# Monmouth County
# MUNICIPAL OPEN SPACE GRANT PROGRAM

## Application Form
## and
## Policy and Procedures Manual

A program of the Monmouth County Board of Chosen Freeholders

April 2017

Questions and correspondence regarding the Monmouth County Municipal Open Space Grant Program should be addressed to the Monmouth County Park System, Acquisition and Design Office, Attn: Municipal Open Space Program, 805 Newman Springs Road, Lincroft, NJ 07738. The Program Administrator can be contacted by telephone at 732-842-4000, Ext. 4472 or by e-mail at municipal.grants@monmouthcountyparks.com

# Monmouth County
# Municipal Open Space Grant Program

## Application Cover Page & Checklist

April 2017

| Official Use |
| --- |
| Date Received:_____ |
| Application #:_____ |

***2017 Application Deadline: 4:00 pm on September 20, 2017***

# Monmouth County Municipal Open Space Grant Program
# Application Cover Page & Checklist

***Note: This cover page & the checklist located on the reverse side must be completed and submitted for the application to be accepted. Submissions lacking an authorizing resolution will be deemed ineligible.***

## Applicant Information

Name of Municipality: _____

Municipal Contact Person (same name and title as identified in resolution): _____

_____

Mailing Address: _____

Telephone No.: _____

Email Address: _____

Person authorized to sign necessary documents. (same name and title as identified in resolution):

_____

## Project Information

Project Name: _____

Type of Project: _____ Acquisition _____ Development

Address: _____

Block(s): _____ Lot(s): _____ Acres: _____

Total Project Cost: _____

Funding Request (round to nearest $1,000): _____

*****For Development Projects the entire park is the project area. Be sure to include all Block and Lots for the entire park/project area.**

## Formatting Requirements

- The Application Cover Page should appear as the first page of the application.
- The Application Content must conform to the outline structure of the Application Checklist by containing the four main sections (3.C.1-4) and related subsections.
- The Application Content should not exceed 5 pages in length excluding maps and other supporting documentation.
- Proposals should be submitted in an 11-point font on letter size paper.
- Binders, folders, and notebooks hinder committee review and are discouraged.
- Four (4) copies of the complete application and any supplemental information are required. For acquisition projects, only one copy of the appraisal(s) is required.

****See the reverse side for application checklist****

## Application Checklist

Complete the checklist below after the application package is assembled to ensure each required element is fulfilled. **Applications that are not complete by the deadline will not be considered for funding.** See Application Content and Project Evaluation Criteria sections of Policy and Procedures Manual for greater detail (pps.8-13).

**1. Project Description**

- ❑ a. Project description/scope.
- ❑ b. Development projects –elements, concept plans, budget & municipal control of site. (pp.8-9)
- ❑ c. Timetable and schedule for completion. (pp.8-9)

**2. Site Conditions & Natural Features**

- ❑ a. Describe physical conditions (improvements, vegetation, wildlife, topography & soils, water bodies and known environmental hazards). (p.10)
- ❑ b. Describe compatibility with surrounding land uses. Identify natural/historic/cultural features. (p.10)

**3. Recreation/Open Space Program**

- ❑ a. Describe project recreation objectives and attainment of grant program goals. (p.10)
- ❑ b. Describe overall local programs, facilities & accomplishments and provide park inventory. (p.10)
- ❑ c. Describe overall local recreation/open space needs and project fulfillment of those needs. (p.10)
- ❑ d. Explain how project complements existing recreation and open space. (p.10)
- ❑ e. Explain how project is consistent with adopted plans. (p.10)

**4. Supporting Documentation**

- ❑ a. Provide aerial photo and maps as described in Policy and Procedures Manual. (p.11)
- ❑ b. Minutes from a public hearing on the project and evidence of notice 10 days in advance. (p.11)
- ❑ c. Municipal resolution with required components (must use language provided). (pp.11-12)
- ❑ d. Copy of deed restrictions if applicable. (p.13)
- ❑ e. Letters of commitment from project partners, if applicable. (p.13)
- ❑ f. Acquisition projects – appraisal (one copy). (p.13)
- ❑ g. Identify other supporting factors. (p.13)

**Avoid these common problems with applications**

- Missing information
  Use the application checklist to ensure that you are submitting a complete application.
- Inconsistencies between cover page, narrative, project budget, and the authorizing resolution
  Review the application components for consistency; pay particular attention to block and lot numbers and budget figures. The grant request is rounded to the nearest $1,000.
- Designation of a municipal contact person unable to perform the function (see page 4 of the manual).
  A contact person who works regular business hours within the municipal offices may be best for prompt and efficient communication of information.
- Application narrative does not follow prescribed outline
  A well-organized application that is responsive to the application requirements and project evaluation criteria is more likely to receive funding (see pages 8-11 of the manual).
- Improper project site definition.
  The project site extends beyond the area of disturbance or parcel to include the entire park. All information provided in the application and in the hearing notice must include the entire park.
- Inclusion of ineligible costs in the project budget (see page 7 of manual).
  Ineligible costs include operational/maintenance costs, equipment, staff time and soft costs such as engineering, surveys, permits, administration, and in-kind services.
- Faulty public notice or hearing process (see page 11 of manual).
  A public hearing with adequate public notice must be completed prior to the filing of the application.
- Property not on or eligible for the Recreation and Open Space Inventory or ROSI
  Funded properties must be used for public park, recreation, and open space purposes only. An easement restricting its use to open space/recreation is a condition of award.
- Unrealistic budget or timetables
  Awards are based on the projected budget; no increases are available where actual costs exceed the budget and the municipality is expected to complete the project as described in the grant application. All projects must be complete within two years; apply for projects that can be completed within that period, including all necessary permitting.
- Authorizing resolution does not include required components
  Applicants must use the form of resolution provided. Alterations will not be accepted.

# Monmouth County
# Municipal Open Space Grant Program

## Policy and Procedures Manual

April 2017

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**Sample Grant Agreement**
**Green Acres Program – Preliminary Assessment Checklist**
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**and Sample Signature Pages**

# Section 1: General Provisions

## A. Purpose and Objectives

The purpose of the Monmouth County Municipal Open Space Program is to expand park and open space opportunities for Monmouth County residents by providing funding to assist municipalities with their local programs of park and open space acquisition and/or development/redevelopment. The program is a competitive program where municipalities submit applications for proposed projects. The Municipal Open Space Program has the following objectives:

- Acquire land for conservation and preservation
- Acquire land for active and passive recreation
- Develop or redevelop land to expand recreational opportunities.

## B. Program Goals

The goal of the program is to acquire lands for open space preservation and to improve land for parks and recreation purposes. Open space acquisition should target lands identified in local open space preservation and recreation plans, lands that are significant local historic sites or lands that function as important wildlife habitat. Emphasis of the program will be placed on land acquisition, development of new recreational facilities, expansion or improvement of existing recreational opportunities, and new or innovative approaches to providing local access to open spaces or recreational activities. Additional priority will be given to State-designated Urban Aid Communities.

It is expected that the volume of applications for worthwhile projects will be high. Program limits on the number of applications and the dollars awarded have been established to enable program funding to support a larger number of municipalities. The requirement of a local match and local funding of program ineligible expenses provides a tangible demonstration of local commitment to what is intended to be a cooperative project.

## C. Background

In November 1987 and again in November 1996, the voters of Monmouth County authorized by public referendum, the use of the County Open Space Trust Fund for the acquisition of lands for County park, recreation, conservation, and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes, as provided for in P.L. 1997, Chapter 24. On November 5, 2002, voters approved expansion of the existing program including monies for cooperative projects with municipalities within Monmouth County.

On January 23, 2003 and again on January 25, 2007 and January 22, 2009, the Monmouth County Board of Chosen Freeholders passed a resolution authorizing the allocation of the Monmouth County Open Space Trust Fund. The resolution allocates two million dollars per year for cooperative projects with municipalities within Monmouth County for land acquisition for open space, recreation and conservation and for recreation and conservation development purposes.

