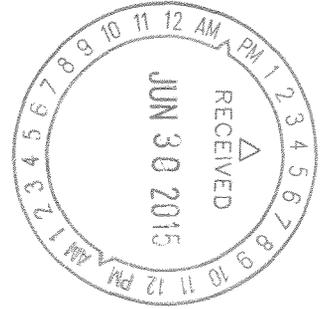


**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35942**



**TUNNEL HILL PARTNERS, LP  
-- CONTINUANCE IN CONTROL EXEMPTION --  
HAINESPORT INDUSTRIAL RAILROAD, LLC  
AND  
NEW AMSTERDAM & SENECA RAILROAD COMPANY, LLC  
VERIFIED NOTICE OF EXEMPTION  
UNDER 49 CFR § 1180.2(d) (2)**

238728

ENTERED  
Office of Proceedings  
June 30, 2015  
Part of  
Public Record

Submitted By:

John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Ave., N.W.  
Suite 717  
Washington, D.C. 20036  
(202) 742-8607

Counsel for Petitioner

Dated: June 30, 2015

FEE RECEIVED  
June 30, 2015  
SURFACE  
TRANSPORTATION BOARD

FILED  
June 30, 2015  
SURFACE  
TRANSPORTATION BOARD

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**FD 35942**

**TUNNEL HILL PARTNERS, LP  
CONTINUANCE IN CONTROL EXEMPTION –  
HAINESPORT INDUSTRIAL RAILROAD, LLC  
AND  
NEW AMSTERDAM & SENECA RAILROAD COMPANY, LLC  
VERIFIED NOTICE OF EXEMPTION  
UNDER 49 CFR § 1180.2(d) (2)**

Come now Tunnel Hill Partners, LP (“Tunnel”), New Amsterdam & Seneca Railroad Company, LLC (“NAS”), and Hainesport Industrial Railroad, LLC (“HIRR”)<sup>1</sup>, and state as follows:

1. Pursuant to the provisions of Section 1180 of the Board's Railroad Consolidation Rules (49 C.F.R. § 1180), Applicants hereby give notice of a transaction which qualifies for exemption under Section 1180.2(d) (2) of those rules.
2. As relevant here, Tunnel is an integrated waste management firm. It currently owns NAS which holds authority from the Board to operate a common

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<sup>1</sup> Collectively “Applicants”

carrier Class III short line railroad in Ohio.<sup>2</sup> Tunnel through its operating subsidiaries holds permits from the States of Ohio, New York, Massachusetts, Pennsylvania, and New Jersey to operate rail transfer facilities, landfills or beneficial use sites for handling solid waste. Copies of the permits for Ohio and New Jersey are attached hereto as Exhibits A and B.

3. HIRR is a common carrier Class III short line railroad that holds authority from the Board to operate approximately 1 mile of track at the Hainesport Industrial Park in Burlington County, NJ.<sup>3</sup>

4. Under the proposed transaction Tunnel will acquire the ownership interest in HIRR from its current owners, Darryl Caplan and Ronald W. Bridges (“the Sellers”).<sup>4</sup> As a result, Tunnel would now own two common carrier Class III short line railroads.

5. NAS and HIRR are located in Ohio and New Jersey, respectively, hundreds of miles apart. There are no plans to connect these two railroads.

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<sup>2</sup> A copy of an exemption issued by the Board in FD 34811 served on Jan. 20, 2006, authorizing NAS to lease and operate 1.25 miles of railroad in Fostoria, OH, is attached as Exhibit C to this filing.

<sup>3</sup> A copy of an exemption issued by the Board in FD 34695 on May 18, 2005, is attached as Exhibit D to this filing.

<sup>4</sup> By decision served on September 11, 2013, the Board exempted a corporate family transaction whereby HIRR transferred to HSR, then a newly established affiliate, a line of railroad known as the East Line while HIRR retained ownership of a connecting line of railroad known as the South Line. Post-transaction, HSR will own and operate the East Line and HIRR will own the South Line. HIRR will engage HSR to operate the South Line under a haulage agreement between HIRR and HSR.

6. Under section 1180.2(d) (2) of the Board's consolidation rules, certain transactions are automatically exempt from the prior approval requirements for common control. Specifically, section 1180.2(d) (2) exempts the acquisition of non-connecting carriers where (i) the railroads will not connect with each other or any railroad in their corporate family, (ii) the acquisition is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier.

