

REPORT ON THE PROPOSED SALE OF PRESERVED
FARMLAND PROPERTY
BY
THE COUNTY OF OCEAN
IN THE
TOWNSHIP OF TOMS RIVER,
COUNTY OF OCEAN

Block 390, Lot 11
Toms River Township



Prepared by: Ocean County Planning Department
November 2021

STATUTORY REFERENCES

Under N.J.S.A 40A:12-13(a), the governing body of any county by resolution may sell any real property, capital improvement or personal property, or interests therein, not needed for public use, as set forth in the resolution or ordinance authorizing the sale by open public sale at auction to the highest bidder after advertisement thereof in a newspaper circulating in the municipality or municipalities in which the lands are situated, by two insertions at least once a week during two consecutive weeks, the last publication to be not earlier than seven days prior to such sale.

RATIONALE FOR CONVEYANCE

On January 14, 2020 the County of Ocean (“County”) acquired property known as Block 390, Lot 11 in the Township of Toms River under the Ocean County Natural Lands Trust Fund for farmland preservation. Subsequently on September 1, 2021, the County recorded a farmland preservation easement restricting 8.77 acres to farmland and providing an additional 1 acre non-severable exception area for the existing residential structure.

The conveyance of the aforementioned easement to the County of Ocean resulted in preservation of the Property for the farmland so that it is not necessary for County to hold the remaining fee simple interest in the land. Accordingly, the County does hereby determine that a fee simple interest in the property set forth in Schedule A is no longer needed for public use.

A general location map of the property is attached as Figure 1. An aerial map of the property is attached as Figure 2.

The property will remain as preserved farmland after the sale is completed.

Description of the Property

The property consists of 9.77 acres located at 1898 New Hampshire Avenue in Toms River Township. The property was operated as an equine farm for much of the past 40 years. Prior to 1980 it was part of a larger egg and poultry farm.

A current residential dwelling is on the property and is located within the 1-acre exception area of the easement.

The easement property currently contains 7.30 tillable acres. It is mainly open field and consists of 100% Sassafras Sandy Loam (SaB) soils which are a NJ Prime Farmland Soil (USDA NRCS).

ADVANTAGES AND DISADVANTAGES

Sale of the property will return the preserved farmland to private ownership. The County will remain responsible for monitoring and ensuring the farmland easement is being adhered to. Sale of the property would remove the administrative burden from the County and return the property back onto the Toms River Township tax rolls. The purchaser of the properties will be responsible for retaining the agricultural use of the property. The property includes an existing residential house in fair condition. The property also includes an existing stable barn in a fair/poor condition.

There are no known disadvantages to the sale of these properties.

ENVIRONMENTAL ASSESSMENT

Assessment of Environmental Impact and Impact on Plants and Endangered and Non-Game Species

The proposed sale will not change the nature of the properties as farmland. The County is not aware of the presence of any threatened or endangered species. According to NJDEP GeoWeb, the property is identified in the Pinelands Landscape Project as agricultural land. The land use for the site is historically agricultural and is residentially developed around the parcel.

ECONOMIC ASSESSMENT

The County acquired the properties in fee on January 14, 2020 from Rosalie Fleischer, and the Trustees under the Last Will and Testament of Robert L. Fleischer (Rosalie Fleischer, Jeffrey Fleischer, and Steven Fleischer) for \$1,025,850.00.

On September 1, 2021 the County recorded a permanent farmland preservation easement on Block 390, Lot 11.

The sale of the property by auction will allow the County to recuperate the balance of the land value and return it to the Ocean County Natural Lands Trust Fund account for additional preservation activities.

The property has been tax exempt with the Township of Toms River since January 1, 2021. Sale for private ownership would allow for the properties to be returned to the Township tax roll.

There are no known economic disadvantages to the sale of these properties.

FIGURES AND APPENDICES

- Figure 1 General Location Map
- Figure 2 Aerial Map of Property
- Figure 3 Landscape, Surface Waters, and Wetlands Mapping for Property
- Figure 4 Ocean County Board of Chosen Freeholders Resolution Authorizing Acquisition, Dated August 21, 2019.
- Figure 5 Deed from Rosalie Fleischer to County of Ocean, Recorded January 14, 2020.
- Figure 6 Map of Farmland Easement Prepared by GTS Consultants dated July 13, 2020.
- Figure 7 Deed of Easement to County of Ocean for Block 390, Lot 11 filed September 1, 2021.
- Figure 8 Ocean County Board of Commissioners Resolution Authorizing the Sale of the Permanently Preserved Properties, Dated November 17, 2021
- Figure 9 Public Hearing Notice

PUBLIC HEARINGS

In accordance with N.J.S.A 40A:12-13 et. seq., a public hearing on the proposed sale are scheduled as follows:

A public hearing on the proposed sale of the property:

December 22, 2021 at 4:00PM
Engineering Conference Room
3rd Floor, 129 Hooper Avenue
Toms River, NJ 08753
(732) 929-2054

CONTACT INFORMATION

For further information, please contact:

Mark Villinger, Supervising Planner
Ocean County Department of Planning
PO Box 2191
Toms River, NJ 08754-2191
(732) 929-2054
mvillinger@co.ocean.nj.us

DISTRIBUTION LIST

Maurice B. "Mo" Hill Jr. Mayor, Township of Toms River

Alison Carlisle, Clerk, Township of Toms River

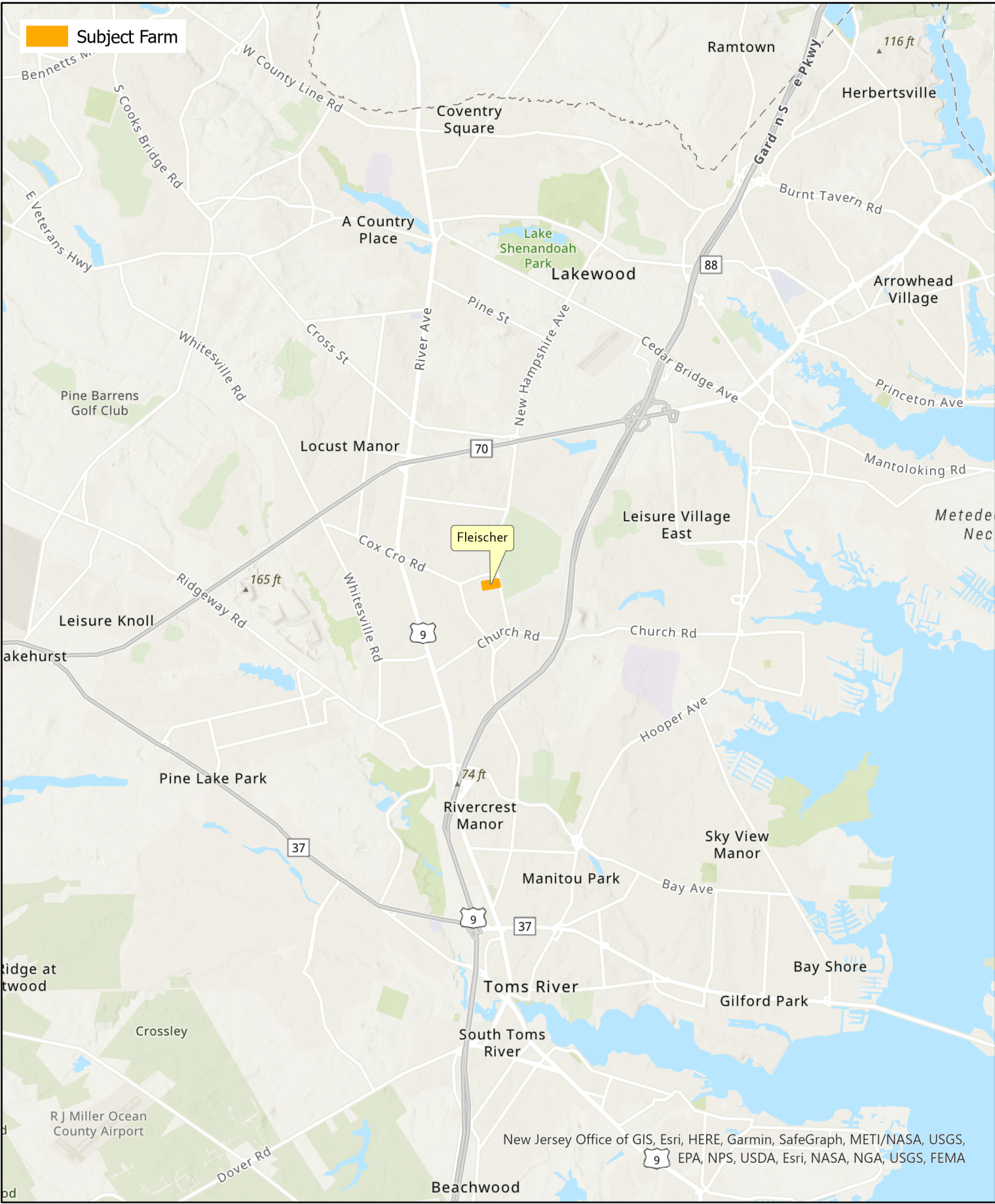
Scott M. Colabella, Clerk, County of Ocean

Michelle Gunther, Clerk of the Board, County of Ocean

Figure 1

General Location Map

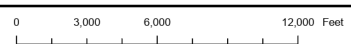
 Subject Farm



New Jersey Office of GIS, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA



FLEISCHER FARM TOMS RIVER TOWNSHIP



Date: 9/29/2021
Creator: Ocean County Department of Planning GIS
Contact: (732) 929-2054