This program has been developed in response to the wishes of the voters of Monmouth County who approved a referendum providing for the allocation of funding for a municipal open space program.

## D. Administration

The Monmouth County Municipal Open Space Program is a program of the Monmouth County Board of Chosen Freeholders and is administered with the assistance of the Monmouth County Park System.

This manual has been developed as a guiding instrument for municipalities interested in expanding open space and recreational opportunities within their communities through the Monmouth County Municipal Open Space Grant Program. This document provides specific instructions to municipalities interested in submitting applications for acquisition or development/redevelopment projects. Please note, that there are times, however, when deviations from these guidelines may be needed to ensure the best interest of the public is protected.

## E. Definitions

The terms used in this manual shall have the following meanings:

Acquisition – the act of gaining possession of fee simple or some lesser interest in land including, but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation which allows for the use of the land or structures thereon for park, recreation, conservation, and open space purposes.

Appraisal – a certified property appraisal prepared by a New Jersey Green Acres Program approved appraiser that estimates the fair market value of land and structures.

Development – the construction, reconstruction, conversion, structural alteration, relocation, enlargement, or demolition of a facility or structure for park, recreation and open space purposes; and any use, or change in the use, of any structure, or land, or extension of use of land for those purposes. Development shall also include redevelopment.

Fee-simple – ownership of property that represents full ownership without any substantial restrictions or limitations in the title of the property

Grant Agreement – written agreement between the Monmouth County Board of Chosen Freeholders and a municipality governing the municipality's performance of the grant and the provision of grant funding by Monmouth County.

Land or lands – real property, including any improvement, right-of-way, water, riparian or other rights, easements, privileges, and any right or interests in, relating to, or connected with real property.

Park, Recreation & Open Space Purposes – the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports or a similar use for either public outdoor recreation or conservation of natural resources, or both pursuant to the Green Acres laws (N.J.A.C. 7:36), including historic areas and the use of historic buildings and structures.

Public Access Easement – the limited right of use over property by the general public, rather than for the benefit of a specific individual.

State-designated Urban Aid communities – those communities that the New Jersey Division of Local Government Services has deemed eligible for the Municipal (Urban) Aid Program for the State fiscal year in which the application for funding is submitted or for the immediately preceding State fiscal year.

Structure – a facility for occupancy, use, or ornamentation that is installed on, above or below the surface of the ground.

Under Control of the Applicant Municipality – to have the primary responsibility for stewardship of, maintenance of, and/or access to the site by right of deed, easement, lease, memorandum of understanding or some other enforceable agreement.

# Section 2: Eligibility

## A. Eligible Applicants

Monmouth County municipalities are the only eligible applicants. Municipalities are encouraged, however, to form partnerships with other public or non-profit organizations to strengthen and enhance project proposals. The Monmouth County Board of Chosen Freeholders will enter into grant agreements with municipalities only.

Municipalities must identify and authorize a "municipal contact person" by name and title. ***All correspondence and communications will be directed to the authorized municipal contact.*** The municipal contact must be identified in the Municipal Resolution (see item #1 in the Resolution) and on the Application Cover Page & Checklist. If the individual named ceases to work for the municipality, the current person in the specified title shall be the contact person unless otherwise specified by the municipality. ***For ease of communications and continuity over the life of the project, it is recommended that a responsible full-time employee of the municipality available during regular business hours be named as the municipal contact person, rather than a consultant or appointed or elected official.*** Communication with attorneys, engineers, and other third parties shall be the responsibility of the municipal contact person.

## B. Eligible Projects

### 1. All Projects

**Funding Limit Per Project**

Monmouth County will fund up to 50% of eligible project costs. In State- designated Urban Aid Communities, the county will increase its maximum share to 75%. County funding will be limited to $250,000 per project. Matching funds must be non-county funds. In-kind services are not eligible as project match. All funding requests should be rounded to the nearest $1000.

**Number of Submissions per Municipality**

Municipalities may submit one (1) project proposal per annual grant cycle.

### 2. Acquisition Projects

**Eligible Land Acquisitions**

The applicant municipality must acquire a controlling interest in real property including but not limited to the following:

- Fee simple acquisition
- Purchase of Conservation Easement with public access
- Extinguishment of Development Rights

**All land acquisition projects must be for park, recreation and open space purposes** including but not limited to the following:

- Waterfront lands adjacent to the ocean, ponds, lakes, streams, rivers, or reservoirs.
- Natural areas such as forested areas or watershed areas that may be used as wildlife conservation areas, scenic vistas, or other open space purposes.
- Lands to be used as park and recreational areas such as playgrounds, athletic fields, recreation centers, or areas for passive recreation.
- Lands that have significant cultural and/or historic features and structures.

***A deed of open space easement from the applicant municipality to the County restricting the use of the project site to these purposes will be required as a condition of award.***

**Ineligible Land Acquisitions**

- Purchase of lands that will have restricted public access unless full access is determined to be detrimental to the natural or historic resources found on the site.
- Planned future use that will have an adverse impact to environmental, scenic, or historic resources.
- Sites that are or will be used as a public road or right-of-way such as sidewalks unless intended exclusively for walking/biking trails or used for ingress and egress for a park and recreation facility.
- Parcels of land that have previously received funding through the Monmouth County Municipal Open Space Grant Program. This does not preclude additions to existing Park Sites.
- Any land already permanently preserved for recreation or conservation purposes.
- Any land currently owned by the Municipality not used and/or acquired for recreation or conservation purposes.
- Any land intended to satisfy the mitigation requirements of the New Jersey Green Acres Program procedural rules for disposal or diversion as set forth at N.J.A.C. 7:36-21 et. seq.

**Acquisition of Structures**

- Applicant must agree to either maintain or demolish any structures on site. Demolition of structures that are listed on or eligible for the National or New Jersey Register of Historic Places is not permitted.
- Any facility to be retained must be used for public park and open space purposes only.

**Acquisition of Public Access Easements**

Easements must provide public access to be eligible for funding.

**Appraisal Specifications**

At least one appraisal less than three years old and prepared by a New Jersey Green Acres Program approved appraiser must be included with the application. It is recommended that appraisals conform to the New Jersey Green Acres Program appraisal specifications that can be found on their website http://www.state.nj.us/dep/greenacres/. Applicants are encouraged to confirm project eligibility before incurring appraisal costs.

**Allowable Project Costs for Acquisition**

For acquisition projects, the payable grant amount will be based on the appraised value or agreed to purchase price, whichever is less, for either the title in fee-simple interest for land and structures, the conservation easement with public access, or the extinguishment of development rights for the land. Project costs will not be allowed as set forth below under the heading "Disallowable Project Costs for Acquisition."

**Disallowable Project Costs for Acquisition**

The following costs will not be covered with program funds and should be excluded from the total project cost used to determine the grant request amount:

- Appraisals
- Legal fees
- Title Searches and Title Insurance

- Recording costs
- Engineering and/or surveys
- Environmental audits
- Building demolition, renovation and/or stabilization
- Administration or operation related to the project
- In-kind services including salaries or wages of employees of the applicant
- Owner/Tenant relocation
- Condemnation costs
- Contingencies
- Any costs incurred prior to the submission of a complete application; the issuance of a purchase order shall constitute the incurrence of costs

## 3. Development/Redevelopment Projects

### Eligible Development and Redevelopment Projects

***All projects must be for park, recreation, and open space purposes. A deed of open space easement restricting the use of the project site to these purposes will be required as a condition of award.*** Building new facilities and improving existing facilities through demolition, renovation, and/or stabilization will be considered as eligible. All project sites must be owned by the applicant municipality or the municipality must hold a long-term lease for a term of at least 25 years beyond the grant award, or other instruments extending for substantially 25 years beyond the grant award where a third party governmental entity is also a party. In all cases the site must be under the control of the applicant municipality. When project sites are not owned in fee simple by the Municipality, additional agreements or covenants may be required. Fees for use of funded facilities are permissible. ***Applications for projects that diversify or expand recreation opportunities will be favored over applications that replace aged or substandard facilities or address issues of maintenance. Degree of public access will also be considered.***

### Ineligible Development and Redevelopment Projects

The following conditions will deem projects as ineligible:

- Projects that have restricted public access, unless full access is determined to be detrimental to natural resources.
- Activities that will cause adverse impacts to environmental, scenic, historic or pre-existing park resources.
- Sites that are or will be used as a public road or right-of-way such as sidewalks unless it is intended exclusively for walking/biking trails or ingress or egress for a park and recreation facility.
- Projects or project elements that have previously received funding through the Monmouth County Municipal Open Space Grant Program, unless originally identified as a multi-phase project.

