

**BURLINGTON COUNTY FARMLAND PRESERVATION  
EASEMENT PURCHASE PROGRAM**

**APPLICATION FOR CONSIDERATION**

**Return this packet to: Farmland Preservation Program  
Burlington County Department of Resource Conservation  
P.O. Box 6000  
Mt. Holly, NJ 08060-6000**

If you have any questions about completing this document, please contact Farmland Preservation Program staff at the Department of Resource Conservation, (856) 642-3850.

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**Please provide the requested information for the Owner of the Farmland Property:**

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

Landowner Address: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ (Fax) \_\_\_\_\_

Landowner Telephone: (Day) \_\_\_\_\_ (Eve) \_\_\_\_\_

Address of Farm Location: \_\_\_\_\_

Applicant's Attorney: \_\_\_\_\_

Attorney's Telephone: \_\_\_\_\_ Attorney's Fax: \_\_\_\_\_

**Please provide the requested information for the person who should be contacted concerning this application – or – check here \_\_\_\_\_ if the Landowner is to be the Contact.**

Contact Name: \_\_\_\_\_

Contact Address: \_\_\_\_\_

Contact E-Mail Address: \_\_\_\_\_ (Fax) \_\_\_\_\_

Contact Telephone: (Day) \_\_\_\_\_ (Eve) \_\_\_\_\_

Contact's Relationship to Landowner: \_\_\_\_\_

**NOTE: Some questions require that your answer be provided on a separate sheet or that certain documents be provided. Attach additional sheets if the space provided for answering a question is insufficient. Failure to answer all questions or to provide all required information or documentation is grounds for rejection or may delay the County's consideration of the application. Use of "N/A" to answer a question is not acceptable. Use "Not Applicable" only when clearly appropriate. If you do not know the answer to a question, please write "Do Not Know".**

**IMPACT OF PROGRAM PARTICIPATION:**

Once the easement is sold, the Property will be restricted to agricultural use. This is defined as the use of land for common farmsite activities, including but not limited to: production, harvesting, storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. A copy of the deed restrictions that would be imposed is included in the information packet.

In addition, all development rights to the Property and the right to credits which have been or might be allocated to the Property by the Pinelands Commission or through an existing or future Transfer of Development Rights program ordinance will be conveyed to the County.

**I. GENERAL INFORMATION ABOUT THE FARM**

1.1. Name each parcel of land from which the development easement is to be sold. List each lot separately. These parcels, together, constitute the "Property" or the "farm" referred to in the rest of this form.

	<u>Township</u>	<u>Block</u>	<u>Lot</u>	<u># Acres</u>
a.	_____	_____	_____	_____
b.	_____	_____	_____	_____
c.	_____	_____	_____	_____
d.	_____	_____	_____	_____
			<b>Total:</b>	_____

1.2. Is all of the Property assessed as farmland?

Yes \_\_\_\_\_ No \_\_\_\_\_

\* Please submit the current Application for Farmland Assessment (Farm Tax Assessment Form).

\* Check here that the Farm Tax Assessment Form is attached: \_\_\_\_\_

\* If you checked "No" above, state which parcels are not assessed as farmland and state the tax classification for each (e.g., commercial, vacant, etc). NOTE: If the farm is *neither* farmland assessed *nor* eligible for farmland assessment, it is not eligible for this program.

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1.3. Indicate the source of the acreage stated in question 1.1, above:

\_\_\_ survey \_\_\_ tax map \_\_\_ deed \_\_\_ tax bill \_\_\_ other: \_\_\_\_\_

1.4. The County's practice is to consider an owner's lands, which may comprise multiple tax map parcels, as a single farm unit. As one farm it would be subject to one deed of easement, and once restricted, could not be sold as separate parcels. If the owner desires separate deeds of easement for different tax map parcels, please explain below. Requests for multiple deeds of easement are subject to County approval.

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1.5. State the year(s) (if any) in which a previous application was made to the Burlington County Farmland Preservation Program to sell the development rights to this Property:

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1.6. Name all roads on which the Property has frontage:

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1.7. Describe all bodies of water (streams, lakes, detention basins, creeks and drainage ditches) that are on the Property or are at the Property's border.

