

APPLICATION GUIDE

For

Application to Sell Farmland in Fee Simple

Please refer to this instruction booklet while preparing your development easement application. These instructions should help to fully explain the application. If at any point you need further assistance please do not hesitate to contact:

Ms. Katherine Coyle, Director
Morris County Agriculture Development Board
P. O. Box 900
Morristown, NJ 07963-0900
(973) 829-8120
(973) 326-9025 (Fax)
kcoble@co.morris.nj.us

It is recommended that the landowner obtain legal counsel prior to submitting this application.

1. OFFER TO SELL PROPERTY

Indicate your offer price on the line provided. This offer must be a PER ACRE figure. The appraisal reports assign a per acre figure and the CADB grants approval based on a per acre figure. When completing this section please also refer to Attachment A of the application. This offer price is not a final commitment on the landowner's or County's part.

2. LANDOWNER PERMISSION TO PROCEED

ALL landowners must sign the application. The CADB requires a \$1,000 application fee, once the CADB grants preliminary approval. This will occur after the application is submitted. Do NOT send the fee along with the application.

3. LANDOWNER INFORMATION

- A. Clearly print or type the name, mailing address and phone number of ALL landowners of the premises. Please also supply the name of the primary contact person.
- B. If the company name of the farm is different than the landowner's name, please include that information. If the company name is the same as the landowner's, leave this line blank.
- C. List the name and phone number of any person(s) residing on the premises for purposes of scheduling site visits.

4. PROPERTY DESCRIPTION

- A. List the street address of the premises, such as *1234 West Mill Road*. If no street address exists, please identify where the premises is located. For example, "North side Beacon Hill Road, 0.5 miles east of West Mill Road".
- B. Provide the Municipal Zoning Designation; for example, R-3 Residential, 3 acre minimum lot size; I-4 Industrial, 40,000 square foot minimum lot size.
- C. List all municipal tax lots or portions of lots that are part of this application. The application provides a section to explain why only a portion of a lot is to be included. Also include the Deed Book and Page reference for the most recent purchase of the premises. This is needed to verify ownership of the premises and must be provided to the appraisers (if application is approved). Do not include other lots that you may own that are not part of the application.
- D. Clearly outline the boundaries of the premises on a copy of the municipal tax map. If you need a copy of a municipal tax map, contact the office at the number on the last page of this Guide Book.

- E. As accurately as possible, state the acreage of the tax lots that are part of this application.
- F. State the source of the acreage information. Is this the acreage as listed in the deed? On a tax map? From a property survey? If the source is a property survey, please give the date the survey was prepared.
- G. An “exception” is a portion of a tax lot that is not to be encumbered by the deed restriction prepared by the CADB. For example, you own a 100 acre farm with no existing residential structures. You may wish to have a portion of the premises available for the future construction of a house. Likewise, you may have an existing house and do not want your homestead placed under the deed restrictions. You may have plans to construct a garage for your automobiles on ground that is currently cultivated. If this ground were covered by the agricultural easement it might be considered an infringement on the deed restrictions.

Clearly identify the exception(s) on a current tax map or a survey plat.

Please be aware that your ranking can be negatively affected by requesting exceptions. Please refer to Attachment Policy: P-8, Morris CADB Ranking System, for more details. If you answer “Yes” to this question you need to complete “Attachment D” for each exception requested.

- H. The net acreage of the premises is the acreage listed in Section 4-E minus the area of all exceptions listed in Section 4-G.
- I. Please list and identify the types of existing residential units on the premises.
- J. List and describe all agricultural structures on the premises. Example: Two 20' diameter silos on Lot 32. A 50' x 75' pole barn on Lot 33. Three metal storage sheds on Lot 32.
- K. Give the approximate land area of all of the agricultural buildings described above.
- L. If you have a survey map, which identifies the buildings on the premises, please submit that with your application.

5. AGRICULTURAL USE AND PRODUCTION

- A. Identify the types of agricultural enterprises on the premises by its Standard Industrial Classification Code (S.I.C. Code). You should indicate one Primary code. The farm may have several “Secondary” codes or none at all.

- B. Identify the range of agricultural income derived from the property over the last three years. This information will only be used to help determine the agricultural viability of the farm.
- C. As indicated in Attachment Policy: P-8, Morris CADB Ranking System, priority shall be given to applicants who are full-time farmers.
- D. Identify the percentage of land use in each of the categories listed. If you are requesting an exception, the exception area should not be included. Please be as accurate as possible but rounding is acceptable. You may want to refer to your FA-1 Farmland Assessment Form. Please be aware that applications with more than 50% woodlands are not eligible for easement purchase, unless the premise contains a minimum of 30 acres of tillable ground. The land use percentages should total 100%. Tillable croplands are lands which can be used to produce crops. This includes land under structures utilized for agricultural or horticultural production.
- E. Is the application property currently enrolled in an Eight-Year Farmland Preservation Program? The eight year program is a limited term deed restriction which requires a farm to remain in active agricultural production. In return, the landowner or tenant farmer can apply for matching grants (up to 50%) for soil and water conservation projects. Farms that sell their development rights also receive these benefits. If you are interested in this program, please contact the Morris CADB office. As indicated in Attachment Policy: P-8, Morris CADB Ranking System, applications enrolled in the Eight-Year Program receives bonus points when they are scored.
- F. Does the farm have a current Soil Conservation Plan? These plans are prepared by the USDA, NRCS at no charge. A soil conservation plan gives guidelines on how a farm can best reduce soil loss and control erosion. A soil conservation plan is considered “current” if no changes have been made to the agricultural operation (field clearing, crop types, etc.) since the plan was prepared.
- G. On-site investment in agricultural structures and systems shows a commitment to keeping the farm operational.

