

**DECLARATION OF EASEMENTS**

This DECLARATION OF EASEMENTS is made this 18 day of November, 1998, by Willingboro Mall, LTD, a New Jersey Limited Partnership of 2495 US Highway One, Lawrenceville, New Jersey 08648-4090 (the "Grantor").

**BACKGROUND**

WHEREAS, the Grantor is the owner of certain lands and premises located in the Township of Willingboro, County of Burlington and State of New Jersey, currently known as Lot 7.01, Block 2 on the Official Tax Map of the Township of Willingboro, and more particularly described on SCHEDULE A attached to and made a part hereof; and

WHEREAS, the Grantor obtained approval for a Minor Subdivision from the Planning Board of the Township of Willingboro by Resolution dated May 13, 1996, subsequently extended through May 12, 1999 creating Lot 7.04, Block 2 on the Official Tax Map of the Township of Willingboro and more particularly described in SCHEDULE B attached hereto and made a part hereof ("Phase I"), and the remaining part of Lot 7.01, Block 2, more particularly described in SCHEDULE C attached hereto and made a part hereof ("Phase II"); and

WHEREAS, Phase I and II are contiguous and adjoin; and

WHEREAS, Grantor intends to create, grant, declare, and establish permanent, non-exclusive, unrestricted, uninterrupted and irrevocable easements over portions of Phase I, more particularly

1998 NOV 18 11:11 AM  
COUNTY OF BURLINGTON

described below, for the benefit of Phase II and over Phase II, more particularly described below for the benefit of Phase I; and

WHEREAS, Grantor further intends to create, grant, declare and establish for the benefit of both Phase I and Phase II cross easements to the extent necessary to tie into existing electrical lines and to permit the uninterrupted flow through storm drains to the extent such storm drains are shared by Phase I and Phase II, with rights to enter on, over, under and across the easement areas for the purpose of use, operation, maintenance, repair, removal of the storm drains and appurtenances thereto, and for the installation of other storm drains, if necessary; and

WHEREAS, The Grantor further intends that the easements and agreement described below shall run with the land in order that they will remain binding on the present and future owners of Phase I and Phase II.

TERMS:

NOW, THEREFORE, the Grantor, for value received, and for other good and valuable consideration, for itself and its successors and assigns, hereby grants, establishes and declares the following easements and agreements respecting Phase I and Phase II referred to herein:

1. EASEMENT FOR INGRESS AND EGRESS: The Grantor hereby creates, declares, establishes and grants, to and for the benefit of Phase I and II, permanent, non-exclusive, unrestricted, uninterrupted, irrevocable easements to freely park, pass and repass by vehicle and/or by foot and/or otherwise over, upon,

across and through paved areas located on Phase I and Phase II for the purpose of providing to the present and future owners of Phase I and II, its successors and assigns in title, and its tenants, employees, agents, licensees and invitees, free access for ingress and egress to and from Sunset Road (County Route 634).

2. UTILITY EASEMENT:

(a) The Grantor hereby creates, declares, establishes and grants, to and for the benefit of both Phase I and Phase II, cross easements to the extent necessary over Phase I for the benefit of Phase II and over Phase II for the benefit of Phase I to permit the uninterrupted flow through storm drains to the extent such storm drains are shared by Phase I and Phase II, with rights to enter on, over, under and across the easement areas for the purpose of connection, use, operation, maintenance, repair, removal and relocation of the storm drains and appurtenances thereto, and for the installation of other storm drains, if necessary, such easement areas, all as more particularly described in SCHEDULES D, E, F and G , attached hereto and made a part hereof, as well as access to the existing pump station and Retention Basin for replacement, repair and maintenance.

(b) The Grantor hereby creates, declares, establishes and grants to and for the benefit of both Phase I and Phase II, cross-easements to the extent necessary to provide electrical service over Phase I for the benefit of Phase II and over Phase II for the benefit of Phase I. This easement shall be blanket in nature until such time the owner's of Phase I and Phase II in conjunction with

the utility company providing electrical service more specifically determine the easement area.

3. NON MERGER: It is the intention of the Grantor that the easements created under this Declaration of Easements shall not merge even though upon this date the Grantor is the owner of both Phase I and Phase II, neither the Grantor nor any other owner of both Phase I and Phase II, may terminate this Declaration of Easements without the approval of the Willingboro Township Planning Board or the governing body of the Township of Willingboro.

