

064841

PREPARED BY  
  
 ROBERT J. GURLEY, ESQ.

DECLARATION OF RESERVATION OF  
 ROADWAY/UTILITY ACCESS EASEMENT

This Declaration of Reservation of Easement is made as of this day of February 18, 1997 by K. HOVNANIAN AT WALL TOWNSHIP VI, INC., a New Jersey corporation, having a mailing address of 110 Fieldcrest Avenue, CN - 7825, Edison, New Jersey 08818-7825, hereinafter referred to as "Hovnanian".

**WITNESSETH:**

**WHEREAS**, Hovnanian is the owner of those lands known and designated as Block 893, Lots 19, 24, 46, 47, 48, 50 and 51, on the Tax Map of the Township of Wall, County of Monmouth and State of New Jersey, (hereinafter "Premises"), said Premises being described in Schedule A attached hereto and made a part hereof; and

**WHEREAS**, Hovnanian proposes to develop an age restricted residential community to be comprised of four hundred (400) single family homes (the "Development") upon all or a portion of the Premises; and

**WHEREAS**, by Resolution adopted on December 2, 1997, the Planning Board of the Township of Wall (the "Planning Board") granted approval for final major subdivision for the Development to Hovnanian; and

**WHEREAS**, in order that any successor in interest to Hovnanian and the Township of Wall have access from any portion of the premises to Route 70 and Lakewood Road and to utilities lying in roadways, a reservation of access easement is required over the roadway areas to be located on the Premises as depicted on a certain subdivision maps entitled "Final Subdivision Plat Four Seasons at Wall, Phases 1, 2 & 3 prepared by Najarian Associates, Inc. dated July 10, 1996, revised through January 30, 1997, and "Final Subdivision Plat Four Seasons at Wall, Phases 4 & 5", prepared by Najarian Associates, Inc. dated July 10, 1996, revised through January 30, 1997, ("Subdivision Plats"),

DB 5584-223

R 3-17-97

filed or about to be filed in the Office of the County Clerk of Monmouth County:  
and

**WHEREAS**, Hovnanian is willing to subject the Premises to such a reservation of easement for the purpose of providing access to any uncompleted portions of the development to be located on the Premises to any successor in interest to Hovnanian and to the Township of Wall, subject to the terms and conditions set forth herein.

**NOW, THEREFORE, KNOW ALL MEN** by these presents that for good and valuable consideration, Hovnanian declares that the Premises is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the reservations, covenants, restrictions, conditions, easements hereinafter set forth in this Declaration.

**A. ACCESS EASEMENT**

1. Hovnanian has declared, and by these presents does hereby declare a non-exclusive reservation of access easement to inure to the benefit of any successor in interest to Hovnanian and to the Township of Wall in, upon, over, across, under and through the roadway areas depicted on the Subdivision Plat for the purpose of providing access to any uncompleted portions of the development to be located on the Premises to said roadway areas and to any utilities lying in, on or under said roadway areas.
2. Hovnanian further covenants and agrees that it shall not make any modifications to the Premises which would in any way prevent, obstruct, or hinder access to the roadway areas or to any utilities lying in, on, or under said roadway areas, as approved by the Planning Board.
3. Hovnanian acknowledges and intends that this Reservation of Easement shall be broad enough to include access to any machinery and or vehicles which require access for the construction, maintenance and care of the roadway areas or utilities.

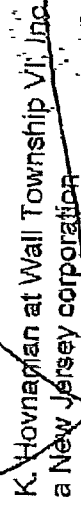
**B. GENERAL PROVISIONS**

1. The terms, provisions and covenants contained in this Declaration of Easement shall be deemed covenants running with title to the Premises, appurtenant thereto in perpetuity.
2. This Declaration of Reservation of Easement may not be amended, modified or rescinded in any fashion except by a writing signed by Hovnanian and the Township of Wall in recordable form.
3. Wherever herein any party, person or entity shall be designated or referred to, whether by name or general reference (such as "Hovnanian"), such designation is intended to and shall have the same effect as if the words "grantees, legal representatives, successors and assigns" had been inserted after each and every such designation and all the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties and entities and their grantees, legal representatives, successors and assigns.
4. In all references herein to any parties, persons or entities, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text may require.