6. NON-AGRICULTURAL USES

Please refer to the instructions for “Attachment B”.

Please list the type and extent of any existing nonagricultural uses currently found on the premises. This information is very important to be included with the application. If the development rights for the premises were to be purchased, the deed of easement filed purchasing the development rights includes a list and description of all existing non-agricultural uses. Any non-agricultural uses not included in the deed of easement, are

deemed to be non-existent at the time of purchase and would be a violation of the deed restrictions.

7. SUBDIVISION OF THE PREMISES

Has the landowner or a contract purchaser been granted or pursued any subdivision approval? If “Yes”, “Attachment C” must be completed. Please refer to the instructions for “Attachment C”.

8. SPECIAL CONSIDERATIONS

Identify anything particularly outstanding, unusual, important or interesting about the premises. This is your opportunity to relay information about your property that isn’t asked for in other parts of the application. Some points to mention might include: how long the property has been in the family, historic buildings, unique crop or method of farming, location, vistas, etc.

9. BOUNDARIES

Describe the types of land uses surrounding the property. Properties that are isolated from residential development are looked upon more favorably.

10. LIENS, EASEMENTS, RIGHTS-OF-WAY

Please list and explain any and all liens, easements or rights-of-way that exist on the premises. This may include a neighbor’s right of access across your property to a private or municipal well, transmission lines, cell towers and utility easements. Is the premises part of a bankruptcy judgment?

11. EXCEPTIONS, RESERVATIONS, LICENSES

Please list any and all exceptions, reservations and licenses existing on the premises. This may include a liquor license, a continuing right given to a previous owner, a lease agreement with a hunting club, or the like.

12. ADDITIONAL INFORMATION

The Morris CADB may require additional information as the application is reviewed and hopes the landowner will cooperate to provide that information.

ATTACHMENT A - OFFER PRICE

This attachment is included to further explain the Offer Price indicated on the first page of the application. Please remember that the per acre asking price is the average per acre value for the entire property.

- A. These questions provide the Morris CADB with the landowner's expectations regarding the value of the premises and what is felt to be the fair market value of the farm.
- B. This is your opportunity to make any additional comments regarding your offer price made on page 1 of the application.

ATTACHMENT B - EXISTING NONAGRICULTURAL USES

Please list the type and extent of any existing nonagricultural uses currently found on the premises. This information is very important to be included with the application. If the development rights for the premises were to be purchased, the deed of easement filed purchasing the development rights includes a list and description of all existing non-agricultural uses. Any non-agricultural uses not included in the deed of easement, are deemed to be non-existent at the time of purchase and would be a violation of the deed restrictions.

ATTACHMENT C - SUBDIVISION OF THE PREMISES

This attachment only needs to be filled out if subdivision approval was granted or pursued.

ATTACHMENT D - EXCEPTIONS

If you are seeking approval of more than one exception you must complete an "Attachment D" for each exception. If you are seeking one exception but are considering more than one location, please complete an "Attachment D" for each location and indicate your preferred location.

Exceptions are those portions of the applicant's land holdings, which are not to be encumbered by the deed restrictions prepared by the CADB. For instance, the applicant has a 50 acre farm on one tax lot, with no existing residential units. An exception area can be requested for a future residence on the 50 acre farm tract.

- A - D. Give the municipal Block and Lot for where the exception is requested, as well as the size and percentage of the overall premises. Describe the size and type of any structures, which are in the area of exception.
- E. Please give the reasons for requesting the exception.
- F. Indicate whether the exception area will be severable from the remaining farm

(premises). “Severable” means the ability to sell the exception separate from the remaining farm premises. The Morris CADB encourages applicants to keep exception areas with the remaining farm (non-severable).

- G. Is there any potential to subdivide the exception? As an example, if a two acre exception area was requested and the farm is zoned for one residential lot per acre, the exception could potentially be subdivided. If the applicant was willing to restrict the exception area from future subdivision, the CADB will view the exception more favorably.
- H. Right to Farm Language on the deed would read similar to the following:

A Grantor, grantor’s heirs, executors, administrators, personal or legal representatives, successors and assigns or any person to whom title to Exception Area “X” is transferred as well as the heirs, executors, administrators, personal or legal representatives, successors and assigns of all such persons are hereby notified and made aware that Exception Area “X” is adjacent to a parcel (“Premises”) permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons taking title to Exception Area “X” are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of this Deed of Easement.

If this language is added to the deed, the CADB will view the exception more favorably.

BEFORE SUBMITTING:

CHECK TO BE SURE THAT ALL OF THE FOLLOWING INFORMATION IS ENCLOSED:

- ___ A Completed “Application to Sell Farmland in Fee Simple”.
 - ___ A Tax Map with your property outlined (location of exception shown – if applicable).
 - ___ A copy of the Deed for all property included in this application.
 - ___ The signature of ALL property owners listed on the deed(s).
 - ___ A copy of your FA-1 Farmland Assessment Report(s) for each tax lot that is a part of this application.
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Mail Your Complete Application To:

Attn: Ms. Katherine Coyle
Morris CADB
P. O. Box 900
Morristown, NJ 07963-0900

(973) 829-8120
(973) 326-9025 (Fax)

If you are hand delivering the application, our office is located at 30 Schuyler Place in Morristown, on the corner of Ann Street and Schuyler Place. One block off the Green.