4. COVENANT AS TO MAINTENANCE: The present or any future owner of Phase I shall share equally together with the present or any future owner of Phase II all maintenance and repair costs to maintain and repair in good serviceable condition the storm drain easements described herein.

5. COVENANT AGAINST IMPAIRMENT: Neither any present or any future owner of either Phase I or Phase II shall erect any building or any other structure or improvement upon the Easement Areas or over any utility line nor shall they permit or suffer to be done any act which would (a) interrupt, impair or disrupt and rights with respect to the easements granted under this Declaration or (b) reduce the size of the Easement Areas.

6. COVENANTS RUNNING WITH LAND: All of the rights, and privileges granted under this Declaration shall run to the benefit of the party to who such rights and privileges are granted hereunder and their respective successors and assigns in title and shall run with the land, and all of the obligations set forth in

this Declaration shall be binding upon the party upon whom such obligations are imposed under this Declaration, and their respective successors and assigns in title, and shall also run with the land.

Signatures on next page

IN WITNESS WHEREOF, the Grantor, intending to be legally bound hereby, has executed this Declaration the day and year first above written.

WITNESS:

WILLINGBORO MALL, LTD

\_\_\_\_\_

By: *Allan Plapinger*  
Allan Plapinger, General  
Partner

*Alfred Aronovitz*

By: *Alfred Aronovitz*  
Alfred Aronovitz, General  
Partner

STATE OF NEW JERSEY :  
                              : SS.  
COUNTY OF CAMDEN  :

BE IT REMEMBERED, That on this 18<sup>th</sup> day of November, 1998, before me, the subscriber, personally appeared Allan Plapinger, General Partner of Willingboro Mall, LTD, who, I am satisfied, is the person who signed the within Instrument and acknowledged that they signed, sealed and delivered the same as their act and deed. All of which is hereby certified.

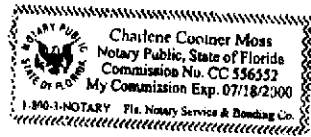
*Charlene Werner*

**Charlene Werner**  
Notary Public of New Jersey  
My Commission Expires on May 13, 2003

STATE OF FLORIDA :  
 : SS.  
COUNTY OF MIAMI - DATE :

BE IT REMEMBERED, That on this 16<sup>th</sup> day of November, 1998, before me, the subscriber, personally appeared Alfred Aronovitz, General Partner of Willingboro Mall, LTD, who, I am satisfied, is the person who signed the within Instrument and acknowledged that they signed, sealed and delivered the same as their act and deed. All of which is hereby certified.

*Charlene Cozier Moss*



SCHEDULE "A"

All that certain tract or parcel of land situate in the Township of Willingboro, County of Burlington and State of New Jersey being known and designated as Lot 7, Block 3 as shown on the Township of Willingboro tax map, sheet A and being more particularly described in accordance with a survey made by William Cermelle L.S. dated October 31, 1974, revised to November 20, 1981, as follows:

BEGINNING at a point in the new southeasterly right-of-way line of New Jersey State Highway U.S. Route 130, said point being the following 2 courses and distances from the point of curve connecting the southerly line of U.S. Route 130 (105.5 feet wide at this point) with Lavitt Parkway (114 feet wide)

- (a) S 39° 52' 17" E, a distance of 1.30 feet to a point in the new R.O.W. of U.S. Route 130 (107 feet wide) thence,
- (b) S 30° 07' 43" W, a distance of 320.00 feet to the point and place of beginning, thence,
- (1) Along the line of Lot 7-1, Block 3, S 39° 52' 17" E, a distance of 400.69 feet to a point in the northwesterly line of Lot 7-A, thence,
- (2) Along the line of Lot 7-A, S 50° 21' 29" W, a distance of 37.74 feet to a point corner to same, thence,
- (3) Along the line of Lot 7-A and Lots 8 through 15 and Lot 19, Block 101, S 21° 33' 58" E, a distance of 772.37 feet to a point corner to Lots 8 and 9, Block 101 and Lots 7 and 11, Block 2, thence,
- (4) Along the westerly line of Lots 11 and 10, S 39° 04' 12" W, a distance of 343.67 feet to a point in the new northerly right-of-way line of Sunset Road (73 feet wide), thence,
- (5) Along said R.O.W., S 82° 41' 38" W, a distance of 378.94 feet to a point in the same and point of curvature, thence,
- (6) Along the same, curving to the left in a westerly direction with a radius of 623.00 feet, an arc length of 232.82 feet to a point in the northerly line of Lot 9, thence,
- (7) Along the said northerly line, S 82° 41' 38" W, a distance of 192.12 feet to a point in the curved northerly R.O.W. line of Sidney Lane (50 feet wide), thence,



