

4. Environmental Constraints (list individual acreage encumbered by each constraint)

Wetlands 1.14 ac. C1 Streams 0 ac.
Tidelands 0 ac. Steep Slopes 0 ac.
Other N/A ac. Other N/A ac.

5. Physical Constraints

Legal access N/A
Landlocked N/A

6. Value Information

Assessed Value 111,000 Director's Ratio 99.05

7. Estimated Market Value

Intended Use Public Land
Highest and best use

8. Tax Assessor Certification - I hereby certify that the information provided in this Land Valuation Form for both the Diverted/Disposal Parcel(s) is true and accurate.

Toni Nagle-Rowe
Prepared by Tax Assessor (print name)

[Signature]
Signature

1-25-12
Date

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9. Comparable Sales

SALE #1

Date of Sale: 10-21-10 Book: 14734 Page: 210
Location: Bennetts mills Rd
Block: 12101 Lot: 3536
Grantor: Twp of Jackson
Grantee: MUA Jackson twp
Lot Size: 2.82 acres
Sales Price: 320,800
Unit Value: _____
Zoning: R5
Highest & Best Use: _____
Verification: _____

SALE #2

Date of Sale: 5-4-11 Book: 14884 Page: 1364
Location: Corinne Ct.
Block: 3401 Lot: 105
Grantor: Quality Building Inc
Grantee: Robert Clampa
Lot Size: 1.00 acre
Sales Price: 65000
Unit Value: _____
Zoning: R3
Highest & Best Use: _____
Verification: _____

SALE #3

Date of Sale: 10-21-10 Book: 14734 Page: 200
Location: Pfister Rd
Block: 1101 Lot: 3738
Grantor: twp of Jackson
Grantee: MUA of Jackson
Lot Size: 7.29
Sales Price: 292,900
Unit Value: _____
Zoning: R05
Highest & Best Use: _____
Verification: _____

5. PRELIMINARY COMPENSATION PROPOSAL

To compensate for the proposed diversion, the Township of Jackson proposes to acquire a Block 17202, Lots 14 and 15 (Old Block 9.01, Old Lots 89 and 90), Park Avenue, Jackson Township. The compensation area consists of 4.19 acres located in the central portion of the Township, thus satisfying the minimum compensation ratio for replacement land pursuant to N.J.A.C. 7:36-26.10(g). The tract is not deed restricted or encumbered with an easement for recreation and/or conservation purposes. The compensation area will be conveyed to the Township by its current owner in exchange for back property taxes due to the Township by the property owner. After acquisition of the properties is completed, the tract will be available for public use and enjoyment.

Natural Resources

The compensation area is a vacant and wooded tract located within the New Jersey Pinelands. The compensation area is relatively flat and gently slopes from Park Avenue to the rear of the properties. The compensation area contains approximately 1.14 acres of freshwater wetlands areas as mapped by NJDEP, which are located in the western portion of the compensation area. These wetlands are associated with an unnamed tributary of Toms River, which traverse the western portion of the tract from north to south. According to the NJDEP Landscape Project, the site contains mapped Forest and Forested Wetlands habitat that have been deemed suitable habitat for state endangered species including the Barred Owl, Carpenter Frog, Cooper's Hawk, Fowler's Toad, Great blue Heron, Pine Barrens Treefrog, Red-Shouldered Hawk, Spotted Turtle, Black-Billed Cuckoo, Black-Throated Green Warbler, Blackburnian Warbler, Brown Thrasher, Cerulean Warbler, Common Nighthawk, Dotted Skipper, Eastern Box Turtle, Eastern King Snake, Least Flycatcher, Northern Pine Snake, Whipporwill, Wood Thrush, and Worm-Eating Warbler.

With regard to soils, Atison and Lakewood Sands and Manahawkin Muck with slopes between zero and five percent predominate the compensation area.

Man-made Resources

The site is vacant and wooded, and, as such, contains no man-made resources. The surrounding area is developed with low-density, single-family homes. There is no contamination by hazardous substances on the tract, nor are any structures, underground storage tanks or abandoned wells present on the tract. The tract is zoned for and suitable for single family residential development pursuant to the Township's zoning regulations. For more information regarding the market value of the property, please see Section 4 of this document.

Human Resources

The site is vacant and wooded and is proposed to remain as such. Therefore, it is not anticipated that the proposed compensation area will affect cultural, social, aesthetic, historical, archaeological, or architectural resources.

ATTACHMENT III
PRELIMINARY COMPENSATION PROPOSAL CHECKLIST

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**ATTACHMENT III: PRELIMINARY COMPENSATION PROPOSALS FOR MAJOR
DISPOSALS OR DIVERSIONS OF PARKLAND**

General Notes:

- As part of the application process, applicants are required to submit a preliminary compensation proposal as part of the pre-application and a final compensation proposal as part of the final application. A preliminary compensation proposal is based on estimates of the value and size of the proposed disposal or diversion and proposed replacement land (if any). As part of the final compensation proposal, the applicant is required to adjust its proposal to take into account the appraised value of the diverted and replacement parcels, the actual surveyed acreage of these lands and any easements or other relevant encumbrances identified through the title search.
- Replacement land is required for certain types of disposals or diversions of parkland, and is generally the method of compensation preferred by the Department. However, in many cases, the applicant may choose between replacement land, monetary compensation or a combination of both. If replacement land is offered, it must be at least equivalent in acreage to the parkland to be disposed of or diverted. If an easement is proposed to be disposed of or diverted from parkland, the ratio of the replacement land to the affected parkland can be 1:1, with either a subsurface easement or fee land as replacement. All other disposals or diversions of parkland are subject to a minimum 2:1 (or higher) replacement land/parkland ratio. However, if the applicant chooses to mix monetary compensation and replacement land, it may offer 1:1 replacement land and make up the difference between the 1:1 land and the minimum 2:1 (or higher) compensation ratio with cash compensation.

This attachment summarizes the requirements of N.J.A.C. 7:36-26.10 and is intended to serve as guidance for the preparation of preliminary and final compensation proposals. Please check the box next to the applicable preliminary compensation proposal category or categories:

1. Minimum Compensation Ratios for Replacement Land (taken from Table 1 at NJAC 7:36-26.10(g))

If the applicant chooses to offer replacement land as the method of compensation the following conditions apply:

- The proposed replacement land must be determined to be eligible pursuant to *N.J.A.C. 7:36-26.10(d)2i-iii*.
- If replacement land is offered, it must be at least equivalent in acreage to the parkland to be disposed of or diverted. (*N.J.A.C. 7:36-26.10(d)3*)
- The proposed replacement land shall be of reasonably equivalent or superior quality and have a market value that is equal to or greater than the parkland proposed for disposal or diversion. (*N.J.A.C. 7:36-26.10(d)5 and 6*)
- If the proposed replacement land is inadequate to meet the market value and quality requirements mentioned above, the Department shall require the applicant to supplement its proposal with additional compensation in excess of that which would otherwise be required under Table 1. (*N.J.A.C. 7:36-26.10(d)7*)
- The replacement lands shall be, to the extent possible, located in the same municipality in which the parkland proposed for disposal or diversion is located and shall not consist of land on which streets are shown on a subdivision plan as either

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offered for dedication or dedicated but not constructed. (*N.J.A.C. 7:36-26.10(d)8 and 9*)

- The proposed replacement land shall either be free of contamination by hazardous substances or shall be remediated to the Department's satisfaction prior to its dedication as parkland. (*N.J.A.C. 7:36-26.10(d)10*)
- The applicant is required to provide appraisals, surveys and title work for any proposed replacement land as part of the final application. (*N.J.A.C. 7:36-26.11(b)1, 2 and 3*) All technical reports must be prepared to the Department's specifications. In some circumstances, appraisal waivers may be available under *N.J.A.C. 7:36-26.10(l)*, if the applicant is willing to propose a higher compensation ratio than would otherwise be required.

The minimum acreage of the replacement land to be provided for a specific type of disposal or diversion of parkland shall be determined in accordance with the provisions outlined below or in Table 1 of *N.J.A.C. 7:36-26.10(g)*. (*N.J.A.C. 7:36-26.10(d)4*)

Subsurface easements:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	1:1	1:1	Applicant may offer either a surface easement to be used for recreation and conservation purposes or a fee simple interest in land.	<i>N.J.A.C. 7:36-26.10(i)1</i>
Private	2:1	4:1		

Surface easements:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	1:1	2:1	Applicant may offer either a surface easement to be used for recreation and conservation purposes or a fee simple interest in land.	<i>N.J.A.C. 7:36-26.10(i)1</i>
Private	4:1	6:1		

Other Diversions and disposals:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	2:1	3:1	- Appraisals must be submitted with the final application package, or; - An appraisal waiver must be obtained pursuant to <i>N.J.A.C. 7:36-26.10(l)</i> .	<i>N.J.A.C. 7:36-26.10(j)1i</i> <i>N.J.A.C. 7:36-26.10(j)1ii</i>
Private	4:1	6:1		

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Legalization of past diversions and disposals:

Project Sponsor	Appraisals	Appraisal waiver	Notes:	Rule Citation:
Public	5:1	10:1	- The Department may/can take mitigating circumstances into account when determining appropriate compensation ratios.	<i>N.J.A.C. 7:36-26.10(j)3ii</i>
Private	20:1	N/A	- An appraisal waiver cannot be obtained when legalizing a past "private" diversion or disposal.	<i>N.J.A.C. 7:36-26.10(j)3iv</i>

