

GUIDELINES FOR THE MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM



A program of the
Monmouth County Board of County Commissioners

Policy Guide for the Municipal Land Preservation Incentive Program

The Monmouth County Board of County Commissioners has authorized a new shared services program to assist with municipal open space acquisitions. The Municipal Land Preservation Incentive Program will assist municipalities by providing additional funding needed to preserve lands for municipal parks and open space. These will be cooperative projects with the Board of Recreation Commissioners and County Commissioners. The Municipal Land Preservation Incentive Program will be funded directly from the Open Space Trust Fund Land Account.

Purpose

The purpose of the Municipal Land Preservation Incentive Program is to expand parks, historic preservation, and open space opportunities for Monmouth County residents by providing funding to assist municipalities with parks and open space acquisition.

Program Goals

The goal of the program is to acquire lands for parks, recreation, and open space preservation. Open space acquisition should target lands identified in the County Open Space Plan, local open space preservation and recreation plans, lands that are significant local historic sites, or lands that function as important wildlife habitat.

It is expected that the volume of applications for worthwhile projects will be high. Program limits on the number of applications and the dollars awarded have been established to enable program funding to support a larger number of municipalities. The requirement of a local contribution to the purchase price and certain land acquisition expenses provides a tangible demonstration of local commitment to what is intended to be a cooperative project.

Administration

The Municipal Land Preservation Incentive Program is a program of the Monmouth County Board of County Commissioners and the Board of Recreation Commissioners and is administered with the assistance of the Monmouth County Park System.

This policy guide has been developed for municipalities interested in acquiring open space and recreational lands within their communities and provides specific instructions to municipalities interested in participating in the program. Please note that there are times, however, when deviations from these guidelines may be needed to ensure the best interest of the public is protected.

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Eligibility

The program will be a cooperative open space acquisition program between the County and any Monmouth County municipality. Municipalities are encouraged, however, to seek NJDEP Green Acres open space acquisition funding and to form partnerships with other public or non-profit organizations to enhance project funding. The Monmouth County Board of County Commissioners will enter into shared services agreements (SSA) with municipalities only. Any property listed as an acquisition target in the County Open Space Plan, an adopted Municipal Open Space Plan, or the subject of a properly noticed public hearing is eligible.

Municipalities must identify and authorize a “municipal contact person” by name and title. All correspondence and communications will be directed to the authorized municipal contact. The municipal contact must be identified in the Municipal Resolution requesting the SSA. If the individual named ceases to work for the municipality, the current person in the specified title shall be the contact person unless otherwise specified by the municipality. For ease of communications and continuity over the life of the project, it is recommended that a responsible full-time employee of the municipality available during regular business hours be named as the municipal contact person, rather than a consultant or appointed or elected official.

The applicant municipality must acquire a controlling interest in real property including but not limited to the following:

- Fee simple acquisition with public access
- Purchase of Conservation Easement with public access
- Extinguishment of Development Rights

Land acquisition projects must be for park, recreation and open space purposes including but not limited to the following:

- Waterfront lands adjacent to the ocean, ponds, lakes, streams, rivers, or reservoirs.
- Natural areas such as forested areas or watershed areas that may be used as wildlife conservation areas, scenic vistas, or other open space purposes.
- Lands to be used as park and recreational areas such as playgrounds, athletic fields, recreation centers, or areas for passive recreation.
- Lands that have significant cultural and/or historic features and structures.

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Acquisition of Structures

- The municipality must agree to either maintain or demolish any structures on the property. Demolition of structures that are listed on or eligible for the National or New Jersey Register of Historic Places is not permitted.
- Any facility to be retained must be used for public parks, historic preservation, or open space purposes only.

Acquisition of Public Access Easements

Conservation easements must provide public access to be eligible for funding.

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Funding

Funding amounts are based on availability in the Monmouth County Open Space Trust Fund. There is no annual allocation for the program and funding for County Parks Acquisition and County Farmland Preservation projects will impact the availability of funds. When funding is available it will be based on the following formula:

- Acquisition projects up to \$5 million, the County will fund up to 75% of the total purchase price not funded by the NJDEP Green Acres Program.
- Acquisition projects more than \$5 million, the County will fund up to 75% of the first \$5 million and up to 50% of the amount over \$5 million of the total purchase price not funded by the NJDEP Green Acres Program.