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\* **See section 9.4 which describes possible reductions that the County must make in calculating the number of net payable acres.**

1.8. Do you have a survey of all or any portion of the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please provide a copy of it. If you do not have a copy of the survey, please provide the name and telephone number of the surveyor:

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1.9. Has a wetlands delineation or assessment been made of all or any portion of the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please provide a copy of the delineation. Applicants may forward additional wetlands information with this application to supplement NJ Department of Environmental Protection digital resource map data, which will be used to determine the extent of wetlands on your property.

**1.10.** Have soil permeability or soil percolation tests been conducted on any portion of the Property?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" state the test date(s), the number of tests and the area(s) of the Property tested:

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**1.11.** Since the time that the current owners acquired title to the Property, has any portion of it been subdivided? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" provide a copy of the subdivision deed or filed plan.

**1.12.** Is any application for development of the Property (e.g., for subdivision or site plan approval) currently pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" provide a copy of the application, and when action on the application is anticipated. If an application for subdivision approval is pending please provide a copy of the plan.

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**1.13.** Are there any preliminary or final municipal approvals in place for development of all or a portion of the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" submit with this application a copy of the written letter(s) or resolution(s) which approve(s) the application.

**1.14.** Is all or any portion of the Property listed with a real estate broker or posted as for sale? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" provide a copy of the listing agreement.

**1.15.** Has sale of the Property been under negotiation within the last year? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" briefly describe the negotiations and their status. If a written offer has been made to purchase the property please provide a copy.

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**1.16.** Is the Property under agreement of sale or does any person have an option to purchase? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" attach a copy of the agreement to this application.

**1.17.** Is an application to preserve your property through another organization currently pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please indicate the organization and application date.

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1.18. To your knowledge has the Property ever been mined? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please describe.

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1.19. To your knowledge has topsoil ever been removed from any portion of the property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please provide details about the removal.

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1.20. **Other than typical farm fertilizers, pesticides & herbicides** describe all hazardous materials stored on the Property and their use, if any. "Hazardous material" means a substance named on DEP's "Unified Hazardous Substance List".

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1.21. To your knowledge has there ever been a spill of hazardous materials on the Property or has any hazardous material been buried or disposed of on the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes," please describe.

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1.22. Has an environmental assessment been done for any portion or all of the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please provide a copy of the assessment report.

1.23. Has any wastewater treatment plant sludge been applied to the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" state (a) who applied the sludge and (b) the number of times and dates it was applied.

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1.24. Has any wastewater treatment plant sludge-derived product been used as a fertilizer on the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" name the product and describe its use.

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1.25. If there are fuel storage tanks on the Property complete Attachment 1 to this application. If there are no fuel storage tanks on the Property check here:

\_\_\_\_\_ There are no fuel storage tanks on the Property.

1.26. Do high-tension electrical lines cross any portion of the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" name the tax map block and lot number on which they are located.

\_\_\_\_\_

1.27. Are there any underground gas pipelines on the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" name the tax map block and lot number on which they are located.

\_\_\_\_\_

1.28. Check if any of the following apply and describe below:

\_\_\_ The main residence on the Property was built prior to 1920, is in good condition and inhabited or is in habitable condition.

\_\_\_ There are multiple structures on the Property which are in good condition and have historic significance.

\_\_\_ One or more structures on the property is listed on the New Jersey Register of Historic Places.

\_\_\_ The product of the Property or farming methods is/are unique or unusual.