Figure 2

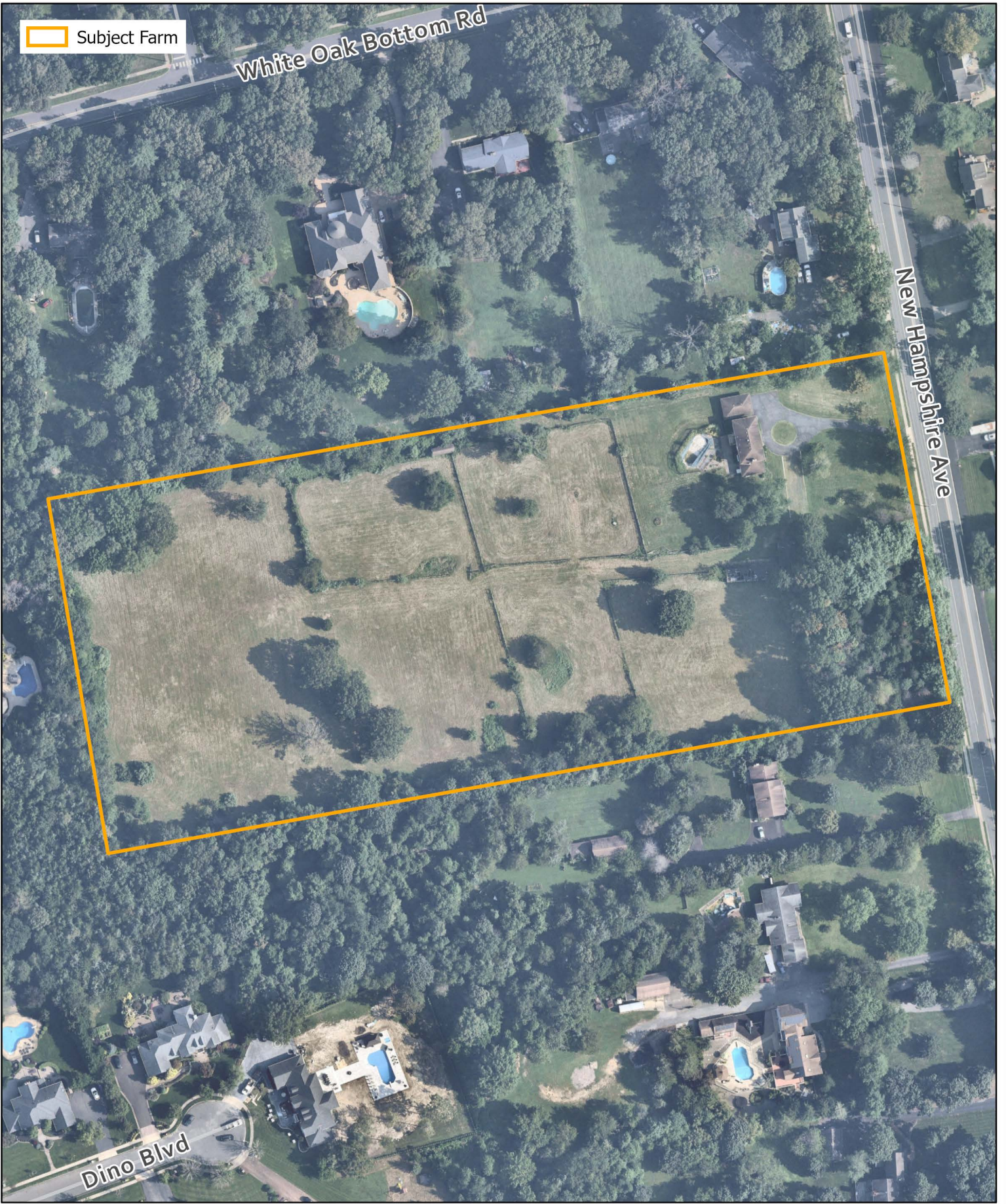
Aerial Map of Property

 Subject Farm

White Oak Bottom Rd

New Hampshire Ave

Dino Blvd



FLEISCHER FARM
TOMS RIVER TOWNSHIP



Date: 9/30/2021
Creator: Ocean County Department of Planning GIS
Contact: (732) 929-2054



Figure 3 Landscape, Surface Waters, and Wetlands Mapping for Property



No wetlands or water on-site

- Subject Farm
- Landscape Project - Species-Based Habitat - Pinelands
- Rank 1 - Habitat specific requirements
- Rank 2 - Special Concern
- Rank 3 - State Threatened
- Rank 4 - State Endangered
- Rank 5 - Federal Listed



FLEISCHER FARM TOMS RIVER TOWNSHIP

Date: 10/1/2021
 Creator: Ocean County Department of Planning GIS
 Contact: (732) 929-2054



Figure 4

**Ocean County Board of Chosen Freeholders
Resolution Authorizing Acquisition, Dated
August 21, 2019**



Ocean County Board of Chosen Freeholders

OFFICE OF THE
OCEAN COUNTY FREEHOLDERS
Freeholder Director Virginia E. Haines
Deputy Director John P. Kelly
Freeholder Gerry P. Little
Freeholder Gary Quinn
Freeholder Joseph H. Vicari

101 Hooper Ave
Toms River, New Jersey
08754-2191
Tel: 732-929-2005
Fax: 732-505-1918

Board Meeting Agenda

Date: August 21, 2019 - 4:00 PM
Location: Administration Building
Room 119
101 Hooper Avenue
Toms River, NJ 08754

Agenda: Accepting the recommendation of the OC Natural Lands Trust Fund Advisory Committee and the Ocean County Agriculture Development Board to participate in the fee-simple acquisition of property identified as Block 390, Lot 11, totaling approximately 9.77 acres, located on New Hampshire Avenue in Toms River Township, in a total amount not to exceed \$1,025,850.00 plus up to \$2,750.00 for property tax adjustments.

Official Resolution#	2019001128						
Meeting Date	08/21/2019						
Introduced Date	08/21/2019						
Adopted Date	08/21/2019						
Agenda Item	e-1						
CAF #							
Purchase Req. #							
Result	Adopted						
FREEHOLDER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.
Haines	✓				✓		
Kelly	✓			✓	✓		
Little	✓				✓		
Quinn		✓					
Vicari	✓		✓		✓		

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE, COMPLETE AND ACCURATE COPY OF THIS RESOLUTION, ADOPTED BY OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS, NJ AT THE MEETING REFERENCED THEREON

MACilento

Clerk Of The Board

RESOLUTION

August 21, 2019

WHEREAS, the voters of Ocean County authorized the Ocean County Natural Lands Trust Fund to provide funds for the acquisition and preservation of natural lands, open spaces and farmland; and

WHEREAS, the Ocean County Agriculture Development Board provides recommendations for farmland preservation; and

WHEREAS, the Ocean County Agriculture Development Board has identified the property known as Block 390, lot 11 totaling approximately 9.77 acres located on New Hampshire Avenue in Toms River Township as target farm within its Comprehensive Farmland Management Plan; and

WHEREAS, the Ocean County Natural Lands Trust Fund Advisory Committee also reviews farmland acquisitions and supports this recommendation; and

WHEREAS, two professional appraisals have been completed to establish the fair market value of the property; and

WHEREAS, the County of Ocean would acquire the property for an amount not to exceed \$1,025,850 of equivalent land value of the property; and

WHEREAS, the State Agriculture Development Committee may reimburse the County of Ocean for part of a development easement value; and

WHEREAS, upon acquisition the County would deed restrict the property to be preserved as a farm in perpetuity and then auction the preserved farm at a later date; and

WHEREAS, a public hearing on the proposed acquisition was conducted by the Board of Chosen Freeholders on August 21, 2019 as required by PL 1997, c24.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF OCEAN, STATE OF NEW JERSEY as follows:

1. It accepts the recommendation of the Ocean County Natural Lands Trust Fund Advisory Committee and the Ocean County Agriculture Development Board to participate in the fee-simple acquisition of the property identified as Block 390, Lot 11 in Toms River Township.
2. It authorizes the acquisition price not to exceed \$1,025,850 plus up to \$2,750 for property tax adjustments as necessary from the Ocean County Natural Lands Trust Fund, Account Number 225-155-0151.

BE IT FURTHER RESOLVED THAT

1. The proper officers of the Board are authorized and directed to sign all necessary documents in order to effectuate these purchases.
2. The offices of Ocean County Counsel and County Administrative staff are hereby authorized to take all actions necessary to consummate this transaction and have the fully executed Deeds or Easements recorded in the County Clerk's Office.
3. The Board is authorized to pursue any and all grants available for this purchase and execute the applicable grant agreements.

RESOLUTION: *August 21, 2019*

4. The Township of Toms River has supported this acquisition by resolution at their July 23, 2019 meeting.
5. Copies of this Resolution shall be made available to the County Administrator; County Planning Director; County Finance Director; County Auditor; County Counsel; County Natural Lands Trust Fund Advisory Committee; County Agriculture Development Board; and the Township of Toms River.

