

**Duplin County**  
**Buyout Lease Program Policy**

**Article I. Purpose**

The purpose of the Buyout Lease Program is to ensure compliance with the conditions of the Hazard Mitigation Grant Program with the intent that all buyout properties be maintained in perpetuity as uninhabited open space. Duplin County (the “lessor”) has a vested interest in monitoring and managing the properties acquired in federal and state acquisition grant programs to benefit the residents of Duplin County and to incur the least cost and potential liability for the county. The policies set forth for the program ensure a fair and consistent process for the lease of Duplin County’s buyout properties.

**Article II. Application to Lease**

All potential lessees are required to submit an Application to Lease Buyout Property. The Planning Department staff will review applications according to these policies, and will notify applicants of the approval or denial of an application within thirty (30) days of the date when the application is received by the department. In cases where the property is already being leased, applications must be filed at least thirty (30) days, and no more than sixty (60) days, prior to the expiration date on the current lease. The Planning Board reserves the right to waive or modify this filing period, however, if appropriate based upon exigent circumstances.

**Article III. Prioritization**

While Duplin County has the right to ultimately accept or reject lease applications for any reason, in its discretion, the priority set forth below will be weighed (among other factors) in cases where there are multiple applicants, in an effort to provide a fair and consistent process:

- (a) **First Priority – Previous Property Owner**  
Previous property owner is defined as the owner of the real property acquired through a buyout program, who transferred title of the subject property to Duplin County.
- (b) **Second Priority – Adjacent Property Owner**  
Adjacent property is defined as property sharing a boundary with the subject property or being directly across the road from the subject property. If more than one adjacent property owner has applied to lease the subject property, then owner-occupied adjacent property will have priority over tenant-occupied adjacent property. If two or more adjacent properties are owner occupied, the date of application will be the tiebreaker, with the earliest applicant having priority.
- (c) **Third Priority – Nonprofit Group for Community Use**  
Nonprofit group for community use is defined as a nonprofit organization using the property for the benefit of the community such as for education, agriculture, organization activities, civic use, or public recreation.
- (d) **Fourth Priority – Private Use**  
Private use is defined as any individual or group using the property for private use, such as gardening, grazing, occasional camping, exercise, or recreation.
- (e) **Appeals – The Duplin County Planning Department has developed these policies so the lease program is administered in a fair and consistent manner. If any disputes**

should arise in the administration of these policies, the Planning Board will hear appeals. Applicants may present appeals at any regularly scheduled meeting of the Planning Board. The Planning Board reserves the right to deviate from the policy when the Board determines it to be in the best interest of the County. Such deviation must be determined by a majority vote of the Planning Board.

**Article IV. Rent**

The annual rent is typically \$50.00 per parcel for individuals and groups, including nonprofit organizations earning revenue from the use of the property. Nonprofit organizations not earning revenue from the use of the property may be entitled to a discounted rate with proof of tax exempt status. The rent may also be discounted for lessees leasing two or more contiguous parcels. Rent is due at the time of the execution of the lease, payable by cash, check, or money order.

**Article V. Lease Terms**

The standard term for a standard buyout lease shall be 12 months. The beginning date of any lease term shall be the first day of the month after the lessee's application is approved. Lessees may lease the property for subsequent one-year terms upon the mutual agreement of the lessee and lessor. Each one-year lease term is separate and distinct from any previous lease term and is not considered a renewal.

It is the responsibility of the lessee to notify the Planning Department of their intent to lease the property for a subsequent term at least thirty (30) days prior to the expiration of the current lease term. In cases where the lessee intends to seek a subsequent lease term, other applications must be filed during the period prescribed by Article II above. If no applications are received during the filing period and the lessee does not intend to seek a subsequent term, the property will become available and open for applications upon expiration of the current lease. The Planning Department is not obligated to inform any lessee of an expiring lease term. The lessor may terminate any lease with thirty (30) days' notice to the lessee of its intent terminate.

**Article VI. Long-Term Leases**

At the discretion of the Planning Board, a long-term lease for a term of up to five (5) years may be available to lessees that have favorably leased a property for at least two subsequent standard lease terms. Lessees are responsible for paying any expenses required to establish a long-term lease, such a publication of a public notice, in addition to the annual rent amount.

**Article VII. Property Use & Upkeep**

The real property is restricted to certain uses, as follows: open space, recreational, or wetlands; which include: parks, outdoor recreational activities, nature reserves, cultivation, and grazing. No other uses are to be permitted upon the property. At expiration of lease, the property must be returned to lessor in the same condition as when leased.

**The following items and actions are prohibited on buyout lease properties:**

- **Buildings or structures of a permanent or semi-permanent construction**
- **Impermeable surfaces or ground coverings**
- **Solid fencing (e.g. wooden fence panels)**
- **Hunting**

The lessee shall maintain the real property in good and safe condition; including cutting

grass, trimming shrubs and plants as necessary, and insuring that no trash or other debris accumulates upon the property.

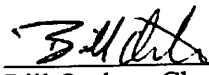
**Article VIII. Access**

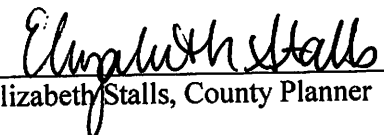
The lessor and its agents or other representative shall have the right to enter upon the lease property at all reasonable hours for the purpose of examining the property. The lessor and its agents are not required to notify the lessee of a site visit. Lessees are required to provide the Planning Department with a copy of a key for any gate, chain, or barrier that controls access to the property.

**Article IX. Adoption**

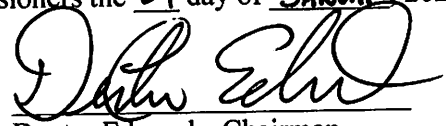
The Duplin County Buyout Lease Program Policy was adopted upon a majority vote of the Duplin County Planning Board and the Duplin County Board of Commissioners on the dates indicated below.


Adopted by the Duplin County Planning Board the 11 day of January 2022.

  
\_\_\_\_\_  
Bill Outlaw, Chairman  
Duplin County Planning Board

Attest:   
\_\_\_\_\_  
Elizabeth Stalls, County Planner

Adopted by the Duplin County Board of Commissioners the 24 day of JANUARY 2022.

  
\_\_\_\_\_  
Dexter Edwards, Chairman  
Duplin County Board of Commissioners

Attest:   
\_\_\_\_\_  
Davis H. Brinson, Clerk to the Board