7. In order to claim the section 1180.2(d)(2) exemption, section 1180.4(g) requires the filing of a verified notice of exemption furnishing the information requested in sections 1180.6(a)(1)(i) – (iii), 1180.6(a)(5) – (6), and 1180.6(a)(7)(ii) of those rules. That information is provided as follows:

Summary of Proposed Transaction: 49 CFR § 1180.6(a) (1) (i)

Tunnel presently owns NAS. Although operations over that line are currently dormant, Tunnel may use the NAS to serve a rail-served waste transfer facility it owns on line. Tunnel proposes to acquire from the Sellers their ownership interest in HIRR to serve a waste transfer facility located on that line. As noted previously, Tunnel, via an operating subsidiary, owns and operates with all requisite state authority, another waste transfer facility in New Jersey.

Applicant's name, address, and telephone number:

Tunnel Hill Partners  
390 North Broadway (Suite 220)  
Jericho, NY 11753  
(516) 806-6232

Legal counsel to whom questions should be addressed:

John D. Heffner  
Strasburger & Price, LLP  
1025 Connecticut Ave., N.W.  
Suite 717  
Washington, D.C. 20036  
(202) 742-8607

Schedule for consummation: 49 CFR §1180.6(a) (1) (ii)

Tunnel contemplates closing this transaction on or around July 30, 2015, 30 days from the date of this notice.

Purpose to be accomplished by the transaction: 49 CFR §1180.6(a) (1) (iii)

Business expansion

States in which the property of each carrier is situated: 49 CFR §1180.6(a) (5)

Ohio and New Jersey

Map: 49 CFR §1180.6(a) (6)

Attached hereto as Exhibit E

Copy of Agreement: 49 CFR §1180.6(a) (7) (ii)

The parties are still negotiating so an agreement covering this transaction has yet to be reached.

Other information/Certification:

Tunnel, NAS, and HIRR hereby certify that (1) the carrier to be controlled pursuant to this notice of exemption [HIRR] does not connect with Tunnel's existing carrier [NAS], (2) the subject acquisition of control proceeding is not a part of a series of anticipated transactions that would connect these railroads with each other, and (3) the transaction does not involve a Class I carrier.

Environmental and historical considerations:

This continuance in control proceeding is exempt from environmental review under 49 CFR §1105.6 (c) (2) (i) because the proposed action will not cause any operating changes that exceed the thresholds established in 49 CFR §1105.7(e) (4) or (5). In addition, this proceeding is exempt from historic review under 49 CFR §1105.8(b)(1) because there are no plans to dispose of or alter properties subject to Board jurisdiction that are at least 50 years old. Accordingly, no historic report is required.

Labor Protection to be Imposed

No labor protection applies on transactions involving only Class III railroads. See, 49 U.S.C. §11326(c).

Respectfully submitted,



John D. Heffner

Strasburger & Price, LLP

1025 Connecticut Ave., N.W.

Suite 717

Washington, D.C. 20036

(202) 742-8607

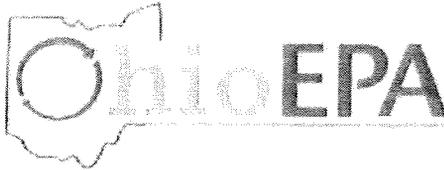
Counsel for Petitioner

Dated: June 30, 2015

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## **EXHIBIT A**

2015



2015

**Solid Waste Facility License  
Municipal Solid Waste Landfill -**

License Expires December 31, 2015

<b>Facility:</b> Tunnell Hill Reclamation Landfill CID: 272650 2500 T R 205 Rte 2 New Lexington, OH 43764	<b>Applicant:</b> Tunnell Hill Reclamation, LLC POB 625 New Lexington, OH 43764
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This license has been issued in accordance with the requirements of state law, is subject to revocation or suspension for cause, and is not transferable without the consent of the Board of Health and the Director of the Ohio Environmental Protection Agency.

