

Application to Sell a Development Easement

Please read and complete all portions of this application.

Please refer to the Application Guide for assistance in completing this application.

Please type or print neatly.

Date: _____

A “development easement” means an interest in land, less than fee simple absolute title thereto, which enables the owner to develop the land for any non-agricultural purpose, as determined by and acquired under the provisions of the Bergen County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (hereinafter “Trust Fund”), and any relevant rules or regulations promulgated pursuant thereto.

I/We, _____, (name)
landowner(s) of property located in the Municipality of _____, in the
County of Bergen, know and designated as
Block(s) _____, Lot(s) _____ on the Tax Map of
_____ (Municipality), Bergen County, New Jersey,
(hereinafter “Premises”), apply to the Bergen County Agriculture Development Board
(hereinafter “Board”), to sell a development easement pursuant of the Trust Fund.

1. OFFER TO SELL A DEVELOPMENT EASEMENT

Pursuant to the Trust Fund, it is required that the applicant(s) submit an offer to sell a development easement to the Board. This is not a binding offer. Please refer to ATTACHMENT A on page 10 while completing this section.

Note: Landowners hereby acknowledge that they have been fully informed of the provisions related to the sale of a development easement and that a recommendation was made to obtain legal counsel prior to submitting this application and offer.

As landowner of the premises described above, I am/ we are willing to make an offer to sell a development easement to the Board in the amount of:

\$ _____ **PER ACRE.** The final total purchase price shall be based on the acreage of the premises determined by a survey authorized by the Board and any deductions to the total purchase pursuant to State Agriculture Development Committee Policy P-3-B (and Supplement).

2. LANDOWNER PERMISSION TO PROCEED

The landowner(s) hereby gives the Board permission to proceed with the review and evaluation of this application to determine the suitability of the land for development easement purchase pursuant to the Trust Fund. The landowner(s) understand that upon the Board granting preliminary approval the landowner must submit a \$1,000.00 application fee. The landowner(s) further state(s) that to the best of his/her/their knowledge all information provided in this application is accurate and complete.

Landowner(s) Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signatures are required from ALL individuals listed on the deed.

3. LANDOWNER ACKNOWLEDGEMENT

The landowner(s) hereby acknowledges that he/she/they had the opportunity to prepare and review this application with legal counsel of their choosing prior to submitting it. The landowner(s) also acknowledge(s) that further participation in this program is subject to the availability of funds on behalf of the County of Bergen and the State of New Jersey.

Landowner(s) Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

Signatures are required from ALL individuals listed on the deed.

4. LANDOWNER INFORMATION

- A. Name (s): _____
Address: _____

Phone (Day): _____
Fax #: _____
- B. Farm, corporate or business name, if any _____
- C. Fill in the name of any person(s) residing on the property and phone number. _____
- D. Name of Primary Contact Person: _____

5. PROPERTY DESCRIPTION

- A. List the street address of the premises. _____
- B. What is the property's zoning? _____
- C. Identify the block, lot and deed reference of the premises.
Block _____, Lot(s) _____ Deed Book _____, Page _____, Date _____
Block _____, Lot(s) _____ Deed Book _____, Page _____, Date _____
Block _____, Lot(s) _____ Deed Book _____, Page _____, Date _____
Block _____, Lot(s) _____ Deed Book _____, Page _____, Date _____
- D. Clearly identify the boundaries of the premises on:
1. A current Tax Map;
2. A USDA Soil Survey Map; and
3. A USGS Quad Map.
- E. Total Acreage of Premises (include house/farmstead, if any): _____ acres
- F. Source of acreage amount (e.g. deed, tax map, survey...)?
____ Deed ____ Tax Map ____ Survey (date of survey ___ / ___ / ___)
____ Other _____

G. Are you requesting that any portion of the above tax lot(s) be excepted (excluded) from this application? _____ Yes _____ No
If "Yes," then you must complete **ATTACHMENT D** on page 13.

