

STATE AGRICULTURE DEVELOPMENT COMMITTEE

POLICY

PROPERTY SURVEYS

I. Purpose

Once a landowner has accepted the board's offer to purchase a development easement under the provisions of the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32, the board shall authorize a survey to be conducted on the subject land. The purpose of this survey is to assure that the metes and bounds description of the property as described in the existing deeds is accurate. In some instances, the survey will identify discrepancies such as unrecorded easements, deed gores, and deed overlaps.

Since the development easement will be purchased with state and county monies, it would be in the county's and state's best interest to confirm the boundaries of the property at the time of acquisition.

II. Authority

N.J.S.A. 4:1C-11 et seq., P.L. 1983, C.32
N.J.A.C. 2:76-6.13 (b)

III. Supersedes

Policy - Property Surveys dated 1/24/85 P-3
Property Surveys dated 7/25/85 P-3-A

IV. Policy

1. Upon a commitment to purchase a development easement, the board shall be responsible for contracting with an authorized licensed **surveyor** to conduct a property survey on the lands where a development easement will be acquired. The resultant legal description of the lands shall be a "metes and bounds" description developed through a property survey confirmed and certified by a licensed **surveyor**. The survey shall be sufficient for purposes of obtaining an insured title search as required by N.J.A.C. 2:76-6.13.

2. The board shall adhere to county procedures for contracting with the licensed **surveyor** and require compliance with all county requirements of accuracy standards for completing the survey.

Counties are encouraged to utilize the Survey Standards and Specifications adopted by the State Agriculture Development Committee. These standards and specifications were developed from the NJ Department of Environmental Protection, Green Acres Program. Most importantly, the standards direct the surveyor to utilize the NJ Plane Coordinate System as the basis for preparing the survey.

Geographic Information Systems which utilize survey data based on NJ Plane Coordinates produce more accurate maps.

3. The licensed **surveyor** shall be responsible for certifying to the board that the determination of the legal description of the property was conducted in the accordance with contractual terms. The Committee recommends that the board commission the services of the county engineer or other authorized professional to review the report to ensure its compliance with county standards and specifications.
4. The board shall provide a statement to the Committee certifying that the legal description of the property was determined in accordance with the county's specifications and standards. Any **public rights of way for roadways, other rights of way, easements, permanent bodies of water, rivers and streams** or other interests in the property shall be identified. In addition, any discrepancies such as deed gores, deed overlaps or where ownership is unclear shall also be noted. **The county is also encouraged to require the surveys to delineate internal features such as residential units, agricultural labor units and other agricultural buildings or structures. This information will be extremely helpful in setting baseline data for future enforcement of the deed restrictions.** A signed and sealed copy of the plat and copy of the legal description shall be forwarded to the Committee.
5. Once the legal description of the property is deemed accurate, the actual purchase price of the development easement shall be adjusted on a per acre basis based upon the difference between the acreage identified on the application and the actual acreage calculated from the certified legal description of the property.

6. At the time of acquisition of the development easement, the confirmed and certified legal description of the land (Schedule A) shall be attached to the statement of deed restrictions and recorded with the county clerk.

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