\_\_\_\_\_

\_\_\_\_\_

1.29 Do any encroachments from adjoining lots, that are not part of this application, exist on the farm (septic systems, wells) ? \_\_\_\_\_

**II. OWNERSHIP AND LEGAL MATTERS**

2.1. For each tax map parcel, provide the name and address of all persons who have an ownership interest in the Property. In addition, indicate the type of owner using the following letters:

A – Husband & Wife

B – Limited Liability Company

C – Single Person

D – A Corporation

E – A Business Partnership

F – An Estate

G – A Trust

H – Multiple Unrelated Persons

I – Multiple Related Persons (Please describe relationships between co-owners)

<u>Parcel Block &amp; Lot</u>	<u>Name &amp; Address:</u>	<u>Type of Owner</u> <u>(see letters above)</u>
a. _____	_____	_____
	_____	
b. _____	_____	_____
	_____	
c. _____	_____	_____
	_____	

**2.2** If a person named in response to question 2.1 above has a spouse who is not also named above, state his/her name and date of marriage here (even if the parties to the marriage are separated). Please note that all spouses **must** sign this application, even if they do not have a direct ownership interest in the Property.

Owner Name: \_\_\_\_\_ Name of Spouse, and Date of Marriage: \_\_\_\_\_  
a. \_\_\_\_\_  
b. \_\_\_\_\_

**2.3.** Report the date on which the current owners acquired title to the Property **and provide a copy of the deed(s)**. (If you do not have a copy of your deed, County staff may be able to help you obtain one.) If the owner acquired title through inheritance, provide a copy of the probated will and any court order applicable to the property.

Date title acquired: \_\_\_\_\_

**2.4. PLEASE PAY SPECIAL ATTENTION TO THIS SECTION:** Name each person/organization (other than the persons who hold title) who has a mortgage claim, farm lease, residential rental agreement, license, or financing statement for which the property is collateral.

**Check here if none:** \_\_\_\_\_

Name and Address:	Interest:
_____	_____
_____	_____
_____	_____

**2.5.** Which of the following Easements/Rights of Way exist on the farmland property? Check all that apply:

_____ Power Lines	_____ Road Rights of Way
_____ Water Lines	_____ Stream Corridor
_____ Telephone Lines	_____ Sewer
_____ Gas Lines	_____ Other, Explain: _____

**2.6.** Name each person/organization who has a right to use the property for any reason (e.g., utility easement, drainage easement, right-of-way).

**Check here if none:** \_\_\_\_\_

Name and Address:	Interest:
_____	_____
_____	_____
_____	_____

**2.7.** Other than zoning regulations, are there any restrictions on use of the property—whether pursuant to some agreement (written or oral), court order, deed or other document?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please describe the restrictions or provide a copy of the document(s) that imposes them.

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**2.8.** Are there any restrictions or conditions on the owner's right to sell a farmland easement to the County? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please describe the restrictions or provide a copy of the document(s) that imposes them.

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**2.9.** Is there litigation now pending that may have an impact on the ownership of the property, the size of the property or the use of the property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" describe the litigation on a sheet of paper attached to this application and check the following: Sheet/document is attached \_\_\_\_\_

**2.10.** Has any person threatened litigation against the owner or the Property within the six-month period preceding the date of this application? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" explain the circumstances on a separate sheet of paper and check the following: Sheet/document is attached \_\_\_\_\_

**2.11.** Does the owner intend to sue any person within the next year over any issue concerning ownership or use of the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" explain the circumstances on a separate sheet of paper and check the following: Sheet / document is attached \_\_\_\_\_

**2.12.** Does the owner have any reason to believe that any person intends to sue him/her within the next year over any issue concerning ownership or use of the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" explain the circumstances on a separate sheet of paper and check the following: Sheet / document is attached \_\_\_\_\_

**2.13.** Do you have a title insurance policy on all or any part of the Property?  
Yes: All \_\_\_\_\_ Part \_\_\_\_\_ No \_\_\_\_\_

If Yes, please provide a copy of your policy and check the following: title policy is attached \_\_\_\_\_.

**III. AGRICULTURAL USE OF PROPERTY**

3.1. Describe the agricultural products produced on the Property over the year preceding the date of this application, including the number of acres dedicated to each product (e.g., Soybeans, 45 acres; Corn, 100 acres; Christmas Trees, 30 acres; etc.).