Please also include the following information in the preliminary compensation proposal when choosing to offer replacement land as compensation:

- Block(s) and lot(s) of any proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1iv*); and
- The street address of the proposed replacement land(s), if available (*N.J.A.C. 7:36-26.10(d)1iii*); and
- The size of the proposed replacement land(s) in acres (for replacement land(s) larger than one acre) or square feet (for replacement land(s) smaller than one acre) (*N.J.A.C. 7:36-26.10(d)1iii and iv*); and
- A description of the proposed replacement land(s) (prepared by completing Section II of the Environmental Assessment, **Attachment I**, for each parcel) (*N.J.A.C. 7:36-26.10(d)1i*); and
- A description of the intended recreational and conservation use for the proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1ii*); and
- Information sufficient for the Department to verify that the proposed replacement lands are eligible as replacement under *N.J.A.C. 7:36-26.10(d)2i-iii*; and
- A preliminary assessment report, prepared in accordance with the Technical Requirements for Site Remediation, *N.J.A.C. 7:26E*, for each proposed replacement parcel (*N.J.A.C. 7:36-26.9(d)5 and N.J.A.C. 7:36-26.10(d)10*); and

N/A

2. Minimum Compensation Ratios for Monetary Compensation (taken from Table 1 at NJAC 7:36-26.10(g))

If monetary compensation is the chosen method of compensation the following conditions apply:

- No county or municipal open space tax funds levied under *N.J.S.A. 40:12-15.1* through 15.9 or other dedicated recreation and conservation funding sources may be used as monetary compensation. (*N.J.A.C. 7:36-26.10(e)2*)
- The applicant must provide confirmation that any proposed monetary compensation for the disposal or diversion of parkland can be transferred to the Department immediately after approval of the application or deposited into a dedicated account to be used only for purposes consistent with the approval. (*N.J.A.C. 7:36-26.10(e)5i and ii*)
- If the applicant is proposing to provide a combination of monetary compensation and replacement land, the compensation proposal must offer at least a 1:1 ratio of replacement land to land diverted or disposed (*N.J.A.C. 7:36-26.10(d)3*).
- The Department can, at its discretion, require additional compensation to adequately compensate for impacts to surrounding parkland. (*N.J.A.C. 7:36-26.10(j)2iii*)

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- If an applicant is proposing monetary compensation for parkland improvements, the applicant shall not utilize the monies for improvements that were already budgeted and/or approved by the applicant; and must complete the parkland improvements within one year of the date of approval of the application. (*N.J.A.C. 7:36-26.10(k)1i and ii*)
- If an applicant is proposing monetary compensation for land acquisition, the applicant shall, at least 30 days prior to each acquisition of replacement land, submit to the Department all outstanding pre-application and final application requirements pertaining to the replacement land for Department review and approval. In addition all replacement land must be acquired within two years of the date of the approval of the application. (*N.J.A.C. 7:36-26.10(k)2ii and iii*)
- If parkland improvements or land acquisitions, as approved by the State House Commission, are not completed within the time frames specified above, the Department may, upon 30 days' written notice, require that the applicant remit to the Department the full amount of the approved monetary compensation for deposit in the GSPT Fund. (*N.J.A.C. 7:36-26.10(k)3*)

The minimum amount of monetary compensation to be provided for a specific type of disposal or diversion of parkland shall be determined in accordance with the provisions outlined below or in Table 1 of *N.J.A.C. 7:36-26.10(g)*. (*N.J.A.C. 7:36-26.10(e)1*)

Subsurface easements:

Project Sponsor	Parkland improvements	Land acquisition	Notes:	Rule Citation:
Public	2:1*	2:1*	*\$2,500.00 minimum, even if a lesser amount is determined utilizing the listed ratios.	<i>N.J.A.C. 7:36-26.10(i)2</i>
Private	10:1*	10:1*		

Surface easements:

Project Sponsor	Parkland improvements	Land acquisition	Notes:	Rule Citation:
Public	4:1*	4:1*	*\$2,500.00 minimum, even if a lesser amount is determined utilizing the listed ratios.	<i>N.J.A.C. 7:36-26.10(i)2</i>
Private	10:1*	10:1*		

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Other diversions and disposals:

Project Sponsor	Parkland improvements	Land acquisition	Notes:	Rule Citation:
Public	4:1**	4:1**	- The size of parkland to be diverted or disposed must be less than 5 acres and must comprise less than 5% of the total parkland parcel. - **\$5,000.00 minimum, even if a lesser amount is determined utilizing the listed ratios. - If the disposal or diversion is classified as "private" monetary compensation can only be used for land acquisition and not for parkland improvements	<i>N.J.A.C. 7:36-26.10(j)2i</i>
Private	N/A	10:1**		<i>N.J.A.C. 7:36-26.10(j)2ii</i> <i>N.J.A.C. 7:36-26.10(j)1iv</i>

Legalization of past diversions and disposals:

Project Sponsor	Parkland improvements	Land acquisition	Notes:	Rule Citation:
Public	N/A	10:1***	- The Department may/can take mitigating circumstances into account when determining appropriate compensation ratios. - For "public" diversions or disposals, compensation cannot include monetary compensation to be used for parkland improvements. - For "private" diversions or disposals, compensation cannot include monetary compensation to be used for parkland improvements nor can an appraisal waiver be obtained. - ***\$10,000.00 minimum, even if a lesser amount is determined utilizing the listed ratios.	<i>N.J.A.C. 7:36-26.10(j)3ii</i>
Private	N/A	20:1***		<i>N.J.A.C. 7:36-26.10(j)3iii</i> <i>N.J.A.C. 7:36-26.10(j)3iv</i> <i>N.J.A.C. 7:36-26.10(j)3v</i>

At the time of the submittal of the preliminary compensation proposal, please also include in the proposal the following information when choosing to use monies for parkland improvements:

- A detailed description of the type, cost, location and intended use of any proposed parkland improvements (*N.J.A.C. 7:36-26.10(e)3i*);
- Drawings or plans of the parkland improvements (*N.J.A.C. 7:36-26.10(e)3ii*);
- A timetable or schedule for construction and confirmation that the portion of the project being funded by the compensation will be completed within one year of SHC approval of the disposal or diversion (*N.J.A.C. 7:36-26.10(e)3iii* and *N.J.A.C. 7:36-26.10(k)1ii*).

To the extent known at the time of the submittal of the preliminary compensation proposal, please also include in the proposal the following information when choosing to use monies for land acquisition:

- Block(s) and lot(s) of any proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1iv*);

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and

- The street address of the proposed replacement land(s), if available (*N.J.A.C. 7:36-26.10(d)1iii*); and
- The size of the proposed replacement land(s) in acres (for replacement land(s) larger than one acre) or square feet (for replacement land(s) smaller than one acre) (*N.J.A.C. 7:36-26.10(d)1iii and iv*); and
- A description of the proposed replacement land(s) (prepared by completing Section II of the Environmental Assessment, **Attachment I**, for each parcel) (*N.J.A.C. 7:36-26.10(d)1i*); and
- A description of the intended recreational and conservation use for the proposed replacement land(s) (*N.J.A.C. 7:36-26.10(d)1ii*); and
- Information sufficient for the Department to verify that the proposed replacement lands are eligible as replacement under *N.J.A.C. 7:36-26.10(d)2i-iii*; and
- A Preliminary Assessment Report, prepared in accordance with the Technical Requirements for Site Remediation, *N.J.A.C. 7:26E*, for each proposed replacement parcel (*N.J.A.C. 7:36-26.9(d)5 and N.J.A.C. 7:36-26.10(d)10*).

N/A

3. Minimum Compensation Ratios for a combination of Replacement Land and Monetary Compensation

If the applicant chooses to provide compensation through a combination of replacement land and monetary compensation the following conditions apply:

- In no case shall the acreage of the replacement land be less than the acreage of the parkland to be disposed of or diverted. The ratio of the replacement land to the parkland proposed to be disposed of or diverted shall be at least 1:1. (*N.J.A.C. 7:36-26.10(d)3*)
- Additional monetary compensation offered beyond the minimum acreage compensation ratio noted above, must be sufficient to compensate in full for any shortfalls in the market value or quality of the proposed replacement land. (*N.J.A.C. 7:36-26.10(d)7*)
- All conditions outlined above in the "Minimum Compensation Ratios for Replacement Land" and the "Minimum Compensation Ratios for Monetary Compensation" must also be adhered to when combining both replacement land and monies into the preliminary compensation proposal.