Figure 5

**Deed from Rosalie Fleischer, to County of Ocean,
Recorded January 14, 2020.**



OCEAN COUNTY CLERK'S OFFICE
RECORDING DOCUMENT
COVER SHEET

SCOTT M. COLABELLA
OCEAN COUNTY CLERK
P.O. BOX 2191
TOMS RIVER, NJ 08754-2191
(732) 929-2110
www.oceancountyclerk.com



INSTR # 2020005419
OR BK 17754 PG 1309
RECORDED 01/16/2020 08:39:35 AM
SCOTT M. COLABELLA, COUNTY CLERK
OCEAN COUNTY, NEW JERSEY

OFFICIAL USE ONLY

DATE OF DOCUMENT: (Enter Date as follows:00/00/0000)

01/14/2020

TYPE OF DOCUMENT: (Select Doc Type from Drop-Down Box)

DEED

COUNTY OF OCEAN
CONSIDERATION 1,025,850-
REALTY TRANSFER FEE 62nd
DATE 1-16-20 BY Phil

OFFICIAL USE ONLY - REALTY TRANSFER FEE

FIRST PARTY NAME: (Enter Last Name, First Name)

Fleischer, Rosalie, Individually

SECOND PARTY NAME: (Enter Last Name, First Name)

County of Ocean

100 No fee

ALL ADDITIONAL PARTIES: (Enter Last Name, First Name)

Fleischer, Rosalie; Fleischer, Jeffrey; Fleischer, Steven, as Trustees under the Last Will & Testament of Robert L. Fleischer

RETURN NAME AND ADDRESS:

Laura M. Benson, Esq.
Berry, Sahradnik, Kotzas & Benson
212 Hooper Avenue - PO Box 757
Toms River, NJ 08754

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

BLOCK: 390

LOT: 11

MUNICIPALITY: (Select Municipality from Drop-Down Box)

TOMS RIVER

CONSIDERATION: \$ 1,025,850.00

MAILING ADDRESS OF GRANTEE: (Enter Street Address, Town, State, Zip Code)

Street Address 101 Hooper Avenue Town Toms River State NJ Zip 08743

THE FOLLOWING SECTION IS FOR
ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,
SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

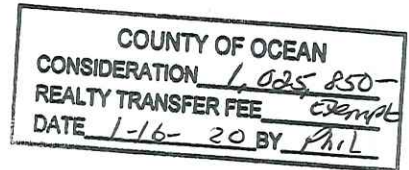
ORIGINAL BOOK:

ORIGINAL PAGE:

OCEAN COUNTY CLERK'S OFFICE RECORDING DOCUMENT COVER SHEET

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

Deed



Prepared by:

Lawrence D. Mandel

This Deed is made on January 14, 2020

BETWEEN

ROSALIE FLEISCHER, Individually, and ROSALIE FLEISCHER, JEFFREY FLEISCHER and STEVEN FLEISCHER, as Trustees under the Last Will and Testament of Robert L. Fleischer, whose address is 20 Millstone Way, Waretown, New Jersey 08758

referred to as the Grantor,

AND

COUNTY OF OCEAN, a public corporation of the State of New Jersey, having an address at Administration Building, 101 Hooper Avenue, Toms River, New Jersey, 08753

referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE MILLION TWENTY-FIVE THOUSAND EIGHT HUNDRED FIFTY DOLLARS and NO/CENTS (\$1,025,850.00). The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of TOMS RIVER TOWNSHIP, Block No. 390, Lot 11.

Property. The Property consists of the land and all the buildings and structures on the land in the Township of Toms River, County of Ocean and State of New Jersey. The legal description is:

ALL that certain tract or parcel of land and premises lying, being and situate in Toms River Township, Ocean County, and State of New Jersey being more particularly described as follows:



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
(9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)
Rosalie Fleischer

Current Street Address
20 Millstone Way

City, Town, Post Office Box
Waretown

State
NJ

Zip Code
08758

PROPERTY INFORMATION

Block(s)
390

Lot(s)
11

Qualifier

Street Address
1868 New Hampshire Avenue

City, Town, Post Office Box
Toms River

State
NJ

Zip Code
08755

Seller's Percentage of Ownership 50%	Total Consideration \$1,025,850.00	Owner's Share of Consideration \$512,925.00	Closing Date 1/14/2020
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SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
14. The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

01/13/2020
Date

Rosalie Fleischer
Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
(9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)
Rosalie Fleischer, Jeffrey Fleischer and Steven Fleischer, Trustees under the Last Will and Testament of Robert L. Fleischer

Current Street Address
20 Millstone Way

City, Town, Post Office Box
Waretown

State
NJ

Zip Code
08758

PROPERTY INFORMATION

Block(s)
390

Lot(s)
11

Qualifier

Street Address
1868 New Hampshire Avenue

City, Town, Post Office Box
Toms River

State
NJ

Zip Code
08755

Seller's Percentage of Ownership	Total Consideration	Owner's Share of Consideration	Closing Date
50%	\$1,025,850.00	\$512,925.00	1/14/2020

SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)

1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10. The deed is dated prior to August 1, 2004, and was not previously recorded.
11. The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12. The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13. The property transferred is a cemetery plot.
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SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

01/13/2020
Date

1/10/2020
Date

Rosalie Fleischer
Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Jeffrey Fleischer
Signature **JEFFREY FLEISCHER**
(Seller) Please indicate if Power of Attorney or Attorney in Fact



State of New Jersey
SELLER'S RESIDENCY CERTIFICATION/EXEMPTION

GIT/REP-3
(9-2015)

(Please Print or Type)

SELLER'S INFORMATION

Name(s)
Rosalie Fleischer, Jeffrey Fleischer and Steven Fleischer, Trustees under the Last Will and Testament of Robert L. Fleischer

Current Street Address
20 Millstone Way

City, Town, Post Office Box
Waretown

State
NJ

Zip Code
08758

PROPERTY INFORMATION

Block(s) 390	Lot(s) 11	Qualifier
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Street Address
1868 New Hampshire Avenue

City, Town, Post Office Box
Toms River

State
NJ

Zip Code
08755

Seller's Percentage of Ownership 50%	Total Consideration \$1,025,850.00	Owner's Share of Consideration \$512,925.00	Closing Date 1/14/2020
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1. Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2. The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3. Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4. Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5. Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6. The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7. The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.
 Seller did not receive non-like kind property.
8. The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9. The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
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SELLER'S DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

1/10/2020
Date

STEVEN FLEISCHER
Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

Signature
(Seller) Please indicate if Power of Attorney or Attorney in Fact

STATE OF NEW JERSEY
AFFIDAVIT OF CONSIDERATION FOR USE BY SELLER
(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM.

STATE OF NEW JERSEY

COUNTY Ocean } SS. County Municipal Code 1508

FOR RECORDER'S USE ONLY
Consideration \$ 1,025,850-
RTF paid by seller \$
Date 1-16-20 By [Signature]

MUNICIPALITY OF PROPERTY LOCATION Toms River

*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)

Deponent, Rosalie Fleischer, being duly sworn according to law upon his/her oath, deposes and says that he/she is the Grantor in a deed dated January 14, 2020 transferring real property identified as Block number 390 Lot number 11 located at 1868 New Hampshire Avenue, Toms River, NJ 08755 and annexed thereto.

(2) CONSIDERATION \$ 1,025,850.00 (Instructions #1 and #5 on reverse side) [X] no prior mortgage to which property is subject.

(3) Property transferred is Class 4A 4B 4C (circle one). If property transferred is Class 4A, calculation in Section 3A below is required.

(3A) REQUIRED CALCULATION OF EQUALIZED VALUATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #5A and #7 on reverse side)

Total Assessed Valuation + Director's Ratio = Equalized Assessed Valuation
\$ + % = \$
If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed value. If Director's Ratio is equal to or in excess of 100%, the assessed value will be equal to the equalized valuation.

(4) FULL EXEMPTION FROM FEE (See Instruction #8 on reverse side)
Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through C. 66, P.L. 2004, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.
By or to the United States of America, this State or any instrumentality agency or subdivision

(5) PARTIAL EXEMPTION FROM FEE (Instruction #9 on reverse side)
NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. Deponent claims that this deed transaction is exempt from State portions of the Basic, Supplemental, and General Purpose Fees, as applicable, imposed by C. 176, P.L. 1975, C. 113, P.L. 2004, and C. 66, P.L. 2004 for the following reason(s):

- A. SENIOR CITIZEN Grantor(s) [] 62 years of age or over. * (Instruction #9 on reverse side for A or B)
- B. BLIND PERSON Grantor(s) [] legally blind or; *
- DISABLED PERSON Grantor(s) [] permanently and totally disabled [] receiving disability payments [] not gainfully employed*

Senior citizens, blind persons, or disabled persons must also meet all of the following criteria:
[] Owned and occupied by grantor(s) at time of sale. [] Resident of State of New Jersey.
[] One or two-family residential premises. [] Owners as joint tenants must all qualify.

*IN CASE OF HUSBAND AND WIFE, PARTNERS IN A CIVIL UNION COUPLE, ONLY ONE GRANTOR NEED QUALIFY IF TENANTS BY THE ENTIRETY.

- C. LOW AND MODERATE INCOME HOUSING (Instruction #9 on reverse side)
[] Affordable according to H.U.D. standards. [] Reserved for occupancy.
[] Meets income requirements of region. [] Subject to resale controls.

(6) NEW CONSTRUCTION (Instructions #2, #10 and #12 on reverse side)
[] Entirely new improvement. [] Not previously occupied.
[] Not previously used for any purpose. [] NEW CONSTRUCTION printed clearly at top of first page of the deed.

(7) RELATED LEGAL ENTITIES TO LEGAL ENTITIES (Instructions #5, #12, #14 on reverse side)
[] No prior mortgage assumed or to which property is subject at time of sale.
[] No contributions to capital by either grantor or grantee legal entity.
[] No stock or money exchanged by or between grantor or grantee legal entities.

(8) Deponent makes this Affidavit to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 13 day of January, 2020
Susan Philbrook

Rosalie Fleischer
Signature of Deponent Grantor Name
20 Millstone Way
Waretown, NJ 08758

SUSAN PHILBROOK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/1/2022

Deponent Address XXX-XXX- 654
Last three digits in Grantor's Social Security Number
Name/Company of Settlement Officer BERMAN, BARTHOLOMEW & BENSON

FOR OFFICIAL USE ONLY
Instrument Number _____ County Ocean
Deed Number _____ Book _____ Page _____
Deed Dated 1-14-20 Date Recorded 1-16-20

County recording officers shall forward one copy of each RTF-1 form when Section 3A is completed to: STATE OF NEW JERSEY
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT
The Director of the Division of Taxation in the Department of the Treasury has prescribed this form as required by law, and may not be altered or amended without prior approval of the Director. For information on the Realty Transfer Fee or to print a copy of this Affidavit, visit the Division of Taxation website at: www.state.nj.us/treasury/taxation/lpt/localtax.htm

MUST SUBMIT IN DUPLICATE

AFFIDAVIT OF CONSIDERATION FOR USE BY BUYER

(Chapter 49, P.L.1968, as amended through Chapter 33, P.L. 2006) (N.J.S.A. 46:15-5 et seq.)

PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS FORM BEFORE COMPLETING THIS AFFIDAVIT

STATE OF NEW JERSEY

COUNTY OCEAN

SS. County Municipal Code 1508

MUNICIPALITY OF PROPERTY LOCATION 1508 TOMS RIVER

FOR RECORDER'S USE ONLY
Consideration \$ 1,025,850
RTF paid by buyer \$ EB2M16
Date 1-16-20 By Phil

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3 and #4 on reverse side)
Deponent, Laura M. Benson, Esq., being duly sworn according to law upon his/her oath,
deposes and says that he/she is the Legal Representative in a deed dated Jan. 9, 2020 transferring
real property identified as Block number 390 Lot number 11 located at
1868 New Hampshire Avenue, Toms River, NJ and annexed thereto.

(2) CONSIDERATION \$ 1,025,850.00 (See Instructions #1, #5, and #11 on reverse side)

Entire consideration is in excess of \$1,000,000:

PROPERTY CLASSIFICATION CHECKED OR CIRCLED BELOW IS TAKEN FROM OFFICIAL ASSESSMENT LIST (A PUBLIC RECORD) OF MUNICIPALITY WHERE THE REAL PROPERTY IS LOCATED IN THE YEAR OF TRANSFER. REFER TO N.J.A.C. 18:12-2.2 ET SEQ.

(A) Grantee required to remit the 1% fee, complete (A) by checking off appropriate box or boxes below.

- Class 2 - Residential
Class 3A - Farm property (Regular) and any other real property transferred to same grantee in conjunction with transfer of Class 3A property
Class 4A - Commercial properties
Cooperative unit (four families or less) (See C. 46:8D-3.)
Cooperative units are Class 4C.

(B) Grantee is not required to remit 1% fee (one or more of following classes being conveyed), complete (B) by checking off appropriate box or boxes below.

- Property class. Circle applicable class or classes: 1 3B 4B 4C 15
Exempt organization determined by federal Internal Revenue Service/Internal Revenue Code of 1986, 26 U.S.C. s. 501.
Incidental to corporate merger or acquisition; equalized assessed valuation less than 20% of total value of all assets exchanged in merger or acquisition. If checked, calculation in (E) required and MUST ATTACH COMPLETED RTF-4.

(C) When grantee transfers properties involving block(s) and lot(s) of two or more classes in one deed, one or more subject to the 1% fee (A), with one or more than one not subject to the 1% fee (B), pursuant to N.J.S.A. 46:15-7.2, complete (C) by checking off appropriate box or boxes and (D).

- Property class. Circle applicable class or classes: 1 2 3B 4A 4B 4C 15

(D) EQUALIZED VALUE CALCULATION FOR ALL PROPERTIES CONVEYED, WHETHER THE 1% FEE APPLIES OR DOES NOT APPLY

Total Assessed Valuation ÷ Director's Ratio = Equalized Valuation

Table with 4 rows for Property Class, Assessed Value, Director's Ratio, and Equalized Value.

(E) REQUIRED EQUALIZED VALUE CALCULATION FOR ALL CLASS 4A (COMMERCIAL) PROPERTY TRANSACTIONS: (See Instructions #6 and #7 on reverse side)

Total Assessed Valuation ÷ Director's Ratio = Equalized Value

\$ ÷ % = \$

If Director's Ratio is less than 100%, the equalized valuation will be an amount greater than the assessed valuation. If Director's Ratio is equal to or exceeds 100%, the assessed valuation will be equal to the equalized value.

(3) TOTAL EXEMPTION FROM FEE (See Instruction #8 on reverse side)

Deponent states that this deed transaction is fully exempt from the Realty Transfer Fee imposed by C. 49, P.L. 1968, as amended through Chapter 33, P.L. 2006, for the following reason(s). Mere reference to exemption symbol is insufficient. Explain in detail.

(b) By or to the United States of America, this State, or any instrumentality, agency or subdivision

(4) Deponent makes Affidavit of Consideration for Use by Buyer to induce county clerk or register of deeds to record the deed and accept the fee submitted herewith pursuant to the provisions of Chapter 49, P.L. 1968, as amended through Chapter 33, P.L. 2006.

Subscribed and sworn to before me this 14 day of Jan, 2020

Sandra E. Cutillo (Signature)

Signature of Deponent
PO Box 757, Toms River, NJ 08754
Deponent Address

County of Ocean
Grantee Name

101 Hooper Ave., Toms River, NJ 08753
Grantee Address at Time of Sale

Berry, Sahradnik, Kotzas & Benson
Name/Company of Settlement Officer

SANDRA E. CUTILLO
Notary Public State of New Jersey
My Commission Expires May 24, 2020

County recording officers: forward one copy of each RTF-1EE to:

STATE OF NJ - DIVISION OF TAXATION
PO BOX 251
TRENTON, NJ 08695-0251
ATTENTION: REALTY TRANSFER FEE UNIT

FOR OFFICIAL USE ONLY
Instrument Number
Deed Number
Deed Dated 1-14-20
County Ocean
Book
Page
Date Recorded 1-16-20

BEGINNING at a monument located in the westerly side of New Hampshire Avenue, said monument being located southerly 472.05 ft. from the intersection with the southerly line of White Oak Bottom Road, thence

- (1) South 89 degrees 33 minutes 30 seconds East, 14.60 feet to an old stone found in the said westerly side of New Hampshire Avenue, thence
- (2) Along the same or a course of South 00 degrees 22 minutes 30 seconds East, 422.25 feet to a point, thence
- (3) North 89 degrees 33 minutes 30 seconds West, 1037 feet to a monument founds, thence
- (4) North 01 degrees 03 minutes 00 seconds East, 422.23 feet to a monument found, said monument being the beginning point listed in the above description, thence
- (5) South 89 degrees 33 minutes 30 seconds East, 1011.90 feet to a said monument, being the point and place of beginning.

The above description was drawn in accordance with a survey dated September 3, 1981 by Rush & Henkel, P.A.C.E. & L.S.

Excepting therefrom a portion of the premises described above conveyed to the County of Ocean by Deed dated May 11, 2000, recorded May 17, 2000 in Deed OR Book 10102 Page 474.

BEING the same premises conveyed to:

A) Robert Fleischer and Rosalie Fleischer, tenants in common, with no right of survivorship, as to a 50% undivided interest each, by Deed from Robert Fleischer and Rosalie Fleischer, his wife, dated November 15, 1984, recorded November 29, 1994 in Deed Book 5221 Page 888. Robert L. Fleischer died on November 28, 1996, leaving a Last Will and Testament probated in the Ocean County Surrogate's office. All of the residue of the estate, of which decedent's one-half interest in the premises was a part, was devised to decedent's Trustees, In Trust (referred to as the Family Trust). Rosalie Fleischer was named and qualified as Executrix. Rosalie Fleischer, Jeffrey Fleischer and Steven Fleischer were named and qualified as Co-Trustees under the Testamentary Trust. - A one-half interest remains vested in Rosalie Fleischer, individually.

B) Rosalie Fleischer, Jeffrey Fleischer and Steven Fleischer, or their successors, as Trustees under the Last Will and Testament of Robert L. Fleischer by deed from Rosalie Fleischer, Executrix of the Estate of Robert L. Fleischer, deceased, dated December 15, 1997, recorded January 8, 1998 in the Ocean County Clerk's/Register's Office in Deed Book 5539, Page 27. - Conveys a one-half interest.

Also known as Tax Lot 11, Tax Block 390 as shown on the Official Tax Map of Township of Toms River, County of Ocean, State of NJ.

Deed Description for Block 390, Lot 11

Township of Toms River, Ocean County, NJ

Beginning at a point on the westerly right of way line of New Hampshire Avenue as widened to 40 feet from the centerline thereof, said point being marked by a concrete monument (set), said point also being 471.45 feet southerly from the southerly right of way line of White Oak Bottom Road as widened to 30 feet from the centerline thereof, said point further having New Jersey Plane Coordinates of North 434,440.78 and East 575,856.60; thence,

1. On said westerly right of way line of New Hampshire Road as widened, South 10° 45' 00" East, 421.85 feet to a point thereon, said point also being marked by a concrete monument (set); thence,
2. On the common line dividing Block 390, Lots 11 and 23.04, South 79° 44' 26" West, 1,013.42 feet to a concrete monument (found); thence,
3. On the common line dividing Block 390, Lots 11 and 13.08, North 9° 40' 41" West, 426.22 feet to an iron pipe (found); thence,
4. On the common line dividing Block 390, Lot 11 from Block 390, Lots 19, 4, 20, 21, and 22.01, North 79° 59' 23" East, 1,005.49 feet to the point and place of beginning.

Containing 428,024 square feet or 9.826 acres more or less.

Being the same premises conveyed from Rosalie Fleischer, Executrix of the estate of Robert L. Fleischer, deceased to Rosalie Fleischer, Jeffrey Fleischer, and Steven Fleischer, or their successors, as trustees under the last will and testament of Robert L. Fleischer, by deed dated December 15, 1997, and recorded on January 8, 1998 in Ocean County Deed Book 5539, Page 27.

Excepting therefrom Parcel 56 conveyed from Rosalie Fleischer, Jeffrey Fleischer, and Steven Fleischer, or their successors, as trustees under the last will and testament of Robert L. Fleischer to the County of Ocean by deed dated May 11, 2000, and recorded on May 17, 2000 in Ocean County Deed Book 10102, Page 474. Said Parcel 56 is depicted on the Right of Way Acquisition Plans for Reconstruction of New Hampshire Avenue Phase III, Silverton Road to Route 70, Dover & Lakewood Townships, Ocean County, New Jersey, prepared by D.W. Smith Associates, P.A., last revised January 12, 2000, and filed in the office of the Ocean County Engineer as File No. 07-093-407C.

The above description is based on a boundary survey prepared by GTS Consultants, Inc. dated December 5, 2019.