- (10) Along said curved northerly R.O.W. line, curving on the left in a northwesterly direction with a radius of 176.00 feet an arc length of 94.20 feet to a point of tangency in the same, thence,
- (11) Along the northerly R.O.W. of Sidney Lane S  $82^{\circ} 41' 38''$  W, a distance of 381.34 feet to a point, corner to Lots 3 and 7, thence,
- (12) Along the rear line of Lot 3, N  $27^{\circ} 48' 06''$  E, a distance of 77.18 feet to an angle point in same, thence,
- (13) Along the rear line of Lots 3, 4-1, 4-2, 4 and 5, N  $29^{\circ} 04' 14''$  E, a distance of 780.95 feet to a point, corner to Lots 5 and 7, thence,
- (14) Along the line of Lots 5 and 7, N  $34^{\circ} 36' 58''$  W, a distance of 117.63 feet to a point in the new southeasterly right-of-way line of N.J.S.R., U.S. Route 138, thence,
- (15) Along said R.O.W. N  $50^{\circ} 07' 43''$  E, a distance of 1036.98 feet to a point in the same and place of BEGINNING.

SCHEDULE "B"

DESCRIPTION FOR LOT 7.04, BLOCK 2

All that certain lot, tract or parcel of land situate in the Township of Willingboro, County of Burlington, and State of New Jersey bounded and described according to a Subdivision Plan entitled "Willingboro Seniors Housing, L.L.P.", prepared by Land Engineering and Surveying Co., Inc. dated January 3, 1996, and revised March 4, 1998, and more particularly described as follows, viz;

Beginning at a point located in the curved northerly sideline of Sidney Lane (50 feet wide) corner to Lot 7.04 and 9, Block 2 as shown on the Township of Willingboro Tax Map, said point being located in a northeastwardly direction 94.96 feet from a point formed by the intersection of the northerly sideline of Sunset Road (73 feet wide) and the northeasterly sideline of Sidney Lane, and runs thence;

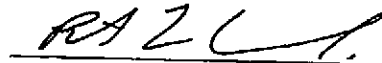
1. Along the northerly sideline of Sidney Lane in a northeastwardly direction and curving to the left with a radius of 175.00 feet, an arc length of 94.20 feet to a point of tangency in the same, thence;
2. Along the sideline of Sidney Lane, S82°41'38"W, a distance of 29.00 feet to a point in the same and corner to Lot 7.01, thence;
3. Along Lot 7.01, N03°04'37"W, a distance of 419.63 feet to a point corner to the same, thence;
4. Along Lot 7.01, S86°55'25"E, a distance of 381.70 feet to a point corner to the same thence;
5. Along Lot 7.01, S03°04'35"W, a distance of 370.00 feet to a point corner to the same and in the northerly sideline of the aforesaid Sunset Road, thence;
6. Along the sideline of Sunset Road, in a westwardly direction and curving to the left with a radius of 623.00 feet, an arc length of 30.72 feet to a point in the same and corner to Lot 9, thence;
7. Along Lot 9, S82°41'38"W, a distance of 192.12 feet to the point and place of beginning.

Description for Lot 7.04, Block 2  
Page 2 of 2

Subject to any and all easements and restrictions of record.

Containing within said bounds 3.34 Acres.

Being known as Lot 7.04, Block 2 as shown on the Township of  
Willingboro Tax Map.



