

February 11, 1969

COPY NO. 3

974.90 LEGISLATIVE HISTORY OF R.S. 13:17-1 et seq.  
R588 Annual Report (Meadowlands)  
1876-97

I. Early Laws and Reports dealing with Drainage. Lands under water and riparian rights.

974.90 Problems of drainage of meadowlands have been with  
R588 New Jersey from colonial days. [See Hood's Index under  
1876 heading "Meadows"].

1788 N.J. Acts 1788, Chapters 242, 254, 255.  
R588 Legislation provided for the formation of  
1876 "Meadow Companies" to drain inland marshes.

974.90 N.J. Commission on the extent and value of lands  
R588 under water.  
1849 Report ... 1849.

974.90 Miscellaneous reports on riparian lands in New  
R588 Jersey 1849-1899.  
1865

974.90 N.J. Commission to ascertain the rights of the  
R588 State and of riparian owners to the lands lying  
1865b under water.  
Report. 1865.

974.90 N.J. Commissioners on lands under water.  
R588 Report ... Notes ... Synopses ... 1849-  
1865c 1865.

974.90 Robeson, G.M. Attorney General of N.J.  
R588 Opinion concerning riparian rights.  
1865c 1867.

974.90 N.J. Riparian Commission.  
R588 Report ... 1870.  
1870

974.90 N.J. Riparian Commissioners.  
R588 Reports ... 1873.  
1873

974.90 N.J. Joint Committee to Investigate the Board  
R588 of Proprietors of East Jersey.  
1882 Report ... 1882.

974.90 N.J. Assembly. Special Committee on Riparian  
R588 Rights.  
1884 Reports ... 1883.

J328 Sackett, William E.  
S12 Modern Battles of Trenton. 1895. Chapter VI.

- 974.901 N.J. Geological Survey.  
G258 Annual report, 1896, p. 297-315.  
1896-97
- J551.36 N.J. Geological Survey.  
H374 Notes on seadikes ... 1893.
- 974.90 N.J. Committee to investigate the granting of  
R588 riparian lands by the State.  
1906 Testimony taken before the committee ...  
1906.
- 974.90 N.J. Committee to investigate the granting of  
R588 riparian lands by the State.  
1907 Report ... 1907.
- 974.90 N.J. Dept. of Conservation and Development.  
R299 Undeveloped lands in New Jersey (Report.  
1918 1918.
- 1919 N.J. Legislative Index, April 5, 1919, p. 152  
Make the metropolitan meadows safe for industry.
- 974.90 New York, New Jersey Port and Harbor Development  
H255 Commission.  
1920d Joint report with comprehensive plan and  
recommendations. 1920.
- J974.923 New Jersey Waterways and Highways Improvement  
N548 Association.  
The Hackensack and Passaic Valleys as part of  
the Port of New York Authority. 1926.
- 1926 P.L. 1926, Chapter 71. A362. Renner.  
Board of Commerce and Navigation to make survey of  
Marsh and Meadowlands with view of reclamation.
- 974.90 New Jersey Board of Commerce and Navigation.  
R299 Report on Reclamation and Improvement of the  
1926 Marsh and Meadowlands of the State of New Jersey  
within the Port of New York District. Dec. 1926.
- 1927 N.J. Governor. A. Harry Moore.  
Annual Message. Minutes of Assembly, p. 18.
- 1927 A126. Renner.  
Creates Newark Bay Development District - Counties  
of Bergen, Essex, Hudson, Passaic and Union - to  
develop meadowlands.  
Bill did not pass.
- 1928 A14. Renner.  
Same as 126, 1927. Bill did not pass.



- 1928      JR11, Laws 1928. Renner.  
Creates Commission to investigate and report  
concerning the need and advisability of the  
development of property in and near Newark Bay.  
[JR10, 1929; JR8, 1930, Commission reconstituted].
- 974.90    N.J. Commission on the development of property  
R299      at Newark Bay.  
1929      Report. 1929. [Lists other source materials  
on page 9].
- 974.90    N.J. Meadow Reclamation Commission.  
R299      Report ... 1930.  
1931
- 974.90    N.J. Regional Planning Commission.  
R336      Regional government, the key to continued  
1932      growth ... meadows reclamation. 1932.

II. Meadowlands Legislative Bills, Reports, etc. 1953-1968

- 1953            ACR23. Haines.  
Commission to study problems of stream clearing  
and drainage, constituted [ACR4, 1954; ACR19, 1955  
reconstituted].
- J580            U.S. Office of River Basin Studies.  
U5              Wetlands inventory of New Jersey. 1954.  
Supplement ... 1959, Supplement ... 1965.
- J711.921       Passaic-Bergen Community Planning Association.  
E14              Land use plan for the meadows. 1954.  
P285
- 974.90         Gannon, Peter:  
R588              Riparian rights. 1955.  
1955
- 974.90         N.J. Legislature. Joint Commission on Drainage  
R299              and Stream Clearance.  
1956              Report ... 1956.  
[This report also refers to early court cases, p. 7].
- 1956            Meadowlands Regional Planning Board, created by  
North Arlington, Carlstadt, East Rutherford,  
Lyndhurst and Rutherford. [N.J. Dept. of Conserva-  
tion and Development. Annual Report 1958-59, p. 25].
- 1956            A287. Haines.  
Provided for incorporation of drainage flow  
districts. Passed both houses. Vetoed.  
[Bill and Veto enclosed].
- 1957            SJR14. Lynch.  
Creates Commission to direct preparation of  
drainage maps. Bill did not pass.
- 1957            P.L. 1957, Chapter 201. 12/18/57 (A552, Haines, Davis).  
Meadow Companies organized under Act of 1788 may  
borrow to reconstruct dams.  
[Bill and statement enclosed].
- 974.901        New Jersey. Governor. Meyner  
G52              Annual Message, Jan. 14, 1958, p. 11  
1958              Recommends State Commission to investigate  
Dutch methods of reclamation.

- J711.921 Passaic Valley Citizens Planning Association.  
P285 Hackensack Meadows, Bergen County, N.J. ... 1958.
- 1958 SJR1. Stout, Lynch.  
Creates Commission to direct the preparation  
of drainage maps. Recommitted.
- 974.901 N.J. Dept. of Conservation & Economic  
C74 Development.  
1959 Annual report, 1958-1959, p. 25.
- 1959 Meadowland Redevelopment Agency (under Title 40:55)  
formed by 14 municipalities of Bergen and Hudson  
counties under guidance of State. NYT 5/20/59
- 1960 JR11, June 23, 1960. (AJR23 Hiering, Smith, etc.)  
Creates Riparian Lands and Rights Commission to  
study laws pertaining to riparian rights and to  
prepare legislation to modernize law.
- 974.901 Meadowlands Regional Development Agency.  
M32 Annual report, 1960-61.
- 974.90 N.J. Dept. of Conservation & Economic Development.  
R299 Comprehensive Report for Meadowlands Regional  
1960 Development Agency. 1960.
- 974.90 Meadowland Regional Development Agency.  
R299 Develop the meadows. 1960.  
1960a
- 974.90 N.J. Legislature. Joint Study Commission on  
R588 Riparian Rights.  
1961 Hearing ... October 18, 1961.
- 974.901 N.J. Governor. Hughes.  
G52 First Annual Message ... 1963, p. 22.  
1963
- 1962 S169, Sandman, SCS  
S170, Sandman  
S171, Sandman, SCS; SCA to SCS  
S172, Sandman, SCS; SCA to SCS  
S173, Sandman, SCS; SCA to SCS  
This package of bills develops a whole program for  
county meadowland development, establishes county  
land development commissions; financing by bond  
issues subject to referenda, transfer of municipal  
lands to the county commissions, etc. The bills  
did not pass.  
[Xerox enclosed].

- 974.90 N.J. Legislature. Senate. Committee on Agriculture,  
R336 Conservation & Economic Development.  
1962a Public Hearing on S169, 170, 171, 172, 173 -  
County Meadowland Development. April 5, 1962.
- 1963 S89, Sandman, SCA OCR  
S90, Sandman, SCA OCR  
S91, Sandman, SCA OCR  
S92, Sandman, SCS  
This package of bills provides for the same county  
Meadowland Program as the 1962 bills. Package did  
not pass.  
[Xerox of bills enclosed].
- 1963 S286, Haines, Stout.  
Creates Riparian Lands Commission within Dept. of  
Conservation & Economic Development. Amended in  
Committee, died on 2d reading.  
[Xerox enclosed].
- 1963 JR8, June 6, 1963. SJR13, Grossi, Lynch, Fox, etc.  
Creates Commission to study Meadowlands Development  
for purpose of developing long range plans.  
[JR5, 1964, reconstituted; JR2, 1966, reconstituted].
- 974.90 N.J. Legislature. Joint Study Commission on  
R588 Riparian Lands.  
1963 Report ... 1963.
- 974.901 N.J. Governor. Hughes.  
G52 Second Annual Message ... 1964, p. 32
- 1964 S110, Sandman, (same as 1963, S92) SCS  
S111, Sandman, (same as 1963, S89) OCR  
S112, Sandman, (same as 1963, S90) OCR  
S113, Sandman, (same as 1963, S91) OCR  
Same County Meadowland Program. All bills passed both  
houses. Governor filed in State Library. No message.
- 1964 P.L. 1964, Chapter 27. April 29, 1964 (S239, Ozzard).  
Makes appropriation for Meadowland Development  
Commission. No statement.
- 1964 A44, Hiering. The Riparian Lands Commission Law.  
Passed Assembly amended. Vetoed by Governor.
- 1964 S76, Stout, Forsythe.  
Same as S286, 1963. Died on 2d reading.
- 974.901 N.J. Governor. Hughes.  
G52 Third Annual Message ... 1965, p. 66.  
1965

- 1965 A605, Hiering, Keith, etc.  
Defines riparian lands, defines ownership between  
State and private owners. Passed both houses.  
Not amended. Vetoed by Governor.  
[Xerox of bill and Veto].
- 974.90 N.J. Commission to Study Meadowland Development.  
R299 Final report. 1965.  
1965
- 974.90 N.J. Dept. of Community Affairs. Div. of State  
R299 and Regional Planning.  
1965a Hackensack Meadows comprehensive plan,  
technical reports. 1965.  
(14 separate volumes).
- 974.90 N.J. Commission to Study Meadowlands Development.  
R299 Supplemental report. 1966.  
1966
- 1966 S75, Hiering.  
Same as A605, 1965. Not reported out.
- 1966 S308, Hiering.  
Same as S286, 1963. Not reported out.
- 1966 SCR26, Kelly, Musto, Guarinà.  
Proposes amendment to State Constitution to  
regulate ownership of tidelands. Not reported out.  
[Xerox enclosed].
- 974.901 N.J. Governor. Hughes.  
G52 Fifth Annual Message ... 1967, p. 31  
1967
- 1967 S69. Hiering. Same as A605, 1965.  
Not reported out.
- 1967 S75. Hiering. Same as S286, 1963.  
Not reported out.
- 1967 S323. Crabiel, Lynch, Feldman.  
"Riparian Lands Act of 1967". To create Riparian  
Lands Commission in Dept. of Conservation and  
Economic Development to make title survey of  
Meadowlands. Not reported out. [bills enclosed].
- 1967 S518. Kiefer.  
"Hackensack Meadowland Title and Development Act".  
Creates the Hackensack Meadowlands Development  
Commission for the development of meadowlands.  
Reported by SCS. Died on 2d reading. [Bill and  
SCS enclosed].

- 974.90 N.J. Legislature. Senate. Committee on Air and  
R299 Water Pollution and Public Health.  
1967 Hearing ... on Senate 518, Hackensack  
Meadowland Redevelopment Act. 1967.
- 974.901 N.J. Governor. Hughes.  
G52 Sixth Annual Message ... 1968, p. 50.  
1968
- 1968 S157. Hiering.  
Same as S286, 1963. Not reported out.
- 1968 S295. Crabel, Lynch.  
"Riparian Lands Act of 1968". Not Reported out.  
[bill enclosed].
- 1968 SCR41. Hiering, Tanzman, White, Kay, Rinaldo, W. Kelly.  
Proposes to amend Article VIII, sec. III of Constitution  
adding par. 4 to define ownership of State Tideland.  
Passed both houses; S. 34-0, A. 55-13. (3/5 of  
Legislature is 72). Filed November 19, 1968.  
[Bill enclosed].
- 974.90 N.J. Legislature. Senate. Committee on Agriculture  
R588 and Natural Resources.  
1968 Public hearing on SCR41 - Tidelands. 4/23/68
- 1968 A982. Hollenbeck, Crane.  
Provides for the development of Hackensack meadowland.  
Creates Hackensack Meadowland Development Commission  
and Hackensack Meadowland Municipal Committee. Not  
reported out. [Bill enclosed].
- 1968 A989. Volk, Costa.  
Changes certain boundaries of Hackensack Meadowland  
Company. Died on 2d reading. [Bill enclosed].
- 1968 P.L. 1968, Chapter 404, January 13, 1969. S477.  
Dickinson, Guarini, Schlaffo, Knowlton, Hagedorn, etc.  
"Hackensack Meadowland Reclamation and Development  
Act".  
April 29 - Passed Senate amended.  
November 18 - Passed Assembly amended.  
November 18 - ACA passed Senate.  
November 25 - Conditional Veto.  
November 25 - Amended as per veto. Passed both  
houses.  
January 13, 1969 - Chapter 404.  
[Bills and Veto enclosed].

974.90 N.J. Legislature. Senate. Committee on Agriculture,  
R299 Conservation and Natural Resources.  
1968 Public hearing on Senate 477, Hackensack  
Meadowland Reclamation and Development Act.  
March 26, 1968.

974.901 N.J. Governor. Hughes.  
G52 Seventh Annual Message ... 1969.  
1969 p. 50.

1969 N.J. Governor. Hughes.  
Special memorandum to the Legislature.  
Feb. 13, 1969.

*Act upheld by:*

*Meadowland Regional Development  
Agency v. State of New Jersey*

*— N.J. Supreme Court — Oct 11, 1970*

*1969 - ACR 58 - Decision SCR 71 of 1968*

*974.90 N.J. Dept of Community Affairs.  
R299 Hackensack meadowland, public  
cost and revenue sharing; theory and*

*974.90 "Moratorium on the State Appraisal Land Use  
E173 Measuring the ..., p. 10-12*

III. Newspaper and Periodical Articles.

- 1957 Major reclamation project weighed; Representative Osmer offers bill for Federal study. NYT May 26, VIII, 1:6; S. 17, 28:2.
- Bill offered in N.J. Legislature to reclaim 150 acres for park. NYT, D. 9, 37:7.
- Mirages in the mud. New plans ... to ... tackle the marshes. N.J. Business Feb. 1957, p. 18-19.
- 1958 2 Dutch experts propose dikes along part of Hackensack River to reclaim large sections of Meadows. NYT. Jan. 5, 67:1.
- Plans for converting 1000 acres of meadowland in southern Bergen County to park and recreation area weighed. NYT, Jan. 9, 35:8.
- Governor Meyner asks commission be set up to study reclaiming 30,000 acres, annual message to Legislature. NYT, Jan. 15, 22:6.
- Students design metropolis; W.F. Nilson urges development for distributive industry; urges state public hearing. NYT, Feb. 16, 69:1.
- Meadowland Regional Planning Board gets survey of master plan prepared by Passaic Valley Citizens Planning Association; report urges broad approach but stresses need for liaison with local bodies. NYT, Mar. 2 59:1.
- Planning Board to confer with Gov. Meyner on development program. NYT, Mar. 30, 57:1; Conference Apr. 1, 31:1.
- Passaic Valley Citizens Planning Association director Erber urges a Newark-N.E. Bergen County road to be built and to serve as dike for reclaimed Meadows; Meadowland Regional Planning Board meeting; Erber suggests Kearny join Board. NYT, Apr. 27, 69:3.
- Kearny may join Board, work on 2d stage of master plan for Meadows under way. NYT, June 1, 68:1.
- Use of service road of gas transmission line as dike proposed. NYT, June 29, 47:1.



Meadowlands Regional Planning Board hears R. Field, favorable to gas line road. NYT, Aug. 5, 29:3.

Meadowland Regional Planning Board gets gift of \$13,000 from group of industrialists for reclamation study by Dutch engineers of 25,000 acres north of Port Newark; Board Vice chairman says report will supplement that of Passaic Valley Citizens Planning Association. NYT, Sept. 5, 29:8.

Dutch inspect area North Newark Bay. NYT, Sept. 17, 39:8.

Representative Osmer says he expects N.J. legislature to establish in November a commission to reclaim meadows; South Hackensack Area Development Association. NYT, Sept. 24, 29:8.

Passaic Valley Citizens Planning Association in its report suggests Hackensack area meadows be developed sectionally and that one area be used as pilot project. NYT, Dec. 7, 150:4.

1959

Cunningham, John T.

Meadows Series . Newark Sunday News. Feb. 8, 15, 22; March 1, 8, 15, 22, 29; April 5, 1959.

R.M. Field offers master redevelopment plan for 7,000 acres. N. Hudson & Bergen counties, urges Meadowland Regional Planning Board approach development from regional concept. NYT, Jan. 29, 15:1.

Outlines plan to Meadowland Regional Planning Board. NYT, Feb. 1, 49:1.

Commissioner Bontempo assures representatives of 26 municipalities that state will aid comprehensive development program; Gov. Meyner reportedly favors seeking Federal aid. NYT, Mar. 4, 33:6.

Governor Meyner calls conference of mayors of 25 communities on reclamation. NYT, Mar. 12, 33:7.

15 N. Jersey communities approve Meyner plan to create regional agency to reclaim land, Conference. NYT, Mar. 13, 31:5.

Dutch experts offer \$15 million reclamation program to Meadowland Regional Planning Board; key plan is dam near mouth of Hackensack River; map. NYT. Mar. 20, 33:8.

Editorial: Requiem for the Meadows. NYT, Mar. 25, 34:2.

Report that Port of N.Y. Authority would cooperate in reclamation stirs protests at meeting of Meadows area towns' representatives; fear loss of taxes on lands, N.Y. Port Authority might claim. NYT, Mar. 27, 25:5.

N.J. aids Meadowlands Development Agency with state personnel and funds; U.S. House Appropriations Committee reportedly will urge \$25,000 - aid for engineering study; Commissioner Bontempo's efforts credited; Gov. Meyner backing of project noted. NYT, May 20, 37:8.

Development agency seeks to float bond issue to finance reclamation of 14,000 acres between Newark Bay and Ridgefield. NYT, Sept. 6, 51:1.

Passaic Valley Citizens Planning Association associate planner R. Field tells Meadowland Planning Board \$38.5 million can be saved in reclaiming 3,850 acres by diking 8,500 ft. bordering Hackensack River. NYT, Oct. 1, 71:5.

Silt from dredging for deep-water berths, Edgewater, N.J. carried by pipe to Hackensack area Meadowland reclamation; area suitable for pilings for industrial structures in 18 months. NYT, Oct. 8, 41:2.

N.J. seeks to have large market distribution center for metropolitan area built on Meadows rather than in Hunts Point area of NYC. NYT, Dec. 3, 43:1.

1960

Superior Court Judge Leyden rules tidelands covered at mean high tide belong to state, ruling in suit brought by Bergen County Associations to compel State Highway Dept. to begin condemnation proceedings to set value of land used by Dept. to build highway; appeal planned. NYT, Mar. 18, 27:1.

Article on effect of decision. NYT, Mar. 19, 23:1. [Bergen County Associates v. State Highway Dept. of N.J. reported in (974.901 M32) Meadowland Regional Development Agency annual report, p. 53].

Mayors of 8 communities approve plan for Meadowlands Regional Planning Board to reclaim 14,000 acres in Hackensack River Valley. NYT, Aug. 11, 29:8.

Meadowlands Owner Association asserts willingness to aid meadowland reclamation; claims members own \$38 million worth. NYT, Aug. 12, 19:2.

12 Commissioners and interim Chairman of new Meadowlands Regional Development Agency named. NYT, Sept. 30, 9:2.

Soil experts test swamp land to determine how site will stand building construction. NYT, Dec. 4, VIII, 1-8.

1961 Representative Osmer, Jr. urges new 22d county, made up of meadows of Hudson, Bergen and Essex, for N.J.; says proposal stems from need for regional approach to reclamation; Gov. Meyner sees survey of marshes necessary before serious discussion of plan. NYT, Feb. 4, 21:8.

Sen. H.A. Williams says meadows would be ideal area to develop under his proposed bill authorizing Federal grants for purchase of open space in urban areas. NYT, Feb. 10, 6:6.

C.C. Morrison, Jr. urges strong new state commission to control development of Meadows and to meet long-range needs of entire area. NYT, July 9, 80:4.

Senate commission approved \$50,000 for survey of Meadows by Army Corps of Engineers; Sen. H. Williams Jr. hails plan. NYT, Sept. 23, 21:1.

Survey to begin soon; Williams reports it will study all water resource problems in area. NYT, Oct. 1, 85:5.

Survey hailed by Williams, a N.Y. Port Authority representative and others, Army public hearing (Library does not have). NYT, Dec. 14, 28:1.

Woodward-Clyde-Sherard & Assoc. survey finds reclamation may be key to continued expansion in N.Y. metropolitan area; sees employment for one million possible. NYT, Dec. 17, VIII, 1:8 (Library does not have this survey).

1962 N.J. Republicans offer plan for reclamation; legislative program. NYT, Jan. 8, 23:6.

Gov. Hughes confers with Meadowlands Regional Development Agency on reclamation; program outlined. NYT, June 7, 38:7.

Hughes reports N.J. surveys Hackensack meadowlands to see how much it legally owns under recent court interpretation of riparian rights. NYT, June 12, 39:4.

Brig. Gen. Lipscomb backs proposed \$150,000 appropriation to permit Army Engineers to press study; House Subcommittee says reclaimed land is worth as much as \$35,000 an acre and has great future potential; says main task is to control tidal flooding. NYT, June 20, 37:8.

- 1963      Sen. H.A. Williams to press for funds to speed Army Engineers Corps study of reclamation and development feasibility. Sept. 3, 35:1.
- 8 members of N.J. commission to draft long-range plan for reclamation sworn in; R.B. Meyner chairman. NYT, Dec. 17, 44:4.
- 1964      Newark plans to develop 1,700 acres. NYT July 12, VIII 1:1.
- Porro, Alfred A.  
The N.J. Meadowlands, reclamation or condemnation. New Jersey Municipalities, vol. 41, p. 41-46. Nov. 1964; 87 N.J. Law Journal 657, Oct. 15, 1964.
- 1965      Meadowland development stymied by riparian law uncertainty, state chamber tells Assembly. 88 NJLJ 197, April 1, 1965.
- 6 companies sign pacts to build new plants on 55 acres; list; hailed by Mayor Addonizio and Newark Industrial Development officials; map; NYT, June 29, 37:8.
- Gov. Hughes gets report of Commission to Study Meadowlands Development, headed by ex-Governor Meyner; Meadowland Development Authority proposed. NYT June 30, 21:4.
- N.Y. Port Authority to ask congressional appropriation \$440,000 for completion of revised study. NYT, Dec. 10, 93:6.
- Rubin, Frank J.  
Letter to editor enumerating problem areas in N.J.S.A. 40:55-1.20 and calling for legislative clarification. 88 NJLJ 792, Dec. 9, 1965.
- Assembly passes bill that would surrender state claims to millions of dollars worth of tidelands; state would lose thousands of acres under provision nullifying its claim to riparian rights under certain conditions. NYT, May 4, 32:1.
- Senate passes bill. NYT, May 25, 28:1.
- Bill vetoed. NYT, Dec. 14, 86:1.

1966

National Twist Drill and Tool Co. acquires property for plant, 1st step toward industrial development of 1,700 acres of meadowland; deed from Newark Housing Authority. NYT, Feb. 27, 59:4.

New group formed to work on meadowland redevelopment: N.J. Meadowland Institute. NEN, 9/20/66; NEN, 10/2/66.

Elizabeth Mayor Dunn says N.Y. Port Authority offers to develop at least 88 acres for \$125,000 a year. NYT, Nov. 16, 94:4.

Authority to ask Congress for funds to complete Army Engineers Corps study of possible reclamation. NYT, Dec. 12, 93:1.

The slumbering meadowlands. N.J. Municipalities, vol. 43, p. 5, May 1966.

Also see Vertical File under N.J.--Meadowland Redevelopment.

1967

N.Y. Port Authority urges Congress allot funds to study meadow reclamation. HR committee hearing. NYT, May 4, 77:7.

N.J. Community Affairs Commissioner Ylvisaker to propose building city of up to 300,000, 21,300 acres tract, \$300 million in Federal, State and local funds needed to reclaim meadows before building can begin; Sen. Kiefer offers bill, proposes Hackensack Meadows Development Commission to develop and maintain land. NYT, May 15, 1:6.

For the common good. NEN, 5/16/67.

Regional Planning Association hails Ylvisaker plan; Ylvisaker meets with 18 Bergen and Hudson County mayors to allay fears that project would conflict with local political and economic interests. NYT, May 17, 49:1.

Editorial on plan. May 24, NYT, 46:1.

Army Engineers sees reclamation expensive but not difficult; minimum cost \$190 million. NYT, May 28, 60:1.

Seminar at Fairleigh Dickinson. Federal, state and local officials discuss. NYT, June 4, III, 1:3.

1967 N.J. Senator Guarini opens hearings on Ylvisaker development plan; some local officials see threat to home rule. NYT, June 21, 37:1.

Hearing NYC Planning Commission director Elliott suggests Mayor Lindsay be appointed to proposed development commission; Meyner backs Ylvisaker; opposes local community efforts to block proposals; plan backed by N.J. area Regional Plan Association director Erber and Fairleigh Dickinson, Jr. NYT, June 28, 26:3.

200 businessmen guests of N.J. State Chamber of Commerce and N.J. RR Community Service to tour area; co-sponsors seek to enlist support for legislation which would limit state claims on issue of riparian rights. Foster opposition to Ylvisaker plan. NYT, Oct. 22, 56:3.

O'Neill v. State Highway Dept. 50 N.J. 307, 1967.

