

An Overview of Agricultural Easements

Ownership of a piece of property may best be described as a "bundle of rights." These rights include the right to occupy, use, lease, sell, and develop the land. An easement is the exchange of one or more of these rights from the landowner to someone who does not own the land. An easement permits the holder certain rights for specified purposes while the farmer retains ownership of the land associated buildings.

The easement is a legally binding document that is publicly recorded and runs with the property in perpetuity. When the Monmouth County Agriculture Development Board (MCADB) purchases an agricultural easement, it is responsible for monitoring and enforcing the terms of the easement.

An agricultural easement is designed to prevent a farm from being developed and insure that the use of the land will remain conducive to agriculture in the future. Landowners still have the ability to construct new buildings for agricultural purposes, such as a barn, shed or greenhouse. The easement does restrict the building of any new primary residences, requires approval of housing for agricultural laborers, and regulates nonagricultural uses of the property. For these reasons, landowners may delineate an exception area that is not subject to most of the restrictions set forth in the easement.

Land that is covered by an agricultural easement is still privately owned, and no public access is permitted without the consent of the landowner.