Robert L. Carmelia, P.L.S.  
New Jersey License No. 37578

DB5652 PG267

SCHEDULE "C"

March 4, 1998

DESCRIPTION FOR LOT 7.01, BLOCK 2

All that certain lot, tract or parcel of land situate in the Township of Willingboro, County of Burlington, and State of New Jersey bounded and described according to a Subdivision Plan entitled "Willingboro Seniors Housing, L.L.P." prepared by Land Engineering and Surveying Co., Inc., dated January 3, 1996, and revised to March 4, 1998, and more particularly described as follows, viz;

Beginning at a point located in the southeasterly sideline of U.S. Route #130 (measured 55.50 feet from centerline) corner to Lot 7.01 and Lot 7.02, Block 2 as shown on the Township of Willingboro Tax Map, and runs thence;

1. Along the line of Lot 2, S39°52'17"E, a distance of 400.69 feet to a point corner to the same and in the line of Lot 7.03, thence;
2. Along the line of Lot 7.03, S50°21'29"W, a distance of 37.74 feet to a point corner to the same, thence;
3. Along the line of Lot 7.03, Block 2, Lots 19, 15, 14, 13, 12, 11, 10, and 9, Block 101, S21°23'58"E, a distance of 772.37 feet to a point corner to Lots 9 and 8, Block 101, Lot 11, Block 2, thence;
4. Along Lots 11 and 10, S39°04'12"W, a distance of 343.73 feet to a point in the line of Lot 10 and in the northerly sideline of Sunset Road (73 feet wide), thence;
5. Along the northerly sideline of Sunset Road, S82°41'38"W, a distance of 578.94 feet to a point of curvature in the same, thence;
6. Along said sideline in a westwardly direction and curving to the left with a radius of 623.00 feet, an arc length of 202.08 feet to a point in the same and corner to Lot 7.04, thence;
7. Along the line of Lot 7.04, N03°04'35"E, a distance of 370.00 feet to a point corner to the same, thence;

**Description for Lot 7.01, Block 2**

**Page 2 of 2**

8. Along the line of Lot 7.04, N86°55'25"W, a distance of 381.70 feet to a point corner to the same, thence;
9. Along the line of Lot 7.04, S03°04'37"E, a distance of 419.63 feet to a point corner to the same and in the northerly sideline of Sidney Lane (50 feet wide), thence;
10. Along the sideline of Sidney Lane, S82°41'38"W, a distance of 352.34 feet to a point in the same and corner to Lot 3, thence;
11. Along the line of Lots 3, 4.02, 4.01 and 5, N29°04'14"E, a distance of 780.95 feet to a point corner to Lot 5, thence;
12. Along the line of Lot 5, N24°36'58"W, a distance of 117.63 feet to a point in the line of Lot 5 and in the southeasterly sideline of the aforementioned U.S. Route #130, thence;
13. Along the sideline of U.S. Route #130, N50°07'43"E, a distance of 1036.98 feet to the point and place of beginning.

**Subject to any and all easements and restrictions of record.**

**Containing within said bounds 28.80 Acres.**

**Being known as Lot 7.01 , Block 2 as shown on the Township of Willingboro Tax Map.**

DB5652 PG269

SCHEDULE "D"

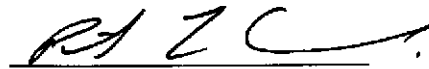
All that certain lot, tract or parcel of land situate in the Township of Willingboro, County of Burlington, and State of New Jersey bounded and described according to a Subdivision Plan prepared by Robert L. Carmelia, P.L.S. of Land Engineering and Surveying Co., Inc. dated January 3, 1996 revised to March 7, 1996, described as follows, viz;

Beginning at a point located in the division line between Lot 7.01 and 7.04, Block 2, as shown on the Willingboro Tax Map, the following four courses from the corner formed by the intersection of the curved northwesterly sideline of Sunset Road (County route #634) (73 feet wide) and the northeasterly sideline of Sidney Lane (50 feet wide): 1) N 44°08'16"W, 26.77 feet to a point of curvature in the sideline of Sidney Lane, 2) Along said sideline in a northwestwardly direction and curving to the left with a radius of 175.00 feet, an arc length of 162.39 feet to a point of tangency in said sideline, 3) S 82°41'38"W, 29.00 feet to a point in said sideline and corner to Lots 7.01 and 7.04, 4) N 03°04'37"W, 263.12 feet to the beginning point and runs thence;

