

# MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD

## SALE OF A DEVELOPMENT EASEMENT NON-BINDING, INTERESTED LANDOWNER FORM

**Please submit the following information with your application (if you have difficulty supplying any of the information, please contact Staff for assistance):**

1. **Certified copy of deed** - If applicants are not named on the deed, all paperwork showing the legal right of the applicant to submit this must be attached (will, death certificate, corporate resolution, purchase contract, etc.)
2. **Current tax bill(s)** - To show that the property is farmland assessed.
3. **Tax map(s)** - Clearly identify the property listed above. Also sketch the following features: fencing, water bodies, tree lines, crops, buildings, drainage structures, underground utilities, and any other relevant information. If necessary, use more than one map.
4. **Current FA-1 (farmland assessment) form** - To clarify and support land use information. If this application includes several lots, FA-1 information must be supplied for each lot.
5. **Copy of the most recent survey** – If survey is available, please sketch on the survey map the information requested under ‘Tax map(s)’ above. Should your application be approved and funded, a copy of the survey helps expedite the easement acquisition process.
6. **Statement of Understanding** (attached) - Please review carefully and sign.

### **Applicant Information:**

Owner(s) as listed on the deed:

Mailing address:

Street address of property:

Home Phone Number:

Work Phone Number

Cell Phone Number:

E-mail address(es):

**Property Identification:**

Municipality:

(if more than one, identify next to Block and Lot information below)

**Block:**

**Lot:**

**Acreage:**

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**Total Acreage:**

**Farm Information:**

1) Identify the operator of your farm:

Self:

Other:

2) Describe all agricultural activities on the property:

3) Describe any **non-agricultural** activities on the property (residential structures consistent with single family use, or agricultural labor housing are not considered non-agricultural activities):

4) Do you have a Farm Conservation Plan established with USDA Natural Resources Conservation Service?

Yes (Date Filed)

No

*Note: The Deed of Easement requires that landowners of deed-restricted property establish a Farm Conservation Plan within one year of the sale of an easement. This service is free of charge and may provide grant funds for soil and water conservation projects you may choose to do on your property).*

Describe any soil and water conservation projects completed or proposed and show on attached tax map.

- 5) Number and type of **residences** currently located on the property:
- 6) List and describe ALL other buildings located on the property: Add separate sheet if necessary. Please indicate an index number for each structure, and place index number on attached survey/tax map.

<u>Building</u>	<u>Approximate Dimensions</u>	<u>Use</u>
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- 7) Would you like to except any portion of your property from the terms and conditions of the Deed of Easement (e.g. for future expansion of existing non-agricultural activities)?

Yes

No

- 8) If yes, please indicate on attached tax map/survey the location and size of the area requested.  
Explain the reason(s) for the request. The request may be approved, denied or approved with conditions. Please be aware that the designation of an exception area reduces the desirability of your application and the easement purchase price.

9) Do you have any subdivision plans on the property?

Yes

No

If yes, what is the status of the subdivision request:

Explain why the subdivision was pursued and **attach copy(ies) of document(s) supporting status:**

10) Other information you think should be brought to the attention of the MCADB in order for them to adequately consider this application, such as historic significance:

11) List any liens, easements, and/or rights-of-way existing on the premises, if any:

*Note: Lien holders **must be notified** of this application and **grant permission** to proceed with negotiations involving the sale of a development easement. Lien holders not familiar with this program are encouraged to call the office for information.*

Mail this application and the requested documents to:

Monmouth County Agriculture Development Board  
Hall of Records Annex, 2<sup>nd</sup> Floor  
1 East Main Street  
Freehold, NJ 07728

Attention: Harriet Honigfeld

Phone: 732-431-7460

Fax: 732-409-7540

**STATEMENT OF UNDERSTANDING**

I (We), \_\_\_\_\_, certify that I (we) are legally capable of submitting our application to sell a development easement and understand the restrictions of a development easement on my (our) property, identified more specifically as Block(s) \_\_\_\_\_ and Lot(s) \_\_\_\_\_ in \_\_\_\_\_ Township(s), Monmouth County, New Jersey.

Specifically, I (we) understand that:

1. The easement is in perpetuity and is a permanent condition passed to all future owners of the land;
2. All non-agricultural development is prohibited;
3. Any current non-agricultural uses may continue, but may not be expanded or changed, and if abandoned, may not be resumed;
4. Deposition and mining of the land (sand, gravel, rock, etc) is prohibited;
5. Dumping of trash or waste materials, including sludge and sludge-derived products, is prohibited unless recognized by the Monmouth County Agriculture Development Board and the State Agriculture Development Committee as an agricultural management practice;
6. There is no public access granted with the deed of easement; however, the Monmouth County Agriculture Development Board and State Agriculture Development Committee staff are permitted reasonable access for annual monitoring purposes;
7. Certain income-producing recreational activities may be allowed, however, golf courses and athletic fields are prohibited;
8. New agricultural buildings are permitted consistent with local zoning;
9. Existing single family residences may be replaced, subject to the review and approval of the Monmouth County Agriculture Development Board and the State Agriculture Development Committee;
10. Residual Dwelling Site Opportunities (RDSOs) may be granted by the Monmouth County Agriculture Development Board (parcel must be a minimum of 100 acres in size); the RDSO(s) may be limited to a specific lot if the application consists of multiple lots; RDSOs may be exercised only for an agricultural purpose and only after review and approval by the Monmouth County Agriculture Development Board and the State Agriculture Development Committee;
11. The property can be sold as a whole without consulting the Monmouth County Agriculture Development Board or the State Agriculture Development Committee;
12. Subdivision of the land and easement, even along pre-existing tax lot lines, must be reviewed and approved by both the Monmouth County Agriculture Development Board and the State Agriculture Development Committee;
13. In the event of any violation of the deed of easement, restoration of the premises to its prior easement-approved condition is the responsibility of the landowner;
14. Any change made to the premises prior to purchase of an easement may void the application to sell the easement;
15. The total purchase price is based on the acreage determined by survey and excludes areas of future road widening right-of-way, streams along the property boundary, any landowner requested exception areas, and the amount designated as the value of each Residual Dwelling Site Opportunity,
16. Local zoning rules are still in effect;
17. Due to competition for limited funds, I may need to offer to sell my easement for less than fair market value, which may provide me with a tax benefit;
18. Before the Monmouth County Agriculture Development Board forwards my application for funding consideration, I must sign an option agreement with the following terms and conditions: **I will submit a legal offer to sell my easement**; failure to do so will result in the following penalties: I will refund the cost of appraising my property, my application to sell an easement will not be considered for *a period of two years* and *a \$5,000 fee* must be submitted in order to reactivate my application (this fee will be refunded when I sell my easement);
19. Submission of an offer to sell an easement contains language to the effect that I will sign a full contract to sell my easement when funding has been secured;
20. Acceptance of this application does not guarantee sale of my easement;
21. Submission of this application is solely for the purpose of exploring the opportunity to sell an easement on my property and is in no way binding me to continue this process;
22. I (We) have been advised to obtain legal counsel

Dated: \_\_\_\_\_ Landowner(s): \_\_\_\_\_

Landowner(s): \_\_\_\_\_