### Allowable Project Costs for Development and Redevelopment Projects

For development and redevelopment projects, the allowable grant amount will be based on the actual construction costs of the approved project elements. Project costs will not be allowed as set forth below under the heading "Disallowable Project Costs for Development and Redevelopment Projects."

**Disallowable Project Costs for Development and Redevelopment Projects**

The following costs will not be covered with program funds and should be excluded from the total project cost used to determine the grant request amount:

- Operational and maintenance costs for facilities or projects.
- Equipment – e.g., trucks, tractors, boats, tables, chairs or other movable, expendable, or disposable items. (Fixtures will be allowed if determined to be a necessary component of the facility.)
- Soft costs – e.g., engineering, architectural, surveys, permits, environmental audits, administration or operation related to the project, in-kind services including salaries or wages of employees of the applicant.
- Contingencies in excess of 10% of proposed project budget.
- Any costs incurred prior to the submission of the application; the issuance of a purchase order or the award of a contract shall constitute the incurrence of costs.

# Section 3: Application Process and Requirements

## A. Annual Schedule

Municipalities are encouraged to submit applications following the funding cycle outlined below. Applications will be accepted throughout the year, but applications submitted prior to the filing deadline will only be reviewed for completeness until the formal evaluation phase begins after that deadline. Applicants may proceed with projects between the date of filing and the time of project selection without jeopardizing their eligibility, but are reminded that they may not be selected for funding, putting them at risk of incurring costs for which they may not be reimbursed. Applications received after the filing deadline will be considered in the next funding cycle if requested by the municipality. Evaluation and selection only occurs during the schedule below:

April/May – Application packages sent to Mayors, Municipal Administrators & Clerks
***September – Applications due (2017 deadline is September 20)***
December – Funding recommendations to Freeholders
December/January – Freeholders announce selected projects
January – June – Grant Agreements executed

***Applications for 2017 funding must be postmarked or delivered to the Acquisition and Design Office of the Monmouth County Park System at Thompson Park in Lincroft on or before 4pm on Wednesday, September 20, 2017.***

## B. Application Submission Requirements

All applications must be submitted with the Application Cover Page and a completed Checklist. Proposals should be submitted in 11-point font and should not exceed five (5) pages in length excluding attachments such as maps and supporting documentation. Please provide four (4) copies of the application to facilitate review of the proposal. Materials previously submitted as part of an application in a prior funding cycle cannot be referenced to complete the current application. Applicants should completely understand eligibility requirements and strictly follow the content requirements as described under Section 3.C. Four (4) copies are also required for any supplemental information submitted after the application is filed.

***Only complete applications will be considered for funding. Applicants are encouraged to schedule a pre-application meeting with the Program Administrator to identify any deficiencies or issues of eligibility.***

## C. Application Content

***Note: The Application Content should be consistent with the outline numbering used in this section (3.C.1-4) and on the Application Cover Page & Checklist. Please be reminded that a completed Cover Page & Checklist must be included with all applications. The Cover Page should appear as the first page of the application. Incomplete applications will not be considered for funding. Copies of prior applications that are good examples of complete and informative content can be provided upon request.***

1. **Project Description**
   a. Describe the scope of the project. If the funding request is for less than the entire project scope, this must be explained.

   b. For development projects:
      - Identify all project elements

- Provide a copy of the concept plans prepared by a design professional. The concept plan must be of sufficient detail to legibly identify individual project elements and show the location of the proposed improvements within the park property; for larger parks, it may be necessary to provide two maps at different scales to show both the entire park and its boundaries and the proposed improvements within the park. For phased projects, each phase must be wholly distinct and the plans must articulate what is existing, what is currently being proposed for funding, and what is to be completed in future phases.
- Provide a current estimate of project costs prepared by a design professional. The project budget should be organized according to project elements with the quantities that served as the basis for the estimates provided. While the budget estimate may include ineligible costs as an indicator of the municipality's financial commitment to the project, they should be listed separately. Only eligible costs should be included in determining the total construction cost which is the basis of any grant award. See page 5 of the Policy and Procedures Manual for information on eligible and ineligible costs. See the sample budget for development projects provided.
- Confirm municipal control of the site. All project sites must be owned by the applicant municipality or the municipality must hold a long-term lease for a term of at least 25 years beyond the grant award, or other instruments extending for substantially 25 years beyond the grant award where a third party governmental entity is also a party. In all cases the site must be under the control of the applicant municipality. When project sites are not owned in fee simple by the Municipality, additional agreements or covenants may be required. If the property is leased, a copy of the lease, redacted if necessary, must be provided to verify the length of the lease.
- For projects that are on property subject to a long-term lease or other agreement, the applicant must provide written proof of the consent of the lessor/owner for development of the project.

## SAMPLE DEVELOPMENT PROJECT BUDGET

| PROJECT ELEMENT | QUANTITIES | ESTIMATED COST |
|---|---|---|
| Site clearing, earthwork, soil erosion control | | $90,000.00 |
| Lighting | 5 poles and fixtures | $25,000.00 |
| Walkways/trails | 2000 lf | $121,000.00 |
| Fencing | 1000 lf split rail | $18,000.00 |
| Soccer field | 1 | $120,000.00 |
| Basketball courts | 2 | $45,000.00 |
| Parking | 40 cars | $200,000.00 |
| Landscaping | 20 shade trees | $8,000.00 |
| Benches | 8 | $6,400.00 |
| | | |
| **TOTAL CONSTRUCTION COST** | | **$633,400.00** |

c. Provide a statement as to the present status of the project and a timetable for the commencement and completion of the project. The statement and timetable should reference any special permitting required. The timetable should include calendar dates, not spans of time. Note: All funded projects must be completed within thirty (30) months of application selection.

***Applicants are responsible for completing the entire scope of the project or risk having grant funding reduced or rescinded. All elements of the project scope must be complete to ensure full re-imbursement of any awarded grant funds. Applicants should strongly consider phasing larger projects, in order to complete an initial phase under one round of grants and seeking additional funding for subsequent phases under subsequent rounds. Project phasing must be proposed with the initial project proposal and subsequent grant applications are not guaranteed funding in subsequent rounds.***

**2. Site Conditions, Natural & Man-made Features, Land Use & Zoning, Planning Context**

a. Describe the physical condition of the property, both natural and man-made features. Natural features include the presence or absence of wetlands, steep slopes, flood plains, habitat types, fields and forests, open water, streams and natural drainage features. Man-made features include buildings, parking lots, recreational facilities and man-made drainage features. Include a statement about any known environmental hazards; if none are known, state that.

b. Describe the compatibility of the project with the surrounding land use and zoning requirements. Explain how the current and surrounding land uses will positively and/or negatively impact the proposed use and vice versa, also include impacts to circulation and existing, approved local planning documents. Identify any natural, cultural or historic features to be preserved, enhanced, or removed by the project.

**3. Recreation/Open Space Program**

a. Describe the specific park and recreation objectives for the project. Explain how those objectives meet the grant program goals and local planning goals. Be specific and reference the Program Goals as described in Section 1.B of this manual and any existing, approved local planning documents.

b. Describe existing municipal program offerings. Describe the park, recreation and open space properties and facilities located within the municipality, including but not limited to the project site. Provide an inventory of existing open space identifying park name, block and lot numbers, and acreage of facility. Provide a description of any recent initiatives or accomplishments in regards to the overall municipal park and recreation facilities and program. Provide a summary of the status of all municipal projects previously awarded funding by the Monmouth County Municipal Open Space Grant Program.

c. Describe the municipality's overall recreation/open space needs or deficiencies. Explain how the project will fulfill those needs. Explain why this project was chosen over other possible municipal recreation/open space projects. Be specific and reference any existing, approved local planning documents.

d. Describe how the project complements existing recreation and open space. Show the physical relationship of the project site to other State, county, non-profit or municipal recreation and open space.

e. Describe how the project is consistent with local and regional plans. Evidence of project inclusion in an adopted local plan should be provided.