<u>Product</u>	<u>Acres</u>
_____	_____
_____	_____
_____	_____
_____	_____

3.2. Does the farm have a Farm Conservation Plan approved by the Burlington County Soil Conservation District? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" provide a copy of the plan with this application.

3.3. Are any of the owners of the property full-time farmers? (He/she farms the property and does not have another regular, non-agricultural job) Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, Name of owner/farmer: \_\_\_\_\_

3.4. Is part or all of the Property managed or farmed by any person(s) other than the owners? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" provide the following information:

<u>Name</u>	<u>Address</u>	<u>Phone #</u>	<u>Acres</u>
_____	_____	_____	_____

Is there a written agreement with this person? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", is it for farming or managing the property? \_\_\_\_\_

3.5. Is there any plan to use the Property differently from how it has been used over the last year? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, describe what changes are contemplated:

\_\_\_\_\_  
\_\_\_\_\_

3.6. Does the Owner of the Property own other lands which (a) are in agricultural use and (b) are adjacent to the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" describe the other lands by municipality and tax map lot and block number.

\_\_\_\_\_  
\_\_\_\_\_

3.7. Is there a farm market on the Property? Yes \_\_\_ No \_\_\_

If "Yes" check the following applicable items:

- \_\_\_ market operates from a permanent structure
- \_\_\_ market operates from a temporary structure
- \_\_\_ market operates year-round
- \_\_\_ market operates only a portion of the year: from \_\_\_\_\_ to \_\_\_\_\_ (indicate months)
- \_\_\_ only crops grown on the farm are sold from the market
- \_\_\_ only produce (food and/or flowers) is sold
- \_\_\_ non-agricultural products are sold from the market
- \_\_\_ the market is run by the owner and owner's employees or family members
- \_\_\_ the market is run by someone other than the owner

3.8. Has the Property ever been used as a dump site or has there ever been a landfill on the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please describe the location, size and nature of the dump site/landfill and state the approximate dates of its use.

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3.9. Is there a "farm dump" or any trash or debris on the Property?

Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" please estimate the location and amount of area that is covered and describe the debris (e.g., household waste, old farm equipment, tires, unusable farm equipment, etc.)

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#### **IV. STRUCTURES ON THE PROPERTY**

4.1. **Residences:** For each building on the Property that has human occupants, provide the information requested below. Be careful to list **every** residential unit.

***If there are no residential structures on the farm, check here:*** \_\_\_\_\_

	Unit Type *	Location (Block & Lot)	# of Residents	Interest of Residents **	Is this structure the Primary Residence?	Is this structure for Agriculture-Labor Housing?	Is this structure under a lease or rental agreement?
1					Yes / No	Yes / No	Yes / No
2					Yes / No	Yes / No	Yes / No
3					Yes / No	Yes / No	Yes / No
4					Yes / No	Yes / No	Yes / No

\* For "**Unit Type**" state: F/H for standard single family residence/farmhouse; SF/APT for single family residence with an apartment; DUP for duplex; DORM for dormitory; M/F for manufactured home with permanent foundation; M/H for manufactured home without foundation; A/L for ag-labor housing; APT for apartment; O for other

\*\* For "**Interest of Residents**" state: "owner" for owner and his/her immediate family; "relative(s)" for family members other than the owner; "mgmt" for the farm operator, "ag labor" for agricultural labor housed on the property; "tenant" for residential renter not related to the farm operation.

4.2. If anyone rents a residence on the property, does a written lease exist? Yes \_\_\_\_\_ No \_\_\_\_\_

4.3. Is there any building on the Property that was built for human habitation but is not currently in use? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, describe each briefly and state why it is not in use.

Block/Lot	Building	Reason for nonuse
_____	_____	_____
_____	_____	_____

4.4. Are there any visible remnants of former residential or farm buildings on the Property? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes" describe the Block/Lot site of the remnant(s), the number of buildings indicated by remnants and their former use (if known):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4.5 **Other improvements and/or structures** on the Property (e.g. barns, drainage facilities, irrigation systems, etc.) Describe every improvement below. Include the number of each, if applicable.