Prepared by:

GTS Consultants, Inc.
2 Monmouth Avenue, Unit A1
Freehold, NJ 07728



Fredrick L. Voss, PE, PLS
NJ License No. 24GB0257900

1/03/2020
Date

The street address of the property is 1868 New Hampshire Avenue, Toms River, NJ 08755.

Subject to easements, zoning ordinances and restrictions of record and such facts as an accurate survey of the premises may disclose.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affects the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed By:

Susan Philbrook

Rosalie Fleischer
Rosalie Fleischer, Individually and as Trustee under
the Last Will and Testament of Robert L. Fleischer

STATE OF NEW JERSEY, COUNTY OF OCEAN SS.:
I CERTIFY that on January 14, 2020

ROSALIE FLEISCHER, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this deed;
- (b) was authorized to and did execute this Deed individually and as Trustee under the Last Will and Testament of Robert L. Fleischer;
- (c) made this deed for \$1,025,850.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Susan Philbrook

Notary Public
SUSAN PHILBROOK
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 5/1/2022

Witnessed By:

Natalie A. Fleischer
Natalie A. Fleischer

Jeffrey Fleischer
Jeffrey Fleischer, Trustee under the Last Will
and Testament of Robert L. Fleischer

STATE OF Connecticut, COUNTY OF New Haven SS.:
I CERTIFY that on January 10, 2020

JEFFREY FLEISCHER, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this deed;
- (b) was authorized to and did execute this Deed as Trustee under the Last Will and Testament of Robert L. Fleischer;
- (c) made this deed for \$1,025,850.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Bruce Post
Notary Public
Bruce Post



Witnessed By:

Rosalie Fleischer

Steven Fleischer
Steven Fleischer, Trustee under the Last Will
and Testament of Robert L. Fleischer

STATE OF Maryland, COUNTY OF FrederickSS.:
I CERTIFY that on January 10, 2020

Krista C Day
NOTARY PUBLIC
Frederick County - Maryland
MARYLAND
My Commission Expires December 7, 2020

STEVEN FLEISCHER, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) was the maker of this deed;
- (b) was authorized to and did execute this Deed as Trustee under the Last Will and Testament of Robert L. Fleischer;
- (c) made this deed for \$1,025,850.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

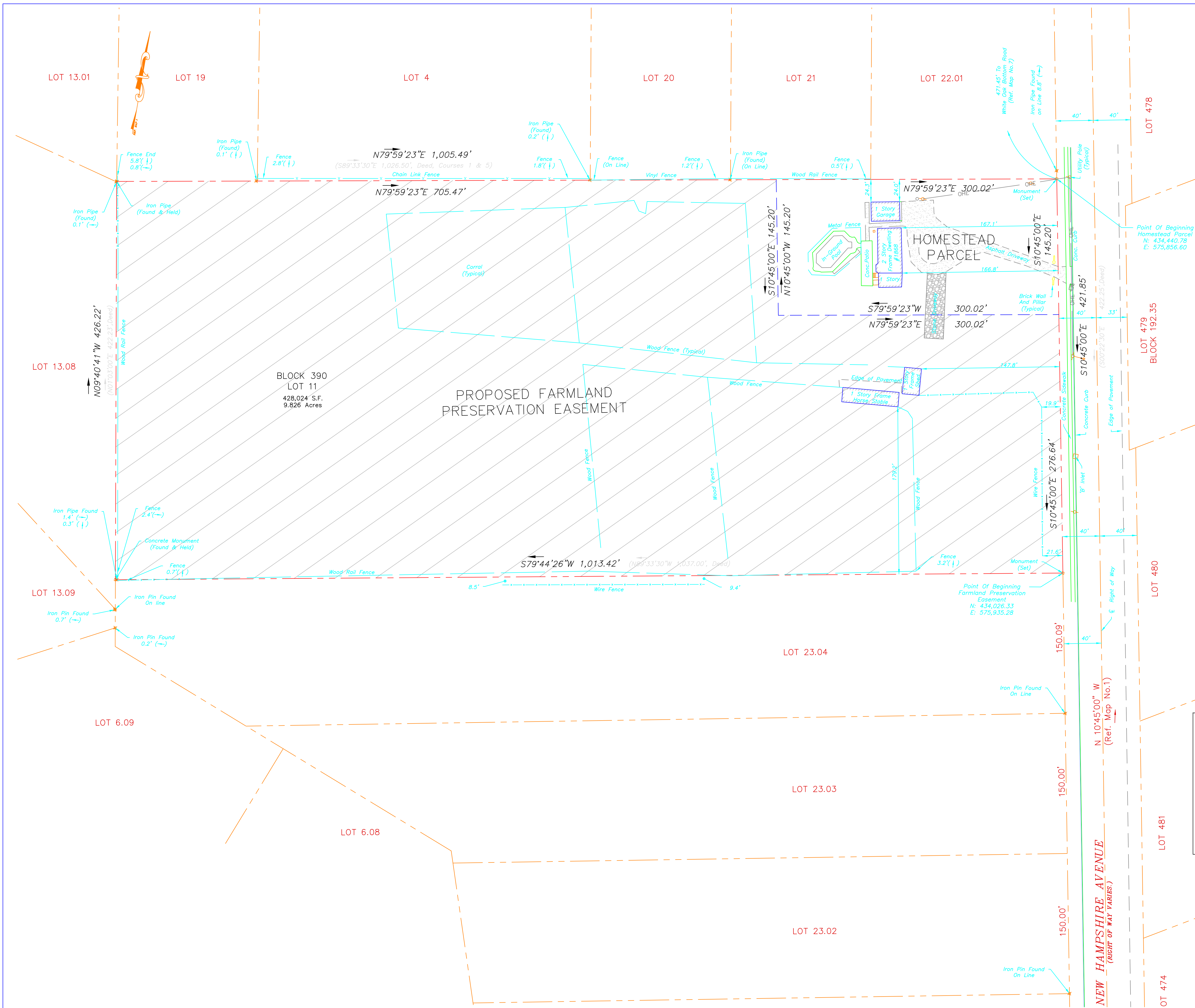
Krista C Day
Notary Public
ERP.
12-7-20

RECORD AND RETURN TO:

**Laura Benson, Esq.
Berry Sahradnik, Kotzas & Benson, Esqs.
212 Hooper Ave.
PO Box 757
Toms River, NJ 08754-0757**

Figure 6

**Map of Farmland Easement Prepared by GTS
Consultants, dated July 13, 2020.**



HOMESTEAD PARCEL DESCRIPTION

Block 390, Lot 11, Township of Toms River, Ocean County, NJ
 Beginning at a point on the westerly right of way line of New Hampshire Avenue as widened to 40 feet from the centerline thereof, said point being marked by a concrete monument (set), said point also being 471.45 feet southerly from the southerly right of way line of White Oak Bottom Road as widened to 30 feet from the centerline thereof, said point further having New Jersey Plane Coordinates of North 434,440.78 and East 575,856.60; thence,
 1. On said westerly right of way line of New Hampshire Road as widened, South 10° 45' 00" East, a distance of 145.20 feet to a point thereon; thence,
 2. Through Block 390, South 79° 59' 23" West, a distance of 300.02 feet; thence,
 3. Continuing through Block 390, Lots 11 and parallel with the first course herein, North 10° 45' 00" West, a distance of 145.20 feet to the common line dividing Block 390, Lot 11 from Block 390, Lots 21 and 22.01; thence,
 4. On said common line North 79° 59' 23" East, a distance of 300.02 feet to the point and place of beginning.
 Containing 43,561 square feet or 1.000 acres more or less.

FARMLAND PRESERVATION EASEMENT DESCRIPTION

Block 390, Lot 11, Township of Toms River, Ocean County, NJ
 Beginning at a point on the westerly right of way line of New Hampshire Avenue as widened to 40 feet from the centerline thereof, said point being marked by a concrete monument (set), said point also being 893.30 feet southerly from the southerly right of way line of White Oak Bottom Road as widened to 30 feet from the centerline thereof, said point further having New Jersey Plane Coordinates of North 434,026.33 and East 575,935.28; thence,
 1. On the common line dividing Block 390, Lots 11 and 23.04, South 79° 44' 26" West, a distance of 1,013.42 feet to a concrete monument (found); thence,
 2. On the common line dividing Block 390, Lots 11 and 13.08, North 9° 40' 41" West, a distance of 426.22 feet to an iron pipe (found); thence,
 3. On the common line dividing Block 390, Lot 11 from Block 390, Lots 19, 4, 20, 21, and 22.01, North 79° 59' 23" East, a distance of 705.47 feet to a point thereon; thence,
 4. Through Block 390, Lot 11, South 10° 45' 00" East, a distance of 145.20 feet; thence,
 5. Still through Block 390, Lot 11, North 79° 59' 23" East, a distance of 300.02 feet to a point on the aforementioned westerly right of way line of New Hampshire Road as widened; thence,
 6. On said westerly right of way line of New Hampshire Road, South 10° 45' 00" East, 276.64 feet to the point and place of beginning.
 Containing 384,463 square feet or 8.826 acres more or less.

REFERENCE MAP:

1. PROPOSED RIGHT OF WAY AND EASEMENT ACQUISITION FOR THE RECONSTRUCTION OF NEW HAMPSHIRE AVENUE, PHASE III, TOWNSHIPS OF DOVER & LAKEWOOD, OCEAN COUNTY NEW JERSEY, BY D.W. SMITH ASSOCIATES, P.C., LAST REVISED ON JANUARY 12, 2000, ON FILE IN THE OFFICE OF THE OCEAN COUNTY ENGINEER AS FILE No. 07-093-407C.

LEGEND OF ACQUISITION

COUNTY OF OCEAN, AS ACQUIRED FROM ROSALIE FLEISCHER, ET. AL., BY DEED DATED JANUARY 14, 2020, AND RECORDED ON JANUARY 16, 2020 IN OCEAN COUNTY DEED BOOK 17754, PAGE 1309.