- 1) Along said division line, N 03°04'37"W, a distance of 20.02 feet to a point in said division line, thence;
- 2) N 89°30'14"E, a distance of 62.00 feet to a point, thence;
- 3) N 58°51'22"E, a distance of 104.63 feet to a point, thence;
- 4) S 86°55'25"E, a distance of 130.17 feet to a point, thence;

- 5) S 69°57'23"E, a distance of 92.53 feet to a point in the division line between Lots 7.04 and 7.01, thence;
- 6) Along said division line, S 03°04'35"W, a distance of 20.91 feet to a point in said division line, thence;
- 7) N 69°57'23"W, a distance of 95.65 feet to a point, thence;
- 8) N 86°55'25"W, a distance of 121.03 feet to a point, thence;
- 9) S 58°51'22"W, a distance of 103.96 feet to a point, thence;
- 10) S 89°30'14"W, a distance of 66.58 feet to the point and place of beginning.

The intent being to describe a 20 foot wide Drainage Easement through Lot 7.04 for Lot 7.01.



Robert L. Carmelia  
N.J. License No. 37578

lh  
vilma1.leg

DB5652 PG271

SCHEDULE "E"

All that certain lot, tract or parcel of land situate in the Township of Willingboro, County of Burlington and State of New Jersey bounded and described according to a Subdivision Plan prepared by Robert L. Carmelia, P.L.S. of Land Engineering and Surveying Co., Inc. dated January 3, 1996 revised to March 7, 1996, described as follows, viz;

**Beginning at a point in the division line between Lot 7.01 and 7.04, Block 2, as shown on the Willingboro Township Tax Map, the following four courses from the corner formed by the intersection of the curved northwesterly sideline of Sunset Road (County Route #634) (73 feet wide) and the northeasterly sideline of Sidney Lane (50 feet wide):** 1) N 44°08'16"W, 26.77 feet to a point of curvature in the sideline of Sidney Lane, 2) Along said sideline in a northwestwardly direction and curving to the left with a radius of 175.00 feet, an arc length of 162.39 feet to a point of tangency in said sideline, 3) S 82°41'38"W, 29.00 feet to a point in said sideline and corner to Lots 7.01 and 7.04, 4) N 03°04'37"W, 359.79 feet to the beginning point and runs thence;


- 1) Along said division line, N 03°04'37"W, a distance of 24.68 feet to a point in said division line, thence;
- 2) Through Lot 7.04, N 51°03'14"E, a distance of 52.22 feet to a point in said division line, thence;
- 3) Along the same, S 86°55'25"E, a distance fo 29.88 feet to a point in the same, thence;
- 4) Through Lot 7.04, S 51°03'14"W, a distance of 88.88 feet to the point and place of beginning.

Page 1 of 2



Page 2 of 2

The intent being to describe a 20 foot wide Drainage Easement through Lot  
7.04 for Lot 7.01.



Robert L. Carmelia  
N.J. License No. 37578

lh  
vilmala.leg

DB5652 PG273

SCHEDULE "F"

All that certain lot, tract or parcel of land situate in the Township of Willingboro, County of Burlington and State of New Jersey bounded and described according to a Subdivision Plan prepared by Robert L. Carmelia, P.L.S. of Land Engineering and Surveying Co., Inc. dated January 3, 1996 revised to March 7, 1996, described as follows, viz;

Beginning at a point located in the division line between Lot 7.01 and 7.04, Block 2, as shown on the Willingboro Township Tax Map, the following four courses from the corner formed by the intersection of the curved northwesterly sideline of Sunset Road (County Route #634) (73 feet wide) and the northeasterly sideline of Sidney Lane (50 feet wide): 1) N 44°08'16"W, 26.77 feet to a point of curvature in the sideline of Sidney Lane, 2) Along said sideline in a northwestwardly direction and curving to the left with a radius of 175.00 feet, an arc length of 162.39 feet to a point of tangency in said sideline, 3) S 82°41'38"W, 29.00 feet to a point in said sideline and corner to Lots 7.01 and 7.04, 4) N 03°04'37"W, 263.12 feet to the beginning point and runs thence;

- 1) S 89°30'14"W, a distance of 28.00 feet to a point, thence;
- 2) N 03°04'37"W, a distance of 20.02 feet to a point, thence;
- 3) N 89°30'14"E, a distance of 28.00 feet to a point in said division line, thence;
- 4) Along said division line, S 03°04'37"E, a distance of 20.02 feet to the point and place of beginning.