IN WITNESS WHEREOF, this Declaration of Reservation of Easement has been executed the day and year first above written.

ATTEST:

  
 Robert J. Cudley, Asst. Secretary

  
 K. Hovnanian at Wall Township VI, Inc.  
 a New Jersey corporation

By: Robert H. Karen, President



## SCHEDULE A

BIRDSALL ENGINEERING, INC.  
1700 F STREET  
BELMAR, NEW JERSEY 07719

April 24, 1986

Job No. 24,727,002

DESCRIPTION OF LOTS 19, 24, 46, 47, 48, 50 & 51 IN BLOCK 893, WALL TOWNSHIP TAX MAP, MONMOUTH COUNTY, NEW JERSEY.

BEGINNING at a point in the westerly line of New Jersey State Highway Route 70 as delineated on a certain map entitled "General Property Parcel Map, Route 70 (1953) Section 15 from Brielle Circle to Herbertsville Road" dated October, 1966 and more recently delineated on a certain map entitled "General Property Parcel Map Route 35 Freeway Section 5 from Routes 34 and 35 Interchange to Atlantic Avenue" dated May, 1968. Said point of BEGINNING being distant 60.01 feet on a non-radial course of North 77 degrees 45 minutes 28 seconds West along the westerly line of the aforesaid Route 35 Freeway opposite Station 170+40.39 and from said POINT OF BEGINNING running thence (1) North 77 degrees 45 minutes 28 seconds West along the Northerly line of Lot 40, Block 893, Wall Township Tax Map 150.00 feet to the Northwesterly corner of said Lot 40; thence (2) South 08 degrees 15 minutes 31 seconds West along the Westerly line of Lots 40, 41, 42, 43 & 44 in Block 893 said Tax Map, 530.65 feet to the Southwesterly corner of Lot 44 aforesaid; thence (3) South 74 degrees 51 minutes 30 seconds East along the Southerly line, in part, of said Lot 44, 48.64 feet to the Westerly line of New Jersey State Highway Route No. 70 aforesaid, now or formerly also known as New Jersey State Highway Route 34 (1927) Section 6, said Westerly line being distant 160.00 feet radially from the baseline of the said Highway; thence (4) Southerly along the arc of a curve bearing to the left and having a radius of 5,889.65 feet an arc length of 416.39 feet to a point of tangency said point of tangency being distant 160.00 feet at right angles to aforesaid Highway centerline and opposite Station 19+40.14 and delineated on a certain map entitled "General Property Parcel Map Route 70 Section 15, Brielle Circle to Herbertsville Road" dated October, 1966; thence (5) South 01 degrees 46 minutes 57 seconds West parallel to and distant 160.00 feet at right angles from the aforesaid centerline 110.73 feet to a point of curvature, said point of curvature opposite aforesaid centerline at Station 20+50.87; thence (6) Southerly along the arc of a curve bearing to the right and having a radius of 4,137.28 feet an arc length of 375.88 feet to the Northerly line of Lot 49, Block 893, Wall Township Tax Map; thence (7) North 76 degrees 12 minutes 16 seconds West along the Northerly line of said Lot 49, 325.07 feet to the Northwesterly corner thereof; thence (8) South 36 degrees 35 minutes 08 seconds West along the Westerly line of said Lot 49, 528.00 feet to a Southwesterly corner thereof; thence (9) South 52 degrees 32 minutes 26 seconds East along a Southerly line of