**Licensing Authority: Perry County General Health District**

**Conditions of Licensure**

The Licensee hereunder, its agents, employees, and all others in active concert with said licensee, including the facility owner and operator, shall be subject to and shall comply with the following conditions of this license:

1. All applicable requirements of Ohio Revised Code Chapters 3734, 3767, 6111, and 3704 and rules adopted thereunder.
2. Permits-to-install, plans, operational reports, other authorizing documents, and administrative and judicial orders applicable to this facility and as approved by the Director of the Ohio Environmental Protection Agency.
3. This license is conditional upon payment of the applicable fee to the Board of Health or the Director, as appropriate, within 30 days after issuance.
4. By applying for and accepting this license, the licensee specifically consents in advance and agrees to allow the Director, the Health District, or an authorized representative, to enter upon the licensee's premises at any reasonable time during the construction and/or operation of the facility for the purpose of inspecting, conducting tests, collecting samples, or examining records or reports pertaining to construction, modification, installation, or operation of the facility. The licensee hereby acknowledges and agrees that any and all rights of access granted herein shall not be deemed to be unreasonable or unlawful under Ohio Revised Code Sec. 3734.07. The licensee, its agents, employees, and all others in active concert with said licensee shall maintain and operate the facility to which the license pertains in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, or create a health hazard. This license shall not be construed to constitute a defense to any civil or criminal action brought by the State of Ohio or any duly authorized representative thereof to enforce the provisions of Chapters 3734, 3767, 6111, or 3704 of the Ohio Revised Code, or regulations issued thereunder. Issuance of this license does not relieve the licensee of the duty to comply with all applicable federal, state, and local laws, regulations and ordinances.

If Checked, Additional Conditions Apply to This License (See Back, or Attachment)

Cingela DeRalph  
Health Commissioner

12-19-14  
Date Issued

2015



2015

### Solid Waste Facility License Municipal Solid Waste Landfill

License Expires December 31, 2015

<b>Facility:</b> Sunny Farms Landfill LLC CID: 37706 12500 W Co Rd 18 Fostoria, OH 44830	<b>Applicant:</b> Sunny Farms Landfill, LLC 12500 West County Road 18 Fostoria, OH 43021
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This license has been issued in accordance with the requirements of state law, is subject to revocation or suspension for cause, and is not transferable without the consent of the Board of Health and the Director of the Ohio Environmental Protection Agency.

**Licensing Authority: Seneca County General Health District**

#### Conditions of Licensure

The Licensee hereunder, its agents, employees, and all others in active concert with said licensee, including the facility owner and operator, shall be subject to and shall comply with the following conditions of this license:

1. All applicable requirements of Ohio Revised Code Chapters 3734, 3767, 6111, and 3704 and rules adopted thereunder.
2. Permits-to-install, plans, operational reports, other authorizing documents, and administrative and judicial orders applicable to this facility and as approved by the Director of the Ohio Environmental Protection Agency.
3. This license is conditional upon payment of the applicable fee to the Board of Health or the Director, as appropriate, within 30 days after issuance.
4. By applying for and accepting this license, the licensee specifically consents in advance and agrees to allow the Director, the Health District, or an authorized representative, to enter upon the licensee's premises at any reasonable time during the construction and/or operation of the facility for the purpose of inspecting, conducting tests, collecting samples, or examining records or reports pertaining to construction, modification, installation, or operation of the facility. The licensee hereby acknowledges and agrees that any and all rights of access granted herein shall not be deemed to be unreasonable or unlawful under Ohio Revised Code Sec. 3734.07. The licensee, its agents, employees, and all others in active concert with said licensee shall maintain and operate the facility to which the license pertains in a sanitary manner so as not to create a nuisance, cause or contribute to water pollution, or create a health hazard. This license shall not be construed to constitute a defense to any civil or criminal action brought by the State of Ohio or any duly authorized representative thereof to enforce the provisions of Chapters 3734, 3767, 6111, or 3704 of the Ohio Revised Code, or regulations issued thereunder. Issuance of this license does not relieve the licensee of the duty to comply with all applicable federal, state, and local laws, regulations and ordinances.

If Checked, Additional Conditions Apply to This License (See Back, or Attachment)

Beth M. Schweitzer  
Health Commissioner

12/2/2014  
Date Issued

**EXHIBIT B**

New Jersey Department of Environmental Protection

Solid Waste Transfer Station

# TARIFF

Facility ID No. 494846

Permit No. TRP090001

Territories Served:

Every municipality and township in the States of New Jersey and New York, except any municipality or township in the New Jersey counties of Union, Hudson, Morris, Essex and Mercer.