N.J. Supreme Court upholds 1664 state claim to 400 sq. miles of tidelands, but rules state must prove its claim; move seen ending tie up over Hackensack River Meadowlands; Commissioner Ylvisaker sees ruling making imperative passage of regional development bill. Court to issue guidelines to expedite claims. NYT, Nov. 7, 1:4.

Comment on ruling implications. NYT, Nov. 12, VII, 1:1.

Outgoing N.J. Democratic leaders abandon efforts to pass Hughes administrative Hackensack River Meadowlands development package. NYT, Nov. 18, 25:3.

New force focuses on urban ills. Some states try to grab initiative from Washington and New Jersey is leader. Business Week June 24, 1967.

Meadowlands reach for major markets. 136  
Industrial Development & Manuf. Record. 20 Feb. 1967.

Also see Vertical File under N.J.--Meadowlands 1967.

Xerox of selected newspaper clippings during 1968 enclosed.

Also see Vertical File under N.J.--Meadowlands 1968-



STATE OF NEW JERSEY  
OFFICE OF THE GOVERNOR  
TRENTON

RICHARD J. HUGHES  
GOVERNOR

SPECIAL MEMORANDUM TO THE LEGISLATURE

To the Members of the Legislature:

I wish to call your attention to an action taken by this Legislature that, in its potential destructive impact, is unparalleled in the history of New Jersey.

I refer to Senate Concurrent Resolution No. 41, which both houses of the Legislature approved last year. By force of this resolution there will be placed on the ballot this November a constitutional amendment which, if approved, would strip the people of New Jersey of their entire interest in some 250,000 acres of riparian, or tidal lands. These lands constitute a potential asset of at least \$1 billion for the State School Fund -- an asset that could be wiped out by your action.

Twice before, the Legislature passed bills designed to strip the people of New Jersey of their claim to these lands. And twice I vetoed these bills as unconstitutional and unconscionable. But now, through S.C.R. 41, you have sought to circumvent my veto and actually to change the Constitution to accomplish this giveaway of public lands to private interests. Last year, as in years before, I spoke out strongly against this action on your part, and gave fair notice of my intention to fight it to the end.

Now, once again, my responsibility to the people as Governor requires that I challenge the wisdom, propriety, and legality of your action. The purpose of this Special Memorandum is therefore to outline once again, in the clearest possible terms, my objections to S.C.R. 41 and its purpose, and to state my unequivocal resolve to take every possible step to prevent this massive handover of assets that belong to the people of this State.

To this end, I convened earlier today an extraordinary meeting of the Trustees for the Support of Public Schools, who are the custodians of the Fund for the Support of Free Public Schools, established by the New Jersey Constitution (Art VIII, Sec. IV, par. 2). The Trustees include the Commissioner of Education, the State Treasurer, the State Comptroller, the Secretary of State, the Attorney General, and the Governor, who acts as Chairman. The Trustees, by resolution, authorized me as Chairman to undertake all possible initiatives -- including legal action -- to protect the immense potential assets of the School Fund. Indeed, our responsibility as fiduciaries would permit no other course.

Let me point out, however, that you have the opportunity, by promptly rescinding S.C.R. 41, to save the assets of the School Fund and to retract the decision you made that could destroy them. It is my strong hope that you will take this essential action, on an emergency basis, because it is so clearly in the public interest.

Let me reiterate the compelling reasons for you to take this action:

#### The Lands in Question

First, what are the physical dimensions of this giveaway? The 250,000 acres of riparian lands in question lie in 17 counties and represent nearly 400 square miles, or 5 percent of the total land mass of New Jersey. These lands are larger than the combined area of Bergen and Essex Counties. They are eight times larger than the area of Hudson County.

#### The School Fund

Second, what are the financial dimensions of this giveaway? It is estimated that the reclamation of the Hackensack Meadowlands alone -- which represent only 7 percent of the area in question -- will contribute no less than \$500 million to the School Fund. Since much of the remaining land is valuable shore and river front, it is clear that the minimum loss to the School Fund will be \$1 billion, and the potential loss could be far greater.

Let me make the facts about the School Fund perfectly clear to you. This Fund, created in 1817, has been protected in perpetuity by every New Jersey Constitution since 1844 and has been granted the proceeds from the sale, lease, or rental of all riparian lands since 1894. Except for a corpus of modest size, the Fund's only asset is the potential value of the 250,000 acres of riparian lands that you now intend to give away. The massive loss to the School Fund that such a handover would mean would deprive the schools of New Jersey of a tremendous financial asset. It would be tragic in the extreme if our schools should be deprived in one blow of this potential assistance to achieve quality education.

I cannot believe that, at a time of rising educational costs and local school taxes -- not to speak of shameful educational deficiencies -- the members of this Legislature are prepared to make possible the handover of a billion dollars in School Fund assets. With regard to the Hackensack Meadowlands, for example, the benefits of publicly financed reclamation -- estimated to cost \$300 million -- would go not to the school children of New Jersey but instead to private interests.

#### Fishing, Wildlife, and Conservation

Third, what effect does your action have on conservation? It would seem that you have failed to consider the impact of S.C.R. 41 on the preservation of some of our most valuable natural areas, such as irreplaceable estuaries and marshlands.

Seventy percent of the fish upon which our sports and commercial fishing industry rely utilize our own shore front for breeding and nurture. Virtually all of our shellfish are dependent on these areas. Moreover, these lands are essential in the breeding and migration of most water fowl. The State, in cooperation with



the federal government, has already initiated a program of wetlands preservation, but there are not enough funds to secure all of those areas which should be protected. Passage of the constitutional amendment contemplated in S.C.R. 41 would expose large segments of these priceless natural areas to destruction by private interests.

Surely no price tag can be put on the conservation value of these lands. But we can state clearly that our economy would suffer untold millions in losses to the fishing industry if these lands are given away. It seems to me that it is our sacred obligation to preserve and protect these assets, not destroy them.

#### A Fair and Honest Alternative

Fourth, what is the fair and honest alternative to S.C.R. 41? The answer is clear and undeniable. The Act to reclaim and develop the Hackensack Meadowlands established a sound procedure to resolve any competing claims for riparian lands between the State and private interests. This procedure, which you approved as part of the Meadowlands Act, is fair and just to all parties. Any party dissatisfied with the administrative determination may proceed to initiate action in the Superior Court of New Jersey, which has been enlarged by six judges to handle precisely this kind of problem. There can be no possible justification for undermining this procedure, as your present action would do, unless it is your intention to hand over to private interests lands which rightfully belong to the people of New Jersey.

#### Confusing and Deceptive Language

Fifth, why is the referendum question projected by S.C.R. 41 so confusing, if not deceptive? This question reads as follows:

"Shall the amendment of the Constitution to define the ownership of the State in tidelands and to confirm and ratify private ownership of certain tidelands, record title to which has been held since July 1, 1891 and which have been assessed for taxes for 20 years, agreed to by the Legislature be approved?"

Not even the best-informed voter could discern from the question which you framed what is really at stake.

He could not know that you seek to strip the State of lands constitutionally dedicated to our School Fund and to hand them over to private interests.

He could not know that the courts of this State have consistently upheld the public's interest in these lands.

He could not know of the immense sums that would be lost to the School Fund.

He could not know of the vast acreage concealed behind this innocuous wording.

He could not know of the irreparable harm that would be done to our priceless fish, wildlife, and natural resources.

The Legislature approved the term "confirm and ratify private ownership" when it knows full well that the intention of the amendment is to reverse Supreme Court rulings in the State's favor and to reverse common law and constitutional dedications of riparian lands to the State. I trust that you realize that if the people were confronted with language that stated these intentions in clear and honest terms, they would react with outrage. For some reason, however, the scope and intention of the giveaway that you contemplate in S.C.R. 41 is in no way reflected in the language that you have set forth.

In short, what you have made to appear as an inconsequential, procedural "confirmation" and "ratification," as in the case of a mere validating act, really camouflages a giveaway of the State's substance which would shock and repel any citizen who fully realized what it means.

Legislative Action

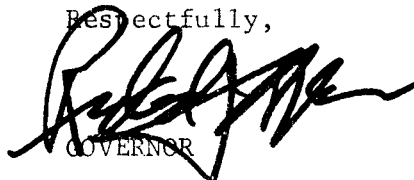
Sixth, how can the Legislature justify its action on this giveaway measure? Some legislators have indicated that they voted for S.C.R. 41, but plan to campaign against the constitutional amendment, "so that the people can decide." Let me say frankly that I consider this position untenable at the very best. This pernicious question does not have the slightest right to appear on the ballot -- next November or any November. The people did not elect you as their legislators merely to certify confusing and deceptive questions for their approval. They elected you to grapple honestly with difficult problems in full public view, and not to pass measures such as S.C.R. 41. I fully intend to make sure that the people of this State know that those who voted for S.C.R. 41 voted "yes," and not "yes, but..."

Moreover, you are well aware that there are many large private interests that stand to gain millions upon millions of dollars in windfall profits if this amendment should pass. With stakes so large we can expect a well-financed, high-pressure campaign designed to compound the confusion contained in the language of the question and to victimize an unsuspecting public. But who will speak for the school children, as I do now?

For all these reasons, I believe that you should rescind S.C.R. 41. As I have indicated, I am exploring every possible remedy, including legal action, to see to it that this gigantic giveaway is not perpetrated on the people of New Jersey. But the most certain means of protecting our schools against a potential one billion dollar loss, and of safeguarding our people against the handover of invaluable natural lands -- in short, the best way to correct your most unfortunate action of last year -- is immediately to rescind S.C.R. 41.

You know full well what is at stake. Handwringing, new hearings, or fact-finding missions are not necessary. You can, and I believe you must, take immediate action to remove this most serious injustice and to prevent the unforgivable handover of assets that belong to no one but the people of this State.

Respectfully,



GOVERNOR

February 13, 1969

ASSEMBLY, No. 287

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1956

By Mr. HAINES

Referred to Committee on Agriculture, Conservation and Economic Development

AN Act to provide for the establishment and incorporation of stream clearance and drainage districts by the owners of lands on or adjacent to the same stream, to provide means to establish and maintain stream clearance and drainage of lands therein, and to provide for the payment of the cost of the establishment and maintenance thereof by assessments upon the lands therein, and to provide means for the collection of such assessments.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in this act, unless the context shall otherwise require, the following words shall have the following meaning:

(a) "Department" shall mean the Department of Conservation and Economic Development;

(b) "District" shall mean a stream clearance and drainage district incorporated under the provisions of this act and the territory comprised within the boundaries designated in the certificate of incorporation of said corporation or any amendment thereof; and

(c) "Notice" shall mean the forwarding of a written notice containing the information required in each instance in this act, by certified mail with proper postage thereon and return receipt requested, to each person to whom notice is to be given whose name and post-office address is known, at said post-office address, and the publication of the same in 1 or more newspapers

14 published or circulating in each of the municipalities in which any part of the  
15 district is located once in each week for 2 successive weeks.

1     2. Any 5 or more owners of separate lots of land included in any tract of  
2 land in this State, on or adjacent to the same stream, which is subject to over-  
3 flow by freshet or to storm water damage therefrom or which is usually in a  
4 low, marshy, boggy or wet condition, may apply, in writing, to the Depart-  
5 ment of Conservation and Economic Development for authority to re-estab-  
6 lish and maintain the natural flow of said stream within said tract, to  
7 alleviate inundation of lands therein by said stream, to provide means to es-  
8 tablish and maintain stream clearance and to drain lands along or adjacent to  
9 said stream within said tract which are usually in a low, marshy, boggy or wet  
10 condition, and for permission to organize a stream clearance and drainage dis-  
11 trict for said purposes.

1     3. Said application shall state the names and post-office addresses of the  
2 applicants, describe generally the boundaries of the tract intended to be af-  
3 fected and the conditions intended to be alleviated therein and shall contain a  
4 general description of the manner in which the project is to be undertaken  
5 and carried on, with a preliminary estimate of the cost of the project and such  
6 other general information as the department may, by rule, require.

1     4. Upon the filing of said application with the department, the depart-  
2 ment shall cause a preliminary examination of the tract of land in question,  
3 and a study of the character of the project to be undertaken and of the pro-  
4 posed method of undertaking the same, to be made and in so doing shall con-  
5 sult with the supervisors of any local soil conservation district included  
6 within or adjacent to said tract of land and with any municipal and county  
7 officials concerned therewith, and if the department shall determine that said  
8 project, with the method of carrying it out, described in the application, or as  
9 modified as the department may determine, is feasible and for the benefit of  
10 the owners of the tract in question and is in the public interest of the State and  
11 the local area and is conducive to the conservation and development of the  
12 soil and water resources of the State, or either of them, the department shall

13 approve the same and notify the applicants accordingly, accompanying its ap-  
14 proval with such recommendations, if any, as it may deem desirable, which may  
15 include changes in the boundaries of the tract to be affected, but if the de-  
16 partment shall determine otherwise, it shall deny the application.

1 5. If the application shall be approved in its original or in modified form,  
2 the applicants or such of them whose lands are included within the tract as  
3 modified and any additional owners of lands included within such tract, to  
4 a number not less than 5, may form a stream clearance and drainage dis-  
5 trict by making and recording and filing a certificate of incorporation in  
6 writing in the office of the Secretary of State, signed and acknowledged be-  
7 fore a person authorized to take acknowledgments of deeds in this State.

1 6. The certificate of incorporation shall set forth—

2 (a) The name or title by which the district is to be known;

3 (b) A description of the tract of land which is to be the subject matter  
4 of the project by metes and bounds or in such manner that the boundaries  
5 thereof can be easily recognized, and a statement that the purpose of the  
6 corporation is to re-establish and maintain the natural flow of the stream in  
7 question, naming it, to alleviate inundation of lands lying within the tract by  
8 said stream and to provide means to establish and maintain stream clear-  
9 ance in said district and to drain lands lying along or adjacent to said stream  
10 within the tract which are usually in a low, marshy, boggy or wet condition,  
11 or any of them;

12 (c) The number of managers which shall be not less than 3;

13 (d) The location of the principal office of the corporation within the  
14 State and the name of the resident agent upon whom process may be served  
15 at said office.

1 7. When the certificate of incorporation has been filed and recorded in  
2 the office of the Secretary of State, a certified copy thereof shall be recorded  
3 in the office of the clerk of each county in which any part of the district is  
4 situate and the Secretary of State and the county clerk shall be entitled  
5 respectively for the filing and recording of the certificate of incorporation

6 to the fees prescribed for similar services for the filing and recording of cer-  
7 tificates of incorporation of corporations incorporated under chapter 1 of  
8 Title 15 of the Revised Statutes.

1 8. Upon the filing and recording of the certificate of incorporation in  
2 the office of the Secretary of State, the signers of the certificate, their as-  
3 sociates and successors shall be a corporation by the name stated in the cer-  
4 tificate, which shall have power to—

5 (a) Have perpetual succession by its corporate name;

6 (b) Sue and be sued, complain and defend in any court;

7 (c) Make and use a common seal and alter the same at pleasure;

8 (d) Choose such officers, managers and agents as the business of the  
9 corporation may require;

10 (e) Make by-laws for the management of its property and the regula-  
11 tion of its affairs, including the fixing of a date for the holding of the annual  
12 meeting of the district, by the majority vote of the members as hereinafter  
13 provided;

14 (f) Contract and be contracted with;

15 (g) Take and hold by lease, gift, purchase, grant, devise or bequest any  
16 real and personal property necessary or desirable for attaining the objects  
17 and carrying into effect the purposes of the corporation;

18 (h) Borrow money for the purposes of the corporation and issue bonds  
19 therefor and secure the same by mortgage upon any property of, and funds  
20 to be realized by assessment in, the district;

21 (i) Enter into any agreements with any county or municipality, or with  
22 the State or the Federal Government, or with any commission, agency or au-  
23 thority thereof which may be necessary or desirable, for the rendering of  
24 any service or the performance of any work in connection with the carrying  
25 out of the purposes for which the district is created, and receive and apply  
26 any grants or appropriation of funds, which may be made by them or any of  
27 them for the carrying out of the purposes of the district, to said purposes;

28 (j) Do and perform all acts and things as may be necessary and desir-  
29 able in order to carry out the purposes for which the district is created; and

30 (k) Exercise any corporate powers necessary or incidental to the exer-  
31 cise of the powers above enumerated.

1 9. Each owner of land within the district shall be a member of the dis-  
2 trict and each member shall have at least 1 vote in the affairs of the district,  
3 but if the land owned by him within the district shall consist of more than 1  
4 acre he shall be entitled instead to 1 vote for each acre of land so included  
5 within the district, which shall be cast in person or by proxy.

1 10. The business of the district shall be conducted by a board of man-  
2 agers, a majority of whom shall be residents of this State, who shall be  
3 elected by the members and shall hold office for 1 year and until their suc-  
4 cessors shall be elected and shall qualify, and vacancies in the membership  
5 of the board shall be filled by the vote of the remaining managers but for  
6 the unexpired term only.

1 11. The managers acting for and in the name of the district shall have  
2 power to employ such engineering, legal and other assistants as they  
3 may deem necessary and desirable, to enter into contract for the doing of  
4 any work authorized under this act. to acquire land and other property which  
5 they may deem necessary and desirable to acquire for the performance of  
6 said work, and to borrow money and issue bonds of the district in order to  
7 provide funds to carry on the work of the district, for the payment of which  
8 or of any interest thereon they shall not be personally bound, and, in addi-  
9 tion, to exercise any of the powers and perform any of the duties of the  
10 district not in this act provided to be exercised by the members of the dis-  
11 trict.

1 12. Each district shall have a president, and a secretary and a treasurer,  
2 or 1 person to act as both, and such other officers and employees as the  
3 managers may determine upon, all of whom shall be elected or appointed by  
4 the managers.

1 13. Within 30 days after the incorporation of the district, the incorpo- 5 ity  
 2 rators shall call a general meeting of the members of the district, to be held 6 pl  
 3 at the registered office thereof, for the election of managers and the adoption 7 sh  
 4 of by-laws for the district and shall give at least 20 days' notice thereof 8 al  
 5 and of the general nature of the business to be transacted thereat, and at 9 th  
 6 said meeting the members shall elect managers for the district for the ensu- 10 pl  
 7 ing year and adopt by-laws for the district by a majority vote as in this 1  
 8 act provided. 2 a

1 14. The managers shall cause a survey and map of the tract of land in- 3 da  
 2 cluded within the district to be made, which map shall indicate the number 4 ar  
 3 of acres of land within the district owned by each member thereof, and shall 5 m  
 4 formulate a general plan for the carrying out of the project for which the 1  
 5 district is incorporated, based upon the plan approved by the department, 2 sh  
 6 and shall include in said plan a statement of the estimated aggregate total 3 as  
 7 cost of the entire project which shall include the cost of the incorporation of 4 in  
 8 the district and the cost of the preparation of said survey and map and of the 5 th  
 9 formulation of said plan, and shall call a meeting of the members of the 1  
 10 district to be held at the registered office of the district for the submission 2 m  
 11 of said plan to the members of the district thereof, for their approval or dis- 3 ar  
 12 approval. 4 th

1 15. The managers shall give notice to each member of the district of the 5 po  
 2 time and place when and where such meeting shall be held and of the busi- 6 sa  
 3 ness to be transacted thereat, including a statement that said plan, map and 7 co  
 4 survey will be on file at the registered office of the district for the inspection 8 ec  
 5 of all parties interested, at all reasonable times, for not less than 30 day- 9 co  
 6 prior to the date fixed for the holding of said meeting, which notice shall 10 by  
 7 be given at least 30 days prior to said date. 11 ab

1 16. The said plan, map and survey shall be maintained on file at the 12 co  
 2 registered office of the district, open for the inspection of all parties inter- 13 pl  
 3 ested, in accordance with said notice, and at said meeting or at any time to 14 ti  
 4 which the same may be adjourned, the members present shall by a major- 15 p



5 ity vote, by ballot, as prescribed in this act, approve or disapprove said  
6 plan for the carrying out of the purposes of the district, and if said plan  
7 shall be so approved it shall be binding upon all members of the district and  
8 all of them shall be bound thereby for the payment of any assessments for  
9 the cost of carrying out said plan to the aggregate amount stated in said  
10 plan and no more, as provided in this act.

1 17. If said plan shall be so approved, the managers shall then prepare  
2 a detailed report of said plan with such engineering and other explanatory  
3 data as may be necessary for the full and complete accomplishment thereof,  
4 and shall file the same, with a copy of said map and survey, with the depart-  
5 ment for its approval.

1 18. The department shall examine said report and map and survey and  
2 shall have power to make any recommendations which to it seem desirable  
3 as to changes in the method of carrying out the project which will not be  
4 inconsistent with the plan as approved to the members of the district, and  
5 the department shall consult with the managers thereon.

1 19. When said detailed plan shall have been approved by the depart-  
2 ment, the district shall proceed to execute and carry out the same, and they  
3 and all contractors or other persons employed by them or under their au-  
4 thority shall have power to enter upon any lands of the district for the pur-  
5 pose of doing any work requisite in the carrying out of said plan, and when  
6 said work shall have been completed the managers shall ascertain the total  
7 cost thereof and shall make a written report of the execution of said proj-  
8 ect containing a statement of the total cost thereof, which shall include the  
9 cost of doing the work and completing the project and all damages payable  
10 by reason of the doing thereof, any interest which may become due and pay-  
11 able on any sums borrowed in order to carry on the same and reasonable  
12 compensation for the managers and their engineers, counsel and other em-  
13 ployees for their services in executing said work and the cost of incorpora-  
14 tion and organization of the district and the expenses incurred by the incor-  
15 porators in the making of the survey, map and plan submitted to the mem-

16 bers, and said managers shall thereupon proceed to assess the amount of  
17 said total costs upon the lands contained within the district in proportion,  
18 as nearly as possible, to the benefit derived from said project by the said  
19 several parcels of land, deducting any damages incurred by any member from  
20 the assessment against his land, and when said assessments shall be com-  
21 pleted the said report and the said assessments, together with a statement  
22 of the sums found by said managers to be due to any member of the district  
23 or other person by reason of damages incurred in the performance of said  
24 work, shall be filed in the registered office of the district for the inspection  
25 of all parties interested.

1     20. The managers shall thereupon fix a day and time, not less than 40  
2 days after the date of the filing of said report and assessments, for the hearing  
3 of objections to said assessments or determination of damages at said regis-  
4 tered office and shall give at least 20 days' notice of the filing of said report, of  
5 the fact that said assessments and determination of damages have been com-  
6 pleted and are on file at the registered office of the district and of the time  
7 and place when and where the managers will meet to hear objections thereto,  
8 which notice shall be given to every member of the district and every other  
9 person whose interest in any of said lands shall appear of record.

1     21. On the date so fixed or any other date to which the said meeting may  
2 be adjourned, the said managers shall meet and hear all objections which may  
3 be made to any assessment or determination of damages made by them, and  
4 when they shall have heard the same they shall prepare and file their final  
5 assessments and determination of damages in the office of the clerk of the  
6 Superior Court and shall apply to said court to fix, and the court may fix, a  
7 day, not less than 40 days from the date of said filing, for a hearing on the  
8 confirmation of said assessments, and the managers shall thereupon give  
9 notice of the time and place of the filing thereof and the time and place when  
10 and where the application will be made to the court for confirmation thereof,  
11 stating that unless objection is filed to any of them in the office of the clerk of  
12 the Superior Court within 40 days following the giving of such notice said

3 assessments and determinations of damages may be confirmed and made ab-  
4 solute, and that if objection is filed to any such assessments or determinations  
5 of damages, said objection will be heard upon the day designated in the notice,  
6 and that if any such objection is allowed by the court, in whole or in part,  
7 said assessments and determinations of damages will be modified accordingly,  
8 which notice shall be given not more than 20 days following the filing of said  
9 assessments.

1 22. At said time and place the court may hear any objection which may be  
2 made to any of said assessments and determinations of damages and if it  
3 shall overrule said objections or if no objection shall be filed thereto, the  
4 court may confirm and make absolute the same, but if the court shall allow  
5 any objection so filed, it shall modify the same accordingly and re-assess in  
6 accordance with its determination in such manner that the entire cost of the  
7 project shall be assessed against the land of the members of the district  
8 except such as shall suffer damage equal to or in excess of the benefits thereto  
9 in proportion, as nearly as possible, to the benefits derived from said project,  
10 and shall confirm the assessments so made by it.

1 23. The managers shall make a separate certificate of the final assess-  
2 ments of the lands within the district in each county, which shall be recorded  
3 and indexed as mortgages are recorded and indexed, in the office of the county  
4 recording officer and the same shall be a first and paramount lien upon each  
5 parcel of land described therein without regard to whom the owner or owners  
6 thereof may be, and each assessment shall be due and payable from the time  
7 of the recording thereof and may be recovered by the district in a civil action  
8 or may be foreclosed against said lands in the same manner as mortgages are  
9 foreclosed. The same fees shall be payable for the recording and indexing of  
10 such assessments as are payable in the case of mortgages.

1 24. An annual meeting of the district shall be held at such time as shall be  
2 fixed by the by-laws at which the members of the district shall elect the man-  
3 agers for the ensuing year and until their successors shall be elected and shall  
4 qualify, and notice of said meeting shall be given at least 10 days prior to the

5 date so fixed for the hearing thereof, and special meetings of the members of  
6 the district may be called upon like notice by the managers then in office.

1     25. When the project shall have been completed and the assessments  
2 made as hereinbefore provided, the same shall be maintained and kept in re-  
3 pair by the managers who shall annually, or from time to time at longer in-  
4 tervals, assess the cost of the operation and maintenance of the project  
5 against the members of the district on the same basis and in  
6 the same manner as hereinbefore provided for the assessment of the costs of  
7 the original project, and said assessments shall be confirmed and a certificate  
8 thereof recorded, and the assessments shall be a lien in the same manner as in  
9 this act provided in the case of the original assessments.

1     26. This act shall take effect immediately.

STATE OF NEW JERSEY  
Executive Department

June 28, 1956

ASSEMBLY BILL NO. 287

to the General Assembly:

I am returning herewith, without my approval, Assembly Bill  
287 for the following reasons:

This bill provides for the establishment and incorporation  
of stream clearance and drainage districts. Any 5 or more owners  
of separate lots of land included in any tract of land in this  
State, on or adjacent to the same stream, may apply to the  
Department of Conservation and Economic Development for permission  
to organize such a district. If the Department grants the per-  
mission, the applicants, who must number not less than 5 but need  
not include all owners of land within the tract, may incorporate  
such a stream clearance and drainage district.