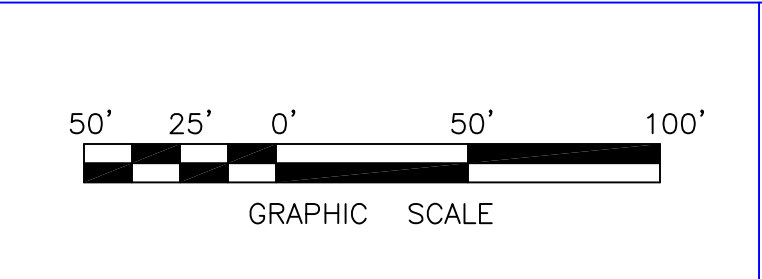
STREET ADDRESS: 1868 NEW HAMPSHIRE AVENUE
 BLOCK 390 LOT 11
 MUNICIPALITY: TOWNSHIP OF TOMS RIVER COUNTY: OCEAN

PROJECT NAME: FLEISCHER FARM
 SADC ID# _____

AREA SUMMARY

TOTAL LOT AREA	9.826 ACRES
AREA TO REMAIN UNENCUMBERED	1.000 ACRES
AREA OF FARMLAND PRESERVATION EASEMENT	8.826 ACRES

No.	Date	Revision	DRWN BY	CHKD BY
1	7/9/20	ADDRESSED REVIEW COMMENTS FROM OCEAN COUNTY	C.R.	F.L.V.



FREDRICK L. VOSS
 New Jersey Professional Engineer License No. 25797

GTS CONSULTANTS
 Engineering, Surveying & Mapping

2 Monmouth Avenue, Unit A-1
 Freehold, New Jersey 07728
 (732) 408-0900 Fax (732) 409-0927

FARMLAND PRESERVATION EASEMENT MAP
 LOT 11 BLOCK 390
 1868 NEW HAMPSHIRE AVENUE
 TOWNSHIP OF TOMS RIVER
 OCEAN COUNTY NEW JERSEY

DATE: 6/18/2020	SCALE: 1"=50'
DRAWN: C.R.	CHECKED: F.L.V.
FILE NAME: 19-170 FPE.dwg	PROJECT: 19-170

1 of 1

Figure 7

**Deed of Easement from County of Ocean for Block
390, Lot 11, filed September 1, 2021.**



OCEAN COUNTY CLERK'S OFFICE
RECORDING DOCUMENT
COVER SHEET

SCOTT M. COLABELLA
OCEAN COUNTY CLERK
P.O. BOX 2191
TOMS RIVER, NJ 08754-2191
(732) 929-2110
www.oceancountyclerk.com



INSTR # 2021131211
OR BK 18670 PG 1
RECORDED 09/09/2021 09:22:20 AM
SCOTT M. COLABELLA, COUNTY CLERK
OCEAN COUNTY, NEW JERSEY

OFFICIAL USE ONLY

DATE OF DOCUMENT: (Enter Date as follows:00/00/0000)

09/09/2021

TYPE OF DOCUMENT: (Select Doc Type from Drop-Down Box)

EASEMENTS



OFFICIAL USE ONLY - REALTY TRANSFER FEE

RM
no fee

FIRST PARTY NAME: (Enter Last Name, First Name)
County of Ocean

SECOND PARTY NAME: (Enter Last Name, First Name)
County of Ocean

ALL ADDITIONAL PARTIES: (Enter Last Name, First Name)

RETURN NAME AND ADDRESS:
Laura M. Benson, Esq.
BSKB- County Counsel Office
Inter County Mail
212 Hooper Ave.
Toms River, NJ

This is not a certified copy

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY

BLOCK: 390

LOT: 11

MUNICIPALITY: (Select Municipality from Drop-Down Box)

TOMS RIVER



CONSIDERATION:

MAILING ADDRESS OF GRANTEE: (Enter Street Address, Town, State, Zip Code)

Street Address 101 Hooper Avenue Town Toms River State NJ Zip 08753

THE FOLLOWING SECTION IS FOR
ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES,
SATISFACTIONS, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY

ORIGINAL BOOK:

ORIGINAL PAGE:

OCEAN COUNTY CLERK'S OFFICE RECORDING DOCUMENT COVER SHEET

Please do not detach this page from the original document as it
contains important recording information and is part of the permanent record.

DEED OF EASEMENT

This Deed of Easement is made this 1st day of September, 2021

BETWEEN

County of Ocean, a Public Corporation of the State of New Jersey

with an address of Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08753
(hereinafter referred to as the Grantor)

AND

County of Ocean, a Public Corporation of the State of New Jersey

with an address of Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08753
(hereinafter referred to as the Grantee).

The Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns grants and conveys to the Grantee a development easement and all of the nonagricultural development rights and credits on the Premises, located in the Township of Toms River, County of Ocean, described in the attached Schedule A, incorporated by reference in this Deed of Easement, for and in consideration of the sum of \$1.00 (One Dollar and No Cents). Any reference in this Deed of Easement to "Premises" refers to the property described in Schedule A, and for the limited purpose of the restrictions contained in Paragraph 13(b) in Schedule C.

The tax map reference for the premises is:

Toms River Township – Tax Block 390, Lot 11

WHEREAS, the legislature of the State of New Jersey has declared that the development of agriculture and the retention of farmlands are important to the present and future economy of the State and the welfare of the citizens of the State; and

WHEREAS, the Ocean County Board of Commissioners has endorsed the aforesaid declaration of policy by the State legislature and has established an Agriculture Retention and Development Program in a manner entirely consistent with State statutes, State administrative regulations and the policies and practices of the State Agriculture Development Committee; and

WHEREAS, it is the intention of the Ocean County Board of Commissioners to acquire a development easement from Grantor in a fashion consistent NOW with, and pursuant to, terms which will reserve a right and opportunity on the part of the Grantee to enroll the development easement in the State of New Jersey Agriculture Retention and Development Program at some future time according to rules, regulations and policies of the State Agriculture Development Committee then appertaining; and

WHEREAS, this Deed of Easement presently recites that the State Agriculture Development Committee ("Committee") may exercise certain rights and prerogatives with respect to the within easement in anticipation of, and solely in order to facilitate, the possible enrollment of this easement at a future date in the State of New Jersey Agriculture Retention and Development Program, it being explicitly understood that any such rights and prerogatives of said Committee are inchoate and shall not actually be exercised until such time as this acquisition is in fact enrolled in the aforesaid State Program as a result of the execution of a cost sharing grant agreement between Grantee and the said Committee;

Schedule A

Farmland Preservation Easement Description for

Block 390, Lot 11, Township of Toms River, Ocean County, NJ

Beginning at a point on the westerly right of way line of New Hampshire Avenue as widened to 40 feet from the centerline thereof, said point being marked by a concrete monument (set), said point also being 893.30 feet southerly from the southerly right of way line of White Oak Bottom Road as widened to 30 feet from the centerline thereof, said point further having New Jersey Plane Coordinates of North 434,026.33 and East 575,935.28; thence,

1. On the common line dividing Block 390, Lots 11 and 23.04, South 79° 44' 26" West, a distance of 1,013.42 feet to a concrete monument (found); thence,
2. On the common line dividing Block 390, Lots 11 and 13.08, North 9° 40' 41" West, a distance of 426.22 feet to an iron pipe (found); thence,
3. On the common line dividing Block 390, Lot 11 from Block 390, Lots 19, 4, 20, 21, and 22.01, North 79° 59' 23" East, a distance of 705.47 feet to a point thereon; thence,
4. Through Block 390, Lot 11, South 10° 45' 00" East, a distance of 145.20 feet; thence,
5. Still through Block 390, Lot 11, North 79° 59' 23" East, a distance of 300.02 feet to a point on the aforementioned westerly right of way line of New Hampshire Road as widened; thence,
6. On said westerly right of way line of New Hampshire Road, South 10° 45' 00" East, 276.64 feet to the point and place of beginning.


Containing 384,463 square feet or 8.826 acres more or less.

Being a portion of the premises conveyed from Rosalie Fleischer, Executrix of the estate of Robert L. Fleischer, deceased to Rosalie Fleischer, Jeffrey Fleischer, and Steven Fleischer, or their successors, as trustees under the last will and testament of Robert L. Fleischer, by deed dated December 15, 1997, and recorded on January 8, 1998 in Ocean County Deed Book 5539, Page 27.

The above description is based on a boundary survey prepared by GTS Consultants, Inc. dated December 5, 2019 and a Farmland Preservation Easement Map prepared by GTS Consultants, Inc. dated June 19, 2020.