Coastal Distribution of Paterson LLC

30-36 4<sup>th</sup> Avenue

Paterson, NJ 07524

973-278-0019

Joseph Rutigliano, Managing Member

## Standard Tariff

1. Bulky Waste [Type 13] = \$68/ton (\$68/cy if scales are inoperable) + all applicable taxes, assessments, recycling fees or host community benefit fees.
2. C&D Debris [Type 13c] = \$68/ton (\$68/cy if scales are inoperable) + all applicable taxes, assessments, recycling fees or host community benefit fees.
3. Industrial Waste [Type 27] = \$68/ton (\$68/cy if scales are inoperable) + all applicable taxes, assessments, recycling fees or host community benefit fees.

## Standard Tariff Terms and Conditions

1. Each Facility customer must open a customer account by providing company name, address, city, state, telephone number, facsimile number, owner name and at least one valid credit card account number to guarantee payment of tip fees.
2. Each customer account must maintain credit worthy status.
3. All charges are payable at net ten (10) days. A 1 ½ % late fee will be added to all overdue invoices.

## Alternative Tariff Rate

1. Bulky Waste [Type 13] = Standard Tariff x not < 80% + all applicable taxes, assessments, recycling fees or host community benefit fees.
2. C&D Debris [Type 13c] = Standard Tariff x not < 80% + all applicable taxes, assessments, recycling fees or host community benefit fees.
3. Industrial Waste [Type 27] = Standard Tariff x not < 80% + all applicable taxes, assessments, recycling fees or host community benefit fees.

## Alternative Tariff Terms and Conditions

1. Each customer must have opened a customer account by providing company name, address, city, state, telephone number, facsimile number, owner name and at least one valid credit card account number to guarantee payment of tip fees, at least ninety (90) days prior to the grant of the alternative tariff.
2. Each customer must have maintained a credit worthy status for not less than ninety (90) consecutive days.
3. Each customer must assure the daily delivery of not less than 40 tpd to the Facility.
4. Each customer shall have paid its account balance within the ten (10) day invoice date.

---

## **EXHIBIT C**

**SURFACE TRANSPORTATION BOARD DECISION DOCUMENT**

**Decision Information**

Docket Number: **FD\_34811\_0**

Case Title: **NEW AMSTERDAM & SENECA RAILROAD COMPANY, LLC-LEASE AND OPERATION EXEMPTION-LINE IN FOSTORIA, OH**

Decision Type: **Decision**

Deciding Body: **Director Of Proceedings**

**Decision Summary**

Decision Notes: **PROVIDED NOTICE THAT NEW AMSTERDAM & SENECA RAILROAD COMPANY A NONCARRRIER, FILED A VERIFIED NOTICE OF EXEMPTION UNDER 49 CFR 1150.31 TO LEASE FROM SUNNY FARMS LANDFILL LLC, ALSO A NONCARRIER, AND OPERATE APPROXIMATELY 1.25 MILES OF RAIL LINE IN FOSTORIA, OH.**

**Decision Attachments**

[36605.pdf](#)

8 KB

Approximate download time at 28.8 kb: **9** Seconds

 **Note:**

If you do not have Acrobat Reader, or if you have problems reading our files with your current version of Acrobat Reader, the latest version of Acrobat Reader is available free at [www.adobe.com](http://www.adobe.com).

**Full Text of Decision**

36605                      SERVICE DATE – JANUARY 20, 2006

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34811]

New Amsterdam & Seneca Railroad Company, LLC—Lease and Operation Exemption—Line in Fostoria, OH

New Amsterdam & Seneca Railroad Company (NASR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from Sunny Farms Landfill, LLC (Sunny Farms), also a noncarrier, and operate approximately 1.25 miles of rail line in Fostoria, OH. 

<sup>1</sup> NASR and Sunny Farms are both wholly owned subsidiaries of Regus Industries, LLC, which is in turn controlled by Gordon Reger. Mr. Reger also has a controlling interest in the New York Cross Harbor Railroad Corporation, a Class III railcarrier.

Close The line does not have any milepost numbers but it connects with CSX Transportation's Fostoria Subdivision line at milepost BI 36.

NASR certifies that its projected annual revenues as a result of the transaction will not exceed those that would qualify it as a Class III rail carrier and will not exceed \$5 million.

NASR states that the parties propose to consummate the transaction on or after January 15, 2006. 

<sup>2</sup> Prior to consummation, Mr. Reger will require Board authorization to continue in control of NASR upon NASR's becoming a Class III rail carrier.