The purpose of this incorporated district is to re-establish  
and maintain the natural flow of the stream in question; to al-  
leviate inundation of lands lying within the tract composing the  
district; to provide means to establish and maintain stream clearance  
in the district and to drain lands lying along or adjacent to the  
stream. Such an undertaking is to be accomplished by a board of  
managers who have been elected by the members of the incorporated  
district. Each owner of land within the district is a member of  
the district. The cost of this undertaking is to be paid after  
completion by means of an assessment levied upon the lands con-  
tained within the tract. This assessment is levied in proportion  
to the benefit received by such lands.

This bill, as drawn, fails to adequately safeguard the interest  
of all landowners in the district and raises certain serious con-  
stitutional questions. For example, landowners who have not joined

STATE OF NEW JERSEY  
Executive Department

Assembly Bill No. 287

- 2 -

with those applying to the Department for permission to incorporate as a district receive no notification of any proceeding until after the district has been incorporated. This may well work to deprive owners of substantial areas of land of an opportunity to present certain information before the Department and to influence the thoughts of neighboring landowners until it is too late.

Moreover, the provision for assessment upon the land is placed in the hands of a private group of individuals. While there is language in the cases that might tend to support such a procedure, In The Matter of Drainage Along Pegquest River, 41 N.J.L. 175, 180 (E. & A. 1879), it is questionable whether private commissioners have the constitutional authority to levy assessments such as those herein contained.

The bill further provides that such assessments are to be a "first and paramount" lien upon the lands in the district. Here, again, there is a question whether an assessment by a private group can take such precedence. Even if such an assessment can be given such a priority, it is doubtful whether the words "first and paramount" are sufficiently clear so as to resolve all possible doubts. As presently phrased, this provision is an invitation to litigation.

This bill also fails to make clear the precise role the Superior Court is to play in determining the validity of the assessments. It is unclear whether the Superior Court has the power to change assessments filed with them where there is no objection made. This ambiguity should be resolved.

In returning this bill I wish to point out that I am in sympathy with the objective sought to be accomplished by The Joint Commission on Drainage and Stream Clearance. Conservation and reclamation of our State's natural resources is an end that I am sure is desired by all.

STATE OF NEW JERSEY  
Executive Department

Assembly Bill No. 287

- 3 -

However, in light of the obvious defects of this bill, in its present form, I feel that I have no alternative but to return it. The questions raised are serious in nature and deserving of thorough investigation. Regrettably, the period within which I must act on this bill does not leave adequate time for the consideration of these important questions and for more detailed study of the bill.

Accordingly, I am constrained to return Assembly Bill No. 287 herewith without my approval.

Respectfully,

ROBERT B. MEYNER

GOVERNOR

(SEAL)

Attest:

ROBERT J. BURKHARDT

Secretary to the Governor

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# STATE OF NEW JERSEY

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INTRODUCED DECEMBER 2, 1957

By Assemblymen HAINES and DAVIS

(Without Reference)

A SUPPLEMENT to "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different persons, to keep the same in good repair," passed November 29, 1788.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Any company, organized under the act to which this act is a supple-  
2 ment, may borrow any sum or sums of money for the purpose of erection,  
3 construction, maintenance or repair of dams, banks or other works of the  
4 company, when so authorized by resolution of the manager or managers, ap-  
5 proved in writing by the owner or owners, possessor or possessors, lessee or  
6 lessees of  $\frac{3}{4}$  or more of the valued acres of meadow lands lying within the  
7 bounds of the company.

1 2. This act shall take effect immediately.

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## STATEMENT

The purpose of this bill is to authorize Meadow Companies organized under the Act of 1788 to borrow money in order to construct or reconstruct their works.

The Thoroughfare Meadow Company was organized under this statute in 1849. It reclaimed some 1,500 acres of meadow land located near Hancock's Bridge in Salem county by building a dike and other works.



In 1956 the dike went out as the result of a storm and the entire area has since been flooded.

The Federal Government has agreed to make a large contribution to the project of reconstructing the dike, et cetera, under the Watershed Protection and Flood Prevention Act, if the Meadow Company will contribute \$30,000.00 toward the cost of the reconstruction and has agreed, also, to lend the Meadow Company \$30,000.00, to be repaid by the company through assessments upon the lands to be improved as provided in the 1788 Act.

The Act of 1788 does not give the Meadow Companies organized under it the right to borrow money although later acts of the same type confer this power upon companies organized under them.

It is to remedy the situation above described that this bill is introduced.

SENATE, No. 169

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STATE OF NEW JERSEY

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INTRODUCED FEBRUARY 13, 1962

By Senator SANDMAN

(Without Reference)

AN ACT concerning certain powers, duties and functions of the State Department of Conservation and Economic Development in connection with the development of waterways and projects incidental thereto and providing for a revolving fund for the purposes of such developments, and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Whenever by reason of the construction of bridges or other structures  
2 as a part of any State highway it shall become desirable in the judgment of  
3 the Commissioner of Conservation and Economic Development to provide a  
4 new or additional access to any canal or other waterway, the Department of  
5 Conservation and Economic Development is authorized to acquire lands and  
6 construct connecting waterways to such canal or other waterway and im-  
7 prove the lands abutting upon such new or additional waterway.

1 2. In acquiring such lands and in constructing such new or additional  
2 waterways, the said department may proceed in stages and each stage shall  
3 be deemed a project of the department. To aid in the financing of the cost of  
4 such acquisition of land and such construction, the department shall have the  
5 right to sell in lots or parcels lands abutting on the additional connecting  
6 waterways for private development by the purchasers thereof and the pro-

7 ceeds of such sales shall constitute a revolving fund for further projects au-  
8 thorized by this act.

1 3. For the purposes of this act the department shall have the right to ac-  
2 quire lands by gift, purchase, or the exercise of the power of eminent domain  
3 in the same manner as in the case of the acquisition of lands for other pur-  
4 poses by the said department.

1 4. Sales of lots or parcels of land by the department, as herein provided,  
2 shall, in the first instance, be by public sale or, in the event that no satis-  
3 factory bidding is obtained, the sale or sales may be by private sale.

1 5. All proceeds of such sales shall be deposited in the State Treasury and  
2 shall constitute a revolving fund in accordance with the provisions of this act.  
3 For the purpose of effectuating and administering this act, the said depart-  
4 ment may expend any available funds appropriated to the department and also  
5 from available moneys in the said revolving fund.

1 6. This act shall take effect immediately.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 169

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STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN Act concerning certain powers, duties and functions of the State Department of Conservation and Economic Development in connection with the development of waterways and projects incidental thereto and providing for a revolving fund for the purposes of such developments, and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448).

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6 construct connecting waterways to such canal or other waterway and im-  
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1 2. In acquiring such lands and in constructing such new or additional  
2 waterways, the said department may proceed in stages and each stage shall  
3 be deemed a project of the department. To aid in the financing of the cost of  
4 such acquisition of land and such construction, the department shall have the  
5 right to sell such lands abutting on the additional connecting  
6 waterways for private development by the purchasers thereof and the pro-  
7 ceeds of such sales shall constitute a revolving fund for further projects of  
8 like nature in the same area.

1       3. For the purposes of this act the department shall have the right to ac-  
2 quire lands by gift, purchase, or the exercise of the power of eminent domain  
3 in the same manner as in the case of the acquisition of lands for other pur-  
4 poses by the said department.

1       4. Sales of land by the department, as herein provided, shall, in the  
2 first instance, be by public sale or, in the event that no satisfactory bidding  
3 is obtained, the sale or sales may be by private sale.

1       5. All proceeds of such sales shall be deposited in the State Treasury and  
2 shall constitute a revolving fund in accordance with the provisions of this act.  
3 For the purpose of effectuating and administering this act, the said depart-  
4 ment may expend any available funds appropriated to the department and also  
5 from available moneys in the said revolving fund.

1       6. This act shall take effect immediately.

SENATE, No. 170

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1962

By Senator SANDMAN

(Without Reference)

AN Act concerning county meadow land development commissions in relation to bond issues or by such commissions and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Any county meadow land development commission created in any  
2 county by the board of chosen freeholders, with the approval of the voters  
3 of the county shall have power to authorize or provide for the issuance of  
4 bonds pursuant to this act. All such bond issues shall be supported by the  
5 full faith and credit of the county, provided the voters approve such exten-  
6 sions of credit upon a referendum vote.

1 2. Where the voters have approved any such extension of the full faith  
2 and credit of the county to support the bond issue or issues at the same time  
3 that they have approved the creation of the commission the issuance of bonds  
4 by the commission, when created, may issue bonds not in excess of the amount  
5 approved by the voters without a further referendum but any subsequent  
6 issue of bonds by the commission in excess of such original authorization  
7 shall be subject to approval of the voters upon a referendum to them for  
8 the purpose.

1 3. In the case of any issuance of bonds by a county meadow land de-  
2 velopment commission, such commission shall adopt a resolution (in

3 this act sometimes referred to as "bond resolution") which shall

4 (1) describe in brief and general terms sufficient for reasonable identi-  
5 fication the part (in this act sometimes called "project") of the county  
6 meadow land improvement to be constructed or acquired;

7 (2) state the cost or estimated cost of the project; and

8 (3) provide for the issuance of the bonds in accordance with this act.

1 4. (a) A bond resolution of a county meadow land development com-  
2 mission may provide for and authorize the issuance of bonds of the commis-  
3 sion in accordance with this section for its purposes or for the purpose of  
4 funding or refunding any bonds. A bond resolution providing for and au-  
5 thorizing the issuance of bonds to fund or refund bonds shall describe the  
6 bonds which are to be funded or refunded.

7 (b) Upon adoption of the bond resolution, the commission shall have  
8 power to incur indebtedness, borrow money and issue its bonds for the  
9 purpose of financing the project or of funding or refunding the bonds de-  
10 scribed therein. Such bonds shall be authorized by the bond resolution and  
11 may be issued in 1 or more series and shall bear such date or dates, mature  
12 at such time or times not exceeding 40 years from the date thereof, bear  
13 interest at such rate or rates not exceeding 6% per annum, be in such de-  
14 nomination or denominations, be in such form, either coupon or registered,  
15 carry such conversion or registration privileges, have such rank or priority,  
16 be executed in such manner, be payable from such sources in such medium  
17 of payment at such place or places within or without the State, and be sub-  
18 ject to such terms of redemption (with or without premium) as the bond  
19 resolution may provide.

20 (c) Bonds of a county meadow land may be sold by the commission at  
21 public or private sale at such price or prices as the commission shall de-  
22 termine; provided, however, that the interest cost to maturity of the money  
23 received for any issue of bonds (computed according to standard tables of  
24 bond values) shall not exceed 6% per annum.

1 5. After sale of any bonds pursuant to this act, the commission shall  
2 have power to authorize the execution and issuance to the purchasers, pend-  
3 ing the preparation of the definitive bonds, of interim certificates therefor  
4 or of temporary bonds or other temporary instruments exchangeable for the  
5 definitive bonds when prepared, executed and ready for delivery. The  
6 holders of such interim certificates, temporary bonds or other temporary  
7 instruments shall have all the rights and remedies which they would have as  
8 holders of the definitive bonds.

1 6. Any county meadow land development commission may cause to be  
2 published in a newspaper published or circulated in the county a copy of  
3 any bond resolution adopted by it, together with a notice stating the date  
4 of such adoption and also the date of the first publication of such notice and  
5 also that any action or proceeding of any kind or nature in any court ques-  
6 tioning the validity of the creation and establishment of the said commission,  
7 or the validity or proper authorization of bonds provided for by the bond  
8 resolution, or the validity of any covenants, agreements or contracts pro-  
9 vided for by the bond resolution shall be commenced within 20 days after the  
10 first publication of such notice. If no such action or proceeding shall be com-  
11 menced or instituted within 20 days after the first publication of such  
12 notice, then all residents and taxpayers and owners of property in the  
13 county and all other persons whatsoever shall be forever barred and fore-  
14 closed from instituting or commencing any action or proceeding in any court,  
15 or from pleading any defense to any action or proceeding, questioning the  
16 validity of the creation and establishment of the said commission, the  
17 validity or proper authorization of such bonds, or the validity of any  
18 such covenants, agreements or contracts, and said bonds, covenants, agree-  
19 ments and contracts shall be conclusively deemed to be valid and binding  
20 obligations in accordance with their terms and tenor.

1 7. Any provision of any law to the contrary notwithstanding, any bond  
2 or other obligation issued pursuant to this act shall be fully negotiable  
3 within the meaning and for all purposes of the negotiable instruments law



4 of the State, and each holder or owner of such a bond or other obligation,  
5 or of any coupon appurtenant thereto, by accepting such bond or coupon  
6 shall be conclusively deemed to have agreed that such bond, obligation or  
7 coupon is and shall be fully negotiable within the meaning and for all pur-  
8 poses of said negotiable instruments law.

1       8. Any bond resolution of a county meadow land development com-  
2 mission providing for or authorizing the issuance of any bonds may con-  
3 tain provisions, and such commission, in order to secure the payment of such  
4 bonds and in addition to its other powers, shall have power by provision in  
5 the bond resolution to covenant and agree with the several holders of such  
6 bonds, as to:

7       (1) the custody, security, use, expenditure or application of the proceeds  
8 of the bonds;

9-11       (2) the construction and completion, or replacement, of all or any part  
12 of any project of the commission;

13       (3) the use, regulation, operation, maintenance, insurance or disposition  
14 of all or any part of any project of the commission, or restrictions on the  
15 exercise of the powers of the said commission to dispose, or to limit or reg-  
16 ulate the use, of all or any part of any project of the commission;

17       (4) payment of the principal of or interest on the bonds, or any other  
18 obligations, and the sources and methods thereof, the rank or priority of  
19 any such bonds or obligations as to any lien or security, or the acceleration  
20 of the maturity of any such bonds or obligations;

21       (5) the use and disposition of any moneys of the county meadow land  
22 development commission including the proceeds of sale of lots and plots to  
23 private purchasers;

24       (6) pledging, setting aside, depositing or trusteeing all or any part of  
25 the commission's moneys to secure the payment of the principal of or interest  
26 on the bonds or any other obligations, or the payment of the expenses of the  
27 commission, and the powers and duties of any trustee with regard thereto;

28       (7) the setting aside out of the commission's moneys of reserves and

29 sinking funds, and the source, custody, security, regulation, application and  
30 disposition thereof;

31 (8) determination or definition of the commission's moneys or of its ex-  
32 penses;

33 (9) limitations on the issuance of additional bonds or any other obliga-  
34 tions or on the incurrence of indebtedness of the commission;

35 (10) vesting in a trustee or trustees such property, rights, powers and  
36 duties in trust as the commission may determine which may include any or  
37 all of the rights, powers and duties of the trustee appointed by the holders of  
38 bonds pursuant to this act, and limiting or abrogating the right of such holders  
39 to appoint a trustee pursuant to this act or limiting the rights, duties and  
40 powers of such trustee;

41 (11) payment of costs or expenses incident to the enforcement of the  
42 bonds or of the provisions of the bond resolution or of any covenant or con-  
43 tract with the holders of the bonds;

44 (12) the procedure, if any, by which the terms of any covenant or con-  
45 tract with, or duty to, the holders of bonds may be amended or abrogated,  
46 the amount of bonds the holders of which must consent thereto, and the  
47 manner in which such consent may be given or evidenced; or

48 (13) any other matter or course of conduct which, by recital in the  
49 bond resolution, is declared to further secure the payment of the principal  
50 of or interest on the bonds.

51 All such provisions of the bond resolution and all such covenants and  
52 agreements shall constitute valid and legally binding contracts between the  
53 commission and the several holders of the bonds, regardless of the time of  
54 issuance of such bonds, and shall be enforceable by any such holder or  
55 holders by mandamus or other appropriate action, suit, or proceeding at law  
56 or in equity in any court of competent jurisdiction.

1 9. (a) The provisions of this section shall be applicable to a series of  
2 bonds authorized or issued under this act only if the bond resolution of the  
3 commission authorizing or providing for the issuance of such bonds shall

4 provide in substance that the holders of the bonds of such series shall be  
5 entitled to the benefits, and be subject to the provisions, of this section.

6 (b) In the event that there shall be a default in the payment of prin-  
7 cipal of or interest on any bonds of such series after the same shall become  
8 due, whether at maturity or upon call for redemption, and such default shall  
9 continue for a period of 30 days, or in the event that the commission shall  
10 fail or refuse to comply with the provisions of this act or shall fail or refuse  
11 to carry out and perform the terms of any contract with the holders of any  
12 of such bonds, and such failure or refusal shall continue for a period of 30  
13 days after written notice to the commission of its existence and nature, the  
14 holders of 25% in aggregate principal amount of the bonds of such series  
15 then outstanding, by instrument or instruments filed in the office of the Sec-  
16 retary of State and proved or acknowledged in the same manner as a deed to  
17 be recorded, may appoint a trustee to represent the holders of the bonds of  
18 such series for the purposes provided in this section.

19 (c) Such trustee may and upon written request of the holders of 25%  
20 in aggregate principal amount of the bonds of such series then outstanding  
21 shall, in his or its own name:

22 (1) By mandamus, certiorari or other action, suit, writ or proceed-  
23 ing at law or in equity, enforce all rights of the holders of such bonds, in-  
24 cluding the right to require the commission to charge and collect  
25 service charges adequate to carry out any contract as to, or pledge of,  
26 system revenues, and to require the commission to carry out and per-  
27 form the terms of any contract with the holders of such bonds or its duties  
28 under this act;

29 (2) Bring action or suit upon all or any part of such bonds or  
30 interest coupons or claims appurtenant thereto;

31 (3) By action or suit in equity require the commission to account  
32 as if it were the trustee of an express trust for the holders of such  
33 bonds;

34 (4) By action or suit in equity enjoin any acts or things which may  
35 be unlawful or in violation of the rights of the holders of such bonds; or

36 (5) Declare all such bonds due and payable, whether or not in ad-  
37 vance of maturity, upon 30 days' prior notice in writing to the commis-  
38 sion and, if all defaults shall be made good, then with the consent of  
39 the holders of 25% of the principal amount of such bonds then out-  
40 standing, annul such declaration and its consequences.

41 (d) Such trustee shall, in addition to the foregoing, have and possess all  
42 of the powers necessary or appropriate for the exercise of the functions  
43 specifically set forth herein or incident to the general representation of the  
44 holders of bonds of such series in the enforcement and protection of their  
45 rights.

46 (e) In any suit, action or proceeding by such trustee, the fees, counsel  
47 fees and expenses of the trustee and of the receiver, if any, appointed pur-  
48 suant to this act, shall constitute taxable costs and disbursements, and all  
49 costs and disbursements, allowed by the court, shall be a first charge upon any  
50 service charges and system revenues of the commission pledged for the pay-  
51 ment or security of bonds of such series.

10. If a bond resolution of a commission authorizing or providing for  
2 the issuance of the bonds of any series shall contain the provision authorized  
3 by subsection (a) of section 9 of this act and shall further provide in  
4 substance that any trustee appointed pursuant to said section shall have the  
5 powers provided by this section, then such trustee, whether or not all of the  
6 bonds of such series shall have been declared due and payable, shall be  
7 entitled as of right to the appointment of a receiver of the commission's  
8 projects, and such receiver may enter upon and take possession of the com-  
9 mission's project and, subject to any pledge or contract with the holders of  
10 such bonds, shall take possession of all moneys and other property of the  
11 commission.

11. Neither the members of the commission nor any person executing  
2 bonds issued pursuant to this act shall be liable personally on the bonds by

3 reason of the issuance thereof. Bonds or other obligations issued pursuant  
4 to this act shall be a debt or liability of the commission, also of the county  
5 which created the commission.

1 12. Notwithstanding any restriction contained in any other law, the State  
2 and all public officers, municipalities, counties, political subdivisions and  
3 public bodies, and agencies thereof, all banks, bankers, trust companies, sav-  
4 ings banks and institutions, building and loan associations, savings and loan  
5 associations, investment companies, and other persons carrying on a banking  
6 business, all insurance companies, insurance associations and other persons  
7 carrying on an insurance business, and all executors, administrators,  
8 guardians, trustees and other fiduciaries, may legally invest any sinking  
9 funds, moneys or other funds belonging to them or within their control in any  
10 bonds, and such bonds shall be authorized security for any and all public  
11 deposits.

1 13. Every project of a commission and all other property of a county  
2 meadow land development commission are hereby declared to be public prop-  
3 erty of a political subdivision of the State and devoted to an essential public  
4 and governmental function and purpose and shall be exempt from all taxes  
5 and special assessments of the State or any subdivision thereof. All bonds  
6 are hereby declared to be issued by a political subdivision of this State and  
7 for an essential public and governmental purpose and to be a public instru-  
8 mentality, and such bonds, and the interest thereon and the income therefrom,  
9 and all service charges, funds, revenues and other moneys pledged or avail-  
10 able to pay or secure the payment of such bonds, or interest thereon, shall  
11 at all times be exempt from taxation except for transfer inheritance and  
12 estate taxes and taxes on transfers by or in contemplation of death.

1 14. All banks, bankers, trust companies, savings banks, investment com-  
2 panies and other persons carrying on a banking business are hereby author-  
3 ized to give to any county meadow land development commission a good and  
4 sufficient undertaking with such sureties as shall be approved by the com-  
5 mission to the effect that such bank or banking institution as hereinbefore

6 described shall faithfully keep and pay over to the order of or upon the  
7 warrant of the commission or its authorized agent all such funds as may be  
8 deposited with it by the commission and agreed interest thereon, at such  
9 times or upon such demands as may be agreed upon with the authority or,  
10 in lieu of such sureties, deposit with the commission or its authorized agent  
11 or any trustee therefor or for the holders of any bonds, as collateral, such  
12 securities as the commission may approve; provided, such securities shall  
13 consist of obligations in which public officers and bodies of the State and its  
14 municipal subdivisions, savings institutions, including savings and loan  
15 associations, insurance companies and associations, executors, administra-  
16 tors, guardians, trustees and other fiduciaries in the State may properly and  
17 legally invest the funds within their control, in such principal amount, market  
18 value or other description as may be approved by the commission. The  
19 deposits of the commission may be evidenced by a depository collateral agree-  
20 ment in such form and upon such terms and conditions as may be agreed upon  
21 by the commission and such bank or banking institution.

1 15. If any section, subsection, clause or provision of this act shall be  
2 adjudged unconstitutional or to be ineffective in whole or in part, to the extent  
3 that it is not adjudged unconstitutional or is not ineffective it shall be valid  
4 and effective and no other section, subsection, clause or provision of this act  
5 shall on account thereof be deemed invalid or ineffective, and the inap-  
6 plicability or invalidity of any section, subsection, clause or provision of this  
7 act in any 1 or more instances or under any 1 or more circumstances shall  
8 not be taken to affect or prejudice in any way its applicability or validity  
9 in any other instance or under any other circumstance.

1 16. Any such "bond resolution" shall be inoperative unless and until  
2 approved by the voters of the county on a referendum to them as provided  
3 in this act, except that if the voters shall have approved the pledging of the  
4 county's full faith and credit to support a bond issue by a county meadow  
5 land development commission upon a referendum vote submitted to the  
6 voters at the same time as the submission of the question whether a county

7 meadow land development shall be appointed, then a referendum shall not be  
8 required as to a bond issue within the limits of such authorization by the  
9 voters.

1 17. Except as otherwise provided in the preceding section, when the com-  
2 mission shall adopt a "bond resolution" the commission shall certify such  
3 resolution to the board of chosen freeholders of the county and the said board  
4 of chosen freeholders shall thereupon adopt a resolution authorizing the  
5 submission of the question of the approval or disapproval of the said "bond  
6 resolution." Any such resolution by the board of chosen freeholders shall  
7 be adopted not later than 60 days before the next ensuing general election.  
8 Upon the adoption of any such resolution by the board of chosen freeholders  
9 as herein provided, the county clerk shall give public notice that such submis-  
10 sion will be made in the next ensuing general election. The notice shall be  
11 by publication of at least once a month in each calendar month after the  
12 passage of the resolution, in 2 or more newspapers published or circulating  
13 in the county.

1 18. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	Shall the bond resolution adopted by the county meadow land development commission for an issue of bonds in the amount of \$. . . . . and which will be supported by the pledge of the full faith and credit of the county, be approved?"
	No.	

1 19. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, the said "bond resolution" of the county meadow land com-  
4 mission shall become operative.

1 20. This act shall take effect immediately.



SENATE, No. 171

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1962

By Senator SANDMAN

(Without Reference)

AN Act concerning counties in relation to bond issues for or by county meadow land development commissions, in certain cases, and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein the board of chosen freeholders shall have  
2 adopted a resolution by which the question of whether a county meadow land  
3 development commission shall be appointed has been or shall be submitted  
4 to the voters of the county at a general election, the board of chosen free-  
5 holders may also, not later than 60 days before the said general election,  
6 pass a resolution authorizing the submission to the said voters of the ques-  
7 tion as to whether or not the full faith and credit of the county may be  
8 pledged to support a bond issue but not to exceed \$1,000,000.00 for the pur-  
9 pose of providing funds for the said county meadow land development com-  
10 mission if and when the appointment of such commission be authorized by  
11 the voters in the manner provided by the act authorizing such appointment  
12 of a county meadow land development commission when so authorized by  
13 the voters of the county.

1 2. Whenever the board of chosen freeholders shall so pass such a reso-  
2 lution, the county clerk shall give public notice that such submission will be  
3 made at the said general election. The notice shall be by publication of at

4 least once a month in each calendar month after the passage of the resolu-  
5 tion, in 2 or more newspapers published and circulating in the county.

1 3. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election, in substantially the fol-  
3 lowing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the left  
7 of the word "No."

	Yes.	"Shall the full faith and credit of the county be pledged to support a bond issue not to exceed \$1,000,000.00, to be issued to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"
	No.	

1 4. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted has voted  
3 in favor thereof, the board of chosen freeholders may authorize the said  
4 pledging of the full faith and credit of the county for such bond issue.