**If there are no other improvements and/or structures check here:** \_\_\_\_\_

Structure *	Location (Block & Lot)	Is this structure used for an Agricultural use?	Is this structure under a lease or rental agreement?

\* **Structures** = Barn, Garage, Stable, Shed, Silo, **or** Other - describe (e.g. drainage facilities, irrigation systems, etc.)

4.6. Describe all agricultural structures and equipment (e.g. barns, sheds, silo facilities, irrigation systems, tractors, etc.) that are on the Property but no longer in use.

*If all agricultural structures and equipment are in use check here: \_\_\_\_\_*

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**V. NON-AGRICULTURAL USE OF THE PROPERTY**

5.1. Describe all uses of the Property that are not related to agriculture and are now in operation (e.g., business office, home occupation, mining, sales of products other than from a farm market, etc.) Include the rental of any building for non-agricultural purposes. State where they are located on the Property and the approximate area (acreage or square feet) devoted to the operation/use.

*Check here if there are **NO** non-agricultural uses on the property \_\_\_\_\_*

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5.2. State the approximate date on which the non-agricultural use of the Property began.

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5.3. Name the person(s) who engage(s) in the non-agricultural use.

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5.4. Note the size and extent of use of any structure utilized for a non-agricultural use.

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5.5. Does the non-agricultural use involve a lease with another party? Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, identify the individual or entity leasing the structure and the type of business or operation.

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## **VI. EXCLUSIONS FROM EASEMENT RESTRICTIONS (Subdivisions & Exceptions)**

***Note:*** Please refer to the enclosed documents entitled "Housing Opportunities and Exceptions from Deed of Easement Restrictions" and "Burlington County Agriculture Development Board Exceptions Policy" for further information on this aspect of the application. **Please feel free to contact staff if you wish to discuss how you might answer questions in this Section and Section VII.**

This application is for the purpose of restricting all of the Property to agricultural use. If the applicant wants to exclude any portion of the Property from the deed of easement restrictions County approval must be obtained. The owner may apply to subdivide a portion of the Property, or the owner may request that a small portion of the Property be "excepted" from the application, meaning that it would remain a part of the existing tax map parcel, but would not be subject to standard easement restrictions. (Both options may be available.) **Because subdivided or excepted areas are not subject to the standard easement restrictions, the landowner is not paid for the acreage contained within the subdivided or excepted area.** The County's approval of an owner's request for either a subdivision or an "exception", however, is contingent on the owner's execution of "Right to Farm" - type language. For subdivisions, this language is to be included in the deed finalizing the subdivision. For exception areas, the text is included in the preservation deed of easement.

The purpose of applying for a **Subdivision** is to assure your ability to convey the title of the subdivided portion of the property independent of the rest of the farm. For example, a landowner may wish to subdivide off an existing house that is owned by or intended for a family member, or subdivide off a portion of the property that is used for non-agricultural purposes that the landowner expects to expand in the future (antique shop, veterinary practice, etc.).

The purpose of applying for an **Exception** is to assure that a portion of the farm is not subject to the farmland preservation program restrictions, thereby providing some degree of flexibility in future use as deemed necessary by the farm owner. For example, a landowner may wish to request an exception in order to provide the opportunity to build a future house (particularly if the property does not qualify for a residential dwelling site opportunity [RDSO] as described in section VII), or to allow existing buildings to be used for non-agricultural uses in the future (e.g. bed & breakfasts, repair shops, vehicle storage, home-office or business, etc.) or to create an area for a future farm market operation.

Neither an owner's proposal to subdivide acreage or to have a portion of the Property excluded from the standard restrictions will be granted if the County determines that the subdivision or exception would adversely affect the agricultural operation, the remaining property would not qualify for the County's Farmland Preservation Program, or if the County sees no public benefit from preserving the balance of the Property.

If the County approves subdivision of land from the Property, the applicant is required to bear all costs to secure municipal and County planning board (if applicable) approval of the subdivision. The County will specify a deadline for the owner to submit evidence of municipal and County planning board approval of the subdivision. The County will not complete the farmland easement purchase until the subdivision has been finalized.