Close

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34811, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on James E. Howard LLC, One Thompson Square, Suite 201, Charleston, MA 02129.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: January 12, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

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## **EXHIBIT D**

**SURFACE TRANSPORTATION BOARD DECISION DOCUMENT**

**Decision Information**

Docket Number: **FD\_34695\_0**

Case Title: **HAINESPORT INDUSTRIAL RAILROAD, LLC--ACQUISITION AND OPERATION EXEMPTION--HAINESPORT INDUSTRIAL PARK RAILROAD ASSOCIATION, INC.**

Decision Type: **Decision**

Deciding Body: **Director Of Proceedings**

**Decision Summary**

Decision Notes: **PROVIDED NOTICE THAT HAINESPORT INDUSTRIAL RAILROAD, LLC WILL ACQUIRE AND OPERATE APPROXIMATELY 1 MILE OF RAIL LINE OWNED BY HAINESPORT INDUSTRIAL PARK RAILROAD ASSOCIATION, INC., IN BURLINGTON COUNTY, NJ, WHICH LINE IS LOCATED WITHIN THE HAINESPORT INDUSTRIAL PARK IN THE TOWNSHIP OF HAINESPORT, AND CONNECTS WITH CONSOLIDATED RAIL CORPORATION AT MILEPOST 12.6 IN THE SOUTH JERSEY CONRAIL SHARED ASSETS AREA.**

**Decision Attachments**

[35823.pdf](#)

4 KB

Approximate download time at 28.8 kb: **4** Seconds

**Note:**

If you do not have Acrobat Reader, or if you have problems reading our files with your current version of Acrobat Reader, the latest version of Acrobat Reader is available free at [www.adobe.com](http://www.adobe.com).

**Full Text of Decision**

35823                      SERVICE DATE – MAY 18, 2005

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34695]

Hainesport Industrial Railroad, LLC–Acquisition and Operation Exemption–Hainesport Industrial Park Railroad Association, Inc.

Hainesport Industrial Railroad, LLC (HIR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire and operate approximately 1 mile of rail line owned by Hainesport Industrial Park Railroad Association, Inc. in Burlington County, NJ. The line is located within the Hainesport Industrial Park in the township of Hainesport, and connects with Consolidated Rail Corporation at milepost 12.6 in the South Jersey Conrail Shared Assets Area.

HIR certifies that its projected revenues will not exceed those that would qualify it as a Class III rail carrier, and that its annual revenues will not exceed \$5 million.

The transaction was expected to be consummated on or after April 28, 2005.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34695, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Linda J. Morgan, 1201 Pennsylvania Avenue, N.W., Washington, DC 20004.

Board decisions and notices are available on our website at “[WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).”

