

Notice of Highlands Applicability

IN ACCORDANCE WITH THE CONDITIONS LISTED IN THE HIGHLANDS APPLICABILITY DETERMINATION (HAD), ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ON *[Insert date of issuance]*, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
[Signature]

[Print name below signature]

Recorded by:

[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____ day of ____, ____, by *[Insert the full legal name and address of each current property owner]* (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. *[Insert the full legal name and address of each current property owner]* *[Insert as appropriate: "is", or "are"]* the owner in fee simple of certain real property designated as Block(s) ____ Lot(s) ____, on the tax map of the *[Insert, as appropriate: City/Borough/Township/Town]* of *[Insert the name of municipality]*, *[Insert the name of county]* County (the "Property"). The New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the Highlands Applicability Determination (HAD) issued for this Property is *[Insert the Program Interest Number (Preferred ID)]*; and the Property is more particularly described in the Department approved plan, entitled_____, prepared by_____ dated_____, and revised through_____ which is attached hereto and made a part hereof (the "Plan").

2. CONSIDERATION. In accordance with the New Jersey Department of Environmental Protection’s issuance of a HAD for the Property, and in consideration of the terms and conditions

of that determination, and other good and valuable consideration, Owner has agreed to the limitations associated with the exemption granted pursuant to the HAD and to provide notice to subsequent owners, lessees and operators of the limitations outlined in this Deed Notice, as set forth herein.

3. DISTURBED AREA. Pursuant to the HAD, the Department approved area of ultimate disturbance consists of less than 1.0 acre and is described in the Department approved metes and bounds delineation of the disturbed area. **The metes and bounds delineation of the disturbed area is only required for projects where the property is 1.0 acre or more.** In addition, the proposed impervious surface, on the above identified Plan, does not equal or exceed one-quarter acre. Pursuant to the HAD, should additional disturbance beyond the metes and bounds delineation of the disturbed area or impervious covering occur that would reach or exceed either of these thresholds, the HAD shall be null and void and the regulations at N.J.A.C. 7:38-1 et seq. shall apply.

4. NOTICES. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Property to contain a provision expressly requiring all holders thereof to take the Property subject to the limitations contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

5. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

[If Owner is an individual]

WITNESS:

[Signature]

[Print name below signature]

[If Owner is a corporation]

ATTEST:

[Name of corporation]

By _____

[Print name and title]

[Signature]

[If Owner is a general or limited partnership]

WITNESS:

[Name of partnership]

[Signature]

By _____, General
[Print name] Partner

[If Owner is an individual]

STATE OF [State where document is executed] SS.:

COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person [or if more than one person, each person]

(a) is named in and personally signed this document; and

(b) signed, sealed and delivered this document as his or her act and deed.

_____, Notary Public

[Print Name and Title]

[If Owner is a corporation]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [secretary/assistant secretary] of [Owner], the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print name and title of attesting witness]

Signed and sworn before me on _____, 20__

_____, Notary Public

[Print name and title]

[If Owner is a partnership]

STATE OF [State where document is executed] SS.:
COUNTY OF [County where document is executed]

I certify that on _____, 20__, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) is a general partner of [Owner], the partnership named in this document;

(b) signed, sealed and delivered this document as his or her act and deed in his capacity as a general partner of [owner]; and

(c) this document was signed and delivered by such partnership as its voluntary act, duly authorized.

[Signature]

_____, General Partner
[Print Name]

_____, Notary Public

[Print name and title]