If the County agrees to except a portion of the Property from the standard restrictions to be imposed by the deed of easement, certain conditions to that approval will be imposed. At a minimum, use of the exception area may not hinder, impinge upon or adversely affect the deed-restricted portion of the Property. Exception areas may not be subdivided or sold separately.

The location of the area proposed to be "Excepted" or Subdivided from the farm must be established prior to the time the County hires an appraiser to appraise the Property.

Please report below if you wish to (a) subdivide a portion of the Property for the purpose of excluding it from this application or (b) "Except" any portion of the Property from the standard deed of easement restrictions. State the number of acres you want Subdivided and/or "Excepted" and submit with this application form a copy of the tax map sheet or a survey or other accurate representation of the property boundaries on which you have indicated its approximate location, size, and shape. IF A MAP IS NOT INCLUDED WITH A SUBDIVISION/EXCEPTION REQUEST, THE APPLICATION MAY BE DEEMED INCOMPLETE.

**6.1. Subdivisions:**

I do NOT wish to subdivide any portion of the property: \_\_\_\_\_

I DO wish to subdivide a portion of the property: \_\_\_\_\_

Number of acres you wish to subdivide: \_\_\_\_\_

Reason for the requested subdivision:

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**6.2. Exceptions:**

I do NOT wish to except any portion of the property: \_\_\_\_\_

I DO wish to apply for an exception: \_\_\_\_\_

Number of acres you wish to except: \_\_\_\_\_

Reason for the requested exception:

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**VII. RESIDUAL DWELLING SITE OPPORTUNITIES**

**Note:** Again, please refer to the enclosed document entitled "Housing Opportunities and Exceptions from Deed of Easement Restrictions" for more information on this aspect of the application.

Applicants may request the award of one or more Residual Dwelling Site Opportunities (called RDSOs). An RDSO is the opportunity (not an unconditional right) to construct a residential unit and related structures after the Property has been restricted by deed to agricultural use.

A minimum land area of at least **100 acres** is required for **each RDSO**; however, decisions on requests for RDSOs will take into account the number of existing residential buildings on the Property and the physical characteristics of the Property.

**7.1. RDSO:**

I do NOT wish to request an RDSO: \_\_\_\_\_

I DO wish to request one or more RDSOs: \_\_\_\_\_

State the number of RDSOs you are requesting: \_\_\_\_\_

## **VIII. COUNTY POLICIES CONCERNING PAYMENT FOR EASEMENT PURCHASES**

The County has adopted a policy for the method by which it pays for farmland preservation easement purchases. That policy is described in a two-page form titled "Payment Policy for Farmland Easement Purchases" provided with this application.

Farmland preservation easements are purchased with funds provided by the State, the County of Burlington, and the municipality in which the property is located. Not all municipalities in Burlington County, however, have funds available to contribute to the cost of purchasing a farmland preservation development easement.

- 8.1. If the municipality in which the Property is located is not willing to contribute towards the purchase of your development rights are you willing to consider donating the municipality's share (up to 20 percent of the easement cost)? Yes: \_\_\_\_\_ No: \_\_\_\_\_