**4. Supporting Documentation**

a. Maps - Attach a color aerial image of the entire property/project area, tax maps with reference to blocks and lots, and a zoning map. Provide maps setting forth natural resources (floodplains, wetlands, forests, streams, etc.) man-made characteristics, cultural and historic features and indicate the source of this mapped information. The location of the project site *and boundaries* of the park property should be indicated on all maps. Mapping tools are available on the NJDEP website: http://www.nj.gov/dep/gis/geowebsplash.htm and are available through Google Earth, Google Maps and Bing Maps.

***b. Provide a certified copy of the minutes from the public hearing on the grant application and an affidavit of notice; these must be included in the application for it to be considered complete and eligible for funding. The hearing must be held prior to submission of the application, but no more than twelve (12) months prior. The hearing may be held in conjunction with a regularly scheduled municipal meeting, but this is not mandatory. The notice of the hearing must be published as a legal notice or display advertisement at least ten (10) days prior to the hearing date in a local newspaper providing a local circulation in the municipality in which the project is located. The notice must state the purpose of the hearing and identify the project by name, street address, and all blocks and lots that are part of the park property, as well as the time and place of the hearing. The minutes must reflect that a project scope summary was presented at the hearing. Submissions for which a hearing has not been held prior to the application deadline will be deemed ineligible.***

c. Complete and submit a certified resolution of the governing body using the format provided here (applicants may not modify the language in the municipal resolution and must identify the project by name, street address, and all blocks and lots that are part of the park property). This resolution memorializes the governing body's approval of the project, authorizes the municipality's financial participation in the project, authorizes the signing and execution of all required documents, and indicates its readiness to proceed with the project in terms of matching funds. The Manual including this resolution is available on the Park System website www.monmouthcountyparks.com. ***Submissions lacking an authorizing resolution will be deemed ineligible.***

***Note: The language contained in the Municipal Resolution must be used as it appears in this document. Modifications to the language are unacceptable.***

## MUNICIPAL RESOLUTION LANGUAGE

**WHEREAS,** the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

**WHEREAS**, the Governing Body of _____(name of municipality) desires to obtain County Open Space Trust Funds in the amount of $_____ to fund _____(name of project, address, lot, & block); and

**WHEREAS**, the total cost of the project including all matching funds is $_____; and

***(Use this clause for Acquisition projects)*** **WHEREAS**, the _____(name of municipality) will be holder of any interest acquired with County Open Space Trust Funds.

***(Use this clause for Development projects)*** **WHEREAS**, the _____(name of municipality) is the owner of and controls the project site.

**NOW, THEREFORE, BE IT RESOLVED BY _____** (name of the governing body) **THAT**:

1. _____ ***(name and title of authorized official)*** or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and

2. The _____ ***(name of municipality)*** is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. _____ ***(name and title of authorized official)*** or his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

CERTIFICATION

I, _____ do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of _____ ***(name of municipality)*** at a meeting held on the _____ day of _____, 20___.

In Witness Whereof, I have hereunder set my hand and official seal of the municipality this ____ day of _____, 20___.

d. Provide a copy of any existing or anticipated special covenants, easements or deed restrictions that affect the project/property in any way. This applies to both acquisition and development applications. If it is determined that the covenant, easement or restriction has the potential to negatively impact the project or preclude the property being used for the intent and purpose described in the application, as a condition of award, the municipality may be asked to have the holder of the covenant, easement or restriction consent to making such covenant, easement or restriction subordinate to the County's Deed of Open Space Easement. In extreme cases, the existence of a covenant, easement or restriction may disqualify the project/property from the grant program.
e. Identify any third party funding partners. This includes any organization or jurisdiction other than the Municipality and the County of Monmouth that will provide funding for the project. This applies to both acquisition and development applications. Any special requirements of any third party funding partners must be disclosed prior to execution of the grant agreement, including any deliverables, special covenants, easements or deed restrictions that affect the project/property in any way Include letters of commitment from identified project partners, if applicable.
f. For acquisition projects, provide one (1) appraisal less than three (3) years old and prepared by a New Jersey Green Acres Program approved appraiser (see specifications at page 5). Please note that while the County will accept an appraisal three (3) years old, the values of a three (3) year old appraisal would normally be considered stale and the municipality is encouraged to obtain an appraisal within one (1) year of the date of application. Nevertheless, the County's obligation is based on the appraisal submitted and is capped at the amount initially authorized. If only a portion of a property is being acquired, the appraisal must provide a value specific to that portion of the property. The grant request should be based on the appraised value or the agreed to purchase price, whichever is less.
g. Provide color photos of the project site. For Acquisition projects, a few photos to illustrate the current condition of the property are sufficient. For development projects, photos of the site in its current condition will be required. Digital copies of photos of development projects before and during construction and photos of the completed project will be required for grant close-out and reimbursement.
h. Provide a description of other factors, if any, that support the proposal such as, but not limited to, acquisition opportunity, municipal commitment, development pressure, community support, etc.

# Section 4: Application Review and Evaluation

## A. Application Review

Applications will be submitted to and reviewed by Park System staff. **Only complete and eligible applications will be considered for funding.** Based upon the documentation submitted by the applicant and the established policy and procedures, staff will provide recommendations to the County Board of Chosen Freeholders. The Board of Chosen Freeholders will select projects for funding.

***Please be reminded that this is a competitive grant program. A complete, well-written and well-organized application that is responsive to the project evaluation criteria and application requirements will be more likely to receive funding.***

## B. Project Evaluation Criteria

Each project will be evaluated against the criteria listed below. The narrative prepared to satisfy the Application Content requirements outlined in Section 3.C. should demonstrate how the project meets the evaluation criteria.

- Project Viability – the presence of factors indicating that the municipality is committed to the project and that it is viable. Examples include high level of municipal financial participation in the project, a readiness to proceed with the project in terms of the funding match and active project status, and reasonable project costs and timetable.
- Past performance - the municipality's record for completion of projects under this or other programs and the care and management of existing facilities.
- Development Pressure –the presence of an immediate threat to natural resources or severe constraints on the municipality's ability to meet open space and recreation needs due to development pressures and/or the degree of existing development.
- Strength of Local Program – evidence of a pattern of municipal investment in and commitment to the local parks, recreation, and open space program.
- Relationship to Other Planning Efforts and Community Needs – applications for projects that are included in an officially adopted local plan and address documented needs will be favored over those that are not. All projects should be consistent with local plans and other plans such as the County Open Space Plan and the State Plan.
- Community Support – expression of public support through testimony at the public hearing or letters, participation of partners and outside funding support.
- Program Priorities – Generally land acquisition projects will be favored over development projects. Applications for projects that develop new or expand and improve recreation opportunities, or innovative approaches to providing local access to open spaces or recreational activities will be favored over applications that replace aged or substandard facilities or address maintenance issues. Additional priority will be given to State-designated Urban Aid Communities. Degree of public access will be considered.
- Design – sensitivity to and enhancement of special natural, cultural, and historic features on the site and compatibility with adjacent land uses.

## C. Application Selection

If an application is selected for funding, the applicant will be notified in writing with additional instructions regarding completion of the grant agreement. If an applicant is not selected for funding, the applicant will be notified in writing. In accordance with N.J.S.A. 40:12-14 et seq. L. 1997 c. 24, the Board of Chosen Freeholders will hold a public hearing on those development projects awarded $100,000 or more in County funding and adopt a resolution authorizing the expenditure of funds for those selected projects.