1 5. This act shall take effect immediately.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 171

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# STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN ACT concerning counties in relation to bond issues for county meadow land development commissions, in certain cases, and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein the board of chosen freeholders shall have  
2 adopted a resolution by which the question of whether a county meadow land  
3 development commission shall be appointed shall be submitted to the voters  
4 of the county at a general election, the board of chosen freeholders may  
5 also, not later than 60 days before the said general election, pass a reso-  
6 lution authorizing the submission to the said voters of the question as to  
7 whether or not the county should issue bonds, not to exceed the amount  
8 needed for the purpose of providing funds for the county meadow land  
9 development commission, and in no case to exceed an amount equal to  $\frac{1}{4}$  of  
10 1% of the equalized valuation of property in said county unless approved  
11 by the Division of Local Government of the State Department of the Treas-  
12 ury if and when the appointment of such commission be authorized by the  
13 voters in the manner provided by the act authorizing such appointment of  
14 a county meadow land development commission.

1 2. Whenever the board of chosen freeholders shall so pass such a reso-  
2 lution, the county clerk shall give public notice that such submission will be

3 made at the said general election. The notice shall be by publication of at  
4 least once a month in each calendar month after the passage of the resolu-  
5 tion, in 2 or more newspapers published and circulating in the county.

1 3. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election, in substantially the fol-  
3 lowing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the left  
7 of the word "No."

	Yes.	"Shall a bond issue not to exceed an amount equal to $\frac{1}{4}$ of 1% of the equalized valuation of property in the county unless otherwise approved by the Division of Local Government, be issued by the county to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"
	No.	

8 In any county in which voting machines are used the question shall be  
9 placed upon the official ballots to be used upon the voting machines without  
10 the foregoing instructions to the voters and shall be voted upon by the use  
11 of such machines without marking as aforesaid.

1 4. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted has voted  
3 in favor thereof, the board of chosen freeholders shall adopt a resolution  
4 authorizing the borrowing of funds for the purpose of providing needed  
5 funds for the county meadow lands development commission, and securing re-  
6 payment thereof, together with the interest thereon by the issuance of bonds  
7 in the corporate name of the county. The bonds so issued shall be desig-  
8 nated "County Meadow Land Bonds." They shall be issued and sold pur-

9 suant to the Local Bond Law. No county shall issue such bonds if the  
10 amount thereof together with the amount of prior outstanding county  
11 meadow land bonds shall exceed an amount equal to  $\frac{1}{4}$  of 1% of the equalized  
12 valuation of property in said county unless such bond issue shall first have  
13 been approved by the Division of Local Government.

1 5. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 171

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STATE OF NEW JERSEY

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ADOPTED MAY 14, 1962

Amend page 1, title, line 1, after "counties", insert "of the sixth class".

Amend page 1, section 1, line 1, after "county", insert "of the sixth class".

[OFFICIAL COPY REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 171

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# STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN ACT concerning counties *of the sixth class* in relation to bond issues for county meadow land development commissions, in certain cases, and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county *of the sixth class* wherein the board of chosen free-  
2 holders shall have adopted a resolution by which the question of whether a  
3 county meadow land development commission shall be appointed shall be  
4 submitted to the voters of the county at a general election, the board of  
5 chosen freeholders may also, not later than 60 days before the said general  
6 election, pass a resolution authorizing the submission to the said voters of the  
7 question as to whether or not the county should issue bonds, not to exceed  
8 the amount needed for the purpose of providing funds for the county meadow  
9 land development commission, and in no case to exceed an amount equal to  $\frac{1}{4}$   
10 of 1% of the equalized valuation of property in said county unless approved  
11 by the Division of Local Government of the State Department of the Treas-  
12 ury if and when the appointment of such commission be authorized by the  
13 voters in the manner provided by the act authorizing such appointment of  
14 a county meadow land development commission.

1 2. Whenever the board of chosen freeholders shall so pass such a reso-  
2 lution, the county clerk shall give public notice that such submission will be

3 made at the said general election. The notice shall be by publication of at  
 4 least once a month in each calendar month after the passage of the resolu-  
 5 tion, in 2 or more newspapers published and circulating in the county.

1 3. The county clerk shall cause the question to be printed upon the  
 2 sample and official ballots for the general election, in substantially the fol-  
 3 lowing form:

4 "To vote upon the public question printed below, if in favor thereof,  
 5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
 6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the left  
 7 of the word "No."

	Yes.	"Shall a bond issue not to exceed an amount equal to $\frac{1}{4}$ of 1% of the equalized valuation of property in the county unless otherwise approved by the Division of Local Government, be issued by the county to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"
	No.	

8 In any county in which voting machines are used the question shall be  
 9 placed upon the official ballots to be used upon the voting machines without  
 10 the foregoing instructions to the voters and shall be voted upon by the use  
 11 of such machines without marking as aforesaid.

1 4. If upon the canvass of the vote at such election it shall appear that a  
 2 majority of those voting for or against the question so submitted has voted  
 3 in favor thereof, the board of chosen freeholders shall adopt a resolution  
 4 authorizing the borrowing of funds for the purpose of providing needed  
 5 funds for the county meadow lands development commission, and securing re-  
 6 payment thereof, together with the interest thereon by the issuance of bonds  
 7 in the corporate name of the county. The bonds so issued shall be desig-  
 8 nated "County Meadow Land Bonds." They shall be issued and sold pur-



9 suant to the Local Bond Law. No county shall issue such bonds if the  
10 amount thereof together with the amount of prior outstanding county  
11 meadow land bonds shall exceed an amount equal to  $\frac{1}{4}$  of 1% of the equalized  
12 valuation of property in said county unless such bond issue shall first have  
13 been approved by the Division of Local Government.

1 5. This act shall take effect immediately.

SENATE, No. 172

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1962

By Senator SANDMAN

(Without Reference)

AN ACT concerning the improvement of certain county meadow lands and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. The provisions of this act shall apply to all counties but shall remain  
2 inoperative in any county until submitted to and approved by the voters  
3 thereof in the manner provided in this act.

1 2. In any county which shall adopt the provisions of this act, the board  
2 of chosen freeholders shall, by resolution passed by the affirmative vote of a  
3 majority of the whole board, elect a County Meadow Land Development Com-  
4 mission consisting of 5 residents of the county, not more than 3 of whom shall  
5 be of the same political party, to be known as The .....  
(insert name of county)

6 County Meadow Land Development Commission.

1 3. The commission first elected shall hold office for the term of 1, 2, 3, 4  
2 and 5 years, respectively, as indicated and fixed by the board of chosen free-  
3 holders. All commissioners thereafter elected shall serve for the term of 5  
4 years and all vacancies shall be filled by the board of chosen freeholders for  
5 the unexpired term only. The members of the commission shall serve with-  
6 out compensation but their necessary expenses shall be allowed and paid  
7 from funds of the commission by the county treasurer upon warrants signed  
8 by the president or vice-president and secretary of the commission.

1     4. The commission shall annually choose from among its members a  
2 president and vice-president, and shall elect a secretary and such other offi-  
3 cers and appoint employees as it may deem necessary. It shall also fix and  
4 determine the compensation, term of office, duties and powers of its ap-  
5 pointees and remove them at pleasure and make all rules and regulations  
6 respecting the same. The county treasurer shall be the treasurer of the  
7 commission.

1     5. The commission may sue and be sued, use a common seal, make  
2 by-laws and carry out the objects of this act as hereinafter set forth. It  
3 shall keep a record of its proceedings and shall maintain a suitable office  
4 where its maps, plans, papers, documents, accounts and other records shall  
5 be kept open to public inspection under reasonable regulations. Three  
6 members shall constitute a quorum for the transaction of business at any  
7 meeting of the commission, and the affirmative vote of 3 members shall be  
8 necessary for the taking of any action. The meetings of the commission  
9 shall be public.

1     6. The president shall preside at all meetings of the commission, and  
2 shall, with the treasurer, sign all checks, drafts, notes, requisitions of  
3 funds, contracts and other agreements and obligations of the commission. In  
4 the absence or incapacity of the president, the vice-president shall have all  
5 the powers and perform all the duties of the president. No disbursements  
6 shall be made, except upon the affirmative vote of 3 members of the com-  
7 mission. All disbursements by the commission shall be by check, signed by  
8 both the president and treasurer. In the absence or incapacity of the secre-  
9 tary, and at such other times as the commission may prescribe or approve,  
10 some other person shall be designated by the commission to act as such  
11 secretary who shall have all the powers and perform all the duties of the  
12 secretary.

1     7. All appointments of officers and employees to be made by the com-  
2 mission except its president, vice-president and secretary shall be made with  
3 the approval of the board of chosen freeholders of the county.

1 8. The board of chosen freeholders shall provide the commission with  
2 a suitable office and the funds of and for the commission shall be obtained  
3 from the proceeds of a sale of bonds when authorized by a referendum to  
4 the voters of the county in the manner provided by this act or by any other  
5 law applicable to the commission. When so authorized, the full faith and  
6 credit of the county shall be deemed to be pledged to provide for repayment  
7 of the principal and interest of said bonds and any expenses incidental  
8 thereto.

1 9. The commission may select a depository or depositories wherein all  
2 public moneys and other funds of the commission shall be deposited, any  
3 bank organized under the laws of the United States, having its place of busi-  
4 ness in this State, or any bank or trust company organized under the laws  
5 of this State. The designation of such depository or depositories shall be  
6 by resolution of the commission. The commission or any of its employees  
7 charged with custody of such public funds shall thereafter, in accordance  
8 with the resolution provided aforesaid, deposit such funds or other moneys  
9 belonging to the commission, only in the depository or depositories so  
10 named, and upon so depositing in good faith such funds or moneys such  
11 employee shall be relieved of any liability for loss of such funds or moneys  
12 which may be due to the insolvency or closing of such depository or depos-  
13 itories.

1 10. The commission shall at all times keep or cause to be kept full and  
2 accurate accounts of its receipts and expenditures, and of its resources and  
3 liabilities, and shall prepare or cause to be prepared detailed annual state-  
4 ments thereof, and shall employ the services of the Division of Local Gov-  
5 ernment of the State Department of the Treasury or of a competent reg-  
6 istered municipal accountant of New Jersey to audit, annually, the books,  
7 accounts and statements of the commission, and shall cause copies of said  
8 annual audits, when completed, to be preserved as part of its permanent  
9 records and shall transmit certified copies of such audits to the board of  
10 chosen freeholders of said county.

1        11. The commission may acquire from any municipality in the county  
2 by deed or deeds of gift or for a nominal consideration, undeveloped meadow  
3 lands for the purpose of improving such lands by constructing drainage  
4 ditches or other drainage facilities and lagoons or other similar ways in such  
5 a manner that the lands abutting upon and contiguous to the lagoons or  
6 ways shall be made available by lots or plots to private purchasers for  
7 development purposes by them.

8        The proceeds of such sales shall be used to defray the expenses of the  
9 commission or to reimburse it for expenditures for its expenses and for the  
10 reduction of any bonded indebtedness incurred by the county for the com-  
11 mission's purposes, and any surplus then remaining shall be allocated and  
12 turned over to the municipalities for school purposes which gave or con-  
13 veyed municipal lands to the commission, as provided in this act, according  
14 to the municipalities' apportionate interests in the projects by providing the  
15 land which, in turn, has been sold by the commission to private purchasers.  
16 The commission, according to its judgment, shall determine such allocation of  
17 surplus funds to the municipalities.

18        The commission in carrying out its said purposes may proceed accord-  
19 ing to separate areas to be selected by it and the development of each area  
20 shall be deemed to be a project of the commission and each such project  
21 shall be given a number or other designation to identify it and such projects  
22 may be proceeded with either currently or consecutively as the commission  
23 by resolution shall determine.

1        12. For its said purposes the commission may enter into contracts with  
2 any person or municipality or other public body and may engage or contract  
3 for the services of engineers or engineering firms and do other acts and  
4 things as may in the judgment of the commission be necessary or proper to  
5 effectuate and carry out the projects authorized by, and the purposes of,  
6 this act.

1        13. With the approval of the board of chosen freeholders of the county,  
2 the commission may acquire by gift as well as by conveyance from munici-

3 palities, as provided herein, such real estate and rights therein, and such  
4 other property as it may deem necessary and proper for its purposes. The  
5 board of chosen freeholders of the county may also provide the commission  
6 with other property to aid and assist the commission in carrying out its  
7 purposes. All property acquired by the commission shall be deemed to be  
8 the property of the county and may be taken in the name of the county or  
9 the commission.

1 14. The commission may make, promulgate and enforce rules and regula-  
2 tions for the protection of its property during the period of its development  
3 by the commission and so long as the title as to the whole or any part of the  
4 property acquired, as provided in this act, shall remain in the county or the  
5 commission, any person violating any such rule or regulation shall be a dis-  
6 orderly person. Such rules and regulations shall not take effect until 10  
7 days after their adoption by the commission and after their publication once  
8 a week for 2 weeks in at least 2 newspapers circulating in the county.

1 15. Whenever the board of chosen freeholders shall, not later than 60  
2 days before the next ensuing general election, pass a resolution authorizing  
3 the submission of the question of the adoption or rejection of this act to  
4 the voters of the county, the county clerk shall give public notice that such  
5 submission will be made at the next ensuing general election. The notice  
6 shall be by publication of at least once a month in each calendar month after  
7 the passage of the resolution, in 2 or more newspapers published or  
8 circulating in the county.

1 16. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	"Shall a county meadow land development commission be appointed in ..... county pursuant to chapter (inserting the number of the chapter of this act), pamphlet laws of 1962?"
	No.	

1 17. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, this act shall thereupon become operative and the board  
4 of chosen freeholders shall, within 90 days thereafter appoint the commis-  
5 sioners herein authorized to be appointed.

1 18. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to authorize counties to create, subject to the approval of the voters thereof, a county meadow land development commission, thereby providing for the development of areas of meadow land which have never been developed and which are lying idle notwithstanding their potential value. The program is so designed as to eventually finance itself by making available to private purchasers lots and plots facing upon lagoons which would be constructed by the commission after providing for the necessary dredging and bulldozing. The county will not compete with private industry and the development will be limited to making the land available. Incidentally, the development of the meadow lands will improve mosquito control, will increase building and employment in the building trades.

The opening of these undeveloped lands and the ultimate improvement by private purchasers will greatly increase local ratables. The development will also make available more areas suitable for the resort industry.

When the land is improved and the lots and plots are ready for sale, they will be sold at public auction. The proceeds of such sale shall be used to refund the expenses and costs of the commission, pay off the bonds and the surplus will be turned over to the municipalities as county aid to local school districts. The municipalities in the first instance will turn over meadow lands to the commission

by deeds of gift or nominal considerations and these municipalities will get a proportionate return from the surplus funds derived from the sale of the land contributed by the several municipalities. All bond issues will be subject to referendum and the voters at the first election will vote separately for the creation of the commission and for the pledging of the county credit. The voters can, therefore, approve the creation of the commission and then vote separately on the pledging of the county credit. The development of the meadow lands will be made according to separate projects. The original pledge of credit will authorize bonds not to exceed a certain amount and if this is authorized any further pledge of credit will require a further referendum.



SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 172

STATE OF NEW JERSEY

ADOPTED APRIL 30, 1962

AN ACT concerning the improvement of certain county meadow lands and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The provisions of this act shall apply to all counties but shall remain  
2 inoperative in any county until submitted to and approved by the voters  
3 thereof in the manner provided in this act.

1 2. In any county which shall adopt the provisions of this act, the board  
2 of chosen freeholders shall, by resolution passed by the affirmative vote of a  
3 majority of the whole board, elect a County Meadow Land Development Com-  
4 mission consisting of 5 residents of the county, not more than 3 of whom shall  
5 be of the same political party, to be known as The .....  
(insert name of county)  
6 County Meadow Land Development Commission.

1 3. The commissioners first elected shall hold office for the term of 1, 2, 3, 4  
2 and 5 years, respectively, as indicated and fixed by the board of chosen free-  
3 holders. All commissioners thereafter elected shall serve for the term of 5  
4 years and all vacancies shall be filled by the board of chosen freeholders for  
5 the unexpired term only. The members of the commission shall serve with-  
6 out compensation, including those members serving as officers of the com-  
7 mission, but their necessary expenses shall be allowed and paid from funds  
8 of the commission by the county treasurer upon warrants signed by the  
9 president or vice-president and secretary of the commission.

1     4. The commission shall annually choose from among its members a  
2 president and vice-president, and shall elect a secretary and such other offi-  
3 cers and appoint employees as it may deem necessary. It shall also fix and  
4 determine the compensation, term of office, duties and powers of its ap-  
5 pointees and remove them at pleasure and make all rules and regulations  
6 respecting the same. The county treasurer shall be the treasurer of the  
7 commission.

1     5. The commission may sue and be sued, use a common seal, make  
2 by-laws and carry out the objects of this act as hereinafter set forth. It  
3 shall keep a record of its proceedings and shall maintain a suitable office  
4 where its maps, plans, papers, documents, accounts and other records shall  
5 be kept open to public inspection under reasonable regulations. Three  
6 members shall constitute a quorum for the transaction of business at any  
7 meeting of the commission, and the affirmative vote of 3 members shall be  
8 necessary for the taking of any action. The meetings of the commission  
9 shall be public.

1     6. The president shall preside at all meetings of the commission, and  
2 shall, with the treasurer, sign all checks, drafts, notes, requisitions of  
3 funds, contracts and other agreements and obligations of the commission. In  
4 the absence or incapacity of the president, the vice-president shall have all  
5 the powers and perform all the duties of the president. No disbursements  
6 over \$100.00 shall be made, other than for payroll purposes, except upon the  
7 affirmative vote of 3 members of the commission. All disbursements by the  
8 commission shall be by check, signed by both the president and treasurer.  
9 In the absence or incapacity of the secretary, and at such other times as the  
10 commission may prescribe or approve, some other person shall be designated  
11 by the commission to act as such secretary who shall have all the powers and  
12 perform all the duties of the secretary.

1     7. All appointments of officers and employees to be made by the com-  
2 mission except its president, vice-president and secretary shall be made with  
3 the approval of the board of chosen freeholders of the county.

1 8. The board of chosen freeholders shall provide the commission with  
2 a suitable office and the funds of and for the commission shall be obtained  
3 from the proceeds of a sale of bonds when authorized by a referendum to  
4 the voters of the county in the manner provided by this act or by any other  
5 law applicable to the commission.

1 9. The commission may select a depository or depositories wherein all  
2 public moneys and other funds of the commission shall be deposited, any  
3 bank organized under the laws of the United States, having its place of busi-  
4 ness in this State, or any bank or trust company organized under the laws  
5 of this State. The designation of such depository or depositories shall be  
6 by resolution of the commission. The commission or any of its employees  
7 charged with custody of such public funds shall thereafter, in accordance  
8 with the resolution provided aforesaid, deposit such funds or other moneys  
9 belonging to the commission, only in the depository or depositories so  
10 named, and upon so depositing in good faith such funds or moneys such  
11 employee shall be relieved of any liability for loss of such funds or moneys  
12 which may be due to the insolvency or closing of such depository or depos-  
13 itories.

1 10. The commission shall at all times keep or cause to be kept full and  
2 accurate accounts of its receipts and expenditures, and of its resources and  
3 liabilities, and shall prepare or cause to be prepared detailed annual state-  
4 ments thereof, and shall employ the services of the Division of Local Gov-  
5 ernment of the State Department of the Treasury or of a competent reg-  
6 istered municipal accountant of New Jersey to audit, annually, the books,  
7 accounts and statements of the commission, and shall cause copies of said  
8 annual audits, when completed, to be preserved as part of its permanent  
9 records and shall transmit certified copies of such audits to the board of  
10 chosen freeholders of said county.

1 11. The commission may acquire from any municipality in the county  
2 by deeds of gift or for a nominal consideration, undeveloped meadow  
3 lands for the purpose of improving such lands by constructing drainage

4 ditches or other drainage facilities and lagoons or other similar ways in such  
5 a manner that the lands abutting upon and contiguous to the lagoons or  
6 ways shall be made available to be sold at public sale to private purchasers  
7 for development purposes by them. In the event that no satisfactory bids  
7a are received, such sale may be by private sale.

8 The proceeds of such sales shall be used to defray the expenses of the  
9 commission or to reimburse it for expenditures for its expenses and for the  
10 reduction of any bonded indebtedness incurred by the county for the com-  
11 mission's purposes, and any surplus then remaining shall be allocated and  
12 turned over to the municipalities for school purposes which gave or con-  
13 veyed municipal lands to the commission according to the municipalities'  
14 apportionate interests in the projects by providing the land as provided in  
15 this act, which in turn has been sold by the commission to private pur-  
16 chasers. The commission shall determine such allocation of surplus funds to  
17 the municipalities.

18 In deciding whether the land in question is suitable for development,  
19 the commission shall consider the following factors: (1) the cost of con-  
20 struction of drainage facilities, ditches, or other waterways necessary to make  
21 abutting lands suitable for development in relation to the expected return  
22 from such property; (2) the availability of other undeveloped land in the  
23 same area which is suitable for development; (3) the need for such new  
24 development based on market conditions, the general economy of the area,  
25 and the health and welfare of the people of the county.

1 12. The commission in carrying out its said purposes may proceed accord-  
2 ing to separate areas to be selected by it and the development of each area  
3 shall be deemed to be a project of the commission and each such project  
4 shall be given a number or other designation to identify it and such projects  
5 may be proceeded with either currently or consecutively as the commission  
6 by resolution shall determine.

1 13. All proposed projects shall be referred to the Municipal Planning  
2 Board, or in its absence, the governing body of the municipality where the

3 land is situated, and the State Department of Conservation and Economic  
4 Development, for their advice and recommendations. The failure of any of  
5 these bodies to reply within 30 days shall be deemed to indicate their ap-  
6 proval of such proposal.

1     14. For its said purposes the commission may enter into contracts with  
2 any person or municipality or other public body and may engage or contract  
3 for the services of engineers or engineering firms and do other acts and  
4 things as may in the judgment of the commission be necessary or proper to  
5 effectuate and carry out the projects authorized by, and the purposes of,  
6 this act.

1     15. With the approval of the board of chosen freeholders of the county,  
2 the commission may acquire by gift as well as by conveyance from munici-  
3 palities, as provided herein, such real estate and rights therein, and such  
4 other property as it may deem necessary and proper for its purposes. The  
5 board of chosen freeholders of the county may also provide the commission  
6 with other property to aid and assist the commission in carrying out its  
7 purposes. All property acquired by the commission shall be deemed to be  
8 the property of the county and may be taken in the name of the county or  
9 the commission.

1     16. The commission may make, promulgate and enforce rules and regula-  
2 tions for the protection of its property during the period of its development  
3 by the commission and so long as the title as to the whole or any part of the  
4 property acquired, as provided in this act, shall remain in the county or the  
5 commission, any person violating any such rule or regulation shall be a dis-  
6 orderly person. Such rules and regulations shall not take effect until 10  
7 days after their adoption by the commission and after their publication once  
8 a week for 2 weeks in at least 2 newspapers circulating in the county.

1     17. The board of chosen freeholders shall, not later than 60 days before  
2 the next ensuing general election, pass a resolution authorizing the submis-  
3 sion of the question of the adoption or rejection of this act to the voters  
4 of the county, and the county clerk shall give public notice that such  
5 submission will be made at the next ensuing general election. The notice

6 shall be by publication of at least once a month in each calendar month after  
7 the passage of the resolution, in 2 or more newspapers published or  
8 circulating in the county.

1 18. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	"Shall a county meadow land development commission be appointed in ..... county pursuant to chapter (inserting the number of the chapter of this act), pamphlet laws of 1962?"
	No.	

8 In any county in which voting machines are used the question shall be  
9 placed upon the official ballots to be used upon the voting machines without  
10 the foregoing instructions to the voters and shall be voted upon by the use of  
11 such machines without marking as aforesaid.

1 19. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, the board of chosen freeholders shall, within 90 days there-  
4 after appoint the commissioners herein authorized to be appointed.

1 20. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO  
SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 172

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STATE OF NEW JERSEY

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ADOPTED MAY 14, 1962

Amend page 1, title, line 1, after "lands", insert "in counties of the sixth class".

Amend page 1, section 1, line 1, after "counties", insert "of the sixth class".

[OFFICIAL COPY REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 172

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# STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN ACT concerning the improvement of certain county meadow lands *in counties of the sixth class* and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The provisions of this act shall apply to all counties *of the sixth class*  
2 but shall remain inoperative in any county until submitted to and approved  
3 by the voters thereof in the manner provided in this act.

1 2. In any county which shall adopt the provisions of this act, the board  
2 of chosen freeholders shall, by resolution passed by the affirmative vote of a  
3 majority of the whole board, elect a County Meadow Land Development Com-  
4 mission consisting of 5 residents of the county, not more than 3 of whom shall  
5 be of the same political party, to be known as The .....  
(insert name of county)

6 County Meadow Land Development Commission.

1 3. The commissioners first elected shall hold office for the term of 1, 2, 3, 4  
2 and 5 years, respectively, as indicated and fixed by the board of chosen free-  
3 holders. All commissioners thereafter elected shall serve for the term of 5  
4 years and all vacancies shall be filled by the board of chosen freeholders for  
5 the unexpired term only. The members of the commission shall serve with-  
6 out compensation, including those members serving as officers of the com-  
7 mission, but their necessary expenses shall be allowed and paid from funds  
8 of the commission by the county treasurer upon warrants signed by the  
9 president or vice-president and secretary of the commission.



1 4. The commission shall annually choose from among its members a  
2 president and vice-president, and shall elect a secretary and such other offi-  
3 cers and appoint employees as it may deem necessary. It shall also fix and  
4 determine the compensation, term of office, duties and powers of its ap-  
5 pointees and remove them at pleasure and make all rules and regulations  
6 respecting the same. The county treasurer shall be the treasurer of the  
7 commission.

1 5. The commission may sue and be sued, use a common seal, make  
2 by-laws and carry out the objects of this act as hereinafter set forth. It  
3 shall keep a record of its proceedings and shall maintain a suitable office  
4 where its maps, plans, papers, documents, accounts and other records shall  
5 be kept open to public inspection under reasonable regulations. Three  
6 members shall constitute a quorum for the transaction of business at any  
7 meeting of the commission, and the affirmative vote of 3 members shall be  
8 necessary for the taking of any action. The meetings of the commission  
9 shall be public.

