

# **PROGRAM SUMMARY, RANKING SYSTEM & POLICIES**

## **Sale of Development Easements**

Morris County, through the Morris County Agriculture Development Board (Morris CADB) with the approval of the Morris County Board of Chosen Freeholders, is acquiring development easements in order to protect viable agricultural lands. Funding for the purchase of development easements is derived from the Morris County Preservation Trust Fund and the Garden State Preservation Trust Act. The acquisition of the development easements prevents the improvement and use of the land beyond agricultural activities. It restricts the farmland for agricultural use while enabling the landowner to retain title to the property thereby assuring a continuance of property tax revenues.

### **I. ELIGIBLE FARMLAND**

Pursuant to the Morris CADB Policy: P-8, Easement Purchase Program Eligibility and Ranking System, to be eligible for the Easement Purchase Program, an application shall meet the following criteria:

- a. The land must be at least 10 acres.
- b. The land must be receiving farmland tax assessment.
- c. The land must be at least 50% tillable, or have at least 25 tillable acres.
- d. Lands less than 25 acres in size shall not contain more than 80 percent soils with slopes in excess of 15 percent as identified on a USDA, Natural Resource Conservation Service SSURGO version 2.2 or newer soils map.
- e. The application receives a minimum score of 25 based on the Morris CADB Ranking System, per Attachment Policy: P-8.

### **II. PROCEDURES FOR PURCHASING EASEMENTS**

The landowner must submit an application to the Morris CADB. Morris CADB staff will meet with the landowner to discuss the program in detail and may conduct a site visit.

The Morris CADB will review and rank all applications. It will process all applications according to the ranking system developed by the Morris CADB (*see Policy: P-8, Morris CADB Ranking System*). The Morris CADB will accept or reject the application. If the Morris CADB accepts the application, the application will be posted in the "Prioritized Acquisition List".

Based on the ranking of the application and available funding, the application may be granted Preliminary Approval. Upon receiving Preliminary Approval, the applicant will submit a \$1,000 application fee (*see Policy: P-3, Application Fee*).

If necessary, wetlands delineation will be performed on the property. The Morris CADB will hire two independent appraisers, approved by the State Agriculture Development Committee (SADC). Two appraisals will be conducted on the property. Appraisals are conducted in order to determine the development easement value.

Upon completion of the appraisals, the Morris CADB will forward copies of the appraisals to the landowner for review. Morris CADB staff will be available to discuss the appraised values. The Morris CADB will review the appraisals and make an offer to the landowner to purchase the development easements. The landowner will accept or reject the offer.

Upon a landowner's acceptance of the Morris CADB offer, the landowner must enter into a contract of sale with Morris County. The Morris CADB will then submit an application to the SADC for a cost-share grant. Following the SADC's approval of the cost-share grant, the CADB will conduct a title search and survey of the property. Any additional documents determined necessary by the Morris CADB to assure prompt closing will be requested at this time. Upon review of all documents, the Morris CADB will notify the landowner and schedule a closing date.

Once the easement has been created, perpetual restrictions are placed on the land and recorded in the form of a Deed of Easement. The Morris CADB will have access to the land in order to complete site and monitoring inspections as deemed necessary. Prior to such inspections, at least 24 hours notice will be given to the landowner. These inspections are conducted to insure that the restrictions placed on the land are being adhered to. If the inspections reveal the easement has been violated, the Morris CADB retains the legal right to require the landowner to correct the violations and restore the property to its prior condition at the owner's expense.

### **III. APPLICATIONS**

Landowners submit their application for the sale of the development easement to the Morris CADB. Applications will be reviewed and ranked for approval.

### **IV. EVALUATION AND RANKING OF APPLICATIONS**

The Morris CADB shall review each application to determine whether it:

- A. Has been properly and fully completed; and
- B. Meets the minimum eligibility criteria established by the Morris CADB.

The Morris CADB shall rank all applications according to the CADB ranking system. (*see Policy: P-8, Morris CADB Ranking System*).

The Morris CADB shall then determine, based on the ranking system, which applications are to be appraised, if any.

### **V. CRITERIA FOR EVALUATION**

The ranking system shall be maintained by the Morris CADB and be available for public review (*see Policy: P-8, Morris CADB Ranking System*).