# Section 5: Post-Award Procedures

## A. Grant Agreement Process

There shall be a written grant agreement between the County and the municipality. A sample grant agreement is included as an appendix; please note that the form and content of the grant agreement as it appears in the Manual is subject to change by the County. Grant agreement language is non-negotiable.

- The municipality must engage the services of an environmental consultant who shall provide a Preliminary Assessment and Site Inspection (PASI) of the property prior to the execution of the grant agreement. It shall be the obligation of the municipal applicant to remediate any areas of concern that would preclude the property from being used for the intent and purpose as set forth in the grant agreement prior to program funds being disbursed. (See attached Green Acres Program – Preliminary Assessment Checklist)
- Grant agreement execution must occur within six (6) months of the application selection date.
- The grant project must be completed and reimbursement documentation submitted with thirty (30) months of the application selection.

## B. Time Extensions

- Once a project is selected for funding, applicants will have six (6) months to execute the Grant Agreement. If more than six (6) months are needed to execute the Grant Agreement, the municipal governing body may submit a written request for a time extension for consideration within the six (6) month window. The request must include an explanation for the delay and proposed schedule for completion and describe due diligence and any unforeseen difficulties.
- Applicants will have thirty (30) months from the application selection to complete the project. If more time than this is needed to complete the project, the municipal governing body may submit a written request for a time extension for consideration. The request must include an explanation of the untoward circumstances and/or unforeseen circumstances causing the delay and the municipality's justification for failure to complete the project within the allotted period. The request should also set forth the municipality's due diligence in pursuing the project and a proposed schedule for completion. Requests for extension must be submitted prior to the expiration of the allotted period following execution of the Grant Agreement.
- If no timely request for extension is received or if a request is denied, the funding award will be cancelled.

## C. Disbursement of Grant

No grant funds will be disbursed prior to the execution of the grant agreement between the County and the municipality. Grant funds will be disbursed only after all required documentation has been submitted to the County and found to be acceptable.

1. **Acquisitions**
   a. Payment will cover up to 50% of either appraised value or agreed to purchase price whichever is less. For Urban Aid Communities the County share will not exceed 75%. In no case shall payment exceed the amount originally approved and authorized by the Grant Agreement based on the application submission.
   b. County funds will be provided on a reimbursement basis after all conditions are satisfied.
   c. The following submittals are required prior to disbursement of funds and are subject to review and acceptance by County legal counsel:

- Contract for Sale of Real Estate.
- Survey of the property certified to the Municipality and the County that shows the boundaries, provides the acreage to the nearest thousandth of an acre, and shows all easements and exceptions to title. The survey shall be provided in both a paper and digital format. The digital survey drawing shall be created at its real New Jersey State Plane Coordinate System, Map Datum NAD1983 position and the view shall be unrotated from the coordinate system so that the NJSPCS NORTH points orthographically vertical in the screen. The digital survey file shall be a .dxf format containing the closed line polygon of the perimeter survey lines, prepared in the AutoCAD Model Space environment and compatible with AutoCAD 2010, Windows XP or later versions. It shall be submitted on a standard CD-R compact disc that can be read by any CD-ROM and shall not be compressed or zipped in any way.
- Title report listing all exceptions to title and referring to the County as a party in interest in the property. None of the title exceptions shall interfere with the intended use of the property. Upon closing, a title policy based on the title report shall be issued to the County naming the County as an additional insured as to the deed of open space easement. The title policy issued to the municipality shall provide coverage in an amount equal to the consideration set forth in the deed from the grantor.
- Deed from the property owner to the Municipality (a recorded copy shall be submitted upon its recording) together with the Affidavit of Title obtained from the property owner.
- Deed of Open Space Easement from the Municipality to the County in the form to be provided by the County. The deed shall include as an attachment a raised seal copy of the legal metes and bounds description and shall provide for acreage to the thousandth of an acre. The unrecorded deed of easement shall be signed by the appropriate municipal officials and forwarded to the Program Administrator for recording in the Monmouth County Clerk's Office by the Program Administrator. ***Under no circumstance shall the Municipality record the Deed of Open Space Easement prior to submission to the County. Legal counsel for the County Park System shall be the only authorized agent for recording of the Deed of Open Space Easement.***
- A signed County voucher for payment (form to be provided).

**2. Development/Redevelopment**

a. All grant funding for development/redevelopment projects will be dispersed on a reimbursement basis after completion of the project. It is the responsibility of the applicant municipality to have sufficient funding available to complete the project. The applicant must provide copies of all contracts at the time the applicant is seeking reimbursement from the County. The applicant must demonstrate that it has completed the project in substantial conformance to the project scope as described in the application and the grant agreement. The applicant must submit documentation of the entire final development cost and demonstrate that the municipality has spent its share of the development cost. If the actual expended project cost for the approved project scope is less than the estimate contained in the application, the County shall only be obligated to pay fifty (50%) percent of that cost , but in no case more than the grant amount originally authorized in the grant agreement.

b. Payment will cover up to 50% of eligible actual costs of approved project elements. For Urban Aid Communities the County share will not exceed 75%. In no case shall payment exceed the amount originally approved and authorized by the Grant Agreement based on the application submission.

c. The following submittals are required prior to disbursement of funds and are subject to review and acceptance by County legal counsel.
   - A copy of the fully executed construction contract documents including the detailed bid proposal and any change orders. Should be accompanied by a certified copy of resolutions of the governing body authorizing the initial contract and any change order.
   - A certified copy of the resolution of the governing body determining that the project is finally complete and a closing statement or "Final Change Order" adopted by the governing body.
   - A "Record" or "As-built Drawing" showing the project as completed. If work was completed as shown on pre-development construction drawings, these may be submitted with the label "As Built" and a current date.
   - Post-construction Engineer's certification (form to be provided)
   - Chief Financial Officer's certification (form to be provided)
   - Copy of a Record Owner Search from a title company indicating the manner in which the municipality acquired title to the entire park property. The Record Owner Search must include a copy of the deed or deeds of the land comprising the park property if available from the title company. A sample letter to your title company is an appendix to this manual.
   - Deed of Open Space Easement from the Municipality to the County in the form to be provided by the County. The deed shall set forth all of the blocks and lots comprising the entire park and include as an attachment a copy of the tax map indicating each block and lot. The unrecorded deed of easement shall be signed by the appropriate municipal officials and forwarded to the Program Administrator for recording in the Monmouth County Clerk's Office by the Program Administrator. ***Under no circumstance shall the Municipality record the Deed of Open Space Easement prior to submission to the County. Legal counsel for the County Park System shall be the only authorized agent for recording of the Deed of Open Space Easement.***
   - A signed County voucher for payment (form to be provided)

**3. Reimbursement for expenses incurred prior to Grant Agreement execution**

Applicants may be reimbursed for expenses incurred before execution of the Grant Agreement ***only*** if a complete application has been filed in advance of the incurrence of those expenses. Written notice must be sent to the Program Administrator prior to the incurrence of expenses. Applicants proceed at their own risk and will not be reimbursed if the project is not selected for funding.

## D. Prohibited Uses of Funding

Funding is for the project as specified in the Grant Agreement. Transferring funds from one project to another is prohibited.

## E. Changes in Project Scope and Funding

It is the philosophy of the program that the grant is funding a portion of a total project, whose scope is described in the Grant Agreement based on plans, cost estimates, and other statements included in the grant application.

- Proposed changes to the project must be submitted in writing through an amendment process.
- Requests for amendments must fully describe the project change and funding implications.

- Changes to a project deemed "Major" by the County will not be permitted. Major changes may include, but are not limited to, selection of new project location, deletion of key project elements, substantial budget changes, and loss of municipal commitment.
- Amendments involving changes to a project not deemed "Major" may be referred by staff to the County Board of Chosen Freeholders for approval or denial.
- Changes that negatively impact the fundamental merits of the project that resulted in its selection for funding will not be approved.
- Changes in project scope may result in the withholding of all or some of the County funding.