Page 1 of 2

Page 2 of 2

The intent being to describe a 20.00 feet wide drainage easement in Lot 7.01  
for Lot 7.04.



Robert L. Carmelia, P.L.S.  
N.J. License No. 37578

/lh  
vilmaib.leg

0B5652 PG275

SCHEDULE "C"

**DESCRIPTION OF 20 FOOT WIDE  
STORMWATER FORCE MAIN EASEMENT  
THROUGH LOT 7.04, BLOCK 2  
SITUATE IN THE TOWNSHIP OF WILLINGBORO  
BURLINGTON COUNTY, NEW JERSEY**

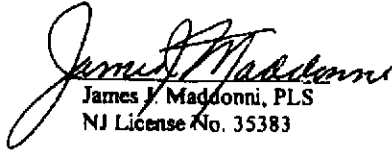
ALL THAT CERTAIN parcel of land to be reserved for a 20' wide stormwater force main easement, within Lot 7.04, Block 2, situate in the Township of Willingboro, County of Burlington, and State of New Jersey, as shown on a plan entitled "Stormwater Force Main Easement Exhibit", prepared by G.S. Winters & Associates, Inc., dated November 11, 1998, and being more particularly described as follows:

BEGINNING at a point in the division line between Lots 7.04 and 7.01, Block 2, said point being located the following course and distance from a point in the northerly right-of-way line of Sydney Lane (50 feet wide) which is common to the aforementioned Lots 7.04 and 7.01, Block 2, thence leaving said northerly right-of-way line of Sydney Lane, along the division line between Lots 7.04 and 7.01, Block 2 N 03°04'37" W a distance of 11.21 feet to a point and place of Beginning; thence

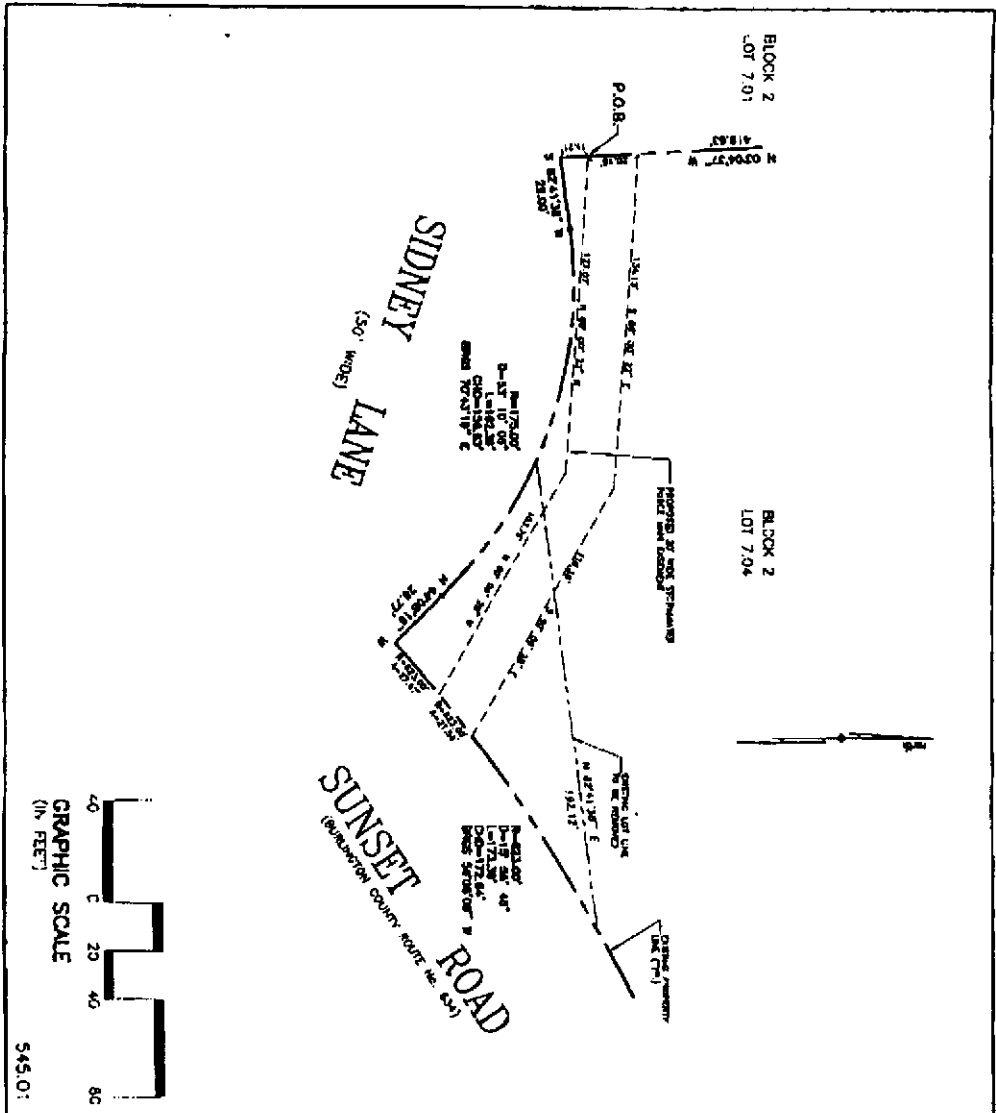
1. along said division line between Lots 7.04 and 7.01, Block 2, N 03°04'37" W a distance of 20.15 feet to a point; thence
2. leaving the division line between Lots 7.04 and 7.01, Block 2, and passing through Lot 7.04, Block 2, S 86°00'22" E a distance of 134.15 feet to a point; thence
3. still passing through Lot 7.04, Block 2, S 60°06'28" E, non-radially a distance of 116.35 feet to a point in the curved westerly right-of-way line of Sunset Road (Burlington County Route 634) (as widened to 43 feet from centerline); thence
4. along said curved westerly right-of-way line of Sunset Road, in a southwesterly direction along a curve to the left having a radius of 623.00 feet for an arc distance of 21.54 feet to a point; thence
5. leaving the curved westerly right-of-way line of Sunset Road and passing through Lot 7.04, Block 2, N 60°06'26" W a distance of 103.76 feet to a point; thence
6. still passing through Lot 7.04, Block 2, N 86°00'22" W a distance of 127.07 feet to a point in the division line between Lots 7.04 and 7.01, Block 2 and place of BEGINNING.