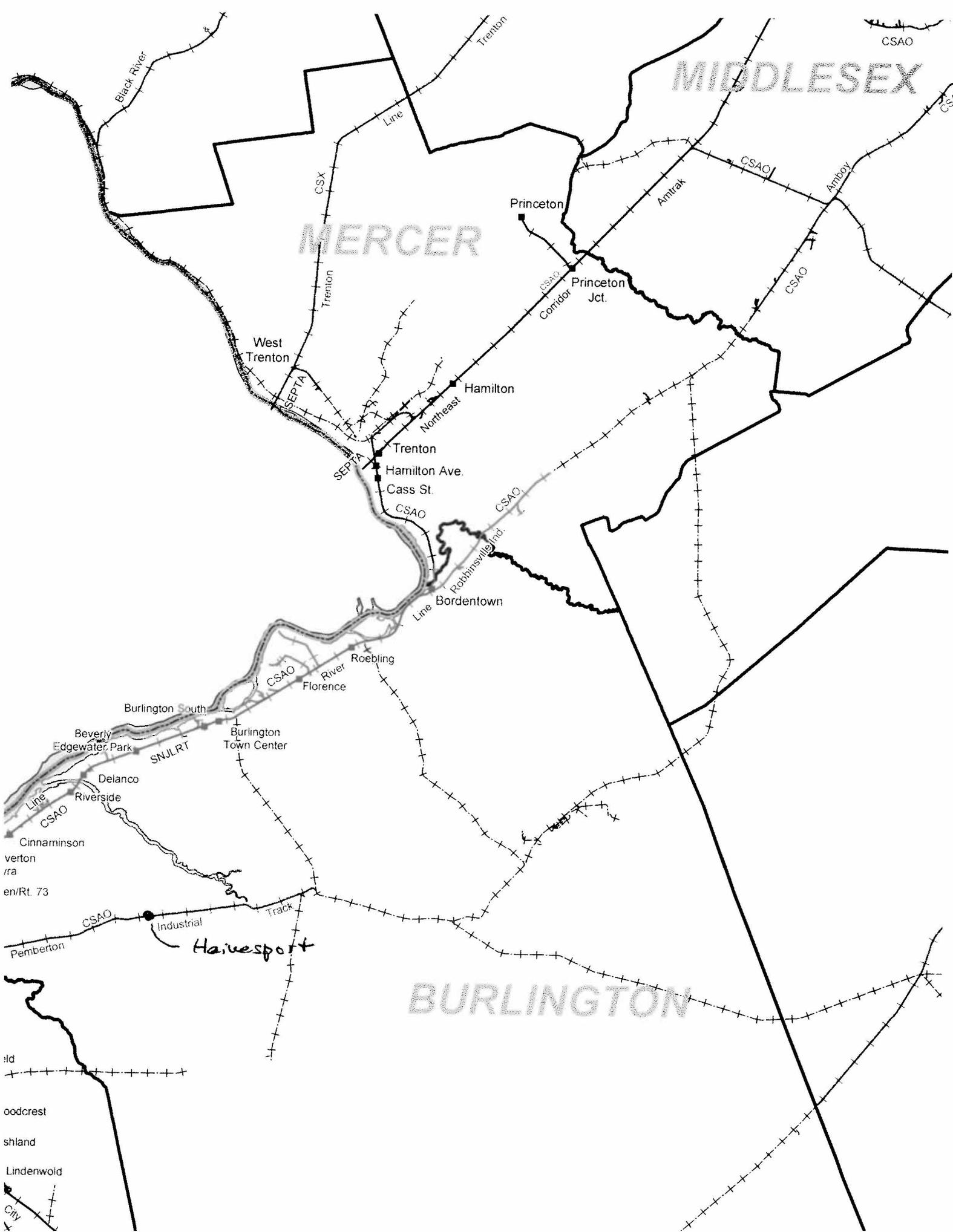
Decided: May 10, 2005.

By the Board, David M. Konschnik, Director, Office of Proceedings.