## F. Conditions

- The facility/property must be open to the general public.
- A sign to be provided by the County will be posted acknowledging funding from the County of Monmouth.
- A Deed restriction shall be attached to the property stating that the property must be held in perpetuity for park, recreation and open space purposes and requiring reimbursement to the County or replacement with land of no less or greater utility, acreage and value if property is diverted from park and recreation use. If some portion of the property is used for a non open space public purpose, subdivision of the property may be required prior to the recording of the deed restriction. Deed of Easement language will be provided by the County.
- Historic Preservation projects must comply with the U.S. Secretary of the Interior's Standards for Rehabilitation.
  https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm
- Other special conditions may apply, based on particular circumstances of a project, such as, but not limited to, completion of specific project components, additional deed restrictions on adjacent, municipally controlled properties, or special access easements.

## G. Accounting and Record Keeping

- Applicant must provide copies of all contracts and certification of monies spent on a development project.
- The County will keep on file copies of the information set forth above from the applicant in accordance with the State Records Retention Schedule.

## H. Total Grant Limit/Grant Discretion

- In no event shall the County award grants to municipalities in excess of monies in the Monmouth County Open Space Trust Fund for this purpose.
- The award of trust monies to municipalities shall be in the sole discretion of the County.

# Monmouth County
# Municipal Open Space Grant Program

## Sample Grant Agreement

***Note: The County will provide a grant agreement for signing to each municipality awarded funding. Grant agreement language is non-negotiable.***

April 2017

# The County of Monmouth
## Municipal Open Space Program
## Sample Grant Agreement

**BETWEEN** (municipality) having its office at (address) hereinafter "Grantee," and the Monmouth County Board of Chosen Freeholders, Hall of Records Annex, One East Main Street, P.O. Box 1255, Freehold, New Jersey 07728, hereinafter "County."

This Agreement was entered into by the Monmouth County Board of Chosen Freeholders on:

Date: _____

**WITNESSETH:**

**WHEREAS**, Grantee has made application to the County for financial assistance under the Municipal Open Space Program hereinafter "Program"; and

**WHEREAS**, the County has reviewed said application and has found it to be in conformance with the scope and intent of the Program and has approved Grantee's request for funding;

**NOW, THEREFORE,** in consideration of the award of funding, and in accordance with the application heretofore filed, the County and Grantee agree to perform in accordance with the terms and conditions set forth in this agreement.

1. The Grantee agrees to perform (Project Name) in the manner set forth in this agreement and Exhibit 1 – Approved Project Description for the consideration stated herein.
2. The period of performance under this Agreement is specified as thirty months from the project selection for which period, funds are available and allotted. There shall be no obligation on the part of the County to renew or extend this time period.
3. The amount of the award to be provided by the County under this subcontract is (amount). The County award is based upon the Grantee's application # (number) to the County for financial assistance dated (application date) and as supplemented. In the event that the anticipated construction costs/purchase price and/or the amount of the Grantee's contribution as provided for in the Program Grant Application decreases, then the County's obligation to provide the award set forth in this paragraph shall be void by the County and at the County's option.
4. The Grantee agrees to provide all funds necessary for completion of the Approved Project (Exhibit 1) and to complete the Approved Project in accordance with this Agreement and the conditions, specifications, plans, estimates, project proposals and maps submitted to the County and incorporated herein by reference.
5. (Acquisition Project) Program funds shall be dispersed on a reimbursement basis after all conditions are satisfied.

   (Development Project) Program funds shall be dispersed on a reimbursement basis after the satisfactory completion of the project.
6. Grantee agrees that any Program funds received from the County shall be used only for the purposes described herein.

7. Costs eligible for assistance shall be limited to those eligible costs listed in the Policy and Procedures Manual for the Program. The County award of funding specifically does not include financial assistance for any soft costs, including but not limited to, any costs for title searches, title insurance, surveys, attorney fees, recording fees, and real estate taxes.

8. The Grantee shall furnish and deliver all necessary documentation within the timeframe and in the manner requested by the County and shall grant County personnel and any authorized representatives of the County reasonable access to all records related to the Approved Project.

9. Grantee shall maintain and preserve all land and improvements described herein and provide such police protection as may be necessary.

10. Grantee shall execute and donate to the County of Monmouth at no charge a Deed of Open Space Easement, pursuant to P.L. 1979, c.378 (C) 13:8B-1 et seq. on any land to be (acquired/developed) using funds received from the Monmouth County Open Space and Farmland Preservation, Recreation and Conservation and Historic Preservation Trust Fund [N.J.S.A. 40:14-19(d)(5)].which easement shall include the following language.

    a. It is the purpose of this Easement to guarantee that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park and open space values of the Property.

    b. The property shall be held in trust in perpetuity and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation and Conservation and Historic Preservation Act, as may be amended from time to time (N.J.S.A. 40:12-15.6b).

    c. (Municipality) agrees to make and keep the open space accessible to the public, unless the municipality and County determines that public accessibility would be detrimental to the lands, waters or improvements thereon, or to any natural resources associated therewith [N.J.S.A. 40:12-15.6d(3)].

    d. (Municipality) agrees not to lease, sell, exchange or donate the property described herein which is being acquired pursuant to P.L. 1997 c. 24, NJSA 40:12-15.6(A) except upon approval of the Monmouth County Board of Chosen Freeholders and upon such conditions as the Monmouth County Board of Chosen Freeholders may establish [N.J.S.A. 40:12-15.6d(4)], including but not limited to replacement with land of no less or greater utility , acreage, and value.

11. Grantee shall provide a copy of the deed of record to the Program Administrator in care of the Monmouth County Park System for recordkeeping purposes.

12. Grantee shall display a sign on the property reflecting the use of County Open Space funds for purchase of or improvement to the property, which sign shall be provided by the Program Administrator.

13. Grantee shall cause the funded property to be listed on the Municipal Recreation and Open Space Inventory at the time it is filed with the New Jersey Green Acres Program or its successor.

14. Grantee shall provide access to the facility/property for County staff to conduct an annual inspection.

15. No official or employee of the Grantee who is authorized in his/her official capacity to negotiate, make, accept or approve, or take part in such decisions regarding a contract or subcontract in connection with the Approved Project shall have any financial or other personal interest in any such contract or subcontract.

16. In the event Grantee does not perform any of the services, obligations, or responsibilities provided for under this Agreement, or in the event that the services do not attain the objectives set forth in the initial application or this agreement to the sole satisfaction of the County, then the County may withhold all, or a portion of, any payment to be made under this agreement, and in addition, may declare this subcontract null and void. In the event of termination, the County shall have no further liability to the Grantee and in no event will the County be liable to pay for services not actually rendered.

17. The County will provide a Program Administrator for the program that will advise the Grantee in performance of the required services. Contact:

    Monmouth County Park System
    Attn: Acquisition & Design Department
    805 Newman Springs Road
    Lincroft, NJ 07728-1695
    732-842-4000

18. The Grantee, at the request of the County, may be required to prepare a progress report and submit to the County within 30 calendar days after the date requested. The report shall include a narrative description of the status of the Approved Project and the date on which the Approved Project will be completed.

19. The Grantee now complies with all applicable State and Federal Laws in connection with its business and activities related to the services to be provided including, without limitation, any applicable Federal or State Civil Rights Law, order or regulation.

20. The execution of this Agreement has been authorized by the Grantee's governing body and the Monmouth County Board of Chosen Freeholders.

21. The Grantee shall indemnify and hold the County of Monmouth harmless from any and all loss, damages, suits, penalties, expenses, including but not limited to reasonable investigation and legal expenses, arising out of the operation of the program, or arising out of, or under this Agreement. The Grantee further agrees to indemnify the County of Monmouth from suits or actions of every nature or description brought against it, or damages received or sustained by any party or parties, by or from any of the acts of the Grantee or of the Grantee's, Director's employees, agents or volunteers.

22. The Grantee shall procure and maintain at its own expense, liability insurance for any personal injury or property damage to be reviewed and accepted by the County of Monmouth caused by the Grantee in its normal and usual course of business. The Grantee expressly understands and agrees that any insurance protection required by this Agreement shall in no way limit the Grantee's obligations assumed in this Agreement and shall not be construed to relieve the Grantee from liability in excess of such coverage.