**Note: The County reserves the right to reject this application if you answer other than "Yes".**

## **IX. TERMS AND CONDITIONS OF THIS APPLICATION**

- 9.1. An applicant may not begin a new non-agricultural use on the farm or expand the scope of any non-agricultural use that is being made of the Property at the time the application is submitted to the County. "Expansion" of a nonagricultural use includes, but is not limited to, using more acreage on the Property or increasing the intensity of the use.
- 9.2. Development of all or any part of the Property for non-agricultural use or changes to the Property that impact on the agricultural use of the Property (e.g., removal of topsoil) during the time that this application is pending may result in disqualification of the application.
- 9.3. All persons signing this application agree to cooperate in the review of this application and to provide such additional information and documents which the County deems necessary. Submission of this application shall authorize the County Agriculture Development Board (CADB), the State Agriculture Development Committee (SADC), the Garden State Preservation Trust, the State Transfer of Development Rights Bank and their servants, agents and contractors (including consultants conducting a wetlands assessment and septic suitability analysis and real estate appraisers) to come onto the Property during regular business hours on reasonable prior notice at any time while the application is pending.
- 9.4. County Exclusions from the Farmland Easement. The County reserves the right to except from the deed of easement portions of the Property which it believes should not be restricted to agricultural use. These exclusions include existing and proposed road rights-of-way and projected improvements to county, state and municipal roads and highways, existing or proposed drainage facilities and land needed for the construction of facilities for improvements to roadway intersections and bridges. In compliance with State policy, the County does not pay for any portion of the Property's boundary that is within a permanent water body. These exceptions would reduce the total net acreage of the easement, and therefore the purchase price paid by the County.
- 9.5. Selection of the farms to be processed for purchase will be made through use of a ranking system and other policies adopted by the County. The applicant agrees that he/she/it shall have no claim against the County in the event that this application is not selected for the program.

Successful applicants whose farms are to be appraised will be required to comply with terms of this application and conditions of approval.

- 9.6. The County reserves the right to require that multiple applications submitted for multiple tax map parcels be consolidated as a single application or to require that a single application submitted on multiple tax map parcels be divided into multiple applications.
- 9.7. If the County has accepted an application consisting of multiple tax map parcels that the applicant wants considered together, the owner may not sell less than all of the tax map parcels during the time that the application is pending. This prohibition continues in effect until a contract for the sale of the development easement is signed. Once a contract has been signed, sale of the Property or any part of it requires County approval.
- 9.8. The County may require that waste or trash on the property be removed as a condition to the County's purchase.

## **X. ACKNOWLEDGMENTS AND AUTHORIZATIONS**

- 10.1. Since the purpose of the program is to permanently restrict land to agricultural use, it is recommended that the owner consult with an attorney to learn how this restriction could affect him/her. In addition, the owner may be liable to the County for damages if he/she violates the terms and conditions of this application. The Burlington County Bar Association has a lawyer referral service which can provide you with names of attorneys who might assist you. The Bar Association telephone number is (609) 261-4862. Applicants' signatures on this application shall constitute an acknowledgment that they have been advised that they have the right to consult with an attorney with respect to this matter.
- 10.2. The purpose of this program is to preserve, conserve and protect agricultural lands. **The owners hereby covenant and agree that if their application is selected for potential purchase they will continue the Property in agricultural use during the time that this application is pending for a maximum of nine months.** The applicants hereby covenant and agree that any sale of the Property during the time that the application is pending shall be made subject to this application and the purchaser shall be substituted for the applicant. In the event that the purchaser of the Property declines to proceed with the application the applicant shall be responsible for and agrees to pay the County the costs incurred to assess the wetlands and appraise the Property's development rights.
- 10.3. If the sale of the development rights/development easement on this Property does not occur because of the owner's dissatisfaction with the per-acre purchase price, or other conditions of the County's offer, the Property owner(s) will be ineligible to apply to this program for this Property for a period of two years from the date of the application.
- 10.4. The current deed of easement form which has been approved by the State Agriculture Development Committee is included in the information packet. The actual form of the deed which will be used for this program may be different, but is not expected to be significantly different.
- 10.5. Applicant(s)'s signature(s) on this application shall authorize the Burlington County Farmland Preservation Board, the Burlington County Board of Chosen Freeholders, State Agriculture Development Committee, Garden State Preservation Trust, and State Transfer of Development Rights Bank to review, investigate, process, and consider this application. The County will not engage in studies of the farm that may interfere with the owner's use of the farm without the Owner's approval.

## **XI. CONSEQUENCES OF VIOLATING CONDITIONS OF APPLICATION**

Failure to file all approvals within the time specified by the County may delay the County's consideration of the application or result in rejection of the application.

Applicants understand that this application may be disqualified in the event that it is found that an applicant has willfully provided false or misleading information or violated any term or condition of this Application.

