

**ORDINANCE NO.: 15-03**  
**INTRODUCTION DATE: 03-04-15**  
**ADOPTION DATE: 04-01-15**

**ORDINANCE AUTHORIZING PURCHASE OF DEVELOPMENT RIGHTS FOR  
BLOCK 35, LOT 2**

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**BE IT ORDAINED** by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey as follows:

**I**

**WHEREAS**, the voters of the Township of Millstone adopted, by referendum, a special tax to be set aside for the purpose of purchasing open space and farmland; and

**WHEREAS**, the Millstone Township Open Space and Farmland Preservation Council has reviewed and ranked various undeveloped parcels of land within the Township which are desirable for being purchased for open space or farmland preservation purposes; and

**WHEREAS**, the Township Committee of the Township of Millstone (“Township Committee”) reviews applications for the purchase of development easements as a condition for receiving State Agriculture Development Committee (“SADC”) grant funds; and

**WHEREAS**, the Township Committee is aware of the future restrictions on property protected from development as a result of the purchase of development easements in accordance with the Right to Farm Act and the Agriculture Retention and Development Act; and

**WHEREAS**, Block 35, Lot 2 located within the Township, owned by the Estate of Joyce Kaut and consisting of approximately 55 ± acres, pending easement survey, achieved a high ranking by the Open Space and Farmland Preservation Council; and

**WHEREAS**, the Township has received independent appraisals for the property, that were submitted to the SADC for review and received a Certified Market Value (CMV) from the SADC review appraiser. The property owner was made an offer based on the CMV and

has accepted the offer; and

**WHEREAS**, it is the opinion of the Township Committee that the purchase of the development rights of the property will further its aims and objectives in setting aside farmland to assist in preserving the quality of life within the Township; and

**WHEREAS**, the Township Committee finds the following:

1. Purchase price of the development easement will be \$13,350 per acre for an estimated total consideration of \$734,250. The CMV for the easement was determined to be \$13,350 per acre.

2. Millstone Township's expected cost share will be \$2,136 per acre.

3. Monmouth County's expected cost share will be \$3,204 per acre.

4. SADC's expected cost share will be \$8,010 per acre.

5. No installment purchase is anticipated.

6. Zero single-family residences will be designated in the deed.

7. One 1.5 acre non-severable exception is being requested for the farm that will contain the only existing residence on the property.

8. No Residential Dwelling Site Opportunities.

9. Zero agricultural labor housing units will be designated.

10. No non-agricultural uses outside the exception area.

11. There are no pre-existing or proposed trail or access easements.

12. The parties anticipate using a portion of Millstone Township's FY2009 and FY2011 Municipal Planning Incentive Grant for the easement purchase.

13. Federal funds have not been requested; and

**WHEREAS**, the Township intends to assign the development easement to the SADC and/or the Monmouth County Agriculture Development Board ("MCADB");

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Millstone as follows:

1. The Mayor and Township Clerk are hereby authorized to execute a Contract of Sale, which provides that on or before closing of title the Township receives the County and SADC

funding, as well as any and all other documents necessary to effect the purchase of the development rights of the above described property, said documents to be consistent with the requirements of the SADC and/or the MCADB.

2. The tax revenues generated by the Township for the purpose of preserving farmland will be made available to assist in the purchase of the development easement.

3. The Township Attorney and other municipal officials are hereby authorized to undertake any and all acts reasonably necessary to effect the purchase of the development rights of the above described property and to receive maximum reimbursement from the State of New Jersey and the County of Monmouth through the Farmland Preservation Program.

## II

Since this Ordinance is not legislative in nature, it need not be codified in the “Revised General Ordinances of the Township of Millstone.”

## III

This Ordinance shall take effect upon adoption and publication according to law.

**EXPLANATORY STATEMENT:** This Ordinance provides for the purchase by the Township of Millstone of the development rights on property known as Block 35, Lot 2, owned by the Estate of Joyce Kaut.