**IN WITNESS WHEREOF**, the parties have executed this contract as of the day and year first above written.

ATTEST/SEAL

_____

Date _____

Monmouth County Board of Chosen Freeholders

BY _____

_____
Freeholder Director

ATTEST/SEAL

_____

Date _____

For the GRANTEE:

BY _____

_____
(Typed Name)

_____
(Title)

# Exhibit 1: Approved Project Description

Application #:

Grantee:

Address:

Phone:

Fax:

Contact Person:

Project Name:

Project Location:
Street Address:

Block(s) Lot(s)

Type of Application:

Grant Award:

Project Period: Thirty months from the project selection by the Board of Chosen Freeholders, this date being
_____.

Project Scope:

Project Conditions:

# Monmouth County
# Municipal Open Space Grant Program

## Green Acres Program –
## Preliminary Assessment Checklist
**N.J.A.C. 7:26E-3.1**

***Note: Program guidelines require a Preliminary Assessment and Site Inspection (PASI) for the properties identified in the grant application package. The purpose of the assessment is to identify and remedy any existing on-site contamination that may pose a potential health risk to users of the property. The PASI must be completed before the County will execute the grant agreement.***

April 2017

# Green Acres Program - Preliminary Assessment Checklist

To ensure that your Preliminary Assessment and Preliminary Assessment Report meet the minimum requirements as defined in the Technical Requirements for Site Remediation, N.J.A.C. 7:26E-3.1 through 3.2, as well as the NJDEP's January 2012 Preliminary Assessment Technical Guidance document (**http://www.state.nj.us/dep/srp/guidance/srra/pa_soils_guidance.pdf)** and to avoid delays to your project that may result from submitting incomplete information, please complete the attached checklist.

1. Have you performed a diligent inquiry into the operation and ownership history of the property from 1932 or before the property was developed and naturally vegetated, whichever is later? Yes____ No____

2. Have you performed inquiries of current and former employees and agents whose duties include or included any responsibility for hazardous substances, hazardous wastes, or pollutants, and any other current and former employees or agents who may have knowledge or documents relevant to the inquiry? Yes____ No____

3. Have you reviewed the following sources of information in order to prepare the site history?

   a. Sanborn Fire Insurance Maps;
   b. MacRae's Industrial Directory;
   c. Title and Deed;
   d. Site plans and facility as-built drawings;
   e. Federal, state, county and local government files; and
   f. The NJDEP's Geographic Information System Yes____ No____

4. Have you presented a description of any past industrial or commercial operations conducted on site by each owner and operator? Yes____ No____

5. Have you listed the hazardous substances, hazardous wastes, hazardous constituents and pollutants, that <u>are or were historically present</u> on the site? Yes____ No____

6. Have you identified all former and current wastewater discharges (sanitary and/or industrial waste), and mapped all discharge and disposal points on a scaled site map? Yes____ No____

7. Have you identified the source of potable and/or industrial process water? Yes____ No____

8. Have you identified how structures on the property are heated? Yes____ No____

9. Have you presented an interpretation of the aerial photography for the period dating from 1932, or the earliest photograph available, to the present? Yes____ No____

10. Have you provided a copy of the aerial photographs which depict the property boundaries of the property? Yes____ No____

11. Have you identified any current or prior remediation activities on the site, including the name of any government agency involved and case identification number? Yes____ No____

12. N.J.A.C. 7:26E-1.8, defines areas of concern as areas in which pollutants, hazardous substances or wastes may have been discharged to the environment. (See the Technical Requirements for Site Remediation for a complete listing of areas of concern.) Have you presented a list of any potential areas of concern, identified during the performance of the preliminary assessment? Yes____ No____

13. Have you presented a recommendation, per N.J.A.C.7:26E-3.2(a)6, for each area of concern identified at the site, and provided documentation to support this belief? Yes____ No____

14. Have you listed any administrative, civil, or criminal enforcement actions for alleged violations of environmental laws which may have resulted in an environmental impact on the site? Yes____ No____

15. Have you conducted a site visit to confirm the findings of the review of historic information obtained through diligent inquiry? Yes____ No____

16. Have you provided a copy of the United States Geologic Survey 7.5 minute topographic quadrangle, or a copy of a portion thereof, that includes the site? Yes____ No____

17. Have you certified the report, pursuant to N.J.A.C. 7:26C-1.5? Yes____ No____

The certification wording is provided below:

*I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, including all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge, I believe that the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of any statute, I am personally liable for the penalties.*

Signature: _____ Date: _____

Print Name/Title: _____

# Monmouth County
# Municipal Open Space Grant Program

**Sample Deed of Open Space Easement and Sample Signature Pages**

***Note: The County will provide a deed of open space easement for signing to each municipality awarded funding. Deed language is non-negotiable. See sample signature pages for proper execution.***

April 2017

# DEED OF OPEN SPACE EASEMENT

This EASEMENT made this _____ day of _____, 20_____ between the _____, located at _____ (hereinafter referred to as "MUNICIPALITY"), and the **COUNTY OF MONMOUTH,** located in the Hall of Records, 1 East Main Street, Freehold, New Jersey, 07728 (hereinafter referred to as "COUNTY").

**WITNESSETH:**

**WHEREAS,** the MUNICIPALITY is the sole owner in fee simple of a tract of land in _____, Monmouth County, State of New Jersey, more particularly described as Block _____ Lot_____ on the tax map of _____, Monmouth County, New Jersey (hereinafter referred to as the "Property") and more particularly described in the legal description attached as Exhibit A attached hereto and made a part hereof; and

**WHEREAS,** the Property possesses park, recreation and open space values of great importance to the people of the County of Monmouth; and

**WHEREAS,** the MUNICIPALITY agrees that the park, recreation and open space values of the Property be preserved in perpetuity; and

**WHEREAS,** the MUNICIPALITY further agrees, as owner of the Property, to convey to the COUNTY the open space easement herein described to preserve and protect the park, recreation and open space values of the Property in perpetuity; and

**WHEREAS,** the COUNTY is a body politic and corporate of the State of New Jersey empowered pursuant to N.J.S.A. 40:32-2.1 to acquire interests in land and hold same for public park, public recreation and public welfare purposes; and

**WHEREAS,** the COUNTY has made a financial investment in the Property through the Monmouth County Municipal Open Space Grant Program by providing the MUNICIPALITY with a grant of $_____ for the *purchase/development* of the Property.

**NOW, THEREFORE,** in recognition of the foregoing and in consideration of the Municipal Open Space Grant made to the MUNICIPALITY, the MUNICIPALITY does hereby grant and convey to the COUNTY an easement over, under and right in perpetuity to restrict as set forth herein the use of the real property designated as Block _____ Lot _____ on the tax map of the _____, Monmouth County, New Jersey, as more particularly described in Exhibit "A".

1. **PURPOSE.** It is the purpose of this Easement to guarantee that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park, recreation and open space values of the Property.

2. **TRUST.** The property shall be held in trust in perpetuity and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation, Conservation and Historical Preservation Act as may be amended from time to time [NJSA 40:12-15.6b].

3. **PUBLIC ACCESS**. The MUNICIPALITY agrees to make the open space accessible to the public, unless the MUNICIPALITY and COUNTY determines that public accessibility would be detrimental to the lands, waters, or improvements thereon, or to any natural resources associated therewith [NJSA 40:12-15.6D(3)].

4. **OPEN SPACE INVENTORY**. The MUNICIPALITY shall cause the funded property to be listed in the Municipal Recreation and Open Space Inventory at the time it is filed with the New Jersey Green Acres Program or its successors.

5. **RIGHT OF COUNTY.** To accomplish the purpose of this easement, the following rights are conveyed to the COUNTY by this easement:

A. To preserve and protect the park, recreation and open space values of the Property.

B. To prevent any activity on or use of the Property that is inconsistent with the purpose of this easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent use or activity.