How many exceptions are you requesting? _____
Total acres of exception requested. _____ acres

H. What is the net acreage of the premises to be considered for easement purchase (total acreage minus the excepted acreage)? _____ acres

I. With reference to residential units, identify the number of houses/residential units on the premises. *If the residential unit is located on an exception area, please identify the unit on ATTACHMENT B on page 11.*

1. Single Family Residence Buildings.

Standard House _____
Trailer with foundation _____
Trailer without foundation _____
Other _____
TOTAL _____

2. Multi-family Residence Buildings.

Duplex _____
Single family w/ apartment _____
Other _____
TOTAL _____

3. Residential Buildings for Agricultural Labor.

Single Family House _____
Dormitory Style _____
Trailer with foundation _____
Trailer without foundation _____
TOTAL _____

4. Other: Rental Units: _____

Describe the rental units:

J. List and describe all agriculture structures on the property.

K. Total land area occupied by agriculture buildings as described above is ____ acres.

L. Do you own additional Farmland Assessed property? If so, where is it located and what is the acreage? Street Address, Municipal Name, Block & Lot

M. If you answered yes to Item L, please state whether this additional property is contiguous to the premises listed above in Item F.

N. Does the property, which is the subject of this application, constitute the entire agricultural operations? If not, please elaborate and explain why you are not submitting the entire premises for development easement purchase at this time.

6. AGRICULTURAL USE AND PRODUCTION

A. Circle the types of agricultural enterprises on the premises by its Standard Industrial Classification Code (S.I.C. Code).

0110	Cash Grains	0271	Fur-Bearing Animals
0111	Wheat	0272	Horses & Other Equine
0112	Rice	0273	Animal Aquaculture
0115	Corn	0279	Animal Specialties, NEC
0116	Soybeans	0291	General Farm Livestock
0119	Cash Grains, NEC	0711	Soil Preparation Services
0134	Irish Potatoes	0721	Crop Planting, Cultivating, Protecting
0139	Field Crops (Except Cash Grains) NEC	0722	Crop Harvesting (primarily by machine)
0161	Vegetables & Melons	0723	Crop Preparation Services for Market
0171	Berry Crops	0741	Veterinary Services for Livestock
0174	Citrus Fruit Farms	0742	Veterinary Services for Animal Specialties
0175	Deciduous Tree Fruits	0751	Livestock Services, Except Veterinary
0179	Fruit & Tree Nuts, NEC	0752	Animal Specialty Services, Except Veterinary
0181	Ornament Nursery Products	0761	Farm Labor Contractors & Crew Leaders
0182	Food Crops Grown Under Cover	0762	Farm Management Services
0191	General Farms, Primarily Crop NEC	0781	Landscape Counseling & Planning
0211	Beef Cattle Feedlots	0782	Lawn & Garden Services
0212	Beef Cattle, Except Feedlots	0783	Ornamental Shrub & Tree Services
0213	Hogs	0811	Timber Tracts
0214	Sheep & Goats	0831	Forest Nurseries & Gathering of Forest Products
0219	General Livestock, except dairy & poultry	0851	Forestry Services
0241	Dairy Farms		
0251	Broiler, Fryer & Roaster Chickens		
0252	Chicken Eggs		
0253	Turkeys & Turkey Eggs		
0259	Poultry & Eggs, NEC		

(NEC) = Not Elsewhere Classified

B. Provide the approximate average gross agricultural receipts generated from the property over the last three (3) years.

_____ \$500 - \$10,000
_____ \$11,000-\$25,000
_____ \$26,000-\$50,000
_____ over \$50,000

- C. Identify the percentage of land use of the acreage to be considered for easement purchase.

The following definitions shall be used for evaluating tillable acres.

“Cropland harvested” means land from which a crop was harvested in the current year. Cropland harvested shall include the land under structures utilized for agricultural or horticultural production.

“Cropland pastured” means land which can be and often is used to produce crops, but its maximum income may not be realized in a particular year. This includes land that is fallow or in cover crops as part of a rotational program.

“Permanent pasture” means land that is not cultivated because its maximum economic potential is realized from grazing or as part of erosion control programs. Animals may or may not be part of the farm operation.

- | | | | |
|------|--------------------|-------|---|
| i. | Cropland harvested | _____ | % |
| ii. | Cropland pastured | _____ | % |
| iii. | Permanent pasture | _____ | % |
| iv. | Wetlands | _____ | % |
| v. | Other * (specify) | _____ | % |

TOTAL = 100%

** Woodland areas shall be categorized as other.*

- D. Is the farm currently enrolled in an Eight-Year Farmland Preservation Program?

_____ YES _____ NO

- E. Does the farm have a current Soil Conservation Plan?

_____ YES Date plan was prepared: _____
_____ NO*

If “YES,” is the Conservation Plan:

_____ Fully Implemented
_____ Partially Implemented
_____ Not Implemented

If “YES,” please submit a copy of the Conservation Plan with this application.