1 6. The president shall preside at all meetings of the commission, and  
2 shall, with the treasurer, sign all checks, drafts, notes, requisitions of  
3 funds, contracts and other agreements and obligations of the commission. In  
4 the absence or incapacity of the president, the vice-president shall have all  
5 the powers and perform all the duties of the president. No disbursements  
6 over \$100.00 shall be made, other than for payroll purposes, except upon the  
7 affirmative vote of 3 members of the commission. All disbursements by the  
8 commission shall be by check, signed by both the president and treasurer.  
9 In the absence or incapacity of the secretary, and at such other times as the  
10 commission may prescribe or approve, some other person shall be designated  
11 by the commission to act as such secretary who shall have all the powers and  
12 perform all the duties of the secretary.

1 7. All appointments of officers and employees to be made by the com-  
2 mission except its president, vice-president and secretary shall be made with  
3 the approval of the board of chosen freeholders of the county.

1 8. The board of chosen freeholders shall provide the commission with  
2 a suitable office and the funds of and for the commission shall be obtained  
3 from the proceeds of a sale of bonds when authorized by a referendum to  
4 the voters of the county in the manner provided by this act or by any other  
5 law applicable to the commission.

1 9. The commission may select a depository or depositories wherein all  
2 public moneys and other funds of the commission shall be deposited, any  
3 bank organized under the laws of the United States, having its place of busi-  
4 ness in this State, or any bank or trust company organized under the laws  
5 of this State. The designation of such depository or depositories shall be  
6 by resolution of the commission. The commission or any of its employees  
7 charged with custody of such public funds shall thereafter, in accordance  
8 with the resolution provided aforesaid, deposit such funds or other moneys  
9 belonging to the commission, only in the depository or depositories so  
10 named, and upon so depositing in good faith such funds or moneys such  
11 employee shall be relieved of any liability for loss of such funds or moneys  
12 which may be due to the insolvency or closing of such depository or depos-  
13 itories.

1 10. The commission shall at all times keep or cause to be kept full and  
2 accurate accounts of its receipts and expenditures, and of its resources and  
3 liabilities, and shall prepare or cause to be prepared detailed annual state-  
4 ments thereof, and shall employ the services of the Division of Local Gov-  
5 ernment of the State Department of the Treasury or of a competent reg-  
6 istered municipal accountant of New Jersey to audit, annually, the books,  
7 accounts and statements of the commission, and shall cause copies of said  
8 annual audits, when completed, to be preserved as part of its permanent  
9 records and shall transmit certified copies of such audits to the board of  
10 chosen freeholders of said county.

1 11. The commission may acquire from any municipality in the county  
2 by deeds of gift or for a nominal consideration, undeveloped meadow  
3 lands for the purpose of improving such lands by constructing drainage

4 ditches or other drainage facilities and lagoons or other similar ways in such  
5 a manner that the lands abutting upon and contiguous to the lagoons or  
6 ways shall be made available to be sold at public sale to private purchasers  
7 for development purposes by them. In the event that no satisfactory bids  
7A are received, such sale may be by private sale.

8 The proceeds of such sales shall be used to defray the expenses of the  
9 commission or to reimburse it for expenditures for its expenses and for the  
10 reduction of any bonded indebtedness incurred by the county for the com-  
11 mission's purposes, and any surplus then remaining shall be allocated and  
12 turned over to the municipalities for school purposes which gave or con-  
13 veyed municipal lands to the commission according to the municipalities'  
14 apportionate interests in the projects by providing the land as provided in  
15 this act, which in turn has been sold by the commission to private pur-  
16 chasers. The commission shall determine such allocation of surplus funds to  
17 the municipalities.

18 In deciding whether the land in question is suitable for development,  
19 the commission shall consider the following factors: (1) the cost of con-  
20 struction of drainage facilities, ditches, or other waterways necessary to make  
21 abutting lands suitable for development in relation to the expected return  
22 from such property; (2) the availability of other undeveloped land in the  
23 same area which is suitable for development; (3) the need for such new  
24 development based on market conditions, the general economy of the area,  
25 and the health and welfare of the people of the county.

1 12. The commission in carrying out its said purposes may proceed accord-  
2 ing to separate areas to be selected by it and the development of each area  
3 shall be deemed to be a project of the commission and each such project  
4 shall be given a number or other designation to identify it and such projects  
5 may be proceeded with either currently or consecutively as the commission  
6 by resolution shall determine.

1 13. All proposed projects shall be referred to the Municipal Planning  
2 Board, or in its absence, the governing body of the municipality where the

3 land is situated, and the State Department of Conservation and Economic  
4 Development, for their advice and recommendations. The failure of any of  
5 these bodies to reply within 30 days shall be deemed to indicate their ap-  
6 proval of such proposal.

1 14. For its said purposes the commission may enter into contracts with  
2 any person or municipality or other public body and may engage or contract  
3 for the services of engineers or engineering firms and do other acts and  
4 things as may in the judgment of the commission be necessary or proper to  
5 effectuate and carry out the projects authorized by, and the purposes of,  
6 this act.

1 15. With the approval of the board of chosen freeholders of the county,  
2 the commission may acquire by gift as well as by conveyance from munici-  
3 palities, as provided herein, such real estate and rights therein, and such  
4 other property as it may deem necessary and proper for its purposes. The  
5 board of chosen freeholders of the county may also provide the commission  
6 with other property to aid and assist the commission in carrying out its  
7 purposes. All property acquired by the commission shall be deemed to be  
8 the property of the county and may be taken in the name of the county or  
9 the commission.

1 16. The commission may make, promulgate and enforce rules and regula-  
2 tions for the protection of its property during the period of its development  
3 by the commission and so long as the title as to the whole or any part of the  
4 property acquired, as provided in this act, shall remain in the county or the  
5 commission, any person violating any such rule or regulation shall be a dis-  
6 orderly person. Such rules and regulations shall not take effect until 10  
7 days after their adoption by the commission and after their publication once  
8 a week for 2 weeks in at least 2 newspapers circulating in the county.

1 17. The board of chosen freeholders shall, not later than 60 days before  
2 the next ensuing general election, pass a resolution authorizing the submis-  
3 sion of the question of the adoption or rejection of this act to the voters  
4 of the county, and the county clerk shall give public notice that such

5 submission will be made at the next ensuing general election. The notice  
6 shall be by publication of at least once a month in each calendar month after  
7 the passage of the resolution, in 2 or more newspapers published or  
8 circulating in the county.

1 18. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	"Shall a county meadow land development commission be appointed in ..... county pursuant to chapter (inserting the number of the chapter of this act), pamphlet laws of 1962?"
	No.	

8 In any county in which voting machines are used the question shall be  
9 placed upon the official ballots to be used upon the voting machines without  
10 the foregoing instructions to the voters and shall be voted upon by the use of  
11 such machines without marking as aforesaid.

1 19. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, the board of chosen freeholders shall, within 90 days there-  
4 after appoint the commissioners herein authorized to be appointed.

1 20. This act shall take effect immediately.

SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1962

By Senator SANDMAN

(Without Reference)

AN ACT concerning municipalities, in relation to the disposition of lands, in certain cases, and supplementing chapter 60 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein a county meadow land development commission  
2 has been created by the board of chosen freeholders of the county, in accord-  
3 ance with a referendum approval of such creation, by the voters of the county,  
4 any municipality in such county having unimproved meadow land may turn  
5 over and transfer to the county meadow land development commission, by  
6 deed of gift or for a nominal consideration, such meadow land or parts  
7 thereof, for the purpose of having said lands improved by the county meadow  
8 land improvement commission, as provided by law and for the purpose of re-  
9 ceiving such benefits as may inure to the municipality as so provided by law.

1 2. In any such municipality the governing body of the municipality, by  
2 ordinance, may authorize such transfer and provide for the execution of the  
3 deed to transfer the land to the county meadow land development commission,  
4 by such officials of the municipality, as shall be designated in the ordinance.

1 3. This act shall take effect immediately.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 173

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STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN ACT concerning municipalities, in relation to the disposition of lands, in certain cases, and supplementing chapter 60 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein a county meadow land development commission  
2 has been created by the board of chosen freeholders of the county, in accord-  
3 ance with a referendum approval of such creation, by the voters of the county,  
4 any municipality in such county having unimproved meadow land may turn  
5 over and transfer to the county meadow land development commission, by  
6 deed of gift or for a nominal consideration, such meadow land or parts  
7 thereof, for the purpose of having said lands improved by the county meadow  
8 land improvement commission, as provided by law and for the purpose of re-  
9 ceiving such benefits as may inure to the municipality as so provided by law.

1 2. The governing body of such municipality may acquire by purchase  
2 or condemnation, any marsh or other unimproved meadow lands within the  
3 jurisdiction of the municipality as it may deem advisable for the best in-  
4 terests of the municipality for the purposes provided in this act.

1 3. In any such municipality the governing body of the municipality, by  
2 ordinance, may authorize such transfer and provide for the execution of the  
3 deed to transfer land to the county meadow land development commission,  
4 by such officials of the municipality, as shall be designated in the ordinance.

1 4. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO  
SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 173

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STATE OF NEW JERSEY

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ADOPTED MAY 14, 1962

Amend page 1, title, line 1, after "concerning", insert "certain".

Amend page 1, section 1, line 1, after "county", insert "of the sixth  
class".



[OFFICIAL COPY REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 173

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# STATE OF NEW JERSEY

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ADOPTED APRIL 30, 1962

AN ACT concerning *certain* municipalities, in relation to the disposition of lands, in certain cases, and supplementing chapter 60 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county *of the sixth class* wherein a county meadow land de-  
2 velopment commission has been created by the board of chosen freeholders of  
3 the county, in accordance with a referendum approval of such creation, by  
4 the voters of the county, any municipality in such county having unimproved  
5 meadow land may turn over and transfer to the county meadow land develop-  
6 ment commission, by deed of gift or for a nominal consideration, such meadow  
7 land or parts thereof, for the purpose of having said lands improved by the  
8 county meadow land improvement commission, as provided by law and for  
9 the purpose of receiving such benefits as may inure to the municipality as so  
10 provided by law.

1 2. The governing body of such municipality may acquire by purchase  
2 or condemnation, any marsh or other unimproved meadow lands within the  
3 jurisdiction of the municipality as it may deem advisable for the best in-  
4 terests of the municipality for the purposes provided in this act.

1 3. In any such municipality the governing body of the municipality, by  
2 ordinance, may authorize such transfer and provide for the execution of the  
3 deed to transfer land to the county meadow land development commission,  
4 by such officials of the municipality, as shall be designated in the ordinance.

1 4. This act shall take effect immediately.

SENATE, No. 89

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STATE OF NEW JERSEY

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INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN ACT concerning municipalities, in relation to the disposition of lands, in certain cases, and supplementing chapter 60 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein a county meadow land development commission  
2 has been created by the board of chosen freeholders of the county, in accord-  
3 ance with a referendum approval of such creation, by the voters of the county,  
4 any municipality in such county having unimproved meadow land may turn  
5 over and transfer to the county meadow land development commission, by  
6 deed of gift or for a nominal consideration, such meadow land or parts  
7 thereof, for the purpose of having said lands improved by the county meadow  
8 land improvement commission, as provided by law and for the purpose of re-  
9 ceiving such benefits as may inure to the municipality as so provided by law.

1 2. In any such municipality the governing body of the municipality, by  
2 ordinance, may authorize such transfer and provide for the execution of the  
3 deed to transfer the land to the county meadow land development commission,  
4 by such officials of the municipality, as shall be designated in the ordinance.

1 3. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 89

STATE OF NEW JERSEY

ADOPTED JANUARY 21, 1963

Amend page 1, title, line 1, after "concerning" insert "certain".

Amend page 1, section 1, line 1, after "county" and before "wherein" insert "of the sixth class".

Amend page 1, after section 1, insert a new section 2 to read as follows:

"2. The governing body of such municipality may acquire by purchase or condemnation, any marsh or other unimproved meadow lands within the jurisdiction of the municipality as it may deem advisable for the best interests of the municipality for the purposes provided in this act."

Amend page 1, section 2, line 1, delete "2." insert "3."

Amend page 1, section 2, line 3, after "transfer" delete "the".

Amend page 1, section 3, line 1, delete "3." insert "4."

[OFFICIAL COPY REPRINT]

SENATE, No. 89

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# STATE OF NEW JERSEY

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INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN ACT concerning *certain* municipalities, in relation to the disposition of lands, in certain cases, and supplementing chapter 60 of Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county *of the sixth class* wherein a county meadow land develop-  
2 ment commission has been created by the board of chosen freeholders of the  
3 county, in accordance with a referendum approval of such creation, by the  
4 voters of the county, any municipality in such county having unimproved  
5 meadow land may turn over and transfer to the county meadow land  
6 development commission, by deed of gift or for a nominal consideration, such  
7 meadow land or parts thereof, for the purpose of having said lands improved  
8 by the county meadow land improvement commission, as provided by law and  
9 for the purpose of receiving such benefits as may inure to the municipality as  
10 so provided by law.

1 2. *The governing body of such municipality may acquire by purchase or*  
2 *condemnation, any marsh or other unimproved meadow lands within the*  
3 *jurisdiction of the municipality as it may deem advisable for the best interests*  
4 *of the municipality for the purposes provided in this act.*

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1     [2.] 3. In any such municipality the governing body of the municipality,  
2 by ordinance, may authorize such transfer and provide for the execution of  
3 the deed to transfer [the] land to the county meadow land development  
4 commission, by such officials of the municipality, as shall be designated in the  
5 ordinance.

1     [3.] 4. This act shall take effect immediately.

SENATE, No. 90

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN Act concerning counties in relation to bond issues for or by county meadow land development commissions, in certain cases, and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. In any county wherein the board of chosen freeholders shall have  
2 adopted a resolution by which the question of whether a county meadow land  
3 development commission shall be appointed has been or shall be submitted  
4 to the voters of the county at a general election, the board of chosen free-  
5 holders may also, not later than 60 days before the said general election,  
6 pass a resolution authorizing the submission to the said voters of the ques-  
7 tion as to whether or not the full faith and credit of the county may be  
8 pledged to support a bond issue but not to exceed \$1,000,000.00 for the pur-  
9 pose of providing funds for the said county meadow land development com-  
10 mission if and when the appointment of such commission be authorized by  
11 the voters in the manner provided by the act authorizing such appointment  
12 of a county meadow land development commission when so authorized by  
13 the voters of the county.

1 2. Whenever the board of chosen freeholders shall so pass such a reso-  
2 lution, the county clerk shall give public notice that such submission will be  
3 made at the said general election. The notice shall be by publication of at

4 least once a month in each calendar month after the passage of the resolu-  
 5 tion, in 2 or more newspapers published and circulating in the county.

1 3. The county clerk shall cause the question to be printed upon the  
 2 sample and official ballots for the general election, in substantially the fol-  
 3 lowing form:

4 "To vote upon the public question printed below, if in favor thereof,  
 5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
 6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the left  
 7 of the word "No."

	Yes.	"Shall the full faith and credit of the county be pledged to support a bond issue not to exceed \$1,000,000.00, to be issued to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"
	No.	

1 4. If upon the canvass of the vote at such election it shall appear that a  
 2 majority of those voting for or against the question so submitted has voted  
 3 in favor thereof, the board of chosen freeholders may authorize the said  
 4 pledging of the full faith and credit of the county for such bond issue.

1 5. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 90

STATE OF NEW JERSEY

ADOPTED JANUARY 21, 1963

Amend page 1, title, line 1, after "counties" insert "of the sixth class".

Amend page 1, title, line 1, after "for" delete "or by".

Amend page 1 section 1, line 1, after "county" and before "wherein" insert "of the sixth class".

Amend page 1, section 1, line 3, delete "has been or".

Amend page 1, section 1, lines 7 to 13, after "tion" delete remainder of line and all of lines 8 through 13 and insert "as to whether or not the county should issue bonds, not to exceed the amount needed for the purpose of providing funds for the county meadow land development commission, and in no case to exceed an amount equal to  $\frac{1}{4}$  of 1% of the equalized valuation of property in said county unless approved by the Division of Local Government of the State Department of the Treasury if and when the appointment of such commission be authorized by the voters in the manner provided by the act authorizing such appointment of a county meadow land development commission."

Amend page 2, section 3, after line 7, delete the question in the box in its entirety and insert new question as follows: "Shall a bond issue not to exceed an amount equal to  $\frac{1}{4}$  of 1% of the equalized valuation of property in the county unless otherwise approved by the Division of Local Government, be issued by the county to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters



of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?''.

Amend page 2, section 3, after line 7, below the box insert the following: "In any county in which voting machines are used the question shall be placed upon the official ballots to be used upon the voting machines without the foregoing instructions to the voters and shall be voted upon by the use of such machines without marking as aforesaid.".

Amend page 2, section 4, lines 3 and 4, after "freeholders" delete remainder of line and all of line 4 and insert the following: "shall adopt a resolution authorizing the borrowing of funds for the purpose of providing needed funds for the county meadow lands development commission, and securing repayment thereof, together with the interest thereon by the issuance of bonds in the corporate name of the county. The bonds so issued shall be designated "County Meadow Land Bonds." They shall be issued and sold pursuant to the Local Bond Law. No county shall issue such bonds if the amount thereof together with the amount of prior outstanding county meadow land bonds shall exceed an amount equal to  $\frac{1}{4}$  of 1% of the equalized valuation of property in said county unless such bond issue shall first have been approved by the Division of Local Government.".

[OFFICIAL COPY REPRINT]

SENATE, No. 90

# STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN Act concerning counties of the sixth class in relation to bond issues for [or by] county meadow land development commissions, in certain cases, and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. In any county of the sixth class wherein the board of chosen freeholders  
2 shall have adopted a resolution by which the question of whether a county  
3 meadow land development commission shall be appointed [has been or] shall  
4 be submitted to the voters of the county at a general election, the board of  
5 chosen freeholders may also, not later than 60 days before the said general  
6 election, pass a resolution authorizing the submission to the said voters of the  
7 question [as to whether or not the full faith and credit of the county may be  
8 pledged to support a bond issue but not to exceed \$1,000,000.00 for the purpose  
9 of providing funds for the said county meadow land development commission  
10 if and when the appointment of such commission be authorized by the voters  
11 in the manner provided by the act authorizing such appointment of a county  
12 meadow land development commission when so authorized by the voters of the  
13 county] as to whether or not the county should issue bonds, not to exceed the  
14 amount needed for the purpose of providing funds for the county meadow land  
15 development commission, and in no case to exceed an amount equal to 1/4 of 1%

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

16 of the equalized valuation of property in said county unless approved by the  
 17 Division of Local Government of the State Department of the Treasury if and  
 18 when the appointment of such commission be authorized by the voters in the  
 19 manner provided by the act authorizing such appointment of a county meadow  
 20 land development commission.

1 2. Whenever the board of chosen freeholders shall so pass such a reso-  
 2 lution, the county clerk shall give public notice that such submission will be  
 3 made at the said general election. The notice shall be by publication of at  
 4 least once a month in each calendar month after the passage of the resolu-  
 5 tion, in 2 or more newspapers published and circulating in the county.

1 3. The county clerk shall cause the question to be printed upon the  
 2 sample and official ballots for the general election, in substantially the fol-  
 3 lowing form:

4 "To vote upon the public question printed below, if in favor thereof,  
 5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
 6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the left  
 7 of the word "No."

	Yes.	<p>["Shall the full faith and credit of the county be pledged to support a bond issue not to exceed \$1,000,000.00, to be issued to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"]</p>
	No.	<p>"Shall a bond issue not to exceed an amount equal to 1/4 of 1% of the equalized valuation of property in the county unless otherwise approved by the Division of Local Government, be issued by the county to provide funds for the county meadow land development commission if the appointment of such commission is authorized by the voters of the county in the manner provided by the act authorizing the appointment of such commission in the general election at which this question is also submitted?"</p>

8        *In any county in which voting machines are used the question shall be*  
9 *placed upon the official ballots to be used upon the voting machines without the*  
10 *foregoing instructions to the voters and shall be voted upon by the use of such*  
11 *machines without marking as aforesaid.*

1        4. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted has voted  
3 in favor thereof, the board of chosen freeholders [may authorize the said  
4 pledging of the full faith and credit of the county for such bond issue] shall  
5 adopt a resolution authorizing the borrowing of funds for the purpose of pro-  
6 viding needed funds for the county meadow lands development commission,  
7 and securing repayment thereof, together with the interest thereon by the issu-  
8 ance of bonds in the corporate name of the county. The bonds so issued shall  
9 be designated "County Meadow Land Bond." They shall be issued and sold  
10 pursuant to the Local Bond Law. No county shall issue such bonds if the  
11 amount thereof together with the amount of prior outstanding county meadow  
12 land bonds shall exceed an amount equal to 1/4 of 1% of the equalized valua-  
13 tion of property in said county unless such bond issue shall first have been ap-  
14 proved by the Division of Local Government.

1        5. This act shall take effect immediately.

SENATE, No. 91

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN ACT concerning county meadow land development commissions in relation to bond issues or by such commissions and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Any county meadow land development commission created in any  
2 county by the board of chosen freeholders, with the approval of the voters  
3 of the county shall have power to authorize or provide for the issuance of  
4 bonds pursuant to this act. All such bond issues shall be supported by the  
5 full faith and credit of the county, provided the voters approve such exten-  
6 sions of credit upon a referendum vote.

1 2. Where the voters have approved any such extension of the full faith  
2 and credit of the county to support the bond issue or issues at the same time  
3 that they have approved the creation of the commission the issuance of bonds  
4 by the commission, when created, may issue bonds not in excess of the amount  
5 approved by the voters without a further referendum but any subsequent  
6 issue of bonds by the commission in excess of such original authorization  
7 shall be subject to approval of the voters upon a referendum to them for  
8 the purpose.

1 3. In the case of any issuance of bonds by a county meadow land de-  
2 velopment commission, such commission shall adopt a resolution (in

3 this act sometimes referred to as "bond resolution") which shall

4 (1) describe in brief and general terms sufficient for reasonable identi-  
5 fication the part (in this act sometimes called "project") of the county  
6 meadow land improvement to be constructed or acquired;

7 (2) state the cost or estimated cost of the project; and

8 (3) provide for the issuance of the bonds in accordance with this act.

1 4. (a) A bond resolution of a county meadow land development com-  
2 mission may provide for and authorize the issuance of bonds of the commis-  
3 sion in accordance with this section for its purposes or for the purpose of  
4 funding or refunding any bonds. A bond resolution providing for and au-  
5 thorizing the issuance of bonds to fund or refund bonds shall describe the  
6 bonds which are to be funded or refunded.

7 (b) Upon adoption of the bond resolution, the commission shall have  
8 power to incur indebtedness, borrow money and issue its bonds for the  
9 purpose of financing the project or of funding or refunding the bonds de-  
10 scribed therein. Such bonds shall be authorized by the bond resolution and  
11 may be issued in 1 or more series and shall bear such date or dates, mature  
12 at such time or times not exceeding 40 years from the date thereof, bear  
13 interest at such rate or rates not exceeding 6% per annum, be in such de-  
14 nomination or denominations, be in such form, either coupon or registered,  
15 carry such conversion or registration privileges, have such rank or priority,  
16 be executed in such manner, be payable from such sources in such medium  
17 of payment at such place or places within or without the State, and be sub-  
18 ject to such terms of redemption (with or without premium) as the bond  
19 resolution may provide.

20 (c) Bonds of a county meadow land may be sold by the commission at  
21 public or private sale at such price or prices as the commission shall de-  
22 termine; provided, however, that the interest cost to maturity of the money  
23 received for any issue of bonds (computed according to standard tables of  
24 bond values) shall not exceed 6% per annum.

1       5. After sale of any bonds pursuant to this act, the commission shall  
2 have power to authorize the execution and issuance to the purchasers, pend-  
3 ing the preparation of the definitive bonds, of interim certificates therefor  
4 or of temporary bonds or other temporary instruments exchangeable for the  
5 definitive bonds when prepared, executed and ready for delivery. The  
6 holders of such interim certificates, temporary bonds or other temporary  
7 instruments shall have all the rights and remedies which they would have as  
8 holders of the definitive bonds.

1       6. Any county meadow land development commission may cause to be  
2 published in a newspaper published or circulated in the county a copy of  
3 any bond resolution adopted by it, together with a notice stating the date  
4 of such adoption and also the date of the first publication of such notice and  
5 also that any action or proceeding of any kind or nature in any court ques-  
6 tioning the validity of the creation and establishment of the said commission,  
7 or the validity or proper authorization of bonds provided for by the bond  
8 resolution, or the validity of any covenants, agreements or contracts pro-  
9 vided for by the bond resolution shall be commenced within 20 days after the  
10 first publication of such notice. If no such action or proceeding shall be com-  
11 menced or instituted within 20 days after the first publication of such  
12 notice, then all residents and taxpayers and owners of property in the  
13 county and all other persons whatsoever shall be forever barred and fore-  
14 closed from instituting or commencing any action or proceeding in any court,  
15 or from pleading any defense to any action or proceeding, questioning the  
16 validity of the creation and establishment of the said commission, the  
17 validity or proper authorization of such bonds, or the validity of any  
18 such covenants, agreements or contracts, and said bonds, covenants, agree-  
19 ments and contracts shall be conclusively deemed to be valid and binding  
20 obligations in accordance with their terms and tenor.

1       7. Any provision of any law to the contrary notwithstanding, any bond  
2 or other obligation issued pursuant to this act shall be fully negotiable  
3 within the meaning and for all purposes of the negotiable instruments law

4 of the State, and each holder or owner of such a bond or other obligation,  
5 or of any coupon appurtenant thereto, by accepting such bond or coupon  
6 shall be conclusively deemed to have agreed that such bond, obligation or  
7 coupon is and shall be fully negotiable within the meaning and for all pur-  
8 poses of said negotiable instruments law.