## SCHEDULE A (cont)

aforesaid Lot 49, 596.00 feet to a corner thereof; thence (10) South 36 degrees 41 minutes 34 seconds West along the westerly line of part of Lot 49 and the westerly line of Lots 53 & 52 in Block 893, Wall Township Tax Map 1.289.18 feet to the Northerly line of Lot 72, Block 893, aforesaid Tax Map; thence (11) North 52 degrees 22 minutes 02 seconds West along said Northerly line, in part, 593.62 feet to a concrete monument found at an angle point in the same; thence (12) North 76 degrees 23 minutes 30 seconds West still along said Northerly line of Lot 72, 9.97 feet to a concrete monument found at the Southeastern corner of a certain tract entitled "Eastham-Bradford Estates" filed in the Monmouth County Clerk's Office on July 10, 1984 in Case 194, Sheet 5; thence (13) North 11 degrees 36 minutes 17 seconds West along the Easterly line of said map, also being the Easterly line of Lots 80, 81, & 82 in Block 893 as shown on the aforesaid map 609.05 feet to an iron pipe found at the Northeastern corner of aforesaid tract, also being the Southeastern corner of a certain tract entitled "Sales Map of Sterling Woods" prepared by William S. Logan, Jr. and revised to June, 1952; thence (14) North 11 degrees 33 minutes 45 seconds West along the Easterly line of the aforesaid Sterling Woods 773.49 feet to the Northerly line of the whole tract, aforesaid, also being the Southerly line of the aforesaid Sterling County Clerk's Office on May 4, 1973 in Case 121, Sheet 7; thence (15) North 13 degrees 30 minutes 47 seconds West along the Easterly line of said Laurelwood Estates 66.48 feet to an angle point in the same; thence Easterly line 541.06 feet to the Northeastern corner of aforesaid Laurelwood Estates, also being the Southeastern corner of aforesaid 893 said Tax Map, said line also passing over a concrete monument distant 386.77 feet from the aforesaid angle point; thence (17) North 11 degrees 21 minutes 59 seconds West extending the previous course Northwardly along the Easterly line of aforesaid Lot 23, 446.44 feet to the Northeastern corner of the aforesaid Lot 23; thence (18) South 68 degrees 59 minutes 48 seconds West along the Northerly line of said Lot 23 and a Northerly line of Lot 2, Block 893.03, Wall Township Tax Map and also by a certain map entitled "Laurel Hill Estates, Section 2" filed in the Monmouth County Clerk's Office on July 27, 1983 in Case 186, Sheet 18, 157.62 feet to a point in the Easterly line of said Laurel Hill Estates; thence (19) North 12 degrees 44 minutes 39 seconds West along said Easterly line 705.42 feet to an angle point in the same; thence (20) South 71 degrees 20 minutes 21 seconds West along the Northerly line of Lot 32, in part, in Block 893 of aforesaid Laurel Hill Estates 84.25 feet to the Easterly line of Lot 30, Block 893 on aforesaid map of Laurel Hill Estates; thence (21) North 12 degrees 44 minutes 39 seconds West along said Easterly line 506.28 feet to the Southerly line of Lot 7, Block 893, said Tax Map; thence (22) North 83

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## SCHEDULE A (cont.)

