

The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund

2. Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

Acquisition - the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes.

Aquifer Recharge Protection Area - lands through which water of significant volume and high quality moves down to an underlying groundwater reservoir.

Charitable Conservancy - a corporation or trust exempt from federal income taxation under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. §501 (c)(3)), whose purpose include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

Community Rating System (CRS) Assistance Program – provision of technical expertise and resource support to municipalities endeavoring to join or participate in the National Flood Insurance Program’s CRS program.

Conservation Restriction - an interest in land less than fee simple, stating in the form of a right, restriction, easement, covenant, or condition, in any deed, will, or other instrument, other than a lease, executed by or on behalf of the owner of the land, appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition; appropriate for conservation of soil or wildlife; appropriate for outdoor recreation or park use; or appropriate as suitable habitat for flora or fauna.

Department - the Morris County Office of Planning & Preservation

Farmland - land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the “Farmland Assessment Act of 1964,” P.L. 1964, c. 48 (C. 54:4-23.1 et seq.).

Flood Mitigation – acquisition of flood-prone homes and land, which are then reverted to their natural state to act as flood capture and storage areas, providing a barrier which protects the remaining homes and businesses.

Historic Preservation - the performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvement, protection, or preservation of a historic property, structure, facility, site, area, or object.

Historic property, structure, facility, site, area, or object - any property, structure, facility, site, area, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L. 1970, c. 268 (C.13:1B-15.128 et seq.).

In-kind Contribution – gift or donation of goods and services other than cash.

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Lands - real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges, and all other rights or interests of any kind or description in, relating to, or connected with real property.

Recreation and Conservation Purposes - use of lands for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both.

Restoration to a Natural State – grade the demolition site, provide topsoil and seed with grass and/or with wildflower mixes.

Subsequent Owner - current property owner who purchased, or took title to the property, not including estate situations, subsequent to the flood of record. Appraisals shall utilize post-flood, current market value; however in no case shall the value exceed the consideration paid for the property.

Trail – a thoroughfare or track across land or snow, used for recreational purposes excluding roads generally accessible by low clearance passenger vehicles but includes high clearance primitive roads, such as:

1. Non-motorized activities; and/or
2. Motorized vehicular activities
 - a. Gas powered such as all-terrain vehicles, motorcycling, and snowmobiling
 - b. Non-gas powered such as electric segways and bikes

Trails do not include sidewalks or running tracks as defined by an oval shaped track that is used for races involving athletes at tracks meets.

Trail Enhancement – improvements of trail design and/or surface type of existing trails to accommodate increased volume and/or make the trail ADA compliant. Trail enhancement is more than an in-kind replacement of current conditions. Deferred maintenance activities are not eligible.