1 8. Any bond resolution of a county meadow land development com-  
2 mission providing for or authorizing the issuance of any bonds may con-  
3 tain provisions, and such commission, in order to secure the payment of such  
4 bonds and in addition to its other powers, shall have power by provision in  
5 the bond resolution to covenant and agree with the several holders of such  
6 bonds, as to:

7 (1) the custody, security, use, expenditure or application of the proceeds  
8 of the bonds;

9-11 (2) the construction and completion, or replacement, of all or any part  
12 of any project of the commission;

13 (3) the use, regulation, operation, maintenance, insurance or disposition  
14 of all or any part of any project of the commission, or restrictions on the  
15 exercise of the powers of the said commission to dispose, or to limit or reg-  
16 ulate the use, of all or any part of any project of the commission;

17 (4) payment of the principal of or interest on the bonds, or any other  
18 obligations, and the sources and methods thereof, the rank or priority of  
19 any such bonds or obligations as to any lien or security, or the acceleration  
20 of the maturity of any such bonds or obligations;

21 (5) the use and disposition of any moneys of the county meadow land  
22 development commission including the proceeds of sale of lots and plots to  
23 private purchasers;

24 (6) pledging, setting aside, depositing or trusteeing all or any part of  
25 the commission's moneys to secure the payment of the principal of or interest  
26 on the bonds or any other obligations, or the payment of the expenses of the  
27 commission, and the powers and duties of any trustee with regard thereto;

28 (7) the setting aside out of the commission's moneys of reserves and



29 sinking funds, and the source, custody, security, regulation, application and  
30 disposition thereof;

31 (8) determination or definition of the commission's moneys or of its ex-  
32 penses;

33 (9) limitations on the issuance of additional bonds or any other obliga-  
34 tions or on the incurrence of indebtedness of the commission;

35 (10) vesting in a trustee or trustees such property, rights, powers and  
36 duties in trust as the commission may determine which may include any or  
37 all of the rights, powers and duties of the trustee appointed by the holders of  
38 bonds pursuant to this act, and limiting or abrogating the right of such holders  
39 to appoint a trustee pursuant to this act or limiting the rights, duties and  
40 powers of such trustee;

41 (11) payment of costs or expenses incident to the enforcement of the  
42 bonds or of the provisions of the bond resolution or of any covenant or con-  
43 tract with the holders of the bonds;

44 (12) the procedure, if any, by which the terms of any covenant or con-  
45 tract with, or duty to, the holders of bonds may be amended or abrogated,  
46 the amount of bonds the holders of which must consent thereto, and the  
47 manner in which such consent may be given or evidenced; or

48 (13) any other matter or course of conduct which, by recital in the  
49 bond resolution, is declared to further secure the payment of the principal  
50 of or interest on the bonds.

51 All such provisions of the bond resolution and all such covenants and  
52 agreements shall constitute valid and legally binding contracts between the  
53 commission and the several holders of the bonds, regardless of the time of  
54 issuance of such bonds, and shall be enforceable by any such holder or  
55 holders by mandamus or other appropriate action, suit, or proceeding at law  
56 or in equity in any court of competent jurisdiction.

1 9. (a) The provisions of this section shall be applicable to a series of  
2 bonds authorized or issued under this act only if the bond resolution of the  
3 commission authorizing or providing for the issuance of such bonds shall

4 provide in substance that the holders of the bonds of such series shall be  
5 entitled to the benefits, and be subject to the provisions, of this section.

6 (b) In the event that there shall be a default in the payment of prin-  
7 cipal of or interest on any bonds of such series after the same shall become  
8 due, whether at maturity or upon call for redemption, and such default shall  
9 continue for a period of 30 days, or in the event that the commission shall  
10 fail or refuse to comply with the provisions of this act or shall fail or refuse  
11 to carry out and perform the terms of any contract with the holders of any  
12 of such bonds, and such failure or refusal shall continue for a period of 30  
13 days after written notice to the commission of its existence and nature, the  
14 holders of 25% in aggregate principal amount of the bonds of such series  
15 then outstanding, by instrument or instruments filed in the office of the Sec-  
16 retary of State and proved or acknowledged in the same manner as a deed to  
17 be recorded, may appoint a trustee to represent the holders of the bonds of  
18 such series for the purposes provided in this section.

19 (c) Such trustee may and upon written request of the holders of 25%  
20 in aggregate principal amount of the bonds of such series then outstanding  
21 shall, in his or its own name:

22 (1) By mandamus, certiorari or other action, suit, writ or proceed-  
23 ing at law or in equity, enforce all rights of the holders of such bonds, in-  
24 cluding the right to require the commission to charge and collect  
25 service charges adequate to carry out any contract as to, or pledge of,  
26 system revenues, and to require the commission to carry out and per-  
27 form the terms of any contract with the holders of such bonds or its duties  
28 under this act;

29 (2) Bring action or suit upon all or any part of such bonds or  
30 interest coupons or claims appurtenant thereto;

31 (3) By action or suit in equity require the commission to account  
32 as if it were the trustee of an express trust for the holders of such  
33 bonds;

34 (4) By action or suit in equity enjoin any acts or things which may  
35 be unlawful or in violation of the rights of the holders of such bonds; or

36 (5) Declare all such bonds due and payable, whether or not in ad-  
37 vance of maturity, upon 30 days' prior notice in writing to the commis-  
38 sion and, if all defaults shall be made good, then with the consent of  
39 the holders of 25% of the principal amount of such bonds then out-  
40 standing, annul such declaration and its consequences.

41 (d) Such trustee shall, in addition to the foregoing, have and possess all  
42 of the powers necessary or appropriate for the exercise of the functions  
43 specifically set forth herein or incident to the general representation of the  
44 holders of bonds of such series in the enforcement and protection of their  
45 rights.

46 (e) In any suit, action or proceeding by such trustee, the fees, counsel  
47 fees and expenses of the trustee and of the receiver, if any, appointed pur-  
48 suant to this act, shall constitute taxable costs and disbursements, and all  
49 costs and disbursements, allowed by the court, shall be a first charge upon any  
50 service charges and system revenues of the commission pledged for the pay-  
51 ment or security of bonds of such series.

1 10. If a bond resolution of a commission authorizing or providing for  
2 the issuance of the bonds of any series shall contain the provision authorized  
3 by subsection (a) of section 9 of this act and shall further provide in  
4 substance that any trustee appointed pursuant to said section shall have the  
5 powers provided by this section, then such trustee, whether or not all of the  
6 bonds of such series shall have been declared due and payable, shall be  
7 entitled as of right to the appointment of a receiver of the commission's  
8 projects, and such receiver may enter upon and take possession of the com-  
9 mission's project and, subject to any pledge or contract with the holders of  
10 such bonds, shall take possession of all moneys and other property of the  
11 commission.

1 11. Neither the members of the commission nor any person executing  
2 bonds issued pursuant to this act shall be liable personally on the bonds by

3 reason of the issuance thereof. Bonds or other obligations issued pursuant  
4 to this act shall be a debt or liability of the commission, also of the county  
5 which created the commission.

1       12. Notwithstanding any restriction contained in any other law, the State  
2 and all public officers, municipalities, counties, political subdivisions and  
3 public bodies, and agencies thereof, all banks, bankers, trust companies, sav-  
4 ings banks and institutions, building and loan associations, savings and loan  
5 associations, investment companies, and other persons carrying on a banking  
6 business, all insurance companies, insurance associations and other persons  
7 carrying on an insurance business, and all executors, administrators,  
8 guardians, trustees and other fiduciaries, may legally invest any sinking  
9 funds, moneys or other funds belonging to them or within their control in any  
10 bonds, and such bonds shall be authorized security for any and all public  
11 deposits.

1       13. Every project of a commission and all other property of a county  
2 meadow land development commission are hereby declared to be public prop-  
3 erty of a political subdivision of the State and devoted to an essential public  
4 and governmental function and purpose and shall be exempt from all taxes  
5 and special assessments of the State or any subdivision thereof. All bonds  
6 are hereby declared to be issued by a political subdivision of this State and  
7 for an essential public and governmental purpose and to be a public instru-  
8 mentality, and such bonds, and the interest thereon and the income therefrom,  
9 and all service charges, funds, revenues and other moneys pledged or avail-  
10 able to pay or secure the payment of such bonds, or interest thereon, shall  
11 at all times be exempt from taxation except for transfer inheritance and  
12 estate taxes and taxes on transfers by or in contemplation of death.

1       14. All banks, bankers, trust companies, savings banks, investment com-  
2 panies and other persons carrying on a banking business are hereby author-  
3 ized to give to any county meadow land development commission a good and  
4 sufficient undertaking with such sureties as shall be approved by the com-  
5 mission to the effect that such bank or banking institution as hereinbefore

6 described shall faithfully keep and pay over to the order of or upon the  
7 warrant of the commission or its authorized agent all such funds as may be  
8 deposited with it by the commission and agreed interest thereon, at such  
9 times or upon such demands as may be agreed upon with the authority or,  
10 in lieu of such sureties, deposit with the commission or its authorized agent  
11 or any trustee therefor or for the holders of any bonds, as collateral, such  
12 securities as the commission may approve; provided, such securities shall  
13 consist of obligations in which public officers and bodies of the State and its  
14 municipal subdivisions, savings institutions, including savings and loan  
15 associations, insurance companies and associations, executors, administra-  
16 tors, guardians, trustees and other fiduciaries in the State may properly and  
17 legally invest the funds within their control, in such principal amount, market  
18 value or other description as may be approved by the commission. The  
19 deposits of the commission may be evidenced by a depository collateral agree-  
20 ment in such form and upon such terms and conditions as may be agreed upon  
21 by the commission and such bank or banking institution.

1 15. If any section, subsection, clause or provision of this act shall be  
2 adjudged unconstitutional or to be ineffective in whole or in part, to the extent  
3 that it is not adjudged unconstitutional or is not ineffective it shall be valid  
4 and effective and no other section, subsection, clause or provision of this act  
5 shall on account thereof be deemed invalid or ineffective, and the inap-  
6 plicability or invalidity of any section, subsection, clause or provision of this  
7 act in any 1 or more instances or under any 1 or more circumstances shall  
8 not be taken to affect or prejudice in any way its applicability or validity  
9 in any other instance or under any other circumstance.

1 16. Any such "bond resolution" shall be inoperative unless and until  
2 approved by the voters of the county on a referendum to them as provided  
3 in this act, except that if the voters shall have approved the pledging of the  
4 county's full faith and credit to support a bond issue by a county meadow  
5 land development commission upon a referendum vote submitted to the  
6 voters at the same time as the submission of the question whether a county

7 meadow land development shall be appointed, then a referendum shall not be  
8 required as to a bond issue within the limits of such authorization by the  
9 voters.

1 17. Except as otherwise provided in the preceding section, when the com-  
2 mission shall adopt a "bond resolution" the commission shall certify such  
3 resolution to the board of chosen freeholders of the county and the said board  
4 of chosen freeholders shall thereupon adopt a resolution authorizing the  
5 submission of the question of the approval or disapproval of the said "bond  
6 resolution." Any such resolution by the board of chosen freeholders shall  
7 be adopted not later than 60 days before the next ensuing general election.  
8 Upon the adoption of any such resolution by the board of chosen freeholders  
9 as herein provided, the county clerk shall give public notice that such submis-  
10 sion will be made in the next ensuing general election. The notice shall be  
11 by publication of at least once a month in each calendar month after the  
12 passage of the resolution, in 2 or more newspapers published or circulating  
13 in the county.

1 18. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	Shall the bond resolution adopted by the county meadow land development commission for an issue of bonds in the amount of \$..... and which will be supported by the pledge of the full faith and credit of the county, be approved?"
	No.	

19. If upon the canvass of the vote at such election it shall appear that a majority of those voting for or against the question so submitted have voted in favor thereof, the said "bond resolution" of the county meadow land commission shall become operative.

20. This act shall take effect immediately.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 91

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STATE OF NEW JERSEY

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ADOPTED JANUARY 21, 1963

Amend page 1, title, line 2, after "issues" delete "or" and after "commissions" insert "in certain cases".

Amend page 1, section 1, line 2, after "county" insert "of the sixth class".



[OFFICIAL COPY REPRINT]

SENATE, No. 91

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN ACT concerning county meadow land development commissions in relation to bond issues [or] by such commissions *in certain cases* and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Any county meadow land development commission created in any  
2 county *of the sixth class* by the board of chosen freeholders, with the  
3 approval of the voters of the county shall have power to authorize or provide  
4 for the issuance of bonds pursuant to this act. All such bond issues shall be  
5 supported by the full faith and credit of the county, provided the voters  
6 approve such extensions of credit upon a referendum vote.

1 2. Where the voters have approved any such extension of the full faith  
2 and credit of the county to support the bond issue or issues at the same time  
3 that they have approved the creation of the commission the issuance of bonds  
4 by the commission, when created, may issue bonds not in excess of the amount  
5 approved by the voters without a further referendum but any subsequent  
6 issue of bonds by the commission in excess of such original authorization  
7 shall be subject to approval of the voters upon a referendum to them for  
8 the purpose.

1 3. In the case of any issuance of bonds by a county meadow land de-  
2 velopment commission, such commission shall adopt a resolution (in

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

3 this act sometimes referred to as "bond resolution") which shall

4 (1) describe in brief and general terms sufficient for reasonable identi-  
5 fication the part (in this act sometimes called "project") of the county  
6 meadow land improvement to be constructed or acquired;

7 (2) state the cost or estimated cost of the project; and

8 (3) provide for the issuance of the bonds in accordance with this act.

1 4. (a) A bond resolution of a county meadow land development com-  
2 mission may provide for and authorize the issuance of bonds of the commis-  
3 sion in accordance with this section for its purposes or for the purpose of  
4 funding or refunding any bonds. A bond resolution providing for and au-  
5 thORIZING the issuance of bonds to fund or refund bonds shall describe the  
6 bonds which are to be funded or refunded.

7 (b) Upon adoption of the bond resolution, the commission shall have  
8 power to incur indebtedness, borrow money and issue its bonds for the  
9 purpose of financing the project or of funding or refunding the bonds de-  
10 scribed therein. Such bonds shall be authorized by the bond resolution and  
11 may be issued in 1 or more series and shall bear such date or dates, mature  
12 at such time or times not exceeding 40 years from the date thereof, bear  
13 interest at such rate or rates not exceeding 6% per annum, be in such de-  
14 nomination or denominations, be in such form, either coupon or registered,  
15 carry such conversion or registration privileges, have such rank or priority,  
16 be executed in such manner, be payable from such sources in such medium  
17 of payment at such place or places within or without the State, and be sub-  
18 ject to such terms of redemption (with or without premium) as the bond  
19 resolution may provide.

20 (c) Bonds of a county meadow land may be sold by the commission at  
21 public or private sale at such price or prices as the commission shall de-  
22 termine; provided, however, that the interest cost to maturity of the money  
23 received for any issue of bonds (computed according to standard tables of  
24 bond values) shall not exceed 6% per annum.

1 5. After sale of any bonds pursuant to this act, the commission shall  
2 have power to authorize the execution and issuance to the purchasers, pend-  
3 ing the preparation of the definitive bonds, of interim certificates therefor  
4 or of temporary bonds or other temporary instruments exchangeable for the  
5 definitive bonds when prepared, executed and ready for delivery. The  
6 holders of such interim certificates, temporary bonds or other temporary  
7 instruments shall have all the rights and remedies which they would have as  
8 holders of the definitive bonds.

1 6. Any county meadow land development commission may cause to be  
2 published in a newspaper published or circulated in the county a copy of  
3 any bond resolution adopted by it, together with a notice stating the date  
4 of such adoption and also the date of the first publication of such notice and  
5 also that any action or proceeding of any kind or nature in any court ques-  
6 tioning the validity of the creation and establishment of the said commission,  
7 or the validity or proper authorization of bonds provided for by the bond  
8 resolution, or the validity of any covenants, agreements or contracts pro-  
9 vided for by the bond resolution shall be commenced within 20 days after the  
10 first publication of such notice. If no such action or proceeding shall be com-  
11 menced or instituted within 20 days after the first publication of such  
12 notice, then all residents and taxpayers and owners of property in the  
13 county and all other persons whatsoever shall be forever barred and fore-  
14 closed from instituting or commencing any action or proceeding in any court,  
15 or from pleading any defense to any action or proceeding, questioning the  
16 validity of the creation and establishment of the said commission, the  
17 validity or proper authorization of such bonds, or the validity of any  
18 such covenants, agreements or contracts, and said bonds, covenants, agree-  
19 ments and contracts shall be conclusively deemed to be valid and binding  
20 obligations in accordance with their terms and tenor.

1 7. Any provision of any law to the contrary notwithstanding, any bond  
2 or other obligation issued pursuant to this act shall be fully negotiable  
3 within the meaning and for all purposes of the negotiable instruments law

4 of the State, and each holder or owner of such a bond or other obligation,  
5 or of any coupon appurtenant thereto, by accepting such bond or coupon  
6 shall be conclusively deemed to have agreed that such bond, obligation or  
7 coupon is and shall be fully negotiable within the meaning and for all pur-  
8 poses of said negotiable instruments law.

1 8. Any bond resolution of a county meadow land development com-  
2 mission providing for or authorizing the issuance of any bonds may con-  
3 tain provisions, and such commission, in order to secure the payment of such  
4 bonds and in addition to its other powers, shall have power by provision in  
5 the bond resolution to covenant and agree with the several holders of such  
6 bonds, as to:

7 (1) the custody, security, use, expenditure or application of the proceeds  
8 of the bonds;

9-11 (2) the construction and completion, or replacement, of all or any part  
12 of any project of the commission;

13 (3) the use, regulation, operation, maintenance, insurance or disposition  
14 of all or any part of any project of the commission, or restrictions on the  
15 exercise of the powers of the said commission to dispose, or to limit or reg-  
16 ulate the use, of all or any part of any project of the commission;

17 (4) payment of the principal of or interest on the bonds, or any other  
18 obligations, and the sources and methods thereof, the rank or priority of  
19 any such bonds or obligations as to any lien or security, or the acceleration  
20 of the maturity of any such bonds or obligations;

21 (5) the use and disposition of any moneys of the county meadow land  
22 development commission including the proceeds of sale of lots and plots to  
23 private purchasers;

24 (6) pledging, setting aside, depositing or trusteeing all or any part of  
25 the commission's moneys to secure the payment of the principal of or interest  
26 on the bonds or any other obligations, or the payment of the expenses of the  
27 commission, and the powers and duties of any trustee with regard thereto;

28 (7) the setting aside out of the commission's moneys of reserves and

29 sinking funds, and the source, custody, security, regulation, application and  
30 disposition thereof;

31 (8) determination or definition of the commission's moneys or of its ex-  
32 penses;

33 (9) limitations on the issuance of additional bonds or any other obliga-  
34 tions or on the incurrence of indebtedness of the commission;

35 (10) vesting in a trustee or trustees such property, rights, powers and  
36 duties in trust as the commission may determine which may include any or  
37 all of the rights, powers and duties of the trustee appointed by the holders of  
38 bonds pursuant to this act, and limiting or abrogating the right of such holders  
39 to appoint a trustee pursuant to this act or limiting the rights, duties and  
40 powers of such trustee;

41 (11) payment of costs or expenses incident to the enforcement of the  
42 bonds or of the provisions of the bond resolution or of any covenant or con-  
43 tract with the holders of the bonds;

44 (12) the procedure, if any, by which the terms of any covenant or con-  
45 tract with, or duty to, the holders of bonds may be amended or abrogated,  
46 the amount of bonds the holders of which must consent thereto, and the  
47 manner in which such consent may be given or evidenced; or

48 (13) any other matter or course of conduct which, by recital in the  
49 bond resolution, is declared to further secure the payment of the principal  
50 of or interest on the bonds.

51 All such provisions of the bond resolution and all such covenants and  
52 agreements shall constitute valid and legally binding contracts between the  
53 commission and the several holders of the bonds, regardless of the time of  
54 issuance of such bonds, and shall be enforceable by any such holder or  
55 holders by mandamus or other appropriate action, suit, or proceeding at law  
56 or in equity in any court of competent jurisdiction.

1 9. (a) The provisions of this section shall be applicable to a series of  
2 bonds authorized or issued under this act only if the bond resolution of the  
3 commission authorizing or providing for the issuance of such bonds shall

4 provide in substance that the holders of the bonds of such series shall be  
5 entitled to the benefits, and be subject to the provisions, of this section.

6 (b) In the event that there shall be a default in the payment of prin-  
7 cipal of or interest on any bonds of such series after the same shall become  
8 due, whether at maturity or upon call for redemption, and such default shall  
9 continue for a period of 30 days, or in the event that the commission shall  
10 fail or refuse to comply with the provisions of this act or shall fail or refuse  
11 to carry out and perform the terms of any contract with the holders of any  
12 of such bonds, and such failure or refusal shall continue for a period of 30  
13 days after written notice to the commission of its existence and nature, the  
14 holders of 25% in aggregate principal amount of the bonds of such series  
15 then outstanding, by instrument or instruments filed in the office of the Sec-  
16 retary of State and proved or acknowledged in the same manner as a deed to  
17 be recorded, may appoint a trustee to represent the holders of the bonds of  
18 such series for the purposes provided in this section.

19 (c) Such trustee may and upon written request of the holders of 25%  
20 in aggregate principal amount of the bonds of such series then outstanding  
21 shall, in his or its own name:

22 (1) By mandamus, certiorari or other action, suit, writ or proceed-  
23 ing at law or in equity, enforce all rights of the holders of such bonds, in-  
24 cluding the right to require the commission to charge and collect  
25 service charges adequate to carry out any contract as to, or pledge of,  
26 system revenues, and to require the commission to carry out and per-  
27 form the terms of any contract with the holders of such bonds or its duties  
28 under this act;

29 (2) Bring action or suit upon all or any part of such bonds or  
30 interest coupons or claims appurtenant thereto;

31 (3) By action or suit in equity require the commission to account  
32 as if it were the trustee of an express trust for the holders of such  
33 bonds;

34 (4) By action or suit in equity enjoin any acts or things which may  
35 be unlawful or in violation of the rights of the holders of such bonds; or

36 (5) Declare all such bonds due and payable, whether or not in ad-  
37 vance of maturity, upon 30 days' prior notice in writing to the commis-  
38 sion and, if all defaults shall be made good, then with the consent of  
39 the holders of 25% of the principal amount of such bonds then out-  
40 standing, annul such declaration and its consequences.

41 (d) Such trustee shall, in addition to the foregoing, have and possess all  
42 of the powers necessary or appropriate for the exercise of the functions  
43 specifically set forth herein or incident to the general representation of the  
44 holders of bonds of such series in the enforcement and protection of their  
45 rights.

46 (e) In any suit, action or proceeding by such trustee, the fees, counsel  
47 fees and expenses of the trustee and of the receiver, if any, appointed pur-  
48 suant to this act, shall constitute taxable costs and disbursements, and all  
49 costs and disbursements, allowed by the court, shall be a first charge upon any  
50 service charges and system revenues of the commission pledged for the pay-  
51 ment or security of bonds of such series.

1 10. If a bond resolution of a commission authorizing or providing for  
2 the issuance of the bonds of any series shall contain the provision authorized  
3 by subsection (a) of section 9 of this act and shall further provide in  
4 substance that any trustee appointed pursuant to said section shall have the  
5 powers provided by this section, then such trustee, whether or not all of the  
6 bonds of such series shall have been declared due and payable, shall be  
7 entitled as of right to the appointment of a receiver of the commission's  
8 projects, and such receiver may enter upon and take possession of the com-  
9 mission's project and, subject to any pledge or contract with the holders of  
10 such bonds, shall take possession of all moneys and other property of the  
11 commission.

1 11. Neither the members of the commission nor any person executing  
2 bonds issued pursuant to this act shall be liable personally on the bonds by

3 reason of the issuance thereof. Bonds or other obligations issued pursuant  
4 to this act shall be a debt or liability of the commission, also of the county  
5 which created the commission.

1     12. Notwithstanding any restriction contained in any other law, the State  
2 and all public officers, municipalities, counties, political subdivisions and  
3 public bodies, and agencies thereof, all banks, bankers, trust companies, sav-  
4 ings banks and institutions, building and loan associations, savings and loan  
5 associations, investment companies, and other persons carrying on a banking  
6 business, all insurance companies, insurance associations and other persons  
7 carrying on an insurance business, and all executors, administrators,  
8 guardians, trustees and other fiduciaries, may legally invest any sinking  
9 funds, moneys or other funds belonging to them or within their control in any  
10 bonds, and such bonds shall be authorized security for any and all public  
11 deposits.

1     13. Every project of a commission and all other property of a county  
2 meadow land development commission are hereby declared to be public prop-  
3 erty of a political subdivision of the State and devoted to an essential public  
4 and governmental function and purpose and shall be exempt from all taxes  
5 and special assessments of the State or any subdivision thereof. All bonds  
6 are hereby declared to be issued by a political subdivision of this State and  
7 for an essential public and governmental purpose and to be a public instru-  
8 mentality, and such bonds, and the interest thereon and the income therefrom,  
9 and all service charges, funds, revenues and other moneys pledged or avail-  
10 able to pay or secure the payment of such bonds, or interest thereon, shall  
11 at all times be exempt from taxation except for transfer inheritance and  
12 estate taxes and taxes on transfers by or in contemplation of death.

1     14. All banks, bankers, trust companies, savings banks, investment com-  
2 panies and other persons carrying on a banking business are hereby author-  
3 ized to give to any county meadow land development commission a good and  
4 sufficient undertaking with such sureties as shall be approved by the com-  
5 mission to the effect that such bank or banking institution as hereinbefore



6 described shall faithfully keep and pay over to the order of or upon the  
7 warrant of the commission or its authorized agent all such funds as may be  
8 deposited with it by the commission and agreed interest thereon, at such  
9 times or upon such demands as may be agreed upon with the authority or,  
10 in lieu of such sureties, deposit with the commission or its authorized agent  
11 or any trustee therefor or for the holders of any bonds, as collateral, such  
12 securities as the commission may approve; provided, such securities shall  
13 consist of obligations in which public officers and bodies of the State and its  
14 municipal subdivisions, savings institutions, including savings and loan  
15 associations, insurance companies and associations, executors, administra-  
16 tors, guardians, trustees and other fiduciaries in the State may properly and  
17 legally invest the funds within their control, in such principal amount, market  
18 value or other description as may be approved by the commission. The  
19 deposits of the commission may be evidenced by a depository collateral agree-  
20 ment in such form and upon such terms and conditions as may be agreed upon  
21 by the commission and such bank or banking institution.