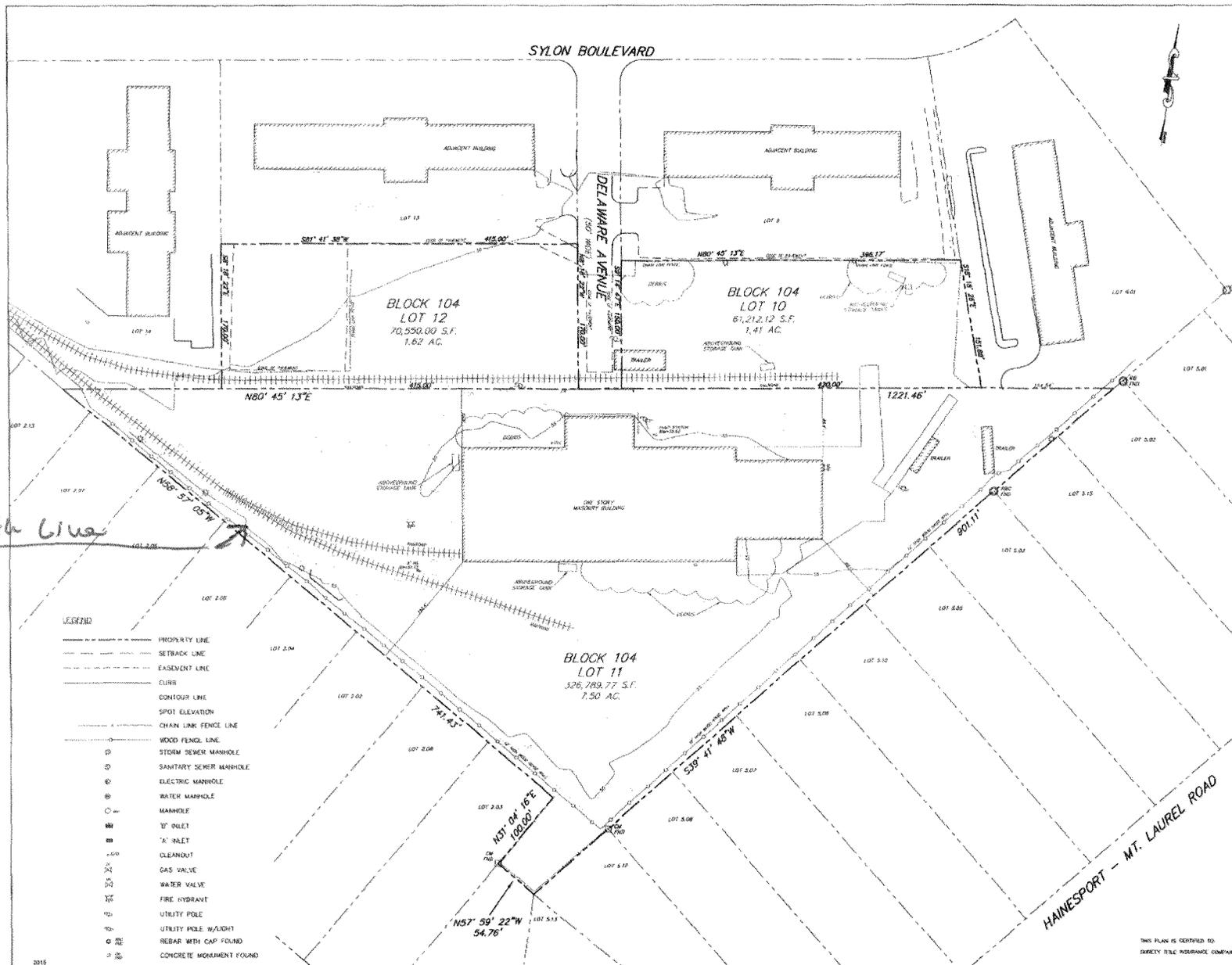
Vernon A. Williams

Secretary

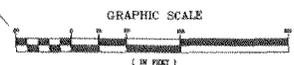
**EXHIBIT E**



- Mid
- Woodcrest
- Shiland
- Lindenwold
- City



- NOTES:**
1. LOT AND BLOCK NUMBERS REFER TO HAINESPORT TOWNSHIP TAX MAP, SHEET NUMBER 15.
  2. THIS PLAN WAS PREPARED WITHOUT THE OBJECT OF A TITLE REPORT. THE PURCHASER IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS AND ENCUMBRANCES RECORDED AND NOT RECORDED.
  3. REFERENCES:
    - A. "BOUNDARY AND TOPOGRAPHY PLAN - 5000 DELAWARE AVENUE LOT 11, BLOCK 104 PLATS OF SURVEY BY J.S. CALDWELL AND LAND SURVEYORS, INC. DATED SEPTEMBER 22, 2008 REVERSED MARCH 18, 2010. (SEE BOOK 4288 PAGE 153)
    - B. DEED BOOK 4288 PAGE 205
  4. BEARINGS SHOWN ARE REFERENCED TO ABOVE REFERENCED ITS PLAN.
  5. THE BOUNDARY SHOWN ON THIS PLAN CLOSURE IS ACCORDANCE WITH THE NATIONAL STANDARD FOR PROFESSIONAL BOUNDARY SURVEY ADOPTED BY THE BOARD OF SURVEYORS OF THE NEW JERSEY SOCIETY OF PROFESSIONAL LAND SURVEYORS (I IN ROAD)
    - LOT 11 = 1:3122.8783
    - LOT 12 = 1:1760000.0000
  6. VERTICAL DATUM = MADD 88
  7. TOPOGRAPHIC FEATURES SHOWN ON THIS PLAN WERE SURVEYED BY STOUT & CALDWELL ENGINEERS, LLC FIELD OFFICE ON OR ABOUT FEBRUARY 1, 2010. ONLY CONSPICUEOUS ELEVATIONS THAT WERE REFLECTED ON THIS PLAN.
  8. SURFACE FEATURES SHOWN AS PILETS, MARKERS, WATER VALVES, GAS VALVES, ETC. WERE LOCATED BY FIELD SURVEY. THESE ARE CONSIDERED UNDERGROUND UTILITIES OR FACILITIES. THE LOCATIONS OF WHICH ARE NOT KNOWN TO THE UNDERGROUND SIZE AND LOCATION OF PILETS, UNDERGROUND UTILITIES AND STRUCTURES MUST BE MONITORED BY THE APPROPRIATE AUTHORITY.
  9. AREAS OCCUPIED BY DENSE VEGETATION MAY NOT CONFORM TO NATIONAL MAP ACCURACY STANDARDS.
  10. THE SUBJECT PROPERTY IS LOCATED IN AN AREA DETERMINED TO BE IN THE FOLLOWING ZONING DISTRICT:
    - IND-1000 (INDUSTRIAL DEVELOPMENT)
    - AS INDICATED ON THE ZONING ORDINANCE MAP, TOWNSHIP OF HAINESPORT, NEW JERSEY, BURLINGTON COUNTY, COMMUNITY PLANNING NUMBER: 240001 000 A, EFFECTIVE DATE: JULY 18, 1999.