N/A

4. Minimum Compensation for a Lease or Use Agreements

If a lease or use agreement is determined by the Department to be a "Major Diversion under *N.J.A.C. 7:36-26.2(a) and (c)*, the following conditions apply to the lease or use agreement preliminary compensation proposal presented as part of the pre-application package:

- The compensation offered for a lease or use agreement must be determined, by the Department, to be fair and appropriate for the proposed activity. If it is determined to not be fair and appropriate, the Department shall specify the minimum amount of compensation that must be secured. (*N.J.A.C. 7:36-26.10(c)2i*)
- All payments, rentals or other consideration received by the applicant from the lease or agreement shall be used by the applicant for its operating, maintenance or capital

**Green Acres Program
State House Commission Pre-Application
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expenses related to its funded parkland or to its recreation program as a whole.
(*N.J.A.C. 7:36-26.10(c)2ii*)

N/A

5. Minimum Compensation for a Loss of any Recreation or Conservation Facilities

If a disposal or diversion, determined by the Department to be a "Major Disposal or Diversion" under *N.J.A.C. 7:36-26.2(a) and (c)*, will result in the loss of recreation or conservation facilities the following conditions apply to the preliminary compensation proposal presented as part of the pre-application package:

- The applicant is required to compensate for the loss of recreation or conservation facilities by providing replacement recreation and conservation facilities of reasonably equivalent usefulness, size, quality and location. The replacement facilities shall be in addition to any replacement land or monetary compensation proposed by the applicant. (*N.J.A.C. 7:36-26.10(c)3*)
- In order to determine if the replacement recreation and conservation facilities are of reasonably equivalent usefulness, size, quality and location, the applicant shall submit the information requested in *N.J.A.C. 7:36-26.10(e)3i - iii* with respect to the replacement of any of recreation or conservation facilities. (*N.J.A.C. 7:36-26.10(c)3*)

N/A

6. Minimum Compensation for Tree Replacement

If a disposal or diversion, determined by the Department to be a "Major Disposal or Diversion" under *N.J.A.C. 7:36-26.2(a) and (c)*, will result in the removal of any tree with a diameter at breast height greater than six inches or the clear cutting of greater than 0.50 acre of trees, the following conditions apply to the preliminary compensation proposal presented as part of the pre-application package:

- The applicant shall include in the preliminary compensation proposal a tree replacement plan prepared pursuant to *N.J.A.C. 7:36-26.10(c)4* or offer monetary compensation at least equal to the costs that would be incurred with respect to such planting of the replacement trees. (*N.J.A.C. 7:36-26.10(c)4*)
- Provide confirmation that any proposed monetary compensation for tree removal will be transferred to the Department immediately after approval of the application for disposal or diversion of parkland or that a tree replacement plan will be implemented within a one year period following approval of the application. (*N.J.A.C. 7:36-26.10(k)1ii*)

Notes:

The Department will use the information in the preliminary compensation proposal and the value statement required under *N.J.A.C. 7:36-26.9(d)4 and N.J.A.C. 7:36-26.9(d)5* to determine the amount of compensation due for the proposed disposal or diversion of parkland. (*N.J.A.C. 7:36-26.9(i) and N.J.A.C. 7:36-26.10(f)1*)

6. CONSISTENCY WITH STATE DEVELOPMENT PLAN AND REDEVELOPMENT PLAN GOALS, POLICY MAP AND STATEWIDE POLICIES (N.J.A.C. 7:36-26.9(d)(6))

The proposed Major Diversion will allow for the continued operation of the Jackson Mills Road Compost Facility, which provides a cost effective, sustainable solution to managing the collection and disposal of organic waste, including leave and brush, within Jackson Township. As compensation for the proposed diversion, the Township proposes to take ownership of approximately four acres of land located within the New Jersey Pinelands for public use and enjoyment. As such, the proposed diversion and subsequent compensation is consistent with the following Goals of the State Development and Redevelopment Plan:

- Goal #2: Conserve the State's Natural Resources and Systems.
- Goal #4: Protect the Environment, Prevent and Clean Up Pollution.
- Goal #7: Preserve and Enhance Areas with Historic, Cultural, Scenic, Open Space and Recreational Value.
- Goal #8: Ensure Sound and Integrated Planning and Implementation Statewide.

In addition, the proposed diversion and subsequent compensation is consistent with the following Policies of the State Development and Redevelopment Plan:

- Policy 3-29: Infrastructure Investment and Recycling and Waste Disposal: After maximum source reduction, plan, design, construct and maintain appropriate recycling and waste disposal facilities for both hazardous and non-hazardous solid waste regionally, at locations throughout the state, in a manner that protects the integrity of natural resources and that is compatible with adjacent development.
- Policy 8-7: Transportation and Energy Conservation: Reduce the consumption of energy resources for transportation purposes by reducing the total vehicle miles traveled through efficient land development patterns.
- Policy 11-18: Stream Corridor Protection and Management: Protect, establish and maintain appropriately vegetated buffers along streams, rivers, wetlands, reservoirs and scenic waterways to protect the natural functions and quality of surface water resources.
- Policy 12-19: Resident and Migratory Threatened and Endangered Species: Identify and protect the habitats of resident and migratory threatened and endangered species. Manage the character, location and magnitude of growth and development in, and adjacent to, such habitats to avoid direct or indirect negative impacts on threatened or endangered species or their habitat.
- Policy 14-5: Recycling and Resource Conservation: Conserve resources and promote the economic reuse of materials by fostering programs to recycle and reuse waste and by creating markets for recyclable materials.

- Policy 14-7: Markets for Recycled Products: Promote the development of market for recycled goods by encouraging government agencies to maximize their use of goods that incorporate recycled materials.
- Policy 17-1: Reliance on Plans and Regulations: Acknowledge the statutory treatment of the New Jersey Pinelands under the Pinelands Protection Act and the National Parks and Recreation Act and rely on the plans and regulations of the New Jersey Pinelands Commission to achieve the objectives of the State Plan.

With regard to the State Plan Policy Map, the diversion area is located within State Planning Area 2 (Suburban Planning Area). The propose compensation area is located within State Planning Area 5 (Environmentally Sensitive Planning Area), and is also located within the State Designated Pinelands Area. The location of the proposed diversion and compensation areas are consistent with the State Plan Policy Map, as it protects environmentally sensitive lands and retains the existing compost facility in the state planning are best suited for the use.

**7. PERMITS AND APPROVALS REQUIRED FOR THE PROJECT
(ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST)**

**Green Acres Program
State House Commission Pre-Application
Local Parkland—Major Disposal/diversion**

ATTACHMENT IV: PERMIT/APPROVAL CHECKLIST

This is a listing of any Federal, interstate, State and local approvals or permits required for the proposed project. Please include the application, permit, or docket number, the status of each permit or approval and the name and phone number of the contact at the Federal, interstate, State or local agency responsible for giving approval or permit issuance.

- Federal Approvals/Permits: N/A _____

- Federal Consistency Determination: N/A _____

- Interstate Approvals/Permits: N/A _____

- County/Municipal Approvals: N/A _____

State Approvals/Permits

- CAFRA
Exemption Request: N/A _____
Individual Permit: _____
General Permit: _____
Permit by Rule: _____
- D&R Canal Commission Certificate: N/A _____


- Dam Safety Permit: N/A _____

- Freshwater Wetlands
Exemption: N/A _____
Individual Permit: _____
Transition Area Waiver: _____
Letter of Interpretation: _____
General Permit (specify #): _____
Open Water Fill Permit: _____
- Highlands
Resource Area Determination: N/A _____
Preservation Area Approval: _____
HPAA with Waiver: _____
HPAA Emergency: _____
Pre- Application: _____

**Green Acres Program
State House Commission Pre-Application
Local Parkland—Major Disposal/diversion**

<input type="checkbox"/> Pinelands Certificate of Filing:	N/A
<input type="checkbox"/> Stream Encroachment Waiver: Permit:	N/A
<input type="checkbox"/> Tidal Wetlands (1970) Permit:	N/A
<input type="checkbox"/> Tidelands (Riparian) Conveyance:	N/A
<input type="checkbox"/> Upland Waterfront Development Residential: Commercial:	N/A
<input type="checkbox"/> Water Quality Certificate:	N/A
<input type="checkbox"/> Waterfront Development Permit Individual: Commercial:	N/A
<input type="checkbox"/> Jurisdictional Determination:	N/A
<input type="checkbox"/> Permit Modification (Specify # & type)	N/A
<input type="checkbox"/> Other:	N/A

I hereby certify that the information provided in this Permit/Approval Checklist is true and accurate.



Preparer of Application

1/30/12
Date

**8. DEED COPIES FOR DIVERSION AREA AND REPLACEMENT
PARCELS**

CORRECTIVE

Deed

JAN 07 2004

This Deed is made on July 2, 2003
BETWEEN
VISTA CENTER ASSOCIATES, a New Jersey Limited Partnership

INSTR # 2003223116
OR BK 11940 PG 0264
RECORDED 12/29/2003 02:32:29 PM
M. DEAN HAINES, COUNTY CLERK
OCEAN COUNTY, NEW JERSEY

whose post office address is
1033 North Maple Avenue
Toms River, New Jersey

COUNTY OF OCEAN
CONSIDERATION 6,500,000
REALTY TRANSFER FEE 2,500
DATE 12/21/03 BY JL

INSTR # 2007158043
OR BK 13861 PG 1159
RECORDED 12/11/2007 09:34:33 AM
CARL W. BLOCK, COUNTY CLERK
OCEAN COUNTY, NEW JERSEY

referred to as the Grantor,
AND
TOWNSHIP OF JACKSON

whose post office address is
95 West Veterans Highway
Jackson, NJ 08527

INSTR # 2008030411 OR BK 13753 PG 0232 03/19/2008 04:00:19 PM
CARL W. BLOCK COUNTY CLERK, OCEAN COUNTY NEW JERSEY

referred to as the Grantee.
The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

1. **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below to the Grantee. This transfer is made for the sum of Six Million Five Hundred Thousand and 00/100 (\$6,500,000.00) Dollars. The Grantor acknowledges receipt of this money.