DB5652 PG276

Containing 4,812 square feet of land.

  
James J. Maddoni, PLS  
NJ License No. 35383

DB5652 PG277



085652 PG278

|   |          |          |          |
|---|----------|----------|----------|
| Sheet No.   | 1        | of       | 1        |
| <b>WILLINGBORO SENIORS HOUSING</b>  |          |          |          |
| LOT 7.04, BLOCK 2, SHEET 103  |          |          |          |
| WILLINGBORO TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY   |          |          |          |
| STORMWATER FORCE MAIN BASEMENT EXHAUST  |          |          |          |
| <b>WILLINGBORO COMMUNITY SENIOR PARTNERS, L</b>   |          |          |          |
| 202 LAMAR OAK ROAD, SUITE 108   |          |          |          |
| WOODBRIDGE NEW JERSEY 08854   |          |          |          |
| Scale   | 1" = 40' | Drawn by | J.M.     |
| Check by  |          | Date     | 11/17/88 |
| <b>JAMES A. MADDONNI &amp; ASSOCIATES, INC.</b><br>CIVIL ENGINEERS<br>127 S. STATE ST.<br>NEW JERSEY 08854                          |          |          |          |
| ALL DIMENSIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE INTERNATIONAL SYSTEM OF UNITS (SI) UNLESS OTHERWISE SPECIFIED. |          |          |          |

*James A. Maddonni*  
**JAMES A. MADDONNI**  
 REGISTERED PROFESSIONAL ENGINEER, No. 123,523

# Label Page

**CITIZENS TITLE**  
1202 LAUREL OAK ROAD STE 140  
VOORHEES, NJ 08043

**Receipt No : 141141**  
Document No : 3253063 Type : EAS  
Recording Date : 12/16/1998  
Login id : cchicks

**Recorded**  
Dec 16 1998 09:45am  
Burlington County Clerk

# Label Page