degrees 50 minutes 21 seconds East along said Southerly line, in part, 420.91 feet to a concrete monument found at the Southeastly corner of aforesaid Lot 7; thence (23) North 11 degrees 06 minutes 41 seconds West along the Easterly line of said Lot 7, 360.94 feet to an iron pipe found in the Northerly line of said Lot 7 and also being in the Southerly line of Lot 5 in said Block 893; thence (24) North 83 degrees 24 minutes 21 seconds East along said Southerly line 300.00 feet to the Southeastly corner of said Lot 5; thence (25) North 11 degrees 00 minutes 23 seconds West along said Easterly line 319.80 feet to a concrete monument found at the Northeastly corner thereof; thence (26) South 83 degrees 05 minutes 37 seconds West along the Northerly line of said Lot 5, in part, 26.86 feet to the Southeastly corner of Lot 27, Block 893, said Tax Map; thence (27) North 09 degrees 34 minutes 03 seconds West along the Easterly line of said Lot 27, 548.98 feet to the original (28) North 66 degrees 09 minutes 41 seconds East parallel to and distant 23.00 feet at right angles from the aforesaid centerline 1,142.03 feet to a point opposite Lakewood Road Station 17+75 as shown on a certain map entitled "General Property Parcel Map Route 34 (1953) Section 1, from the Junction of Routes 70 & 35 to Route 38"; thence (29) South 23 degrees 50 minutes 19 seconds East 7.00 feet to the widened (30) feet from centerline) line of said Lakewood Road; thence (30) North 71 degrees 00 minutes 20 seconds East 59.21 feet to a point distant 35.00 feet Southerly from and at right angles to the aforesaid Lakewood Road centerline and being opposite Station 18+34 as shown on aforesaid Route 34 map; thence (31) North 66 degrees 09 minutes 41 seconds East parallel to and distant 35.00 feet at right angles from the aforesaid centerline of Lakewood Road 48.67 feet to a point in the Westerly line of Parcel 1W-4 as shown on a certain map entitled "General Property Key Map Route 34 (revision 1927) Section 5 from Route 35 to New Bedford Road" filed in the Monmouth County Clerk's Office on May 28, 1937 in Case 73; thence (32) South 54 degrees 03 minutes 31 seconds East along said Westerly line of aforesaid Parcel 1W-4, 136.47 feet to an angle point in the same, said angle point being distant 100.00 feet Westwardly at right angles to said Highway baseline opposite Station 18+27 as shown on aforesaid Route 34 map; thence (33) South 36 degrees 57 minutes 53 seconds East along said Westerly line of Parcel 1W-4, in part, 41.97 feet to the Westerly right-of-way line of the Route 35 Freeway as shown on a map entitled "General Property Parcel Map" Route 35 Freeway Section 5 from Routes 34 and 35 Interchange to Atlantic Avenue, said point being distant radially 23.88 feet on a course of South 60 degrees 09 minutes 55 seconds West from Ramp "D" baseline Station 1+10.58 as shown on aforesaid Route 35 Freeway Map; thence (34) South 14 degrees 59 minutes 45 seconds East along the Westerly line of Parcel R-1C as shown on aforesaid map 283.66 feet to an angle point in the same; thence (35) South 18 degrees 48 minutes 48 seconds East continuing along said Westerly line 500.01 feet to a point of

## SCHEDULE A (cont)

curvature in the same said point of curvature being Westerly of and distant 70.00 feet at right angles from Ramp "D" baseline Station 9+00.01; thence (36) Southerly along the arc of a curve bearing to the left and having a radius of 2,070.00 feet an arc length of 724.49 feet to a point of tangency, said point of tangency distant Southwestwardly 70.00 feet of aforesaid Ramp "D" baseline opposite Station 16+00.00; thence (37) South 38 degrees 50 minutes 00 seconds East 557.81 feet to a point distant 56.05 feet Westwardly and radially of Ramp "D" baseline Station 21+84.77; thence (38) South 12 degrees 01 minutes 51 seconds West 61.82 feet to a point distant 70.00 feet Westwardly of and at right angles to the aforesaid Ramp "D" baseline at point of tangency Station 22+73.55; thence (39) South 11 degrees 16 minutes 34 seconds West 198.49 feet to a point distant 70.00 feet Westwardly and radially of said Ramp "D" baseline opposite Station 24+70.00; thence (40) South 00 degrees 25 minutes 27 seconds West 317.79 feet to the point of place of BEGINNING.

CONTAINING: 199.1914 ACRES.

This description is in accordance with a map entitled "Survey of Property in the Township of Wall, Monmouth County, New Jersey". Said Survey being Lots 2 & 3, Block 874, Lots 19, 24, 46, 47, 48, 50 & 51, Block 893, and Lot 61, Block 892, Wall Township Tax Map, prepared by Birdsall Engineering, Inc., and dated February, 1986 and revised to April 24, 1986, and further subject to any easement of record and other pertinent facts which may be disclosed by a title search.

By: *Thomas Crader*  
 Thomas Crader, L.S.  
 License No. 21782