2. **Tax Map Reference.** (N.J.S.A. 46:15-1.1) Municipality of Jackson
Block No. 147.02 Lot No. 2 Qualifier No. Account No.
 No property tax identification number is available on the date of this Deed. (Check Box if Applicable.)

3. **Property.** The Property consists of the land and all the buildings and structures on the land in the Township of Jackson and State of New Jersey. The legal description is:

Please see attached Legal Description annexed hereto and made a part hereof. (Check Box if Applicable.)

BEING the same premises conveyed to Vista Center Associates, a New Jersey Limited Partnership by a Deed of Consolidation from Vista Center Associates dated April 27, 2000 and recorded in the Ocean County Clerk's Office on May 5, 2000 in Deed Book 10093, page 1007.

Being known and designated as proposed Lot 2 as shown on a map entitled "Vista Center, Lakeside Village and Affordable Housing Sites, Jackson Township, Ocean County, New Jersey," filed in the Ocean County Clerk's Office on September 10, 2002 as Map No. J-3175.

SEE ATTACHED ADDENDUM.

The within Deed is being re-recorded for the purpose of adding the following language:

COUNTY OF OCEAN
CONSIDERATION 6,500,000
REALTY TRANSFER FEE 2,500
DATE 12-21-03 BY JL

The lands being conveyed herein are being purchased with Green Acres funding and are subject to Green Acres restrictions as provided at N.J.S.A. 13:2C-1 et seq. and N.J.A.C. 7:36, as may be amended and supplemented, and the grantee herein agrees to accept these lands with the Green Acres restrictions, including restrictions against disposal or diversion to a use for other than recreation and conservation purposes.

Prepared by: (print preparer's name below signature)

STEPHAN R. LEONE, ESQ.
Attorney at Law of New Jersey

(For Recorder's Use Only)
COUNTY OF OCEAN
CONSIDERATION 6,500,000
REALTY TRANSFER FEE 2,500
DATE 12/21/03 BY JL

Handwritten notes:
2008030411 CASH
2008030411 CASH
110-112-0000
cash
JL
1-11-04

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION OR
EXEMPTION
(c. 49, P.L. 1968)

or
PARTIAL EXEMPTION
(c. 176, P.L. 1976)

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 49:15-5 et seq.)

STATE OF NEW JERSEY

COUNTY OF OCEAN

SS.

FOR RECORDER'S USE ONLY	
Consideration \$	165,000.00
Realty Transfer Fee \$	16,500.00
Date	12-29-03

* Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side.)

Deponent Herbert Sambol, being duly sworn according to law upon his/her oath

deposes and says that he/she is the Grantor in a deed dated 7/2/03

transferring real property identified as Block No. 147.02 Lot No. 2

located at (vacant land) Jackson Township, Ocean County

(2) CONSIDERATION (See Instruction #6.)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 6,500,000.00

(3) FULL EXEMPTION FROM FEE Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c. 49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

Conveyance to the United States of America, the State, or any instrumentality, agency or subdivision

(4) PARTIAL EXEMPTION FROM FEE

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9.)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c. 176, P.L. 1975 for the following reason(s):

- A) SENIOR CITIZEN (See Instruction #8.)
 - Grantor(s) 62 yrs. of age or over.
 - One or two-family residential premises.
 - Owned and occupied by grantor(s) at time of sale.
 - No joint owners other than spouse or other qualified exempt owners.

- B) BLIND (See Instruction #8.)
 - Grantor(s) legally blind. *
 - One- or two-family residential premises.
 - Owned and occupied by grantor(s) at time of sale.
 - No joint owners other than spouse or other qualified exempt owners.
- DISABLED (See Instruction #8.)
 - Grantor(s) permanently and totally disabled. *
 - One or two-family residential premises.
 - Receiving disability payments.
 - Owned and occupied by grantor(s) at time of sale.
 - Not gainfully employed.
 - No joint owners other than spouse or other qualified exempt owners.

* IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEED QUALIFY.

- C) LOW AND MODERATE INCOME HOUSING (See Instruction #8.)
 - Affordable According to HUD Standards.
 - Meets Income Requirements of Region.
 - Reserved for Occupancy.
 - Subject to Resale Control.

- D) NEW CONSTRUCTION (See Instruction #9.)
 - Entirely new improvement.
 - Not previously used for any purpose.
 - Not previously occupied.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and sworn to before me this 27th day of July 2003

STEPHAN R. LEONE, ESQ.
Attorney at Law of New Jersey

Herbert Sambol
Name of Deponent (print above line)
HERBERT SAMBOL

1033 North Maple Avenue
Toms River, New Jersey
Address of Deponent

VISTA CENTER ASSOCIATES
Name of Grantor (Type above line)

1033 North Maple Avenue
Toms River, New Jersey
Address of Grantor or Trust of Grantor

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.			
Instrument Number	County: <u>Ocean</u>		
Deed Number	Book	Page	
Deed Dated	<u>7-2-03</u>	Date Recorded	<u>10-29-03</u>

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF. This format is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered without the approval of the Director.
ORIGINAL - To be retained by County.
DUPLICATE - To be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:18 - 8.12)
TRIPPLICATE - Is your file copy.

ORIGINAL AND COPY MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER



State of New Jersey

GIT/REP-4a
(12-04)

**WAIVER OF SELLER'S FILING REQUIREMENT OF
GIT/REP FORMS AND PAYMENT FOR CORRECTED DEED
WITH NO CONSIDERATION
(C.55, P.L. 2004)**

(Please Print or Type)

OWNER(S) INFORMATION

Name(s)

Township of Jackson

Current Resident Address:

95 West Veterans Highway

City, Town, Post Office

Jackson

State

New Jersey

Zip Code

08527

PROPERTY INFORMATION (Brief Property Description)

Block(s)

147.02

Lot(s)

2

Qualifier

Street Address:

City, Town, Post Office

Jackson

State

New Jersey

Zip Code

08527

OWNER(S) DECLARATION

The undersigned is (are) the title owner(s) of the real property identified under the "Property Information" section above. By presenting this declaration fully completed and signed by me (us), I (we) represent that the deed to which this form is attached is for corrective or confirmatory purposes only. In other words, the deed needs to be recorded or re-recorded solely due to a typographical, clerical, property description or other scrivener error or omission and there is no consideration for the corrective or confirmatory deed. The county recording officer will accept this form for recording along with such deed. The recording officer may also, however, continue to accept the GIT/REP-4 form with the Division's raised seal in lieu of the GIT/REP-4A.

This waiver form may be presented to the appropriate county recording officer for recording along with the deed of the owner as identified in the information above. Accordingly, the county recording officer is hereby authorized to accept this waiver form in lieu of any other GIT/REP form without any further payment of any tax on estimated income gain pursuant P.L. 2004, c. 55.

11/15/07
Date

Mark A. [Signature]
Signature (Owner) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature (Owner) Please indicate if Power of Attorney or Attorney in Fact

NOT RECORDED

MUST SUBMIT IN DUPLICATE AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER (Chapter 49, P.L. 1968, as amended through Chapter 23, P.L. 2006) (N.J.S.A. 49:15-5 et seq.) BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM. STATE OF NEW JERSEY

COUNTY Ocean SS. County Municipal Code
MUNICIPALITY OF PROPERTY LOCATION Jackson Twp.
FOR RECORDER'S USE ONLY
Consideration: \$ 6,500,000.00
RTF paid by seller: \$ 0
Data (Date) By: SAVING
*Use symbol "C" to indicate that fee is waivably for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)
Deponent Stephen K. Foxon, Esq. Attorney at Law
being duly sworn according to law upon his/her oath, deposes and says that he/she is the Legal Representative in a deed dated July 2, 2003 transferring (Grantor, Legal Representative, Corporate Officer, Officer of Title Company, Lending Institution, etc.)
real property identified as Block number 147.02 Lot number 2 located at Jackson Township and annexed thereto.
(Street Address, Town)

(2) CONSIDERATION 6,500,000.00 (See Instructions #1 and #5 on reverse side)

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(4) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A COMMERCIAL PROPERTY TRANSACTIONS: (See Instructions #6A and #7 on reverse side)
Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation
\$ _____ + _____ % = \$ _____
If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(5) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 56, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(a) Which portions or corrects a deed previously recorded.

(6) PARTIAL EXEMPTION FROM FEE (See Instructions #9 on reverse side)
NOTE: All boxes below apply to grantor(s) only. ALL EXEMPTION CATEGORIES MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portion of the Basic Fee, Supplemental Fee, and General Purpose Fee, as applicable, imposed by C. 178, P.L. 1976, C. 178, P.L. 2004, and C. 68, P.L. 2004 for the following reason(s):

A. SENIOR CITIZEN Grantor(s) 62 years of age or older. * (See Instruction #9 on reverse side for A or B)
B. BLIND PERSON Grantor(s) legally blind or
DISABLED PERSON Grantor(s) permanently and totally disabled Receiving disability payments Not gainfully employed
Senior citizen, blind persons, or disabled persons must also meet all of the following criteria:
 Owned and occupied by grantor(s) at time of sale. Resident of State of New Jersey.
 One or two-family residential premises. Owners as joint tenants must all qualify.
*IN THE CASE OF HUSBAND AND WIFE OR JOINT PARTNERS, ONLY ONE GRANTEE NEEDS TO QUALIFY IF TENANTS BY THE ENTIRETY.

C. LOW AND MODERATE INCOME HOUSING (See Instructions #9 on reverse side)
 Affordable according to HUD, state, local, Reserved for occupancy.
 Meets income requirements of region. Subject to resale controls.

