



# NEWS

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## **SADC Approves Purchase of 128-Acre S. Harrison Twp. Farm for Preservation** *Move to Acquire Sturgis Farm Follows Superior Court Decision Upholding SADC's Action*

The State Agriculture Development Committee (SADC) has approved proceeding with the purchase of the 128-acre Sturgis Farm in South Harrison Township, Gloucester County, following a Superior Court ruling that found the SADC had properly exercised its authority to buy the farm, which was enrolled in an eight-year preservation program and about to be sold for development.

“We’re pleased the Superior Court recognized the SADC acted properly in moving to protect this high-quality farm, a move that also will protect the significant financial investment the SADC and its partners have made in farmland preservation in the surrounding area,” said Agriculture Secretary Charles M. Kuperus. “From a statewide perspective, this decision strengthens our ability to pursue the preservation of other farms that are enrolled in eight-year preservation programs and are on the verge of being sold, which is particularly critical when they are being sold for development.”

The Superior Court decision on July 24<sup>th</sup> capped three years of legal efforts on behalf of the SADC to permanently protect the farm and affirm its authority under the eight-year preservation program. The SADC’s eight-year program differs from its permanent farmland preservation program in that landowners in the eight-year program voluntarily agree to restrict nonagricultural development for a period of only eight years. An owner who wants to sell the farm while enrolled in an eight-year program must provide the SADC with an executed contract of sale. The SADC then has the right and first option to pursue purchase of the property itself by making an offer that is “substantially similar” to contract conditions.

“We congratulate the SADC for prevailing in their efforts to pursue preservation of the Sturgis farm. The preservation of farms and open space is one of our highest priorities, and the preservation of this farm is particularly important given it is contiguous to hundreds of acres of preserved farmland. Because this land will continue in farming, South Harrison Township taxpayers will ultimately realize savings in money and resources, rather than see it developed into 72 homes,” said Freeholder Director Stephen M. Sweeney.

“South Harrison Township has always been a strong advocate for farmland and open space preservation,” said Mayor Charles Tyson. “The people of South Harrison truly appreciate the efforts of the State in pursuing this major tract of farmland for preservation and helping us maintain the rural and picturesque character of South Harrison.”

In 2003, developer Bruce Paparone Inc. sought to purchase the South Harrison Township farm from owners Edward and Susan Sturgis. Paparone planned to turn the farmland into residential housing, building up to 72 houses. However, the Sturgises had enrolled the parcel in the SADC’s eight-year preservation program in 1997, and through that program had received a \$25,000 grant from the SADC to install an irrigation system on the property.

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## Sturgis Farm/Add One

When the SADC was notified in 2005 that the Sturgis property was about to be sold, it offered to purchase the farm on terms it determined were substantially similar to those offered by the developer. Paparone then sued the SADC to have the offer invalidated and, in 2006, the Superior Court ruled in favor of Paparone, finding among other things that the SADC's offer did not match Paparone's contract with the landowner and thus was not valid.

On appeal, however, the Appellate Division in April 2007 recognized the SADC's right-of-first refusal; found the SADC's offer must be "substantially similar" to the terms offered by the developer, not necessarily identical; and remanded the matter to the trial court for further proceedings.

The Superior Court found the SADC's offer was substantially similar to the developer's and that the SADC had successfully exercised its right to purchase the property. The Sturgises accepted the SADC's offer of \$20,000 per acre, or approximately \$2.56 million, and on Sept. 12 the SADC granted final approval for the preservation of the farm.

The State Agriculture Development Committee administers New Jersey's Farmland Preservation Program. To date, more than 1,700 farms covering approximately 169,000 acres have been permanently preserved. A total of 222 farms covering nearly 14,000 acres are currently enrolled in eight-year preservation programs.

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