1 15. If any section, subsection, clause or provision of this act shall be  
2 adjudged unconstitutional or to be ineffective in whole or in part, to the extent  
3 that it is not adjudged unconstitutional or is not ineffective it shall be valid  
4 and effective and no other section, subsection, clause or provision of this act  
5 shall on account thereof be deemed invalid or ineffective, and the inap-  
6 plicability or invalidity of any section, subsection, clause or provision of this  
7 act in any 1 or more instances or under any 1 or more circumstances shall  
8 not be taken to affect or prejudice in any way its applicability or validity  
9 in any other instance or under any other circumstance.

1 16. Any such "bond resolution" shall be inoperative unless and until  
2 approved by the voters of the county on a referendum to them as provided  
3 in this act, except that if the voters shall have approved the pledging of the  
4 county's full faith and credit to support a bond issue by a county meadow  
5 land development commission upon a referendum vote submitted to the  
6 voters at the same time as the submission of the question whether a county

7 meadow land development shall be appointed, then a referendum shall not be  
 8 required as to a bond issue within the limits of such authorization by the  
 9 voters.

1 17. Except as otherwise provided in the preceding section, when the com-  
 2 mission shall adopt a "bond resolution" the commission shall certify such  
 3 resolution to the board of chosen freeholders of the county and the said board  
 4 of chosen freeholders shall thereupon adopt a resolution authorizing the  
 5 submission of the question of the approval or disapproval of the said "bond  
 6 resolution." Any such resolution by the board of chosen freeholders shall  
 7 be adopted not later than 60 days before the next ensuing general election.  
 8 Upon the adoption of any such resolution by the board of chosen freeholders  
 9 as herein provided, the county clerk shall give public notice that such submis-  
 10 sion will be made in the next ensuing general election. The notice shall be  
 11 by publication of at least once a month in each calendar month after the  
 12 passage of the resolution, in 2 or more newspapers published or circulating  
 13 in the county.

1 18. The county clerk shall cause the question to be printed upon the  
 2 sample and official ballots for the general election in substantially the follow-  
 3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
 5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
 6 and if opposed thereto, mark a cross (X) or plus (+) in the square at the  
 7 left of the word "No."

	Yes.	Shall the bond resolution adopted by the county meadow land development commission for an issue of bonds in the amount of \$. . . . . and which will be supported by the pledge of the full faith and credit of the county, be approved?"
	No.	

1     19. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, the said "bond resolution" of the county meadow land com-  
4 mission shall become operative.

1     20. This act shall take effect immediately.

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senator SANDMAN

(Without Reference)

AN ACT concerning the improvement of certain county meadow lands and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. The provisions of this act shall apply to all counties but shall remain  
2 inoperative in any county until submitted to and approved by the voters  
3 thereof in the manner provided in this act.

1 2. In any county which shall adopt the provisions of this act, the board  
2 of chosen freeholders shall, by resolution passed by the affirmative vote of a  
3 majority of the whole board, elect a County Meadow Land Development Com-  
4 mission consisting of 5 residents of the county, not more than 3 of whom shall  
5 be of the same political party, to be known as The .....  
(insert name of county)

6 County Meadow Land Development Commission.

1 3. The commission first elected shall hold office for the term of 1, 2, 3, 4  
2 and 5 years, respectively, as indicated and fixed by the board of chosen free-  
3 holders. All commissioners thereafter elected shall serve for the term of 5  
4 years and all vacancies shall be filled by the board of chosen freeholders for  
5 the unexpired term only. The members of the commission shall serve with-  
6 out compensation but their necessary expenses shall be allowed and paid  
7 from funds of the commission by the county treasurer upon warrants signed  
8 by the president or vice-president and secretary of the commission.

1 4. The commission shall annually choose from among its members a  
2 president and vice-president, and shall elect a secretary and such other offi-  
3 cers and appoint employees as it may deem necessary. It shall also fix and  
4 determine the compensation, term of office, duties and powers of its ap-  
5 pointees and remove them at pleasure and make all rules and regulations  
6 respecting the same. The county treasurer shall be the treasurer of the  
7 commission.

1 5. The commission may sue and be sued, use a common seal, make  
2 by-laws and carry out the objects of this act as hereinafter set forth. It  
3 shall keep a record of its proceedings and shall maintain a suitable office  
4 where its maps, plans, papers, documents, accounts and other records shall  
5 be kept open to public inspection under reasonable regulations. Three  
6 members shall constitute a quorum for the transaction of business at any  
7 meeting of the commission, and the affirmative vote of 3 members shall be  
8 necessary for the taking of any action. The meetings of the commission  
9 shall be public.

1 6. The president shall preside at all meetings of the commission, and  
2 shall, with the treasurer, sign all checks, drafts, notes, requisitions of  
3 funds, contracts and other agreements and obligations of the commission. In  
4 the absence or incapacity of the president, the vice-president shall have all  
5 the powers and perform all the duties of the president. No disbursements  
6 shall be made, except upon the affirmative vote of 3 members of the com-  
7 mission. All disbursements by the commission shall be by check, signed by  
8 both the president and treasurer. In the absence or incapacity of the secre-  
9 tary, and at such other times as the commission may prescribe or approve,  
10 some other person shall be designated by the commission to act as such  
11 secretary who shall have all the powers and perform all the duties of the  
12 secretary.

1 7. All appointments of officers and employees to be made by the com-  
2 mission except its president, vice-president and secretary shall be made with  
3 the approval of the board of chosen freeholders of the county.

1 8. The board of chosen freeholders shall provide the commission with  
2 a suitable office and the funds of and for the commission shall be obtained  
3 from the proceeds of a sale of bonds when authorized by a referendum to  
4 the voters of the county in the manner provided by this act or by any other  
5 law applicable to the commission. When so authorized, the full faith and  
6 credit of the county shall be deemed to be pledged to provide for repayment  
7 of the principal and interest of said bonds and any expenses incidental  
8 thereto.

1 9. The commission may select a depository or depositories wherein all  
2 public moneys and other funds of the commission shall be deposited, any  
3 bank organized under the laws of the United States, having its place of busi-  
4 ness in this State, or any bank or trust company organized under the laws  
5 of this State. The designation of such depository or depositories shall be  
6 by resolution of the commission. The commission or any of its employees  
7 charged with custody of such public funds shall thereafter, in accordance  
8 with the resolution provided aforesaid, deposit such funds or other moneys  
9 belonging to the commission, only in the depository or depositories so  
10 named, and upon so depositing in good faith such funds or moneys such  
11 employee shall be relieved of any liability for loss of such funds or moneys  
12 which may be due to the insolvency or closing of such depository or depos-  
13 itories.

1 10. The commission shall at all times keep or cause to be kept full and  
2 accurate accounts of its receipts and expenditures, and of its resources and  
3 liabilities, and shall prepare or cause to be prepared detailed annual state-  
4 ments thereof, and shall employ the services of the Division of Local Gov-  
5 ernment of the State Department of the Treasury or of a competent reg-  
6 istered municipal accountant of New Jersey to audit, annually, the books,  
7 accounts and statements of the commission, and shall cause copies of said  
8 annual audits, when completed, to be preserved as part of its permanent  
9 records and shall transmit certified copies of such audits to the board of  
10 chosen freeholders of said county.

11. The commission may acquire from any municipality in the county by deed or deeds of gift or for a nominal consideration, undeveloped meadow lands for the purpose of improving such lands by constructing drainage ditches or other drainage facilities and lagoons or other similar ways in such a manner that the lands abutting upon and contiguous to the lagoons or ways shall be made available by lots or plots to private purchasers for development purposes by them.

The proceeds of such sales shall be used to defray the expenses of the commission or to reimburse it for expenditures for its expenses and for the reduction of any bonded indebtedness incurred by the county for the commission's purposes, and any surplus then remaining shall be allocated and turned over to the municipalities for school purposes which gave or conveyed municipal lands to the commission, as provided in this act, according to the municipalities' apportionate interests in the projects by providing the land which, in turn, has been sold by the commission to private purchasers. The commission, according to its judgment, shall determine such allocation of surplus funds to the municipalities.

The commission in carrying out its said purposes may proceed according to separate areas to be selected by it and the development of each area shall be deemed to be a project of the commission and each such project shall be given a number or other designation to identify it and such projects may be proceeded with either currently or consecutively as the commission by resolution shall determine.

12. For its said purposes the commission may enter into contracts with any person or municipality or other public body and may engage or contract for the services of engineers or engineering firms and do other acts and things as may in the judgment of the commission be necessary or proper to effectuate and carry out the projects authorized by, and the purposes of, this act.

13. With the approval of the board of chosen freeholders of the county, the commission may acquire by gift as well as by conveyance from municipi-

3 palities, as provided herein, such real estate and rights therein, and such  
 4 other property as it may deem necessary and proper for its purposes. The  
 5 board of chosen freeholders of the county may also provide the commission  
 6 with other property to aid and assist the commission in carrying out its  
 7 purposes. All property acquired by the commission shall be deemed to be  
 8 the property of the county and may be taken in the name of the county or  
 9 the commission.

1     14. The commission may make, promulgate and enforce rules and regula-  
 2 tions for the protection of its property during the period of its development  
 3 by the commission and so long as the title as to the whole or any part of the  
 4 property acquired, as provided in this act, shall remain in the county or the  
 5 commission, any person violating any such rule or regulation shall be a dis-  
 6 orderly person. Such rules and regulations shall not take effect until 10  
 7 days after their adoption by the commission and after their publication once  
 8 a week for 2 weeks in at least 2 newspapers circulating in the county.

1     15. Whenever the board of chosen freeholders shall, not later than 60  
 2 days before the next ensuing general election, pass a resolution authorizing  
 3 the submission of the question of the adoption or rejection of this act to  
 4 the voters of the county, the county clerk shall give public notice that such  
 5 submission will be made at the next ensuing general election. The notice  
 6 shall be by publication of at least once a month in each calendar month after  
 7 the passage of the resolution, in 2 or more newspapers published or  
 8 circulating in the county.

1     16. The county clerk shall cause the question to be printed upon the  
 2 sample and official ballots for the general election in substantially the follow-  
 3 ing form:

4     “To vote upon the public question printed below, if in favor thereof,  
 5 mark a cross (X) or plus (+) in the square at the left of the word “Yes,”  
 6 and if opposed thereto mark a cross (X) or plus (+) in the square at the  
 7 left of the word “No.”



	Yes.	"Shall a county meadow land development commission be appointed in ..... county pursuant to chapter (inserting the number of the chapter of this act), pamphlet laws of 1963?"
	No.	

1 17. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, this act shall thereupon become operative and the board  
4 of chosen freeholders shall, within 90 days thereafter appoint the commis-  
5 sioners herein authorized to be appointed.

1 18. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to authorize counties to create, subject to the approval of the voters thereof, a county meadow land development commission, thereby providing for the development of areas of meadow land which have never been developed and which are lying idle notwithstanding their potential value. The program is so designed as to eventually finance itself by making available to private purchasers lots and plots facing upon lagoons which would be constructed by the commission after providing for the necessary dredging and bulldozing. The county will not compete with private industry and the development will be limited to making the land available. Incidentally, the development of the meadow lands will improve mosquito control, will increase building and employment in the building trades.

The opening of these undeveloped lands and the ultimate improvement by private purchasers will greatly increase local ratables. The development will also make available more areas suitable for the resort industry.

When the land is improved and the lots and plots are ready for sale, they will be sold at public auction. The proceeds of such sale shall be used to refund the expenses and costs of the commission, pay off the bonds and the surplus will be turned over to the municipalities as county aid to local school districts. The municipalities in the first instance will turn over meadow lands to the commission

by deeds of gift or nominal considerations and these municipalities will get a proportionate return from the surplus funds derived from the sale of the land contributed by the several municipalities. All bond issues will be subject to referendum and the voters at the first election will vote separately for the creation of the commission and for the pledging of the county credit. The voters can, therefore, approve the creation of the commission and then vote separately on the pledging of the county credit. The development of the meadow lands will be made according to separate projects. The original pledge of credit will authorize bonds not to exceed a certain amount and if this is authorized any further pledge of credit will require a further referendum.

COMMITTEE SUBSTITUTE FOR

SENATE, No. 92

STATE OF NEW JERSEY

ADOPTED JANUARY 21, 1963

AN Act concerning the improvement of certain county meadow lands in counties of the sixth class and supplementing Title 40 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The provisions of this act shall apply to all counties of the sixth class  
2 but shall remain inoperative in any such county until submitted to and ap-  
3 proved by the voters thereof in the manner provided in this act.

1 2. In any county which shall adopt the provisions of this act, the board  
2 of chosen freeholders shall, by resolution passed by the affirmative vote of a  
3 majority of the whole board, elect a County Meadow Land Development Com-  
4 mission consisting of 5 residents of the county, not more than 3 of whom shall  
5 be of the same political party, to be known as The .....  
(insert name of county)

6 County Meadow Land Development Commission.

1 3. The commission first elected shall hold office for the term of 1, 2, 3, 4  
2 and 5 years, respectively, as indicated and fixed by the board of chosen free-  
3 holders. All commissioners thereafter elected shall serve for the term of 5  
4 years and all vacancies shall be filled by the board of chosen freeholders for  
5 the unexpired term only. The members of the commission shall serve with-  
6 out compensation, including those members serving as officers of the com-  
7 mission, but their necessary expenses shall be allowed and paid from funds  
8 of the commission by the county treasurer upon warrants signed by the  
9 president or vice-president and secretary of the commission.

1 4. The commission shall annually choose from among its members a  
2 president and vice-president, and shall elect a secretary and such other offi-  
3 cers and appoint employees as it may deem necessary. It shall also fix and  
4 determine the compensation, term of office, duties and powers of its ap-  
5 pointees and remove them at pleasure and make all rules and regulations  
6 respecting the same. The county treasurer shall be the treasurer of the  
7 commission.

1 5. The commission may sue and be sued, use a common seal, make  
2 by-laws and carry out the objects of this act as hereinafter set forth. It  
3 shall keep a record of its proceedings and shall maintain a suitable office  
4 where its maps, plans, papers, documents, accounts and other records shall  
5 be kept open to public inspection under reasonable regulations. Three  
6 members shall constitute a quorum for the transaction of business at any  
7 meeting of the commission, and the affirmative vote of 3 members shall be  
8 necessary for the taking of any action. The meetings of the commission  
9 shall be public.

1 6. The president shall preside at all meetings of the commission, and  
2 shall, with the treasurer, sign all checks, drafts, notes, requisitions of  
3 funds, contracts and other agreements and obligations of the commission. In  
4 the absence or incapacity of the president, the vice-president shall have all  
5 the powers and perform all the duties of the president. No disbursements  
6 over \$100.00 shall be made, other than for payroll purposes, except upon the  
7 affirmative vote of 3 members of the commission. All disbursements by the  
8 commission shall be by check, signed by both the president and treasurer.  
9 In the absence or incapacity of the secretary, and at such other times as the  
10 commission may prescribe or approve, some other person shall be designated  
11 by the commission to act as such secretary who shall have all the powers and  
12 perform all the duties of the secretary.

1 7. All appointments of officers and employees to be made by the com-  
2 mission except its president, vice-president and secretary shall be made with  
3 the approval of the board of chosen freeholders of the county.

1 8. The board of chosen freeholders shall provide the commission with  
2 a suitable office and the funds of and for the commission shall be obtained  
3 from the proceeds of a sale of bonds when authorized by a referendum to  
4 the voters of the county in the manner provided by this act or by any other  
5 law applicable to the commission.

1 9. The commission may select a depository or depositories wherein all  
2 public moneys and other funds of the commission shall be deposited, any  
3 bank organized under the laws of the United States, having its place of busi-  
4 ness in this State, or any bank or trust company organized under the laws  
5 of this State. The designation of such depository or depositories shall be  
6 by resolution of the commission. The commission or any of its employees  
7 charged with custody of such public funds shall thereafter, in accordance  
8 with the resolution provided aforesaid, deposit such funds or other moneys  
9 belonging to the commission, only in the depository or depositories so  
10 named, and upon so depositing in good faith such funds or moneys such  
11 employee shall be relieved of any liability for loss of such funds or moneys  
12 which may be due to the insolvency or closing of such depository or depos-  
13 itories.

1 10. The commission shall at all times keep or cause to be kept full and  
2 accurate accounts of its receipts and expenditures, and of its resources and  
3 liabilities, and shall prepare or cause to be prepared detailed annual state-  
4 ments thereof, and shall employ the services of the Division of Local Gov-  
5 ernment of the State Department of the Treasury or of a competent reg-  
6 istered municipal accountant of New Jersey to audit, annually, the books,  
7 accounts and statements of the commission, and shall cause copies of said  
8 annual audits, when completed, to be preserved as part of its permanent  
9 records and shall transmit certified copies of such audits to the board of  
10 chosen freeholders of said county.

1 11. The commission may acquire from any municipality in the county  
2 by deeds of gift or for a nominal consideration, undeveloped meadow  
3 lands for the purpose of improving such lands by constructing drainage

4 ditches or other drainage facilities and lagoons or other similar ways in such  
5 a manner that the lands abutting upon and contiguous to the lagoons or  
6 ways shall be made available to be sold at public sale to private purchasers  
7 for development purposes by them. In the event that no satisfactory bids  
7A are received, such sale may be by private sale.

8       The proceeds of such sales shall be used to defray the expenses of the  
9 commission or to reimburse it for expenditures for its expenses and for the  
10 reduction of any bonded indebtedness incurred by the county for the com-  
11 mission's purposes, and any surplus then remaining shall be allocated and  
12 turned over to the municipalities for school purposes which gave or con-  
13 veyed municipal lands to the commission according to the municipalities'  
14 apportionate interests in the projects by providing the land as provided in  
15 this act, which in turn has been sold by the commission to private pur-  
16 chasers. The commission shall determine such allocation of surplus funds to  
17 the municipalities.

18       In deciding whether the land in question is suitable for development,  
19 the commission shall consider the following factors: (1) the cost of con-  
20 struction of drainage facilities, ditches, or other waterways necessary to make  
21 abutting lands suitable for development in relation to the expected return  
22 from such property; (2) the availability of other undeveloped land in the  
23 same area which is suitable for development; (3) the need for such new  
24 development based on market conditions, the general economy of the area,  
25 and the health and welfare of the people of the county.

1       12. The commission in carrying out its said purposes may proceed accord-  
2 ing to separate areas to be selected by it and the development of each area  
3 shall be deemed to be a project of the commission and each such project  
4 shall be given a number or other designation to identify it and such projects  
5 may be proceeded with either currently or consecutively as the commission  
6 by resolution shall determine.

1       13. All proposed projects shall be referred to the Municipal Planning  
2 Board, or in its absence, the governing body of the municipality where the

3 land is situated, and the State Department of Conservation and Economic  
4 Development, for their advice and recommendations. The failure of any of  
5 these bodies to reply within 30 days shall be deemed to indicate their ap-  
6 proval of such proposal.

1 14. For its said purposes the commisison may enter into contracts with  
2 any person or municipality or other public body and may engage or contract  
3 for the services of engineers or engineering firms and do other acts and  
4 things as may in the judgment of the commission be necessary or proper to  
5 effectuate and carry out the projects authorized by, and the purposes of,  
6 this act.

1 15. With the approval of the board of chosen freeholders of the county,  
2 the commission may acquire by gift as well as by conveyance from munici-  
3 palities, as provided herein, such real estate and rights therein, and such  
4 other property as it may deem necessary and proper for its purposes. The  
5 board of chosen freeholders of the county may also provide the commission  
6 with other property to aid and assist the commission in carrying out its  
7 purposes. All property acquired by the commission shall be deemed to be  
8 the property of the county and may be taken in the name of the county or  
9 the commission.

1 16. The commission may make, promulgate and enforce rules and regula-  
2 tions for the protection of its property during the period of its development  
3 by the commission and so long as the title as to the whole or any part of the  
4 property acquired, as provided in this act, shall remain in the county or the  
5 commission, any person violating any such rule or regulation shall be a dis-  
6 orderly person. Such rules and regulations shall not take effect until 10  
7 days after their adoption by the commission and after their publication once  
8 a week for 2 weeks in at least 2 newspapers circulating in the county.

1 17. The board of chosen freeholders shall, not later than 60 days before  
2 the next ensuing general election, pass a resolution authorizing the submis-  
3 sion of the question of the adoption or rejection of this act to the voters  
4 of the county, and the county clerk shall give public notice that such  
5 submission will be made at the next ensuing general election. The notice

6 shall be by publication of at least once a month in each calendar month after  
7 the passage of the resolution, in 2 or more newspapers published or  
8 circulating in the county.

1 18. The county clerk shall cause the question to be printed upon the  
2 sample and official ballots for the general election in substantially the follow-  
3 ing form:

4 "To vote upon the public question printed below, if in favor thereof,  
5 mark a cross (X) or plus (+) in the square at the left of the word "Yes,"  
6 and if opposed thereto mark a cross (X) or plus (+) in the square at the  
7 left of the word "No."

	Yes.	"Shall a county meadow land development commission be appointed in ..... county pursuant to chapter (inserting the number of the chapter of this act), pamphlet laws of 1963?"
	No.	

8 In any county in which voting machines are used the question shall be  
9 placed upon the official ballots to be used upon the voting machines without  
10 the foregoing instructions to the voters and shall be voted upon by the use of  
11 such machines without marking as aforesaid.

1 19. If upon the canvass of the vote at such election it shall appear that a  
2 majority of those voting for or against the question so submitted have voted  
3 in favor thereof, the board of chosen freeholders shall, within 90 days there-  
4 after appoint the commissioners herein authorized to be appointed.

1 20. This act shall take effect immediately.



SENATE, No. 286

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STATE OF NEW JERSEY

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INTRODUCED MAY 6, 1963

By Senators HAINES and STOUT

Referred to Committee on Revision and Amendment of Laws

AN Act providing for the establishment of a Riparian Lands Commission and revising the statutes relating to the rights of the State and others in and to riparian lands and to lands now or formerly below the high-water mark or under tidewater and prescribing the jurisdiction, powers and duties of said commission.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

ARTICLE 1

SHORT TITLE AND DEFINITIONS

1 1. This act shall be known and may be cited as "The Riparian Lands  
2 Commission Law."

1 2. The following words shall, unless the context indicates otherwise, have  
2 the following meanings:

3 "Commission" shall mean the Riparian Lands Commission;

4 "Department" shall mean the Department of Conservation and Eco-  
5 nomic Development;

6 "Division" shall mean the Division of Resource Development in the  
7 Department of Conservation and Economic Development.

8 "Notice" when required to be given by this act

9 (a) by publication, shall mean the publication of a notice in a newspaper  
10 published and circulating in each municipality in which any lands, in rela-  
11 tion to which the notice is given, shall lie, and if there be no such newspaper  
12 in any such municipality, then as to that municipality, in a newspaper pub-  
13 lished in the county and circulating in the municipality, and if there be no  
14 such newspaper, then in a newspaper published in the State and circulating  
15 in the municipality, and

16 (b) to any person

17 (1) personally or by personal service, shall mean by handing a written  
18 copy thereof to such person or leaving a written copy thereof at his last  
19 known place of address with a member of his family above the age of 14  
20 years, then residing therein, or

21 (2) by mailing, shall mean the sending of a written copy thereof by  
22 certified or registered mail to said person in a sealed envelope addressed to  
23 him as his last known address, with sufficient postage and a return receipt  
24 requested.

25 "Upland owner" shall mean the owner of the upland or ripa adjoining  
26 any riparian lands, whether or not said upland or ripa is part of an island.

## ARTICLE 2

### THE RIPARIAN LANDS COMMISSION

1 3. There is hereby established, within the Division of Resource Develop-  
2 ment of the Department of Conservation and Economic Development, a com-  
3 mission which shall be known as The Riparian Lands Commission and which  
4 shall consist of 5 members, no more than 3 of whom shall be members of  
5 the same political party.

1 4. The members of the commission shall be appointed by the Governor  
2 with the advice and consent of the Senate, for terms of 5 years beginning on  
3 July 1, except that of the first appointments: one member shall be appointed  
4 for the term of 1 year, one member shall be appointed for the term of 2  
5 years, one member shall be appointed for the term of 3 years, and one member

6 shall be appointed for the term of 4 years, and the terms of all of the members  
7 first appointed shall begin on July 1, 1963. The members of the commission  
8 shall serve, after the expiration of their respective terms, until their respec-  
9 tive successors shall be appointed and shall qualify.

1 5. Vacancies in the membership of the commission shall be filled in the  
2 same manner as the original appointments were made, but for the unexpired  
3 terms only.

1 6. The members of the commission shall be paid \$50.00 for each day  
2 devoted to the performance of their official duties under this law.

1 7. The Governor shall designate one member of the commission as its  
2 chairman and one member as its vice-chairman and they shall serve, as such,  
3 at the pleasure of the Governor until the expiration of the term of the Gover-  
4 nor by whom they are appointed and until their respective successors shall  
5 be appointed and shall qualify.

1 8. The Chief of the Bureau of Navigation in the Division of Resource  
2 Development of the Department of Conservation and Economic Development  
3 shall serve as secretary of the commission but in event that, by reason of  
4 rearrangement of the bureaus of said division, the office, position or employ-  
5 ment as Chief of the Bureau of Navigation is abolished, the commission shall  
6 appoint a secretary, who shall have the same qualification as are now required  
7 for the chief of said bureau. The commission may appoint an assistant secre-  
8 tary and prescribe his powers and duties and fix his compensation.

1 9. The commission shall adopt a seal and it may make rules regulating  
2 its administration under this law and the procedures in connection with  
3 applications to it and proceedings before it.

4 The chief of the bureau shall assign to the work of the commission such  
5 members of the bureau's technical, stenographic and secretarial staff as may  
6 be necessary to perform said work and the commission shall have authority  
7 to enter into contracts for surveys and other engineering services, without  
8 publicly advertising and obtaining bids therefor, within the limits of funds  
9 appropriated or made available to the commission.