(7) NEW CONSTRUCTION (See Instructions #10 and #11 on reverse side)
 Entirely new improvement. Not previously occupied.
 Not previously used for any purpose. "NEW CONSTRUCTION" printed clearly at the top of the first page of the deed.

(8) Deponent makes this Affidavit to induce county clerk or registrar of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 23, P.L. 2006.

Subscribed and sworn to before me the 27 day of October, 2007.
12 Pitt Street
PO BOX 281
Deponent Signature
Vista Center Associates
1033 North Maple Avenue
Toms River, NJ 08753
Grantor Address at Time of Sale
Culture & Memory, P.A.
Name/Company of Grantor Officer

Joyce C. Santillo
JOYCE C. SANTILLO
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 12, 2008

FOR OFFICIAL USE ONLY
Indexing Number: _____
Deed Number: _____
Date Filed: 11/26/07 Only Recorded ADVISORY

MY COMMISSION EXPIRES MARCH 12, 2008
STATE OF NEW JERSEY - DIVISION OF TAXATION
PO BOX 281
TRENTON, NJ 08646-0281
ATTENTION: REALTY TRANSFER FEE UNIT
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law and required to be filed or recorded without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/rtflocalact.htm

NOT RECORDED



DW SMITH
ASSOCIATES, LLC
Greeneering®

Nancy R. Lavin, P.E., P.E.
Thomas J. Murphy, P.L.S.
Jennifer M. Norris

Michael H. Grande, P.L.S.
Syed B. Hossain, P.E., P.E.
Eric J. Murphy, P.E., P.L.S.

Job No. 03-369.00
March 5, 2004
Revised February 5, 2008
Page 1 of 9

SCHEDULE A-1
DESCRIPTION OF PROPERTY
TAX MAP
NEW LOT 2, BLOCK 147.02
TOWNSHIP OF JACKSON
OCEAN COUNTY, NEW JERSEY

Engineering

Land Planning

Land Surveying

Landscape
Architecture

Environmental
Services

Site
Remediation

Information
Technologies

BEGINNING at a monument set at the intersection of the westerly sideline of Smithburg Court (41.5 feet wide) with the southerly sideline of New Jersey State Highway Route No. 195, (right of way varies, a.k.a. James J. Howard Interstate) said point having coordinates of N=486,111.3584 Ft., E=543,863.0684 Ft., (N.A.D. 83) and from said beginning point; running thence

1. South 14° 22' 05" West, along said westerly sideline, a distance of 13.84 feet to a monument set; thence
2. South 77° 00' 54" West, a distance of 8.50 feet to the Point and Place of Beginning.
3. South 12° 53' 06" East, a distance of 297.62 feet to a monument set; thence
4. South 77° 06' 54" West, a distance of 256.14 feet to an iron pin set; thence
5. South 12° 53' 06" East, a distance of 222.68 feet to an iron pin; thence
6. North 64° 23' 24" East, a distance of 15.25 feet to an iron pin set; thence
7. South 17° 50' 51" East, a distance of 315.93 feet to a point; thence
8. South 67° 44' 09" West, a distance of 186.84 feet to a point; thence
9. South 36° 17' 61" East, a distance of 393.43 feet to a monument set in the northerly sideline of Jackson Mills Road (30 feet from centerline, right of way varies), (a.k.a. Jackson Mills-Freehold Road and County Road 638); thence

"DESIGNING SPECIAL PLACES"

NOT A CONTRACT



Job No. 03-369.00
March 5, 2004
Revised February 5, 2008
Page 2 of 9

SCHEDULE A-1

10. South 53° 42' 09" West, along said sideline, a distance of 110.14 feet to a monument; thence
11. North 36° 17' 51" West, a distance of 421.02 feet to a point; thence
12. South 67° 44' 09" West, a distance of 412.31 feet to a point; thence
13. South 44° 36' 39" West, a distance of 101.27 feet to a point; thence
14. South 38° 03' 39" West, a distance of 103.84 feet to a point; thence
15. South 72° 39' 09" West, a distance of 141.39 feet to a point; thence
16. North 39° 50' 16" West, a distance of 330.15 feet to a monument; thence
17. South 34° 26' 29" West, a distance of 240.46 feet to a monument; thence
18. South 25° 55' 20" West, a distance of 150.41 feet to a monument; thence
19. South 40° 22' 06" East, a distance of 405.00 feet to a monument set; thence
20. South 53° 14' 21" West, a distance of 150.01 feet to a monument set; thence
21. South 40° 22' 06" East, a distance of 300.00 feet to a monument set in the aforementioned northerly sideline of Jackson Mills Road; thence
22. South 53° 14' 18" West, along said sideline, a distance of 628.45 feet to a monument set; thence
23. North 49° 46' 26" West, a distance of 174.80 feet to a monument; thence
24. North 17° 49' 42" East, a distance of 214.00 feet to a monument; thence
25. North 61° 24' 34" West, a distance of 60.87 feet to a monument; thence
26. South 23° 01' 56" West, a distance of 248.20 feet to an iron pin; thence
27. South 43° 13' 10" West, a distance of 312.23 feet to a point; thence



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28. South 61° 36' 08" West, a distance of 324.72 feet to an iron pin; thence
29. South 89° 51' 11" West, a distance of 182.10 feet to a point; thence
30. North 74° 42' 04" West, a distance of 146.78 feet to an iron pin in the easterly sideline of Dublin Road (right of way varies); thence
31. North 29° 25' 56" East, along said sideline, a distance of 105.87 feet to a monument; thence
32. South 88° 02' 34" East, a distance of 155.72 feet to a monument set; thence
33. North 01° 57' 26" East, a distance of 30.00 feet to a monument; thence
34. North 29° 36' 26" East, a distance of 168.98 feet to a point; thence

The following 101 courses being No. 35-135 along the common dividing line between Proposed Lot 1 and Proposed Lot 2 as shown on the below referenced plans:

35. North 87° 10' 39" East, a distance of 40.99 feet to an iron pin set; thence
36. North 22° 48' 06" East, a distance of 63.79 feet to an iron pin set; thence
37. North 18° 12' 50" East, a distance of 55.97 feet to an iron pin set; thence
38. North 68° 16' 21" West, a distance of 47.22 feet to a point; thence
39. North 26° 31' 46" West, a distance of 29.98 feet to a point; thence
40. North 23° 30' 11" West, a distance of 54.47 feet to a point; thence
41. North 49° 41' 59" East, a distance of 72.59 feet to a point; thence
42. North 55° 30' 48" East, a distance of 79.74 feet to a point; thence
43. North 41° 14' 57" West, a distance of 54.43 feet to a point; thence
44. North 02° 13' 03" East, a distance of 46.26 feet to a point; thence



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- 45. North 76° 31' 10" East, a distance of 34.44 feet to a point; thence
- 46. South 73° 31' 34" East, a distance of 80.93 feet to a point; thence
- 47. South 67° 36' 22" East, a distance of 65.44 feet to an iron pin set; thence
- 48. North 25° 24' 12" East, a distance of 65.51 feet to an iron pin set; thence
- 49. North 15° 28' 30" East, a distance of 89.36 feet to an iron pin set; thence
- 50. North 68° 14' 14" West, a distance of 72.03 feet to a point; thence
- 51. South 59° 23' 12" West, a distance of 46.65 feet to a point; thence
- 52. North 59° 43' 39" West, a distance of 34.24 feet to a point; thence
- 53. North 22° 50' 21" East, a distance of 96.17 feet to a point; thence
- 54. South 87° 31' 04" West, a distance of 26.21 feet to a point; thence
- 55. North 85° 07' 41" West, a distance of 41.20 feet to a point; thence
- 56. North 69° 25' 04" West, a distance of 30.25 feet to a point; thence
- 57. North 34° 58' 31" West, a distance of 48.99 feet to a point; thence
- 58. North 61° 33' 30" West, a distance of 68.69 feet to a point; thence
- 59. South 78° 27' 47" West, a distance of 33.22 feet to a point; thence
- 60. North 43° 25' 09" East, a distance of 19.94 feet to a point; thence
- 61. North 25° 16' 51" East, a distance of 65.06 feet to a point; thence
- 62. North 56° 51' 40" East, a distance of 31.19 feet to a point; thence
- 63. North 46° 26' 17" East, a distance of 42.81 feet to a point; thence

NOT FOR SET!