7. NON-AGRICULTURAL USES

In order to inventory any existing non-agricultural uses currently found on the premises, you must complete **ATTACHMENT B** on page 11.

8. SUBDIVISION OF THE PREMISES

Has the landowner or a contract purchaser been granted or pursued any subdivision approvals?

_____ YES _____ NO

If "YES," please complete **ATTACHMENT C** on page 12.

9. SPECIAL CONSIDERATIONS

Identify anything particularly special about the premises (e.g., historical significance, uniqueness of the agricultural operation, the generations in family ownership, etc.).

10. BOUNDARIES

Please describe the property surrounding the farm.

For example: *Residential development to the north, River to the South, Preserved farmland to the east, etc.*

North: _____

South: _____

East: _____

West: _____

11. LIENS, EASEMENTS, RIGHTS-OF-WAY

Please list any liens, easements, or rights-of-way that exist on the premises.

12. EXCEPTIONS, RESERVATIONS, LICENSES

Please list any and all existing exceptions, reservation and licenses on the premises.

Note: The applicant shall receive preliminary approval from current lien, easement and right-of-way holders granting the applicant permission to proceed with the negotiations involving the sale of a development easement. Letters of approval may be requested after preliminary approval of the application.

The preliminary commitment is not a final subordination of all rights. In accordance with the Trust Fund, where the landowner has accepted an offer to sell a development easement, the landowner shall provide evidence that the current lien, easement and right-of-way holders, as required by the Board, subordinate their rights and privileges granted by the sale of the development easement to the Board and shall supply recordable evidence of their subordination at the time of transfer of the easement.

Regarding public utility easements, the applicant shall note if any exist. The Board will determine if the easement holder should be notified or if a waiver should be granted.

13. ADDITIONAL INFORMATION

The Board reserves the right to request additional information. Please feel free to attach any additional information that you feel is important that is not addressed in this application.

ATTACHMENT A

OFFER PRICE

This attachment is included to further explain the Offer Price indicated on the first page of this application. Please answer the following questions to help the Board understand the landowner's willingness to have their property preserved.

- A. In your opinion, is the Offer Price indicated on the first page of this application the market value for the **development easement** for your property? Yes No

If "No," then is it your opinion that the Offer Price is above or below the market value for the development easement?

Above Market Value Below Market Value

In your opinion, what is the average per acre fair market value for the development easement? \$ _____ Per Acre

- B. Additional comments regarding your Offer Price.

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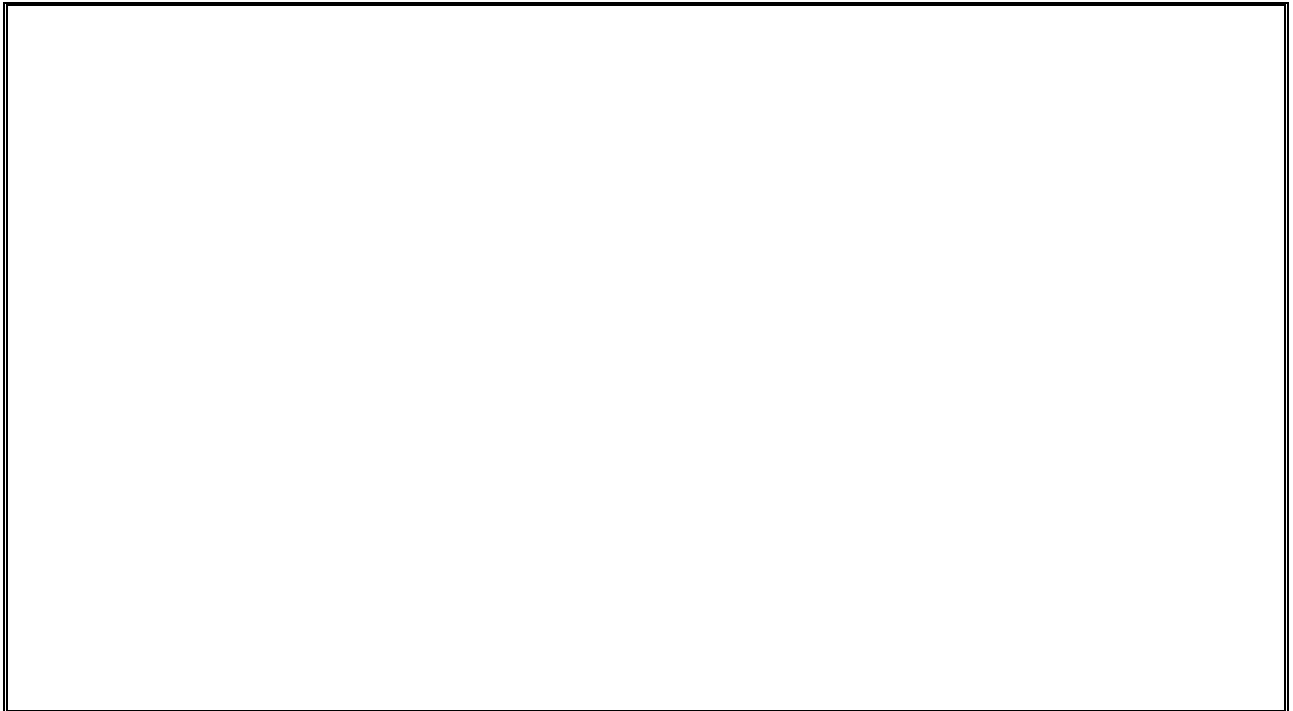
The value of the development easement is determined by the appraisal process. This value does **not** include the value of any improvements on the land. Since the landowner retains ownership of the land, the value of any improvements remains with the landowner.