Prepared by:

GTS Consultants, Inc.
2 Monmouth Avenue, Unit A1
Freehold, NJ 07728



Frederick L. Voss, PE, PLS
NJ License No. 24GB0257900

7/13/2020
Date

NOW THEREFORE, THE GRANTOR, GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, PERSONAL OR LEGAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS PROMISES that the Premises will be owned, used and conveyed subject to, and not in violation of the following restrictions:

1. Any development of the Premises for nonagricultural purposes is expressly prohibited.
2. The Premises shall be retained for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., P.L. 1983, c.32, and all other rules promulgated by the State Agriculture Development Committee, (hereinafter Committee). Agriculture use shall mean the use of the storage, grading, packaging, processing and the wholesale and retail marketing of crops, plants, animals and other related commodities and the use of application of techniques and methods of soil preparation and management, fertilization, weed, disease and pest control, disposal of farm waste, irrigation, drainage and water management and grazing.
3. Grantor certifies that at the time of the application to sell the development easement to the Grantee and at the time of the execution of this Deed of Easement, zero (0) nonagricultural uses exist on the Premises. All other nonagricultural uses are prohibited except as expressly provided in this Deed of Easement.
4. All nonagricultural uses, if any, existing on the Premises at the time of the landowner's application to the Grantee as set forth in Section 3 above may be continued and any structure may be restored or repaired in the event of partial destruction thereof, subject to the following:
 - i. No new structures or the expansion of pre-existing structures for nonagricultural use are permitted;
 - ii. No change in the pre-existing nonagricultural use is permitted;
 - iii. No expansion of the pre-existing nonagricultural use is permitted; and
 - iv. In the event that the Grantor abandons the pre-existing nonagricultural use, the right of the Grantor to continue the use is extinguished.
5. No sand, gravel, loam, rock, or other minerals shall be deposited on or removed from the Premises excepting only those materials required for the agricultural purpose for which the land is being used.
6. No dumping or placing of trash or waste material shall be permitted on the Premises unless expressly recommended by the Committee as a agricultural management practice.
7. No activity shall be permitted on the Premises which would be detrimental to drainage, flood control, water conservation, erosion control, or soil conservation, nor shall any other activity be permitted which would be detrimental to the continued agricultural use of the Premises.
 - i. Grantor shall obtain within one year of the date of this Deed of Easement, a farm conservation plan approved by the local soil conservation district.
 - ii. Grantor's long term objectives shall confirm with the provisions of the farm conservation plan.
8. Grantee and Committee and their agents shall be permitted access to, and to enter upon, the Premises at all reasonable times, but solely for the purpose of inspection in order to enforce and assure compliance with the terms and conditions of this Deed of Easement. Grantee agrees to give Grantor, at least 24 hours advance notice of its intention to enter the Premises, and further, to limit such times of entry to the daylight hours on regular business days of the week.
9. Grantor may use the Premises to derive income from certain recreational activities such as hunting, fishing, cross country skiing and ecological tours, only if such activities do not interfere with the actual use of the land for agricultural production and that the activities only utilize the

Premises in its existing condition. Other recreational activities from which income is derived and which alter the Premises, such as golf courses and athletic fields, are prohibited.

10. Nothing shall be construed to convey a right to the public of access to or use of the Premises except as stated in this Deed of Easement or as otherwise provided by law.

11. Nothing shall impose upon the Grantor any duty to maintain the premises in any particular state, or condition, except as provided for in this Deed of Easement.

12. Nothing in this Deed of Easement shall be deemed to restrict the right of Grantor, to maintain all roads and trails existing upon the Premises as of the date of this Deed of Easement. Grantor shall be permitted to construct, improve or reconstruct any roadway necessary to service crops, bogs, agricultural buildings, or reservoirs as may be necessary.

13(a). At the time of this conveyance, Grantor has (zero)(0) existing single family residential buildings on the Premises and (zero)(0) residential buildings used for agricultural labor purposes. Grantor may use, maintain, and improve existing buildings on the Premises for agricultural, residential and recreational uses subject to the following conditions:

- i. Improvements to agricultural buildings shall be consistent with agricultural uses;
- ii. Improvements to residential buildings shall be consistent with agricultural or single and extended family residential uses. Improvements to residential buildings for the purpose of housing agricultural labor are permitted only if the housed agricultural labor is employed on the Premises; and
- iii. Improvements to recreational buildings shall be consistent with agricultural or recreational uses.

13(b). Grantor, their heirs, executors, administrators, personal or legal representatives, successors and assigns may use and maintain the Residential Exclusion Area, as described in the attached Schedule C, for agricultural, residential and recreational uses subject to the following conditions:

- i. Grantor, grantor's heirs, executors, administrators and assigns or any person to whom title to the Residential Exclusion Area is transferred as well as the heirs, executors, administrators, personal or legal representatives, successors or assigns of all such persons are hereby notified and made aware that the Residential Exclusion Area is adjacent to the parcel ("Premises") permanently deed restricted under the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq. Such persons taking title to the Exception Area are notified and made aware that agriculture is the accepted and preferred use of the adjacent Premises and that the adjacent Premises shall continue in agricultural use as defined in Section 2 of this Deed of Easement.
- ii. The Exclusion Area may not be severed from the Premises;
- iii. The use of the Exclusion Area shall not have a negative or harmful impact on existing or future agricultural operations occurring on the Premises.

14. Grantor may construct any new buildings for agricultural purposes. The construction of any new buildings for residential use, regardless of its purpose, shall be prohibited except as follows:

- i. To provide structures for housing of agricultural labor employed on the Premises but only with the approval of the Grantee and the Committee. If Grantee and the Committee grant approval for the construction of agricultural labor housing, such housing shall not be used as a residence for Grantor, Grantor's spouse, Grantors parents, Grantor's lineal descendants, adopted or natural, Grantor's spouse's parents, Grantor's spouse's lineal descendants, adopted or natural; and

(OR)

- ii. No residual dwelling site opportunities have been allocated pursuant to the provisions of N.J.A.C. 2:76-6.17. No residential buildings are permitted on the Premises except as provided in this Deed of Easement.

15. The land and its buildings which are affected may be sold collectively or individually for continued agricultural use as defined in Section 2 of this Deed of Easement. However, no division of the land shall be permitted without the joint approval in writing of the Grantee and the Committee. In order for the Grantor to receive approval, the Grantee and Committee must find that the division shall be for an agricultural purpose and result in agriculturally viable parcels. Division means any division of the Premises, for any purpose, subsequent to the effective date of this Deed of Easement.

- i. For purposes of this deed of Easement, "Agriculturally viable parcel" means that each parcel is capable of sustaining a variety of agricultural operations that yield a reasonable economic return under normal conditions, solely from each parcel's agricultural output.

16. In the event of any violation of the terms and conditions of this Deed of Easement, Grantee or the Committee may institute, in the name of the State of New Jersey, any proceedings to enforce these terms and conditions including the institution of suit to enjoin such violations and to require restoration of the Premises to its prior condition. Grantee or the Committee do not waive or forfeit the right to take any other legal action necessary to insure compliance with the terms, conditions, and purpose of this Deed of Easement by a prior failure to act.

17. This Deed of Easement imposes no obligation or restriction on the Grantor's use of the Premises except as specifically set forth in this Deed of Easement.

18. This Deed of Easement is binding upon the Grantor, the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns and the Grantee; it shall be construed as a restriction running with the land and shall be binding upon any person to whom title to the Premises is transferred as well as upon the heirs, executors, administrators, personal or legal representatives, successors, and assigns of all such persons.

19. Throughout this Deed of Easement, the singular shall include the plural, and the masculine shall include the feminine, unless the text indicates otherwise.

20. The word 'Grantor' shall mean any and all persons who lawfully succeed to the rights and responsibilities of the Grantor, including but not limited to the Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns.

21. Wherever in this Deed of Easement any part shall be designated or referred to by name or general reference, such designation shall have the same effect as if the words, 'heirs, executors, administrators, personal or legal representatives, successors and assigns' have been inserted after each and every designation.

22. Grantor, Grantor's heirs, executors, administrators, personal or legal representatives, successors and assigns further transfers and conveys to Grantee all of the nonagricultural development rights and development credits appurtenant to the lands and premises described herein. Nothing contained herein shall preclude the conveyance or retention of said rights by the Grantee as may be permitted by the laws of the State of New Jersey in the future. In the event that the law permits the conveyance of said development rights, Grantee agrees to reimburse the Committee at a certain percentage of the value of the development rights as determined at the time of the subsequent conveyance. The actual percentage of reimbursement by the Grantee to the Committee shall be determined according to the percentage of cost sharing between said parties at the time when they enter into their own grant agreement for the enrollment of these development rights in the New Jersey Agriculture Retention and Development Program.

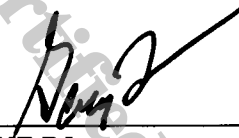
23. That portion of the net proceeds, representing the value of the land only (and not the value of the improvements), of a condemnation award or other disposition of the Premises following termination of this Deed of Easement, as permitted pursuant to N.J.S.A. 4:1C-11 et seq. P.L. 1983, c.32, shall be distributed among the Grantor and the Grantee in shares in proportion to the fair market value of their interests in the Premises on the date of execution of this Deed of Easement.

For this purpose, the Grantee's allocable share of the proceeds shall be the net proceeds multiplied by a fraction, the numerator of which is the fair market value of the development easement as certified by the Grantee at the time of the initial acquisition and the denominator of which is the full fair market value of the unrestricted Premises as certified by the Grantee at the time of the initial acquisition.

24. Grantor understands and accepts that Grantee may, at its sole option, apply to have this easement enrolled for participation in the State of New Jersey Agriculture Retention and Development Program as administered by the State Agriculture Development Committee. It is the intention of Grantor to convey to Grantee, by this present instrument, all of the rights which would have to be conveyed under N.J.S.A. 4:1C et seq. and under N.J.A.C. 2:76-1.1, et seq. in order to qualify this easement for participation in the State Program. Grantor hereby agrees and undertakes to cooperate with Grantee in any appropriate aspect of the State application process and to execute any necessary papers presented by the State or by Grantee in connection therewith. Grantor hereby consents to the participation in or exercise of any of Grantee's right and obligations hereunder by the State Agriculture Development Committee or any other State agency or political subdivision of the State of New Jersey. Grantee stipulates that any rights and prerogatives which this Deed or Easement extends to the Committee (which entity is neither a part to this conveyance nor to any of the negotiations and agreements leading up to same) are inchoate and shall not be exercised unless and until Grantee and the Committee enter into a cost sharing grant agreement as a result of the enrollment of this easement in the State of New Jersey Agriculture Retention and Development Program.

The Grantor signs this Deed of Easement as of the date of the top of the first page. If the Grantor is a corporation, this Deed of Easement is signed and attested to by its proper corporate officers, and its corporate seal, if any, is affixed.

OCEAN COUNTY BOARD OF
COMMISSIONERS



GARY QUINN
DIRECTOR – BOARD OF COMMISSIONERS

COUNTY BOARD OF COMMISSIONERS

The Undersigned, being Commissioner-Director of the Ocean County Board of Commissioners hereby accepts and approves the foregoing restrictions, benefits and covenants.

ACCEPTED AND APPROVED this 1st day September, 2021.