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SCHEDULE A-1

64. North 22° 24' 15" East, a distance of 27.98 feet to a point; thence
65. North 34° 19' 11" East, a distance of 45.15 feet to an iron pin set; thence
66. South 80° 03' 51" West, a distance of 35.05 feet to a point; thence
67. South 40° 01' 34" West, a distance of 52.22 feet to a point; thence
68. South 77° 43' 36" West, a distance of 47.99 feet to a point; thence
69. South 50° 38' 56" West, a distance of 39.96 feet to a point; thence
70. South 67° 55' 57" West, a distance of 51.31 feet to a point; thence
71. South 59° 34' 22" West, a distance of 38.89 feet to a point; thence
72. South 58° 51' 46" West, a distance of 51.01 feet to a point; thence
73. South 60° 09' 16" West, a distance of 31.61 feet to a point; thence
74. North 86° 32' 09" West, a distance of 37.44 feet to a point; thence
75. South 77° 22' 27" West, a distance of 49.55 feet to a point; thence
76. South 36° 16' 47" West, a distance of 44.43 feet to a point; thence
77. South 49° 38' 55" West, a distance of 56.58 feet to a point; thence
78. North 57° 09' 58" West, a distance of 57.44 feet to a point; thence
79. North 40° 29' 03" West, a distance of 58.27 feet to a point; thence
80. North 08° 34' 53" East, a distance of 42.12 feet to a point; thence
81. North 12° 02' 03" East, a distance of 57.14 feet to a point; thence
82. North 83° 07' 41" East, a distance of 77.86 feet to an iron pin set; thence



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83. North 57° 44' 03" West, a distance of 112.72 feet to an iron pin set; thence
84. South 08° 59' 12" East, a distance of 34.46 feet to a point; thence
85. South 39° 47' 02" West, a distance of 23.80 feet to a point; thence
86. South 46° 02' 32" West, a distance of 54.34 feet to a point; thence
87. South 44° 17' 40" West, a distance of 48.90 feet to a point; thence
88. North 76° 32' 15" West, a distance of 67.02 feet to a point; thence
89. South 28° 26' 57" East, a distance of 29.90 feet to a point; thence
90. South 07° 13' 35" East, a distance of 32.67 feet to a point; thence
91. South 75° 09' 13" West, a distance of 50.73 feet to a point; thence
92. North 78° 00' 01" West, a distance of 31.01 feet to a point; thence
93. North 75° 00' 11" West, a distance of 34.12 feet to a point; thence
94. North 33° 35' 06" West, a distance of 22.49 feet to a point; thence
95. North 83° 03' 51" West, a distance of 45.18 feet to a point; thence
96. South 68° 28' 28" West, a distance of 33.29 feet to a point; thence
97. North 47° 44' 38" West, a distance of 25.77 feet to a point; thence
98. North 41° 41' 48" West, a distance of 47.79 feet to a point; thence
99. North 49° 02' 01" West, a distance of 62.92 feet to a point; thence
100. North 53° 10' 17" West, a distance of 31.32 feet to a point; thence
101. North 53° 07' 35" West, a distance of 38.72 feet to a point; thence



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102. North 71° 48' 56" West, a distance of 51.14 feet to a point; thence
103. North 73° 38' 34" West, a distance of 36.53 feet to a point; thence
104. North 34° 30' 47" West, a distance of 46.92 feet to a point; thence
105. North 33° 09' 27" West, a distance of 45.67 feet to a point; thence
106. North 33° 08' 31" West, a distance of 27.93 feet to a point; thence
107. North 44° 26' 51" East, a distance of 63.23 feet to a point; thence
108. North 25° 46' 27" East, a distance of 46.95 feet to a point; thence
109. North 43° 05' 08" West, a distance of 51.37 feet to a point; thence
110. North 38° 32' 07" West, a distance of 26.78 feet to a point; thence
111. North 10° 56' 12" West, a distance of 49.18 feet to a point; thence
112. North 14° 44' 08" East, a distance of 23.93 feet to an iron pin set; thence
113. South 80° 31' 17" West, a distance of 17.43 feet to a point; thence
114. South 46° 42' 52" West, a distance of 23.71 feet to a point; thence
115. North 78° 03' 18" West, a distance of 67.19 feet to a point; thence
116. South 77° 11' 14" West, a distance of 50.77 feet to a point; thence
117. South 75° 14' 52" West, a distance of 44.89 feet to a point; thence
118. North 75° 30' 49" West, a distance of 39.60 feet to a point; thence
119. North 60° 17' 51" West, a distance of 51.38 feet to a point; thence
120. North 79° 42' 36" West, a distance of 32.68 feet to a point; thence



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121. North 12° 29' 04" East, a distance of 87.72 feet to a point; thence
122. North 13° 15' 26" East, a distance of 83.30 feet to a point; thence
123. North 33° 23' 56" East, a distance of 51.88 feet to a point; thence
124. North 35° 35' 14" East, a distance of 46.05 feet to a point; thence
125. North 33° 42' 28" East, a distance of 65.44 feet to a point; thence
126. North 24° 32' 28" East, a distance of 43.22 feet to a point; thence
127. North 36° 41' 50" East, a distance of 39.68 feet to a point; thence
128. North 37° 14' 26" East, a distance of 68.89 feet to a point; thence
129. North 35° 24' 33" East, a distance of 56.20 feet to a point; thence
130. North 48° 51' 14" East, a distance of 48.95 feet to a point; thence
131. North 69° 18' 24" East, a distance of 29.29 feet to a point; thence
132. North 43° 52' 12" East, a distance of 33.63 feet to a point; thence
133. North 35° 22' 07" East, a distance of 37.24 feet to a point; thence
134. North 18° 36' 47" East, a distance of 28.50 feet to an iron pin set; thence
135. North 42° 37' 03" East, a distance of 62.40 feet to an iron pin set in the
 aforementioned southerly sideline of New Jersey State Highway No. 195;
 thence

The following six (6) courses being No. 136-141 along the southerly sideline of New Jersey State Highway Route No. 195 as shown on the below referenced plans:

136. North 76° 47' 23" East, a distance of 757.07 feet to a monument set; thence
137. North 13° 12' 37" West, a distance of 47.00 feet to a monument set; thence



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- 138. North 76° 47' 23" East, a distance of 408.88 feet to a monument; thence
- 139. South 55° 25' 08" East, a distance of 321.15 feet to a monument; thence
- 140. North 33° 11' 01" East, a distance of 343.26 feet to an Iron pipe set; thence
- 141. Easterly along a curve bearing to the right having a radius of 4,892.00 feet, with an arc distance of 1,825.84 feet, a chord bearing of North 87° 32' 37" East, and a chord length of 1,618.37 feet to the Point and Place of Beginning.



CONTAINS: 115.687 Acres more or less and being subject to the easements and restrictions as shown on the below referenced plans. Property is subject to easements, restrictions, and conditions set forth in Commitment No. 9993-3052267, listed on the below referenced plans and an exhibit attached hereto.

The above description was written pursuant to a Survey of Property designated as Block 147.02, Lot 2, on the Municipal Tax Map of Jackson Township, County of Ocean, State of New Jersey. Said survey was prepared by D.W. Smith Associates, L.L.C., 149 Yellowbrook Road, Farmingdale, New Jersey, dated March 5, 2004, revised through February 5, 2008, and is marked as File No. 03-369.00. A reduced copy of said plan is attached hereto and made a part hereof.

Being known as Lot 2, Block 147.02 as shown on plans entitled, "Vista Center Lakeside Village and Affordable Housing Sites, Block 147.02, Lots 6, 59.01, 59.02, 60, 65.07, 65.08, 66.01, 68.02, 69, 71 / Lots 46, 47, 48.01, 49, 50, 57.01, 57.02, 58 Tax Map Sheets 4, 4.05, 9, Township of Jackson, County of Ocean, Final Plat-Minor Subdivision", dated April 3, 2000, last revised April 30, 2002, prepared by D.W. Smith Associates, L.L.C. and filed in the Ocean County Clerk's Office on September 10, 2002 as Map No. J-3175.


THOMAS J. MURPHY, P.L.S. LIC. #37207

D.W. SMITH ASSOCIATES, LLC
149 YELLOWBROOK ROAD, SUITE 101
FARMINGDALE, NEW JERSEY 07727

BY: 
TYPED BY: 
CHECKED BY: 

NOT A CELL



SCHEDULE A-1

JOB NUMBER: 03-369-00

Easements:

- Deed Book 1247, Page 69 Utility Pole Right of Way to JCP&L. Not plottable.
- Deed Book 1289, Page 377 Utility Pole Right of Way to JCP&L. Not plottable.
- Deed Book 1393, Page 232 Utility Pole Right of Way to JCP&L. Not plottable.
- Deed Book 1806, Page 50 Utility Pole Right of Way to JCP&L. Not plottable. Not located on property in question (Lot 2).
- Deed Book 2056, Page 110 Utility Pole easement to JCP&L. Not located on property in question (Lot 2).
- Deed Book 3600, Page 420 Utility Pole easement to JCP&L. Not located on property in question (Lot 2).
- Deed Book 4381, Page 557 Utility Pole easement to JCP&L provided easement to a lot that is now consolidated and located within Lot 2. Not plottable.
- Deed Book 4454, Page 441 Deed of Easement for access to Lot 59.01. Lot 59.01 has been consolidated into Lot 2.
- Deed Book 5587, Page 617 Right of Way dedication to County of Ocean. Not located on property in question (Lot 2).
- Official Record Book 11090, Page 221 Deed of Easement for conservation and recreation. Not located on property in question (Lot 2).
- Official Record Book 11840, Page 264 Reserved Easement to Jackson Township Municipal Utilities Authority shown on plan.

Restrictions/Rights:

- Deed Book 3494, Page 105 Declaration of Taking, State of New Jersey not located on property in question (Lot 2).
- Deed Book 3494, Page 159 Declaration of Taking, State of New Jersey - reflected on survey (Route 195 Right of Way taking).
- Deed Book 3494, Page 403 Declaration of Taking, State of New Jersey - reflected on survey (Route 195 Right of Way taking).
- Deed Book 3494, Page 784 Declaration of Taking, State of New Jersey not located on property in question (Lot 2).
- Deed Book 3568, Page 795 Declaration of Taking, State of New Jersey not located on property in question (Lot 2).
- Deed Book 3677, Page 501 Deed to State of New Jersey reflected on survey.
- Deed Book 3703, Page 153 Deed to State of New Jersey reflected on survey.

