

Millstone Township

Farmland Preservation Process

Overview

The Farmland Preservation Program is administered by the State Agriculture Development Committee (SADC), which provides grants to County Agriculture Development Boards, municipalities and nonprofit organizations for the preservation of farmland (www.nj.gov/agriculture/sadc). The farmland preservation planning incentive grant program has been established in the SADC under N.J.A.C. 4:1C-43.1. Land in Millstone Township is eligible for the Farmland Preservation Program if it meets the SADC's minimum eligibility criteria (See SADC regulation N.J.A.C.2:76-6.20) and is eligible for farmland tax assessment. The farm must also be located in an Agriculture Development Area (ADA) as designated by the Monmouth County Agriculture Development Board (MCADB) and must be a "targeted farm" in the Monmouth County Farmland Preservation Plan (<http://co.monmouth.nj.us/documents/24%5C2008%20Farmland%20Preservation%20Plan.pdf>) and the Millstone Township Comprehensive Farmland Preservation Plan (www.nj.gov/agriculture/sadc/home/genpub/comprehensiveplans.html). The Monmouth County Farmland Preservation Program is designed to preserve Monmouth County's remaining farmland and maintain a viable agriculture industry.

The submission of a farmland preservation application does not guarantee the preservation of a farm. Numerous factors are considered when selecting a farm for preservation including but not limited to the availability of State and County funding, the size of the farm, tillable acreage and proximity to other deed restricted properties.

Farmland Preservation Application Process

- In order to apply for farmland preservation on any farm, the farm must be in an agricultural development area designated by Monmouth County. The farm must also be listed as a "targeted farm" in both the County's and the Township's Farmland Preservation Plans. If the farm is not included on the "targeted farm" lists for the County and the Township, the list can be updated to include the farm, but this may cause a delay in the preservation process.
- A property owner interested in farmland preservation completes an application which is available from the Open Space and Farmland Preservation (OSFP) and Agricultural Advisory (AG) Councils' Secretary (Attachment 1).
- The Ag/OSFP Secretary will forward the completed application, along with the most recent approved farmland assessment form(s) for the designated properties and a copy of the tax map showing the block(s), lot(s) and acreage to the Municipal Planning Incentive Grant (MPIG) Administrator for review.
- The MPIG Administrator will present the application to the Ag Council and OSFP Council members during executive session of the next Ag Council meeting and the next OSFP Council meeting. Each of the Councils, Agricultural Advisory and Open Space and Farmland Preservation, will review the application and determine if the property has development potential. If there is no development potential, the application will be held for potential Green Acres acquisition only.

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- If the property has development potential, a member of the site assessment team, which is comprised of the Agricultural Advisory Council Chairperson and representatives from the Ag and OSFP Councils, will contact the property owner to arrange a **site assessment** visit. The property owner must be present during the site assessment.
- The site assessment team will complete an assessment form and present results to their respective Councils during executive session of the next Ag and OSFP Council meetings, respectively.
- All pending farmland preservation applications that have completed site assessment forms will be reviewed jointly and ranked by both the Ag and OSFP Councils when funding becomes available from the State and/or County. Ranking is based on a variety of factors including, but not limited to, available funding, site assessment score and proximity to other deed restricted properties. The Township follows the SADC ranking criteria for evaluating development easement applications established under N.J.A.C. 2:76-6.16 & SADC P-14E.
- The MPIG Administrator will present information on farms that receive a high ranking from the Ag and OSFP Councils to potential funding partners such as the State Agriculture Development Committee (SADC), the Monmouth County Agriculture Development Board (MCADB) and the Monmouth Conservation Foundation (MCF).
- The MPIG Administrator will present the application to the Township Committee (TC) for consideration during executive session of the Township Committee meeting.
- Upon approval of the TC to move forward with the application, the Chairperson of the Agricultural Advisory Council will sign the Affidavit of Municipal Agricultural Advisory Committee Verification form in the presence of a Notary Public.

Option Agreement and Appraisal of Property

- Upon approval of the TC to move forward, the Township Attorney will prepare an **Option Agreement with Right of First Refusal**, which the property owner will be asked to review and sign.
- Upon full execution of the Option Agreement with Right of First Refusal, the MPIG Administrator will apply for SADC green light approval.
- Upon SADC green light approval, the Ag/OSFP Council Secretary will solicit bids from SADC approved appraisers for a complete property appraisal.
- Appraisal bid responses will be presented to the Township Committee. The TC must adopt a resolution awarding contracts to two separate SADC approved appraisers. The Ag/OSFP Council Secretary will notify appraisers who submitted bids regarding the outcome of the bid process. Sealed copies of the adopted resolution will be sent to the appraisers that are awarded the contracts.
- The Township Engineer will provide a build-out analysis of the property.
- Arrangements will be made with the property owner for a pre-appraisal site visit with the appraisers. Representatives from Millstone Township, the SADC, the MCADB or any other funding partner may be invited to attend the pre-appraisal site visit.

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- The appraisers are usually given 30 to 90 days, from the date of the resolution awarding contract, to complete the property appraisal.
- When the completed appraisals are received, the Secretary will distribute copies to the MPIG Administrator and the MCADB. Upon completion of MCADB review, the appraisals will be sent to the SADC.
- The SADC review appraiser will determine the property's certified market value (CMV).
- The MPIG Administrator will present the property's CMV to the Township Committee during executive session. The TC must authorize a purchase offer to the property owner via resolution.

Offer Meeting and Purchase of Development Easement

- An offer meeting will be arranged with the property owner by the MPIG Administrator. The property owner will be provided the opportunity to review the appraisals.
- The CMV will be presented to the property owner during the offer meeting. The property owner will be given 60 days to respond to the offer.
- Upon acceptance of the offer, the Township Attorney will prepare a ***Contract for Sale of Real Estate*** between the property owner (seller) and the Township (buyer).
- Upon execution of the contract, the Township Committee will introduce and adopt an Ordinance authorizing the purchase of the development easement.
- The MCADB will adopt a resolution granting final approval for the purchase of the development easement.
- The Monmouth County Board of Chosen Freeholders will adopt a resolution authorizing cost sharing for a development easement by the MCADB.
- The SADC will adopt a resolution granting final approval to provide a cost share grant to the Township.

Survey and Title Search

- Upon adoption of the Township's Ordinance authorizing the purchase of the development easement, the Ag/OSFP Council Secretary will solicit bids for a survey with metes and bounds description of the property.
- Survey bid responses will be presented to the Township Committee during executive session. The TC will adopt a resolution awarding the survey contract.
- The Ag/OSFP Council Secretary will notify survey companies regarding the outcome of the bid process. A sealed copy of the adopted resolution awarding the contract will be sent to the survey company that was awarded the contract.
- The Township Attorney will order the title search.
- The MPIG Administrator will schedule a survey site meeting with the land owner, the surveyor and representatives from the Township and the County.
- The surveyor will provide a draft of the survey to the Township and County for review.
- Upon approval of the draft survey from the Township and County, the surveyor will provide sealed copies of the survey to the Township for the property closing.

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Closing

- Upon acceptance or remediation of any and all issues resulting from the survey and title search, the project will move to closing.
- The MCADB attorney's office will arrange and execute the property closing.

Last update: 01/29/16