C. The COUNTY and its agents, representatives, servants or assigns, shall be permitted to enter upon the Property at all reasonable times, after giving prior reasonable notice, in order to monitor compliance with and otherwise enforce the terms of the Easement, provided that COUNTY, its agents, etc. shall not unreasonably interfere with use and quiet enjoyment of the Property.

D. The MUNICIPALITY agrees not to lease, sell, exchange or donate the Property described herein which is being acquired pursuant to P.L. 1997 c. 24, NJSA 40:12-15.6(A) except upon approval of the Monmouth County Board of Chosen Freeholders and upon such conditions as the Monmouth County Board of Chosen Freeholders may establish [NJSA 40:12-15.6(d)(4)] including, but not limited to, replacement with land of no less or greater utility, acreage and value.

6. **PROHIBITED USES.** Any activity on or use of the Property inconsistent with the purpose of this easement is prohibited.

7. **GREEN ACRES RESTRICTIONS**. If the lands being conveyed herein were purchased in part with Green Acres funding, they are subject to Green Acres restrictions as provided in N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36.

8. **RESERVED RIGHTS.** The MUNICIPALITY reserves to itself and to its personal representatives, heirs, successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not inconsistent with this easement.

9. **GRANTEE'S REMEDIES.** If the COUNTY determines that the MUNICIPALITY is in violation of the terms of this easement or that a violation is threatened, the COUNTY shall give written notice to the MUNICIPALITY of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this easement, to restore the portion of the Property so injured. If the MUNICIPALITY or its assigns fail to correct the violation within sixty days after receipt of notice thereof from the COUNTY or under circumstances where the violation cannot be cured within the sixty day period or fails to diligently pursue curing such violation until finally cured, the COUNTY may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this easement, to enjoin the violation ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the term of this easement or injury to any park, recreation or open space values protected by this easement; to require the restoration of the Property to the condition that existed prior to such injury; and all costs and expenses, including reasonable attorney's fees incurred in enforcing the COUNTY's rights herein.

10. **COUNTY'S DISCRETION.** Enforcement of the terms of this easement shall be at the discretion of the COUNTY, and any forbearance by the COUNTY to exercise its rights under this easement in the event of any breach of any terms of this easement by the MUNICIPALITY shall not be deemed or construed to be a waiver by the COUNTY of such terms or any subsequent breach of the same or any other term of this easement or of any of the COUNTY'S rights under this easement. No delay or omission by the COUNTY in the exercise of any right or remedy upon any breach by the MUNICIPALITY shall impair such right or remedy or be construed as a waiver.

11. **SURVIVAL**. The terms of an Agreement between the MUNICIPALITY and the COUNTY dated _____, shall survive the delivery of this Deed of Open Space Easement and the terms of which Agreement are incorporated herein by reference.

12. **WAIVER OF CERTAIN DEFENSES.** The MUNICIPALITY hereby waives any defense of laches, estoppel or prescription.

13. **ACTS BEYOND CONTROL.** Nothing contained in this easement shall be construed to entitle the COUNTY to bring any action against the MUNICIPALITY for any injury or change in the Property resulting from causes beyond the MUNICIPALITY'S control including, without limitation, fire, flood storm and earth movement, or from any prudent action taken by the MUNICIPALITY under emergency conditions to prevent, abate or mitigate injury to the Property resulting from said causes.

14. **COSTS AND LIABILITIES.** The MUNICIPALITY shall retain all responsibilities and shall bear all cost and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. The MUNICIPALITY shall keep the Property free of any liens arising out of any work performed, for material furnished to or obligations incurred by the MUNICIPALITY.

15. **RISK OF LOSS**. Risk of loss or damage to the Property by fire or other casualty shall be, and is assumed, by the MUNCIPALITY. The MUNICIPALITY_is required to advise the COUNTY of any occurrence which results in loss of or damage to any improvements funded by the COUNTY or which results in the impairment of the Property's park, recreation and open space use.

16. **COVENANTS**. The MUNICIPALITY covenants with the COUNTY as follows:

(a) The MUNICIPALITY is seized of said easement and has good right and title to convey same;

(b) The COUNTY shall quietly enjoy the said easement;

(c) The MUNICIPALITY shall have quiet possession of the easement free from all encumbrances;

17. **SUCCESSOR.** The covenants, terms, conditions and restrictions of this easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

This Deed of Easement is signed and attested to by _____ the proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTESTED BY:

_____ BY:_____

STATE OF NEW JERSEY:

: SS.

COUNTY OF MONMOUTH:

I CERTIFY that on _____ , 20____, _____ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the _____ of _____, the municipality named in this document;

(b) this person is the attesting witness to the signing of this Deed by the proper corporate officer, who is the _____ of the municipality;

(c) this Deed was signed and delivered by the municipality as its voluntary act duly authorized by a proper resolution of its governing body;

(d) this person knows the proper seal of the municipality which was affixed to this Deed;

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

(f) the full and actual consideration paid or to be paid for the transfer of title is $1.00 (such consideration is defined in N.J.S.A. 46:15-5).

_____

Sworn to and subscribed before
me this _____ day of _____ , 20____.

_____

**SAMPLE SIGNATURE PAGES**

**FOR**

**DEED OF OPEN SPACE EASEMENT**

This Deed of Easement is signed and attested to by **(Municipal Clerk and Mayor insert their names and titles here. Example: *Betsy Ross, Municipal Clerk and John Adams, Mayor*)** the proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTESTED BY:

**Municipal Clerk Signs Here**
**Municipal Clerk prints his or her name here.**
**Example: *Betsy Ross, Municipal Clerk***

BY: **Mayor signs here**
**Mayor prints his or her name here**
**Example: *John Adams, Mayor***

**(Note: If your form of municipal government permits, the Administrator/Manager may sign in place of the Mayor. In this case, the Administrator/Manager will sign wherever the Mayor is indicated.)**

STATE OF NEW JERSEY:

: SS.

COUNTY OF MONMOUTH:

I CERTIFY that on **(insert date here)**, 20____, **(insert name of Municipal Clerk here)** personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the **(Municipal Clerk)** of **(insert name of Municipality here)**, the municipality named in this document;

(b) this person is the attesting witness to the signing of this Deed by the proper corporate officer, who is the **(Mayor)** of the municipality;

(c) this Deed was signed and delivered by the municipality as its voluntary act duly authorized by a proper resolution of its governing body;

(d) this person knows the proper seal of the municipality which was affixed to this Deed;

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

(f) the full and actual consideration paid or to be paid for the transfer of title is $1.00 (such consideration is defined in N.J.S.A. 46:15-5).

**(Municipal Clerk Sign Here)**

**Municipal Clerk prints his or her name here**
**Example:** ***Betsy Ross, Municipal Clerk***

Sworn to and subscribed before

me this _____ day of _____, 20_____.

**Notary Public Signs Here**

**Notary Public completes date, stamps and seals signature.**
**(Note: The Notary cannot be the Mayor or the Clerk)**

**SAMPLE LETTER TO TITLE COMPANY REQUESTING RECORD OWENR SEARCH FOR DEVELOPMENT PROJECTS**

INSERT YOUR MUNICIPAL LETTER HEAD

(Insert Date)

ABC TITLE COMPANY
123 Main Street
Anytown, New Jersey 12345

**Re: Municipal Open Space Grant Application Number _____**
**Municipality of _____**
**Name of Project _____**

Dear Title Company:

Our municipality is participating in the Monmouth County Municipal Open Space Grant Program regarding the redevelopment, improvement, and/or renovation project commonly known as _____ Park located in our town.

Please provide me with a Record Owner Search for _____ Park which comprises Block _____, Lot(s) _____. Please attach any recorded instruments that indicate title to the realty is vested in our town. We do not require title insurance.

If you have any questions or comments, please contact me directly.

Very truly yours,

Municipal Official

cc: Monmouth County Park System
805 Newman Springs Road
Lincroft, New Jersey 07738-1695
Attn: Paul Gleitz, PP/AICP, Principal Park Planner