ATTEST:

OCEAN COUNTY BOARD OF COMMISSIONERS

Maryann Ciento
MARYANN CILENTO, CLERK

Gary Quinn
GARY QUINN
COMMISSIONER-DIRECTOR

STATE OF NEW JERSEY

SS

COUNTY OF OCEAN

MARYANN CILENTO

personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Clerk of the Board of Commissioners;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer who is **Gary Quinn** the Director;
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (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.

Maryann Ciento
MARYANN CILENTO, CLERK
BOARD OF COMMISSIONERS

Signed and sworn to before me on
Sept 1st, 2021

Michelle I. Gunther
Michelle Gunther

MICHELLE I. GUNTHER
NOTARY PUBLIC, STATE OF NEW JERSEY
COMMISSION NO. 2383683
COMMISSION EXPIRES MARCH 18, 2024

RECORD AND RETURN TO:
LAURA M. BENSON, ESQ.
Berry, Sahradnik, Kotzas & Benson
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08754

Figure 8

**Ocean County Board of Commissioners Resolution
Authorizing the Sale of the Permanently
Preserved Property, Dated November 17, 2021.**



Ocean County Board of Commissioners

OFFICE OF THE
OCEAN COUNTY COMMISSIONERS

Director Gary Quinn

Deputy Director Gerry P. Little

Commissioner Virginia E. Haines

Commissioner John P. Kelly

Commissioner Joseph H. Vicari

101 Hooper Avenue
Toms River, New Jersey
08754-2191
Tel: (732)929-2005
Fax: (732)505-1918

Board Meeting Agenda

Date: November 17, 2021 - 4:00 PM

Location: Administration Building
Room 119
101 Hooper Avenue
Toms River, NJ 08754

Agenda: Authorizing the public auction of Block 390, Lot 11 in Toms River Township, as the property is no longer needed for public use.

Official Resolution#	2021001609						
Meeting Date	11/17/2021						
Introduced Date	11/17/2021						
Adopted Date	11/17/2021						
Agenda Item	i-12						
CAF #							
Purchase Req. #							
Result	Adopted						
COUNTY COMMISSIONER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.
Quinn	<				<		
Little	<				<		
Haines	<			<	<		
Kelly	<		<		<		
Vicari	<				<		

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE, COMPLETE AND ACCURATE COPY OF THIS RESOLUTION, ADOPTED BY OCEAN COUNTY BOARD OF COMMISSIONERS, NJ AT THE MEETING REFERENCED THEREON

Michelle I. Gunther

Clerk Of The Board

RESOLUTION
November 17, 2021

WHEREAS, on August 21, 2019, the Ocean County Board of Chosen Freeholders County of Ocean ("County") acquired property and improvements known as Block 390, Lot 11 in the Township of Toms River under the Ocean County Natural Lands Trust Fund for farmland preservation; and

WHEREAS, the Property qualified for and was enrolled in the Ocean County Agricultural Development Board ("OCADB") farmland preservation program on September 1, 2021, all properties are deed-restricted for farmland preservation purposes, and

WHEREAS, the conveyance of the aforementioned easement to the State of New Jersey and the restrictive covenant to the County resulted in preservation of the Property for the farmland so that it is not necessary for County to hold the remaining fee simple interest in the land. Accordingly, the County does hereby determine that a fee simple interest in the property set forth in Schedule A is no longer needed for public use; and

WHEREAS, the County is permitted to sell the aforementioned property by auction in accordance with N.J.S.A. 40A:12-13(a) and any other applicable law.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF OCEAN, STATE OF NEW JERSEY:

1. The County of Ocean hereby declares that the property known as Block 390, Lot 11 in the Township of Toms River are no longer needed for public use and should be sold at public auction, subject to the easement set forth above, together with any other easements and restrictions of record.
2. The County of Ocean will offer the land and premises Block 390, Lot 11 in the Township of Toms River for sale at public auction to be in Room 119, at 101 Hooper Avenue, Toms River, NJ 08753 January 27, 2022 at 11 a.m., or as soon thereafter as the matter can be reached, upon the following terms and conditions:
 - a. The auctioneer shall establish such procedure as may be reasonable and necessary to effectuate the orderly sale of the parcels set forth hereinabove.
 - b. The sale shall be advertised in the official newspaper of the County at least once a week during two (2) consecutive weeks, the last publication to be no earlier than seven (7) days prior to the public auction.
 - c. Statutorily required public hearings to authorize the public sale will be held 129 Hooper Avenue, Toms River, New Jersey 08753 in the third floor Engineering Conference Room on December 22, 2021, at 4:00 p.m.
 - d. Information on the property (property transfer reports) will be available for inspection at least thirty (30) days before the first public hearing, at the Ocean County Department of Planning, First Floor, 129 Hooper Avenue, Toms River, New Jersey 08753, business days between 8:00 a.m. and 5:00 p.m., the same information may be found online at the Departments website. <http://www.planning.co.ocean.nj.us/>

RESOLUTION Page 2

- e. Public comments on this sale may be given orally at the public hearing or submitted in writing to the attention of Mark Villingner, Ocean County Planning Department, PO Box 2191, Toms River, New Jersey, 08753.
- f. The highest bidder shall be the Buyer, subject to the right by the County to reject any and all bids. Acceptable bids shall be confirmed by Resolution of the Board of Commissioners no later than the first regular meeting of the Board of Commissioners following the date of such sale. The closing of title shall take place no earlier than March 22, 2022. The successful bidder may enter into a Use and Occupancy Agreement solely for the purpose of planting crops and for a term no longer than 90 days from the date of the auction.
- g. It shall be the responsibility of the successful bidder to pay all closing costs and expenses related to the sale. At closing of title, the successful bidder shall pay a 10% Buyer's premium to the Auctioneer who conducted the sale.
- h. There are no tenancies between the County and any persons who may be occupying any structures.
- i. This public sale is made subject to such state of facts as an accurate survey may disclose, easements, conditions, covenants and restrictions of record, tenancies, codes and ordinances of the Township of Toms River. No representations of any kind are made by the County of Ocean as to the conditions of the lands and structures, if any, are being sold in their present condition "as is." All prospective purchasers are put on notice to consult appropriate public and private authorities as to the provisions of utility services.
- j. At least ten percent (10%) of the bid price shall be paid by the successful bidder at the time of the auction and same may be paid by cashier's check or certified check. Potential bidders may prior to the time of the auction electronically wire funds to an escrow account as designated by the Seller to be held pending the sale. No cash deposits will be accepted. The balance of the purchase price, which shall include all other fees herein provided, shall be paid by certified check, bank check or the electronic wiring of funds.
- k. In the event the successful bidder fails to pay the balance of the purchase price as herein provided or fails to comply with any other term of this Resolution, the deposit shall be forfeited and retained by the County as the measure of its damages and the sale canceled. Such remedies shall be in addition to any other remedies available to the County.
- l. The form of conveyance of said lands by the County of Ocean shall be a standard form of bargain and sale deed without covenants. The successful bidder shall promptly notify County Counsel in writing of any specific request for designation of Grantees in said deed.
- m. Except as otherwise provided in the terms and conditions of this Resolution, if the title to the property shall prove to be unmarketable or uninsurable at regular rates by a reputable title company licensed to do business in New Jersey, or the highest bid rejected, the liability of the County shall be limited to the repayment of the purchase price without any further costs, expenses, damage or claim. It shall be the purchaser's responsibility to secure its own title searches. The Office of County Counsel will prepare the deed and secure a proper legal description of the property obtained by the bidder and record said deed. Notice of any alleged defect in title or claim of unmarketability shall be given to the County Counsel in writing no later than twenty-one (21) days after the date of the confirmation of the public sale by the Board of Commissioners. Failure to give such notice within said time limit shall be deemed to be conclusive that the purchaser accepts the title in its then present condition.

RESOLUTION Page 3

- n. Prospective purchasers are put on notice that there are specific restrictions as reflected in certain of the parcels in the preamble hereof and are hereby confirmed. You are placed on notice of possible restrictions to the use of the property imposed by State Law. The Property is deed restricted and subject to the Farmland Preservation Program and is administered by the State Agriculture Development Committee ("SADC").
 - o. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body of the County has the authority to waive, modify, or amend any of the terms and conditions of the public sale and of this notice.
 - p. On behalf of the County of Ocean the Director, Clerk of the Board of Commissioners and County Counsel, as appropriate, are authorized to prepare and sign any and all documentation necessary to effectuate the sale of the property to the successful bidder, once the contract is awarded.
3. Certified copies of this Resolution shall be forwarded to the County Administrator, County Auditor, Chief Financial Officer, Director of Planning, County Counsel, and the State Agriculture Development Committee.

Figure 9

Public Hearing Notice

PUBLIC NOTICE

PLEASE TAKE NOTICE the Board of Commissioners of the County of Ocean has authorized the auctioning of a permanently preserved farmland property designated as Block 390, Lot 11 in Toms River Township, containing approximately 9.77 acres. The property is proposed to be sold by Ocean County, subject to deed restriction for agricultural purposes, at an auction date and time TBD.

A public hearing on this proposed auction shall be held at this location and time.

(1) December 22, 2021 at 4:00p.m. at 129 Hooper Avenue, Toms River, New Jersey 08753 in the third floor Engineering Conference Room.

At the public hearing the following will be explained:

1. The purpose of the sale.
2. The advantages and disadvantages of the proposed sale.

Information on the property (property transfer reports) is available online at the Department's website. <http://www.planning.co.ocean.nj.us/> Additional comments may be addressed by calling the Ocean County Planning Office at (732) 929-2054.

Written comments on the proposed sale of permanently preserved farmland should be directed to: Mark A. C. Villinger, Supervising Planner, Ocean County Planning Department, PO Box 2191, Toms River, NJ 08754-2191. Telephone: (732) 929-2054 on or before the date of the public hearing by order of the Board of Commissioners, County of Ocean, Michelle Gunther, Clerk of the Board. All written comments must be received by the County no later than 5:00p.m. on January 7, 2022.