COPY NOT FOR SALE



SCHEDULE A-1

Deed Book 3782, Page 38

Deed to State of New Jersey not located on property in question (Lot 2).

Deed Book 3999, Page 841

Deed to State of New Jersey reflected on survey.

Conditions:

Deed Book 304, Page 300

Provides for the use of a raceway or stream. Not plottable and location unknown.

Official Record Book 11840, Page 264

Reserved Easement to Jackson Township Municipal Utilities Authority shown on survey.

Official Record Book 10803, Page 217

NJDEP Permit. Not issued for property in question (Lot 2).

Official Record Book 10732, Page 244

NJDEP Permit. Not issued for property in question (Lot 2)

Shown on Filed Map No. J-3175

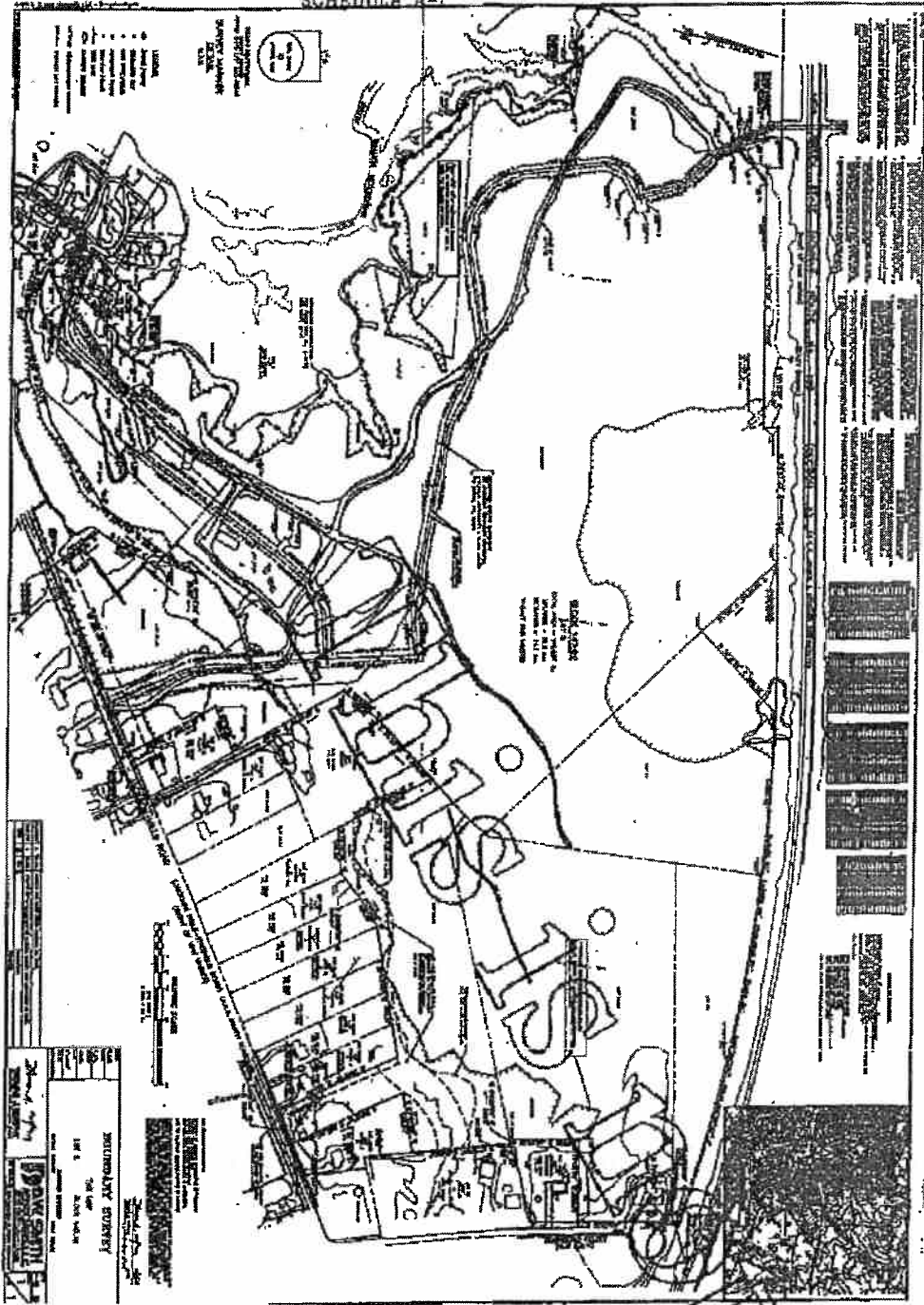
Conditions recited on Filed Map No. J-3175. Not plottable.

Survey Reviewed by Green Acres Date

Thomas W. ... 2/5/08
Surveyor's Signature & Seal Date

This is Not a Certificate

SCHEDULE A-1



GET

SCHEDULE "A" RESERVED EASEMENT

DEED DESCRIPTION

UTILITY EASEMENT

TO JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

ACROSS NEW LOT 2, BLOCK 147.02

TOWNSHIP OF JACKSON

OCEAN COUNTY, NEW JERSEY

Beginning at the intersection of the southerly and easterly sidelines of Dublin Road (right-of-way varies), said point being in the westerly line of New Lot 2, Block 147.02 as shown on Filed Map No. J-3175 filed in the Ocean County Clerk's Office on September 10, 2002 and from said beginning point; thence

1. South 88° 09' 00" East, a distance of 172.39 feet to a point; thence
2. North 43° 22' 37" East, a distance of 406.05 feet to a point; thence
3. North 61° 48' 12" East, a distance of 136.04 feet to a point; thence
4. North 22° 40' 32" East, a distance of 259.59 feet to a point; thence
5. North 21° 28' 14" East, a distance of 249.81 feet to a point; thence
6. North 62° 58' 42" West, a distance of 36.43 feet to a point; thence
7. North 27° 01' 18" East, a distance of 20.00 feet to a point; thence
8. South 62° 58' 42" East, a distance of 34.46 feet to a point; thence
9. North 26° 16' 15" East, a distance of 144.69 feet to a point; thence
10. North 49° 34' 25" East, a distance of 103.76 feet to a point; thence
11. North 73° 45' 22" East, a distance of 171.57 feet to a point; thence
12. North 15° 59' 07" West, a distance of 246.17 feet to a point; thence
13. South 70° 28' 23" West, a distance of 97.76 feet to a point; thence
14. South 84° 46' 54" West, a distance of 199.17 feet to a point; thence
15. South 87° 09' 25" West, a distance of 405.08 feet to a point; thence
16. North 76° 30' 48" West, a distance of 180.25 feet to a point; thence
17. North 83° 33' 02" West, a distance of 122.68 feet to a point; thence
18. South 67° 17' 57" West, a distance of 300.90 feet to a point; thence
19. South 84° 56' 08" West, a distance of 107.98 feet to a point; thence
20. North 66° 50' 44" West, a distance of 112.93 feet to a point; thence
21. North 37° 46' 20" West, a distance of 110.55 feet to a point; thence
22. North 18° 45' 59" West, a distance of 280.52 feet to a point; thence

DEED DESCRIPTION
UTILITY EASEMENT
TO JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
ACROSS NEW LOT 2, BLOCK 147.02
TOWNSHIP OF JACKSON
OCEAN COUNTY, NEW JERSEY
(CONTINUED)

23. North 10° 36' 55" East, a distance of 82.56 feet to a point; thence
24. North 49° 34' 10" East, a distance of 80.55 feet to a point; thence
25. North 26° 29' 33" West, a distance of 123.43 feet to a point; thence
26. North 55° 11' 00" West, a distance of 150.62 feet to a point; thence
27. North 38° 32' 43" West, a distance of 58.10 feet to a point in the common dividing line between New Lot 1 and New Lot 2, Block 147.02 as shown on filed Map No. J-3175; thence
28. North 69° 11' 58" East, along said dividing line, a distance of 11.88 feet to a point; thence
29. North 43° 45' 46" East, continuing along same, a distance of 18.85 feet to a point; thence
30. South 38° 32' 43" East, a distance of 52.61 feet to a point; thence
31. South 55° 11' 00" East, a distance of 153.91 feet to a point; thence
32. South 26° 29' 33" East, a distance of 127.86 feet to a point; thence
33. North 63° 30' 27" East, a distance of 81.77 feet to a point; thence
34. South 26° 29' 33" East, a distance of 40.00 feet to a point; thence
35. South 63° 30' 27" West, a distance of 45.59 feet to a point; thence
36. South 49° 34' 10" West, a distance of 78.25 feet to a point; thence
37. South 10° 36' 55" West, a distance of 57.93 feet to a point; thence
38. South 18° 45' 59" East, a distance of 263.33 feet to a point; thence
39. South 37° 46' 20" East, a distance of 93.48 feet to a point; thence
40. South 66° 50' 44" East, a distance of 92.50 feet to a point; thence
41. North 84° 56' 08" East, a distance of 91.72 feet to a point; thence
42. North 67° 17' 57" East, a distance of 305.10 feet to a point; thence
43. South 83° 33' 02" East, a distance of 135.55 feet to a point; thence
44. South 76° 30' 48" East, a distance of 158.97 feet to a point; thence