The following examples illustrate possible funding scenarios:

- An eligible project with a purchase price of \$4 million with Green Acres funding
 - Green Acres funding: \$2 million
 - County OS funding: \$1.5 million
 - Municipal obligation: \$500,000*
- An eligible project with a purchase price of \$10 million with Green Acres funding
 - Green Acres funding: \$5 million
 - County OS funding: \$3.75 million
 - Municipal obligation: \$1,250,000*
- An eligible project with a purchase price of \$20 million with Green Acres funding
 - Green Acres funding: \$10 million
 - County OS funding: \$5 million + \$1,250,00 = \$6.25 million
 - Municipal obligation: \$3,750,000*
- An eligible project with a purchase price of \$4 million without Green Acres funding
 - County OS funding: \$3 million
 - Municipal obligation: \$1 million*
- An eligible project with a purchase price of \$10 million without Green Acres funding
 - County OS funding: \$7.5 million
 - Municipal obligation: \$2.5 million*

* May include additional fundraising or non-profit support.

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Requirements/Conditions

- All projects will require County Board of Recreation Commissioners and County Commissioner approval by resolution.
- At least one appraisal less than three years old and prepared by a New Jersey Green Acres Program approved appraiser must be included for the initial SSA.
- Preliminary Assessment and Site Inspection (PASI) of the property and all actions to address environmental Areas of Concern will be required prior to closing.
- A deed of conservation easement shall be required stating that the property must be held in perpetuity for park, recreation and open space purposes and requiring reimbursement to the County or replacement with land of no less or greater utility, acreage and value if property is diverted from park and recreation use. If some portion of the property is used for a non-open space public purpose, subdivision of the property may be required prior to the recording of the conservation easement. Deed of Conservation Easement language will be provided by the County. The County will expect the municipality to add the property to their Recreation & Open Space Inventory (ROSI).
- The County may require a Right of First Refusal (ROFRO) on conservation easements purchased through the program.
- The facility/property must be open to the general public.
- A sign provided by the County will be posted acknowledging funding from the County of Monmouth, if requested.
- One active acquisition project per municipality shall be permitted. Additional acquisition projects will be considered based on the current project queue and availability of funds.
- Historic Preservation projects must comply with the U.S. Secretary of the Interior's Standards for Rehabilitation. <https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>

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- Shared Services Agreements for acquisition projects will be required to include all details on project responsibilities and cost sharing, including which party will be responsible for the following deliverables and costs:
 - Landowner contact
 - Appraisals
 - Legal services and fees
 - Title Searches and Title Insurance
 - Recording costs
 - Engineering and surveying
 - PASIs and actions addressing Areas of Concern
 - Building demolition, renovation and/or stabilization
 - Owner/Tenant relocation
 - Condemnation costs
 - Contingencies

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Process

1. The municipality meets with MCPS Land Acquisition staff to discuss the open space preservation project. The municipality provides at least one appraisal to provide a baseline acquisition cost, information regarding landowner willingness to participate, and information about any NJDEP Green Acres program or other third-party participation.
2. The Municipality and MCPS Land Acquisition staff draft an SSA detailing cost share and project responsibilities.
3. Municipality adopts resolution seeking an SSA with the County based on the details of the draft SSA and committing to funding the local share of the project costs.
4. MCPS Land Acquisition staff make a presentation to the Board of Recreation Commissioners seeking endorsement of the project and the draft SSA, and a resolution to the Board of County Commissioners recommending authorizing the SSA and authorizing MCPS staff to fulfill the County responsibilities per the final SSA.
5. The Municipality receives Board of County Commissioners approval for the project and a resolution from the Board authorizing the final SSA.
6. The final SSA is adopted providing the responsibilities of the parties and MCPS Land Acquisition staff work with Municipal staff to complete the project.
7. Landowner is contacted via formal Letter of Interest and made aware of interest in preservation of a site for public park, recreation and/or historic purposes.
8. Additional appraisals of property (if necessary) are commissioned with permission from the landowner.
9. Upon completion of appraisal process, negotiations with landowner commence.
10. Once landowner agrees to sell, parties execute requisite resolutions/ordinances to purchase property, fund the purchase price, and pay all fees.
11. The landowner, County, municipality, and any other interested parties enter into a binding contract for the sale of property/purchase of a conservation easement.
12. Responsible parties commission title search/commitments, survey, and environmental review. With satisfactory results, title/easement is conveyed to the municipality and the deed of conservation easement is conveyed to the County in accordance with SSA.
13. The site is operated as intended by the municipality.