



DEED OF EASEMENT VIOLATIONS

Purpose:

To establish a process enabling the Morris County Agriculture Development Board (CADB) to enforce the deed of easement restrictions in place on all preserved farmland.

The CADB’s intent 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, the following process will be initiated:

1. Within 10 days of being contacted by the CADB, 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, further action shall be taken.
2. A letter will be mailed, certified mail, return receipt requested which notifies the property owner of all violations cited that require immediate remediation. The owner of the property will then have 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.
3. At the end of the 30-day period the CADB will conduct a site inspection. If any violation(s) exist (new or remaining) the CADB will notify the Zoning Officer and/or other appropriate officials of the property owner’s municipality advising that the property owner has been in violation of a municipal ordinance, and requesting the Zoning Officer enforce all applicable municipal ordinances. If the violation does not involve a violation of municipal ordinances, the appropriate Federal or State agency will be notified.
4. 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 insure compliance with the terms, conditions, and purpose of (the) Deed of Easement by a prior failure to act.”

Adopted:	Effective:	Revision #:	Last Revised:
12-12-02	12-12-02		