

MERCER COUNTY AGRICULTURAL DEVELOPMENT BOARD

DEED OF EASEMENT VIOLATION POLICY

Purpose:

To establish a process enabling the Mercer County Agricultural Development Board (CADB) to enforce the Deed of Easement restrictions in place on preserved farmlands.

The intent of the CADB is to prevent violations of Deed of Easement restrictions. Therefore, the CADB has established a process to enforce the restrictions of the Deed of Easement on preserved farmland.

POLICY:

Once a possible violation has been identified by the CADB, through its staff or an administrator, the following process will be initiated:

1. The CADB administrator will first contact the landowner by phone to discuss the possible Deed violation and will then send a letter to memorialize the conversation.

2. Within ten (10) days of being contacted by the CADB administrator, the landowner shall provide an explanation to the CADB concerning the possible Deed violation. If the violation is not a temporary situation that can be summarily remedied to the satisfaction of the CADB, further action shall be taken.

3. A letter will be mailed, certified mail, return receipt requested, which notifies the property owner of all violations cited that require remediation. The owner of the property will then have thirty (30) days from receipt of the letter to remedy and/or remove the violation(s) or further action will be taken. The landowner may request a meeting with the CADB or staff to discuss the matter, however such meeting must be requested by the landowner and scheduled promptly following receipt of the letter.

4. At the end of the thirty (30) day period, the CADB, through staff or its administrator, will conduct a site inspection. If any violation(s) exist (new or remaining) the CADB will notify the Zoning Office and/or other appropriate officials of the municipality in which the property is located advising that the property owner may be in violation of municipal ordinances, and requesting the Zoning Officer to enforce all applicable municipal ordinances. In addition, any applicable Federal or state agency may be notified, if appropriate.

5. The CADB may pursue all remedies available to enforce the Deed of Easement including those contained in Paragraph 16 of the Deed of Easement, which states, the CADB:

“may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition.” Further, the CADB does “not waive or forfeit the right to take any other legal action necessary to ensure compliance with the terms, conditions, and purpose of the Deed of Easement by a prior failure to act.”

Date adopted: June 1, 2020