ATTACHMENT B

EXISTING NON-AGRICULTURAL USES

Please list the type and extent of any existing non-agricultural uses currently found on the premises. Examples: Rental of shed 12' x 12' for furniture storage; office for trucking business; veterinary practice; etc. (Be as specific as possible.)

Below, draw a plan illustrating where the non-agricultural uses are located on the property. If you have a survey map of your property, then please use that map. The map does not have to be to scale.



ATTACHMENT C

SUBDIVISION OF THE PREMISES

A. Do the premises have preliminary or final subdivision approval?

_____ Preliminary _____ Final

What is the date of the municipality's subdivision approval resolution? _____

B. What is the date of the developer's agreement entered into between the landowner or contract purchaser and the municipality? _____

C. Date, book and page of the developer's agreement as filed: _____

D. Have there been any extensions applied for and granted by the municipality for the subdivision?

_____ Yes _____ No

If "Yes," date extension was granted: _____

E. Additional comments on the subdivision approval:

ATTACHMENT D

Page ___ of ___

EXCEPTIONS

An exception attachment must be completed for **EACH** exception being requested by the applicant. Copy this page as necessary for each exception.

Exceptions are those portions of the applicant's land holdings that are not to be encumbered by the deed restrictions.

A. Location of exception: _____

Identify the area of the requested exception on the tax map or a survey plat.

Block _____

Lot _____

B. Size of exception: _____ acres

C. Percent of total premises: _____ %

D. Landowner's reasons or purposes for exception:

E. Will the exception be able to be severed from the premises? In other words, could the exception area be sold separately from the preserved farm? ___ Yes ___ No

F. Does the size of the exception exceed local zoning requirements to construct one single-family residential dwelling? ___ Yes ___ No

If "Yes," then are you willing to restrict the exception to only one residential unit?
___ Yes ___ No

G. Do you agree to have Right-to-Farm language covering the exception?
___ Yes ___ No

BEFORE SUBMITTING YOUR APPLICATION, PLEASE CHECK TO BE SURE THAT ALL OF THE FOLLOWING INFORMATION IS ENCLOSED:

- _____ This completed Application to Sell a Development Easement.
- _____ A Tax Map with ALL your property outlined. A partial tax map is NOT acceptable.
- _____ An original USDA, Natural Resource Conservation Soil Survey Map with your property outlined. A partial map is NOT acceptable. Maps are available from the Bergen County Soil Conservation District at 201-261-4407.
- _____ An original 7.5-minute USGS topographic quad map with your property outlined. A partial map is NOT acceptable.
- _____ The Deed Book and Page Reference for all property included in this application.
- _____ The signatures of ALL property owners listed on the deed(s). If all property owners do not sign, or are not required to sign, then please submit a notification explaining why.
- _____ A current copy of your FA-1 Farmland Assessment Report(s) for each tax lot that is a part of this application.
- _____ A copy of your current Soil Conservation Plan, if applicable.
- _____ Three (3) complete application packets.

DELIVERY INSTRUCTIONS

Deliver your three (3) completed application packets to:

Robert A. Abbatomarco, Administrator
Bergen County Agriculture Development Board
c/o Bergen County Department of Planning & Economic Development
One Bergen County Plaza, 4th Floor
Hackensack, New Jersey 07601-7076
201-336-6446