DEED DESCRIPTION
UTILITY EASEMENT
TO JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
ACROSS NEW LOT 2, BLOCK 147.02
TOWNSHIP OF JACKSON
OCEAN COUNTY, NEW JERSEY
(CONTINUED)

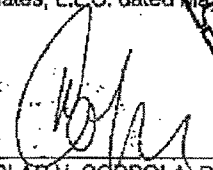
45. North 87° 09' 25" East, a distance of 398.51 feet to a point; thence
46. North 84° 46' 54" East, a distance of 193.32 feet to a point; thence
47. North 70° 28' 23" East, a distance of 135.29 feet to a point; thence
48. South 15° 59' 07" East, a distance of 323.59 feet to a point; thence
49. South 74° 00' 53" West, a distance of 16.67 feet to a point; thence
50. South 15° 53' 28" East, a distance of 345.10 feet to a point; thence
51. South 20° 58' 00" East, a distance of 93.54 feet to a point; thence
52. South 36° 54' 32" East, a distance of 256.46 feet to a point in Jackson Mills Road (right of way varies); thence
53. South 53° 07' 52" West, along said Sideline, a distance of 30.00 feet to a point; thence
54. North 36° 54' 32" West, a distance of 260.64 feet to a point; thence
55. North 20° 58' 00" West, a distance of 99.07 feet to a point; thence
56. North 15° 53' 28" West, a distance of 341.21 feet to a point; thence
57. South 73° 45' 22" West, a distance of 126.24 feet to a point; thence
58. South 49° 34' 25" West, a distance of 86.35 feet to a point; thence
59. South 26° 16' 15" West, a distance of 134.43 feet to a point; thence
60. South 21° 28' 14" West, a distance of 268.98 feet to a point; thence
61. South 22° 40' 33" West, a distance of 295.23 feet to a point; thence
62. South 00° 58' 56" East, a distance of 25.88 feet to a point; thence
63. South 89° 03' 04" West, a distance of 20.00 feet to a point; thence
64. North 00° 56' 56" West, a distance of 30.49 feet to a point; thence
65. South 61° 48' 12" West, a distance of 143.44 feet to a point; thence
66. South 43° 22' 37" West a distance of 383.05 feet to a point; thence

DEED DESCRIPTION
UTILITY EASEMENT
TO JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
ACROSS NEW LOT 2, BLOCK 147.02
TOWNSHIP OF JACKSON
OCEAN COUNTY, NEW JERSEY
(CONTINUED)

- 67. North 88° 09' 00" West, a distance of 201.49 feet to a point in the aforesaid easterly sideline of Dublin Road; thence
- 68. North 29° 19' 30" East, along said sideline, a distance of 33.81 feet to the point and place of beginning.

CONTAINS: 187,903 square feet or 4.314 acres more or less.

The above description has been prepared in accordance with a plan entitled "Vista Center - P.M.U.B., Block 147.02, New Lot 2, Tax Map Sheet 4, Jackson Township, Ocean County, New Jersey, Utility Easement Plan", prepared by D.W. Smith Associates, L.L.C. dated May 1, 2003.


NICHOLAS V. COPPOLA, P.L.S. LIC. #16763

D.W. SMITH ASSOCIATES, L.L.C.
40 AIRPORT ROAD
LAKEWOOD, NEW JERSEY 08701

BY:
TYPED BY:
CHECKED BY:

THIS IS NOT A COPY

Addendum

Subject to easements and restrictions of record, expressly but not limited thereto to Deed of Easement for Conservation and Recreation dated September 17, 2002 by Vista Center Associates, Grantor and The Township of Jackson, Grantee recorded in DB 11046, page 221 in the Ocean County Clerk's Office and further subject to Reservation of Easement as follows:

RESERVED EASEMENT:

Grantor hereby excepts and reserves unto itself and the Jackson Township Municipal Utilities Authority, their Successors and Assigns, a perpetual easement for uses and purposes described hereinafter on, across, over in and through the lands owned by Grantor subject to the following terms and conditions:

1. Location of Easement: The course of the Easement is described on Schedule "A" - Reserved Easement'.
2. Purpose of Easement: The purpose of the Easement is to reserve the right of Grantor for the benefit of Grantor and the Jackson Township Municipal Utilities Authority, their successors and assigns, at any time to enter in and upon the Easement premises to maintain, repair, reconstruct, modify, improve and operate sewer mains and water mains and their accessory parts for the benefit and convenience of all lands lying within the boundaries of the Township of Jackson north of State Highway 195 owned by Grantor, its successors and assigns, Metedeconk National Golf Club, Inc., its successors and assigns, K. Hovnanian at Jackson, LLC, its successors and assigns, the within Premises herein conveyed to the Township of Jackson, and such other lands as may be designated by the Jackson Township Municipal Utilities Authority, from time to time.
3. General Covenants: Grantor, its successor and assigns, and Grantee mutually represent to each other:
 - (a) Each party shall indemnify and save harmless the other from and against any and all claims or demands for or in connection with any occurrence, accident, injury, damage or dispute arising out of the exercise of the rights hereunder, and from and against any and all costs, expenses relating thereto, including but not limited to reasonable attorney's fees, except where any of the foregoing arises out of the sole negligence of the party otherwise to be indemnified. Each party shall give prompt notice to the other of any claims on demand; and
 - (b) Each party agrees to provide such further assurances and confirmations as are necessary to carry out the terms of this Reservation of Easement.
4. Assignment Security Interests: The parties herein acknowledge and agree that the Easement excepted and reserved herein constitutes a commercial easement and Grantor, its successors and assigns shall have the unrestricted right to transfer, assign, mortgage, pledge and otherwise grant security interests in the right hereby granted. Upon such grant, and upon notice thereof, no amendment to this reservation of easement shall be effective without the consent of such secured party.
5. Binding Nature of Grant: The Easement and right and obligations hereunder shall run with the land in perpetuity and shall be binding upon all the parties hereto, their successors, heirs, transferees, and assigns. This reservation cannot be terminated and all rights hereunder shall be enforced at law for damages or in equity for injunctive relief.



The within Corrective Deed is being ^{re}-recorded for the purpose of adding Schedule A-1 Description of Property dated March 5, 2004 and revised February 5, 2008.

The street address of the Property is:
vacant land

4. Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

5. Signatures. The Grantor signs this Deed as of the date at the top of the first page. (Print name below each signature.)

Witnessed By:

VISTA CENTER ASSOCIATES

Herbert Sambol (Seal)
HERBERT SAMBOL, General Partner

Maurice C. Adams (Seal)

_____ (Seal)

STATE OF NEW JERSEY, COUNTY OF OCEAN
I CERTIFY that on July 2, 2003
Herbert Sambol, General Partner of Vista Center Associates

SS.

personally came before me and stated to my satisfaction that this person (or if more than one, each person):
(a) was the maker of this Deed;
(b) executed this Deed as his or her own act; and,

(c) made this Deed for \$ 6,500,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

RECORD AND RETURN TO:

Gilmore & Monahan, P.A.
P.O. Box 1640
Toms River, NJ 08754

Stephan R. Leone
STEPHAN R. LEONE, ESQ.
Attorney at Law of New Jersey

BOOK 3449 PAGE 152

197 - MARSHY DEED - SHORT FORM (STATUTORY) HFD. OR CONP.

RD 1

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Mrs. Indamire

Made the 21st day of April

19 75

GREGORY ARTUSHENIA and JULIA ARTUSHENIA, his wife

residing separately at 9 Lakewood Terrace Bloomfield Essex New Jersey herein designated as the Grantor in the County of

MARILYN J. ARTUSHENIA, (single)

Signer

is/ a cor

in

S. C.

4. G.

3. 7

2. G.

1. G.

Column

Line

Circle

to

residing separately at 9 Lakewood Terrace Bloomfield Essex New Jersey herein designated as the Grantee in the County of

Whithersby: That in consideration of ONE DOLLAR (\$1.00) the Grantors do grant and convey, unto the Grantee certain lot, all that / tract or parcel of land and premises, situate, lying and being in the Township of Jackson County of Ocean and State of New Jersey, more particularly described as follows:

BEGINNING at a concrete monument in the westerly line of Park Avenue the northeast corner of Lot #28 owned by George Bolgar, distant 3015.68 feet from the southwest corner of Park Avenue and New Egypt road (Route #528); thence running as the magnetic north

formerly pointed (1) along the northerly line of Lot #28, North 73 degrees 27 minutes West 891.44 feet to a stake in the westerly line of a whole tract of which this is a part; thence (2) along the same North 15 degrees 19 minutes East 200.04 feet to a point; thence (3) along the southerly line of Lot 25, South 73 degrees 27 minutes East 931 feet to a point in the westerly line of Park Avenue; thence (4) along the same South 26 degrees 33 minutes West 203.08 feet to the point or place of beginning. Containing 4.18 acres of land.

BRING the same premises conveyed by William Nowik and Helen Nowik his wife, to Gregory Artushenia and Julia Artushenia, his wife, by deed dated December 6, 1958 and recorded December 10, 1958 in the Office of the Clerk of Ocean County in Deed Book 1944 at page 428. Subject to restrictions of record, if any, and such facts as an accurate survey would disclose.

COUNTY OF OCEAN
CONSIDERATION
RECEIVED TRAKERS fee
MAY 13 1975

that President been duly instrument delivered to him, in person, the date of

personally who, being he falls

State of I County of the number

Prepared and there who, I am

personally the number

Book of I County of the number