If the application is disqualified for violation of any term or condition of this agreement and the County has incurred land studies or appraisal costs, the owner shall be liable to pay the County the costs it has incurred.

The owners will be responsible for the County's costs in processing this application if the owner withdraws the application after the County has incurred costs or if the Property is sold for other than agricultural use or is put to nonagricultural use prior to the time that an easement value is established for the Property.

## **XII. DOCUMENTS TO BE PROVIDED WITH APPLICATION**

- 12.1.** The Property owner is responsible for obtaining from all persons holding a mortgage or other claim against the Property written approval of the owner's application to sell a development easement and commitment to subordinate the mortgage or lien to the deed of easement. The owner is responsible for providing a completed Secured Creditor Notification Form with application and the Lienholder Commitment Form at time of contract with the County. If the landowner experiences difficulty obtaining approval from a Lienholder, County farmland preservation staff are available to speak with the Lienholder and answer questions regarding the impact of the potential easement sale
- 12.2.** If the Owner is a Corporation, the following are to be provided with the completed application:
- (a) A corporate resolution authorizing submission of this application and its execution by a corporate officer or the corporation's attorney;
  - (b) Copy of corporate charter; and
  - (c) Copy of corporate bylaws.
  - (d) Name of President: \_\_\_\_\_
  - (e) Name of Chief Executive Officer: \_\_\_\_\_
  - (f) Name of Secretary: \_\_\_\_\_
- 12.3.** If the Owner is an Estate provide copies of the following with the completed application:
- (a) Complaint to admit will to probate
  - (b) Will accepted to probate
  - (c) Any orders by the Surrogate or the court pertaining to the Estate
- 12.4.** If the Owner is a Partnership provide the following with the completed application:
- (a) Partnership agreement
  - (b) State certification of registration.
- 12.5.** If the Owner is a Limited Liability Company provide the following with the completed application:
- (a) Management agreement
  - (b) State certification of registration.

**APPLICATION FOR CONSIDERATION**  
**BURLINGTON COUNTY FARMLAND PRESERVATION PROGRAM**

**CERTIFICATIONS AND ACKNOWLEDGMENTS**

1. I (we) hereby certify that the information provided in this application is true.
2. I (we) covenant, promise and agree that if any facts, circumstances or conditions change that would make any of the answers to the questions or information provided in or with this application to not be true I (we) am/are obligated to immediately report the change to the County in writing.
3. I (we) understand that if any false information has been provided in or with this application or if I (we) fail to correct any information or facts that change while this application is pending and the County determines to reject this application as a result thereof I (we) shall be responsible to pay the County for the costs incurred by the County in processing this application including, but not limited to, the costs of appraisals and other studies of the property. In addition, the County may declare the applicant ineligible to file any new application for farmland preservation with the County.
4. I (we) acknowledge that I (we) have had the opportunity to review the deed of easement form prescribed by the State. I (we) agree that I (we) shall have no right to withdraw this application because of any objection to the language of that document.
5. This application is binding on me (us) and on my (our) heirs, successors, administrators, representatives and assigns.

All current owners of the Property must sign below. If the owner or part owner of the Property is a partnership, all partners must sign below. If the Property is owned by an Estate each co-executor or co-administrator must sign below.

<b><i>Name (typed or printed)</i></b>	<b><i>Signature</i></b>	<b><i>Date</i></b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Checklist for a Complete Application:**

- \_\_\_\_\_ ALL questions in the application and attachment have been answered.
- \_\_\_\_\_ ALL documents that the application requires to be provided are enclosed with the Application.
- \_\_\_\_\_ ALL of the property's owners have signed this form.

**APPLICATION FOR CONSIDERATION**  
**BURLINGTON COUNTY FARMLAND PRESERVATION PROGRAM**

**ATTACHMENT 1 - FUEL STORAGE TANKS ON THE PROPERTY**

Provide the information requested below for each tank.

A. Underground tanks:

Size (capacity)	Contents	Location	Purpose
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Above-ground storage tanks:

Size (capacity)	Contents	Location	Purpose
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____