REV. NO.	DATE	DESCRIPTION	BY
1	06/20/16	INITIAL ISSUE	ARS

**HAINESPORT INDUSTRIAL RAILROAD**  
 5800 SYLON BLVD  
 HAINESPORT, NJ  
 08036

*Robert R. Stout*  
**ROBERT R. STOUT**  
 PROFESSIONAL ENGINEER  
 PROFESSIONAL LAND SURVEYOR  
 N.J. LICENSE No. 38421

ALL INFORMATION PROVIDED ON THIS PLAN IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED THEREIN. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN SHALL BE DEEMED TO HAVE ACCEPTED THESE TERMS AND CONDITIONS BY USING THIS PLAN.

**Stout & Caldwell Engineers, LLC**  
 705 U.S. Route 130 South - P.O. Box 2290  
 Cinnaminson, NJ 08077  
 OFFICE 856.786.2302 FAX 856.786.3050  
 www.stoutcaldwell.com  
 Stout & Caldwell Engineers, LLC, NJ Lic. of Authorization No. 74542902102

**PLAN OF SURVEY AND TOPOGRAPHY**  
 BLOCK 104 - LOT 10, 11 & 12  
 TAX MAP SHEET #10  
 LAND SURVEY #1  
 HAINESPORT TOWNSHIP  
 BURLINGTON COUNTY, NEW JERSEY

Scale: 1" = 50'    Drawn by: APRF    Checked by: ARS    Drawing No.: **PS-1**  
 Job Number: **1403-001**    Sheet No.: **1 OF 1**

THIS PLAN IS COVERED BY:  
 SURVEY TITLE INSURANCE COMPANY

- LEGEND**
- PROPERTY LINE
  - - - SETBACK LINE
  - - - EASEMENT LINE
  - CURB
  - CONTOUR LINE
  - SPOT ELEVATION
  - CHAIN LINK FENCE LINE
  - WOOD FENCE LINE
  - ⊕ STORM SEWER MANHOLE
  - ⊕ SANITARY SEWER MANHOLE
  - ⊕ ELECTRIC MANHOLE
  - ⊕ WATER MANHOLE
  - ⊕ MANHOLE
  - ⊕ 10" INLET
  - ⊕ 6" INLET
  - CLEANDOUT
  - ⊕ GAS VALVE
  - ⊕ WATER VALVE
  - ⊕ FIRE HYDRANT
  - ⊕ UTILITY POLE
  - ⊕ UTILITY POLE W/HEIGHT
  - ⊕ REBAR WITH CAP FOUND
  - ⊕ CONCRETE MONUMENT FOUND

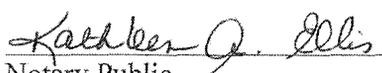
**VERIFICATION**

STATE OF NEW YORK )  
 )  
CITY OF JERICHO / COUNTY OF NASSAU )

William W. Gay, being duly sworn according to law, hereby deposes and states that he holds the position of Chief Executive Officer of the general partner of Tunnel Hill Partners, LP and the position of Chief Executive Officer of New Amsterdam & Seneca Railroad Company, LLC, is authorized to make this Verification, has read the foregoing document, and knows the facts asserted therein are true and accurate as stated, to the best of his knowledge, information, and belief.

  
\_\_\_\_\_  
William W. Gay

Subscribed to and sworn to before me, a Notary Public, in and for the County of Nassau in the State of New York, this 30th day of June 2015.

  
Notary Public

My Commission expires: *June 09, 2018*

**KATHLEEN A. ELLIS**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
**No. 01EL6305405**  
**Qualified in Suffolk County**  
**My Commission Expires June 09, 2018**