## ARTICLE 3

## JURISDICTION OF THE COMMISSION

1       10. The Riparian Lands Commission shall be vested with and shall admin-  
2       ister all of the functions, powers and duties of the State over and in relation  
3       to the granting and leasing and administration of riparian lands of the State  
4       and the making of grants or leases on behalf of the State, of said lands or any  
5       parcels thereof, to any person or persons, upon such terms and conditions as  
6       said commission shall fix pursuant to this law, and in the execution and  
7       performance of said functions, powers and duties, the commission shall be  
8       vested with all of said powers over said riparian lands, formerly vested in and  
9       exercised by the Board of Riparian Commissioners, the Board of Commerce  
10      and Navigation, the Navigation Council in the Division of Navigation in the  
11      State Department of Conservation and the Resource Development Council of  
12      the Division of Resource Development in the Department of Conservation  
13      and Economic Development.

14      Nothing herein contained shall be deemed to impair the power and juris-  
15      diction now or hereafter conferred upon the Shell Fisheries Council to lease,  
16      to applicants therefor, any of the lands of the State under the tidal waters  
17      thereof to be used and enjoyed by such lessee for the planting and cultivating  
18      of oysters and clams.

## ARTICLE 4

## BULKHEAD AND PIER LINES, ETC.

1       11. The commission, having due regard for the interests of navigation  
2       and the development of the resources and lands of the State, may change, fix  
3       and establish the pier lines, or lines for solid filling in the waters under its  
4       jurisdiction, and any other lines, or make any changes in any basin now fixed  
5       and established, or lay out and fix and establish any new basin or basins in  
6       said waters, and when so fixed and established, the commission shall file a map  
7       and surveys in the office of its secretary, showing what lines have been fixed  
8       and established by it for the exterior lines for solid filling and pier lines, and

9 any other lines which it may establish, pursuant to law, as well as for any  
10 changes in basins or new basins fixed, laid out and established by it under this  
11 section.

1 12. The commission may, at the request of upland owners, extend its sur-  
2 veys over the tidewaters of this State and prepare and file maps thereof, in  
3 the office of its secretary, showing what lines have been fixed and established  
4 for the exterior lines for solid filling and pier lines.

1 13. The bulkhead line or lines of solid filling and pier lines in the tide-  
2 waters of the Hudson river, New York bay and Kill von Kull, lying between  
3 Enyard's dock, on the Kill von Kull, and the New York State line, so far as  
4 they have been recommended and reported to the Legislature by the commis-  
5 sioners appointed under the act entitled "An act to ascertain the rights of the  
6 State and of the riparian owners in the lands lying under the waters of the  
7 bay of New York, and elsewhere in the State," approved April 11, 1864,  
8 (L. 1864, c. 391, p. 681), by report bearing date February 1, 1865, are hereby  
9 adopted and declared to be fixed and established as the exterior bulkhead and  
10 pier lines between the points above named, as such exterior bulkhead and pier  
11 lines so fixed, established and adopted are shown upon the manuscript maps,  
12 accompanying said report, and filed in the office of the Secretary of State, ex-  
13 cept as said lines have been or may hereafter be changed pursuant to law, and  
14 except said lines drawn on said maps over or upon lands within the bound-  
15 aries of the grant made to the Morris Canal and Banking Company by the act  
16 entitled "A further supplement to the act entitled 'An act to incorporate a  
17 company to form an artificial navigation between the Passaic and Delaware  
18 rivers,' passed December 31, 1824," approved March 14, 1867.

1 14. It shall not be lawful to fill in with earth, stones or other solid ma-  
2 terial, in the tidewaters of the Hudson river, New York bay and Kill von Kull,  
3 beyond the bulkhead line or lines of solid filling by section 13 of this law  
4 adopted, fixed and, established, laid down and exhibited on the aforesaid  
5 maps; and it shall not be lawful to erect or maintain any pier or other struc-  
6 ture exterior to the said bulkhead line or lines of solid filling in any place or

7 places where no exterior line for piers is reported or indicated by said maps,  
8 on the Hudson river, New York bay and Kill von Kull and when an exterior  
9 line for piers is recommended and shown by said report and maps, no erection  
10 or structure of any kind shall be erected, allowed or maintained beyond or ex-  
11 terior to the aforesaid bulkhead line or lines of solid filling, except piers which  
12 shall not exceed 100 feet in width respectively, and which shall in no case ex-  
13 tend beyond the line indicated for piers on said maps accompanying said re-  
14 port; and no piers shall be constructed in said tidewaters, when such exterior  
15 pier lines are adopted, fixed and established, at less intervals between such  
16 piers than 75 feet, except at places occupied and used for ferries, or to be so  
17 occupied or used, when the spaces between the piers may be less; nor shall  
18 any such pier be constructed in any other manner than on piles or on blocks  
19 and bridges; and if on blocks and bridges, such blocks and bridges shall not  
20 occupy more than  $\frac{1}{2}$  of the length of the pier, and they shall be so constructed  
21 as to permit a free flow or passage of water under and through them, without  
22 any other interruption or obstruction than the pile or blocks necessary to sup-  
23 port said piers.

1. ... 15. The commission, shall, from time to time, fix and establish, around or  
2 in front of all islands, reefs and shoals situate in the tidal waters of this  
3 State, exterior lines in said waters, beyond which no pier, wharf, bulkhead,  
4 erection or permanent obstruction of any kind shall be made or maintained,  
5 and also the interior lines for solid filling in said waters, beyond which no  
6 permanent obstruction shall be made or maintained other than wharves and  
7 piers and erections thereon for commercial uses; provided, however, that no  
8 exterior line around or in front of any such island, reef or shoal shall be fixed  
9 and established in front of any riparian grant which was made prior to Feb-  
10 ruary 10, 1891, unless such exterior line shall be fixed and established, at  
11 such distance as will, in the judgment of the commission, leave sufficient wa-  
12 terway in front of said grants for navigation, and when the commission shall  
13 have so fixed and established said lines, it shall file a survey and map thereof  
14 in the office of the secretary of the commission, showing the lines for piers  
15 and solid filling so fixed and established.

## ARTICLE 5

## ENCROACHMENTS AND UNAUTHORIZED

## RECLAMATION OF RIPARIAN LANDS

1       16. Without the grant or permission of the commission no person or pub-  
2 lic or private corporation shall fill in, build upon, make any erection on or  
3 reclaim or encroach upon any of the riparian lands of this State, except  
4 pursuant to lawful grant, lease or permit previously obtained, and any per-  
5 son or corporation so offending shall be guilty of a purpresture, which shall  
6 be abated at the cost and expense of such person or corporation, on applica-  
7 tion of the Attorney General, under judgment of the Superior Court or by  
8 indictment in the county in which the same may be, or opposite to or adjoining  
9 which said purpresture may be; or by a penal action as hereinafter provided;  
10 provided, however, that neither this section nor any provision contained in  
11 this law, shall in anywise repeal or impair any grant of riparian lands or  
12 right to reclaim made directly by legislative act, or grant or license, power  
13 or authority, so made or given, to purchase, fill up, occupy, possess and en-  
14 joy riparian lands fronting and adjoining lands owned or authorized to be  
15 owned by the corporation, or grantee or licensee in the legislative act men-  
16 tioned, its, his or their representatives, grantees, or assigns, or to repeal or  
17 impair any grant or license, power or authority to erect or build docks,  
18 wharves and piers opposite and adjoining lands owned, or authorized to be  
19 owned by the corporation, or grantee or licensee in the legislative act men-  
20 tioned, its, his or their representatives, grantees, or assigns made prior to  
21 July 1, 1891, or given directly by legislative acts, whether said acts are or  
22 are not repealable, and as to any revocable license given by the board of  
23 chosen freeholders of a county prior to July 1, 1892, to build docks, wharves  
24 or piers, or to fill in or reclaim any riparian lands in this State, the same  
25 shall be irrevocable so far as the land under water has been lawfully reclaimed  
26 or built upon under such license issued prior to July 1, 1891, provided such  
27 reclamation or building under such license has been completed prior to Jan-

28 uary 1, 1892; but, as to the future, such revocable license, if the said lands  
29 covered by the license have not been wholly or in part lawfully reclaimed or  
30 built upon, is hereby revoked, and no occupation or reclamation of land under  
31 water without such legislative act or revocable license shall divest the title  
32 of the State, or confer any rights upon the party who has reclaimed or who  
33 is in possession of the same.

1 17. It shall be unlawful to erect, lay, construct or maintain any pipe,  
2 cable or sewer line, or any erection or construction, on, over or under any  
3 of the riparian lands of the State, or to erect or maintain any structure, im-  
4 provement or development upon any riparian lands granted or leased under  
5 this law, without the consent or permission of the commission, first had and  
6 obtained in writing; provided that nothing in this section shall be construed  
7 to apply to any pipes heretofore laid under the waters of the Atlantic ocean  
8 or to any pipe, cable or sewer line or other erection or construction on, over  
9 or under any of the other riparian lands of this State heretofore laid, erected  
10 or constructed, pursuant to any lawful permission so to do.

1 18. Whenever a State board or agency has been or may hereafter be  
2 authorized or directed by any law of this State to build a bridge or other struc-  
3 ture, or to alter or change any existing bridge or other structure on or over  
4 any riparian lands of this State, such board or agency, before proceeding  
5 with the work, shall first submit to and obtain the approval of such plans  
6 or work by and from the commission.

#### ARTICLE 6

##### GRANTS AND LEASES OF RIPARIAN LANDS

1 19. The commission may sell or let to any applicant therefor any island,  
2 shoal or reef situate in the tidal waters of this State, or any of the riparian  
3 lands, in which the State owns or has an interest, upon such terms as to pur-  
4 chase money or rental, and under such conditions and restrictions as to time  
5 and manner of payment, the duration and renewal of any lease, the occupa-  
6 tion and use of the land so sold or leased, and such other conditions and re-  
7 strictions as the interest of the State may require, and as may be fixed and



8 determined by the commission subject to the provisions of this law, includ-  
9 ing the provisions of section 25 of this law, as to the giving of previous notice,  
10 when such application is made by an applicant other than an upland owner,  
11 if any, upon such terms as to purchase money or rental, and under such con-  
12 ditions and restrictions as to time and manner of payment, the duration and  
13 renewal of any lease, the occupation and use of the land sold or leased, and  
14 such other conditions and restrictions as the interest of the State may re-  
15 quire, and as may be fixed and determined by the commission.

1 20. The commission shall not be required to give leases for riparian  
2 lands of the State, convertible into grants upon payment of the principal sum  
3 mentioned therein, but may sell or let any of the lands of the State below  
4 mean high-water mark upon such terms as to purchase money or rental, and  
5 under such conditions and restrictions as to time and manner of payment, the  
6 duration and renewal of any lease, the occupation and use of the lands sold or  
7 leased, and such other conditions and restrictions as the interest of the State  
8 may require, as may be fixed and determined by the commission.

1 21. The commission may make, for a satisfactory consideration, any lease  
2 or sale to the owners of the lands fronting on any basin or basins described in  
3 section 11 of this law, of the right to have the exclusive use of the said basin  
4 or basins for the purpose of wharfage and docking, and to charge a reason-  
5 able sum for the use of the same on the line of bulkhead owned by them  
6 respectively; and that from and after the filing of said map and survey, the  
7 same shall remain as a public basin or basins, and they are hereby dedicated  
8 for that purpose.

1 22. Whenever the State has, prior to March 4, 1918, dedicated any lands  
2 under water to public use as a tidewater basin, it shall be lawful for the  
3 commission, on the application of the owners of all of the lands abutting  
4 thereon, to either enlarge or reduce the area of said basin or change the  
5 boundaries thereof, and said owners of lands adjoining and abutting upon  
6 said tidewater basin are hereby authorized to fill up and reclaim the same to  
7 such extent as the commission in writing may confirm, and the commission

8 is hereby authorized and empowered upon the payment of an adequate con-  
9 sideration therefor, to grant or lease in the manner provided by law to the  
10 owners of lands adjoining and abutting upon said tidewater basin, the  
11 State's rights in any portion of said basin to filled up and reclaimed; provided,  
12 however, that no reclamation by any person of said lands and no grant or  
13 lease thereof by the commission shall be valid unless all of the owners of  
14 lands fronting and abutting on said basin shall consent in writing thereto.

1     23. When lands have been or shall be taken or granted for a right of  
2 way and such right of way has been or shall be so located on land of an upland  
3 owner as to occupy the same along or on the shore line, thereby separating  
4 the upland of the upland owner adjoining that used for the right of way  
5 from mean high tidewater, such owner of the land so subject to such right of  
6 way shall be held, subject to the provisions of article 10 of this law, to be  
7 an upland owner for the purpose of receiving any grant or lease heretofore  
8 or hereafter made of the riparian lands, and for the purpose of receiving  
9 any notice under this law; provided, that nothing in this section shall affect the  
10 rights of the State to the riparian lands.

1     24. If any person shall desire to obtain a grant, lease or license from  
2 the State of New Jersey for riparian lands, which are not authorized to be  
3 improved under any grant, lease or license previously issued therefor, he may  
4 apply to the commission, in such form as shall be prescribed by the com-  
5 mission, and the commission may, subject to the provisions of this law and  
6 having due regard for the interests of navigation and the development of the  
7 resources and lands of the State, make such grant or lease or issue such license  
8 and fix such compensation therefor to be paid to the State of New Jersey as  
9 shall be determined by the commission.

1     25. No grant or lease shall be made for riparian lands to any applicant  
2 therefor, other than the upland owner or the holder of a mortgage, of record,  
3 upon the lands by reason of the ownership of which such upland owner quali-  
4 fies as such, except in cases in which there is no upland owner, or it is other-  
5 wise provided in this law, unless the upland owner and any such mortgagee

6 shall have received 6 months previous notice, in the manner prescribed by  
7 this law, of the intention of such applicant to make application for said  
8 grant or lease, and such upland owner, or in default of application by such  
9 upland owner, such mortgagee, shall, within said period of 6 months, have  
10 failed or neglected to apply for such grant or lease and to pay or secure  
11 to be paid to the commission such sum as the commission shall determine  
12 to be the estimated cost of perfecting said grant or lease, which sum when  
13 so paid shall be credited against the price or consideration fixed by the com-  
14 mission for the grant or lease.

1       26. The notice required by section 25 of this law, to be given in con-  
2 nection with the application for a grant or lease of riparian lands by the  
3 commission, shall be given by the applicant and shall be in writing and shall  
4 state the name and post-office address of the applicant and the time and place  
5 when such application will be made to the commission, and shall describe the  
6 lands for which such grant or lease is applied, and shall contain a state-  
7 ment that unless the upland owner, naming him, or in default of application  
8 by such upland owner, any person holding a mortgage of record upon the  
9 lands by reason of the ownership of which such upland owner qualifies as  
10 such, shall make application for such grant or lease within a period of 6  
11 months from the time of service of said notice upon said upland owner and  
12 any such mortgagee, said grant or lease may be made to the applicant.

13       Such notice shall be given to each upland owner, and to each holder of  
14 a mortgage of record upon the lands by reason of which such upland owner  
15 qualifies as such, and in case of a minor or mental incompetent, to his  
16 guardian or the person standing in loco parentis, by service upon such owner  
17 or holder as follows:

18       (a) If a resident of, or a corporation organized under the laws of, or  
19 authorized to do business in, this State, by personal service upon such per-  
20 son or upon the president, secretary, treasurer or a director or the resident  
21 agent of such corporation, or

22 (b) If a nonresident, or a corporation not organized under the laws of,  
23 or authorized to do business in, this State, by publication at least once and by  
24 mailing to such person or to such corporation or its president, secretary,  
25 treasurer or one of its directors, at his or its last known post-office address,  
26 if such post-office address can be ascertained by reasonable inquiry as pre-  
27 scribed by the commission by rule, or

28 (c) If not known, by publication at least once.

29 Said notice when served, together with an affidavit reciting the manner  
30 and place of service and the person upon whom service was made, shall be  
31 filed in the office of the commission.

32 The notice so filed shall be indexed in a separate book, to be kept by the  
33 commission, under the name of each upland owner, each mortgagee upon whom  
34 notice has been served and each applicant. The filing of any such notice  
35 shall be sufficient notice, of said application, to all purchasers and mort-  
36 gagees of the property, by reason of the ownership of which such upland  
37 owner qualifies as such, to authorize any grant or lease which may be made as  
38 a result of the giving of said notice.

1 27. The notice required by the previous section may be waived in writing  
2 by any person who is entitled to be served with the same, which waiver shall  
3 be duly proved or acknowledged, and shall be recorded in the office of the  
4 County Clerk or Register of Deeds and Mortgages of the county, as in the  
5 case of a deed and shall then be filed with the commission.

1 28. In any case in which the lands of an upland owner are so far distant  
2 from open water which is navigable in fact, or are of such restricted frontage  
3 or peculiar location, that a grant or lease of the riparian lands fronting  
4 thereon to one other than the upland owner would substantially increase the  
5 opportunities for the development of the State's riparian lands in accordance  
6 with the best interests of the State, the commission may fix, and from time to  
7 time change and alter, a line beyond which grants or leases of such riparian  
8 lands may be made without any preference on the part of any upland owner  
9 to obtain grants or leases of the same as against other applicants as pre-

10 scribed in this law, but in any such case no such line shall be fixed, changed  
11 or altered, except after public hearing, held upon notice of the time and place  
12 of the holding of the same, given by publication once each week for 2 weeks,  
13 and also, by mailing to each upland owner who otherwise would have prefer-  
14 ence in the grant or lease as against other applicants, not less than 2 weeks,  
15 prior to the date of the hearing. Said notice shall be given in lieu of the  
16 notice prescribed in section 25 of this law. In any such case the validity and  
17 propriety of the establishment and location of any such line so fixed, changed  
18 or altered, and of any grant or lease to any person under this section, shall be  
19 in issue at said hearing and shall be subject to determination and re-  
20 determination.

1 29. In any case in which any person is occupying riparian lands of the  
2 State under color of title and improvements have been made thereon, the value  
3 of said riparian lands for the purposes of a grant or lease thereof by the  
4 commission, shall be calculated without the addition thereto of the value of  
5 said improvements and such an occupant shall be authorized to apply for  
6 and receive a grant or lease of such lands as though he were the upland  
7 owner and without giving the notice required to be given by section 25 of this  
8 law. In case application is made to the commission by any other applicant  
9 for a grant or lease of said lands, said occupant of said lands shall be given  
10 notice, by mailing, of said application and if such occupant shall make ap-  
11 plication therefor within 6 months after service of such notice, he shall have  
12 preference in obtaining such grant or lease over any other person, except a  
13 county or municipality, or any department, commission, bureau or agency  
14 thereof or of the State.

1 30. In event that a grant or lease of such lands is made to any county or  
2 municipality, or any department, commission, bureau or agency thereof or of  
3 the State, pursuant to this law, such occupant shall be entitled to occupy said  
4 lands under written permit by the commission, upon such terms as it may  
5 determine to be equitable and proper, until the grantee or lessee takes posses-  
6 sion thereof, and in such case said occupant shall be entitled to be paid the

7 value of his improvements so made, as determined by the commission, by the  
8 grantee or lessee of said riparian lands, upon taking possession thereof.

1     31. No grant or lease from the State of New Jersey for riparian lands  
2 shall be made, unless the applicant shall give notice by publication of the  
3 application therefor for 2 weeks, by one insertion in each week, prior to the  
4 granting of the same. The notice shall state the name of the applicant, shall  
5 contain a brief description of the lands covered in the application, and, if the  
6 applicant is an upland owner, a brief description of the lands by virtue of  
7 the ownership of which he makes such application and a statement that  
8 written objections to the granting of said application, stating the reasons  
9 therefor, may be filed with the secretary of the commission on or before a  
10 date stated therein, which shall be not less than 2 weeks after the date of the  
11 first publication.

12     If any written objection is so filed, the commission, if it determines that  
13 the objection is of such substantial character that it should be the subject  
14 matter of a public hearing before the authorization of any such grant or lease,  
15 shall fix a date for and hold a public hearing and give notice thereof by  
16 publication once each week for 2 weeks, and by mailing to each person making  
17 objection not less than 2 weeks, prior to the date fixed for said hearing.

1     32. It shall be lawful for the commission to fix and determine the  
2 annual rental or the price or purchase money to be paid by any applicant for  
3 so much of the riparian lands belonging to the State, as may be described in  
4 any application therefor duly made according to law, and the commission may  
5 in the name of the State, grant or lease said lands to any applicant to whom  
6 it has power to make such grant or lease, but in the event that any doubt  
7 arises as to the validity of the State's claim to any riparian lands or lands  
8 claimed to be riparian lands, the commission may by way of compromise  
9 accept in payment for such claims of the State such sum as it may deem  
10 proper and shall, in any such case, upon payment of the sum so fixed, exe-  
11 cute a release of all such claims of the State to the lands in question as  
12 riparian lands of the State.

13 No grant or lease of, or release of claims by the State to, any riparian  
14 lands shall be delivered until there shall be paid to the secretary of the com-  
15 mission, for payment into the State Treasury, the price or purchase money  
16 provided to be paid for such grant or release, or the rentals provided to be  
17 paid under such lease which are then due, and there shall have been secured  
18 to the State the payment of the rentals to grow due under such lease in such  
19 manner as the commission shall prescribe, if the commission in its discretion  
20 shall determine that such security shall be given.

21 All such grants, leases and releases shall be prepared by the commis-  
22 sion or its agents at the cost and expense of the lessee or grantee or re-  
23 leasee therein and when they shall be executed by the commission by its  
24 chairman or vice-chairman, under its seal, attested by its secretary or assist-  
25 ant secretary and acknowledged or proved in the manner as corporate deeds  
26 are acknowledged or proved, and when so executed and acknowledged or  
27 proved and delivered they shall be fully effective and shall be recordable in  
28 any public office in the State as deeds are recorded.

#### ARTICLE 7

##### RENEWAL OR CANCELLATION OF LEASES OR GRANTS

1 33. The commission may, in any lease of riparian lands of the State, pro-  
2 vide for a renewal or renewals of the lease for a subsequent term or terms to  
3 be expressed in the lease, and therein provide that the annual rentals to be  
4 paid for each renewal shall, in case the amount cannot be agreed upon, be  
5 fixed and determined before the commencement of the renewal term by 3  
6 arbitrators, one to be appointed by the State, one by the then lessee, and  
7 the third by their joint agreement, or should they fail to agree, then by the  
8 Superior Court.

1 34. Upon application in writing made by any person, by whom any lease  
2 of riparian lands is held, for the cancellation and annulment of such lease,  
3 the commission may in its discretion cancel and annul the same and there-  
4 upon such riparian lands and the rights therein shall revert to the State.

## ARTICLE 8

## CERTIFIED SEARCHES

1     35. Any person who may desire to be informed as to the title or rights  
2 claimed by the State, in any parcel of land, or in any land adjoining any  
3 parcel of land, as riparian lands of the State, may apply to the commission  
4 for an official certificate of search, by application in writing in such form as  
5 shall be prescribed by the commission describing the lands intended to be the  
6 subject matter of the search, and the commission may in such case require  
7 that accompanying said application, there shall be a survey and map of such  
8 character that there may be delineated thereon the boundaries of the parcel  
9 of said lands, if any, so claimed by the State and such lines, if any, as shall  
10 have been fixed by the commission for the improvement thereof as such  
11 riparian lands.

1     36. Upon receipt of such application and upon the payment of such fee  
2 as the commission shall fix for the making of such examination and search,  
3 the commission shall cause an examination of its records to be made and if  
4 it shall appear that the lands in question have not been surveyed by the com-  
5 mission, or if they have been surveyed, that the physical conditions of said  
6 lands may have so changed that said survey is no longer accurate, the com-  
7 mission shall cause a survey or a new survey of said lands to be made and  
8 the cost thereof shall be paid by the applicant, before any certified search is  
9 issued.

1     37. Upon the conclusion of said examination, the commission shall cause  
2 to be issued, under the hand of its secretary, a search showing the boundaries  
3 of the lands so claimed as riparian lands of the State in the lands in ques-  
4 tion, and such lines, if any, as shall have been fixed by the commission for the  
5 improvement thereof as riparian lands, by delineating the same upon a map,  
6 or if the State claims no title or right in the lands in question as riparian  
7 lands, stating accordingly, which search shall be certified as correct, under the  
8 hand of the secretary of the commission.



9 If any person, in reliance upon such search, shall acquire, for value, any  
10 interest in any lands covered thereby, or having an interest therein, shall  
11 take any action, in relation thereto, of such character that he would be  
12 damaged, if any claim as to said lands as riparian lands of the State not  
13 shown upon said search, is asserted by the State, as of the date of such  
14 search, such persons shall hold such interest free from any claim of the  
15 State in said lands as riparian lands of the State, which is not shown upon  
16 said search as of the date thereof.

1 38. Any party or any person having an interest in said lands who is  
2 dissatisfied with any claim of the State, as it is set forth in said search,  
3 shall be entitled to a public hearing thereon, to be held within 30 days after  
4 written request therefor, made or filed with the secretary of the commission.

#### ARTICLE 9

##### OFFSHORE LICENSES

1 39. The commission may grant licenses to persons holding grants or leases  
2 of riparian lands of the State, or to any other person making application  
3 therefor, with the consent of such grantee or lessee or of the upland owner  
4 of the riparian lands involved, for the erection and maintenance of struc-  
5 tures within or without the exterior line fixed by the commission, upon pay-  
6 ment of a reasonable fee therefor as fixed by the commission, which license  
7 shall be revocable on 30 days notice of revocation, served upon the license  
8 holder by certified mail addressed to his last known address, or if the license  
9 holder be a corporation, upon any officer or registered agent thereof at his last  
10 known address, and failure to remove any such structure within said 30 days  
11 shall constitute a purpresture, which may be abated and shall be punishable  
12 as provided in this law.

#### ARTICLE 10

##### STATE OR MUNICIPAL, ET CETERA, GRANTS

1 40. Whenever any county or municipality or any department, commission,  
2 bureau or agency thereof or of the State, whether or not it is the owner of

3 the upland adjoining any riparian lands, shall determine to obtain a grant or  
4 lease of such riparian lands for public use, it shall make application for  
5 such a grant or lease of said riparian lands, stating the purpose for which it  
6 desires to use the lands, which application shall be made, received and pro-  
7 ceeded upon in the same manner as is prescribed for other applications for  
8 grants or leases of such lands.

1     41. Whenever a public park, place, street or highway has been or shall be  
2 laid out or provided for by or on behalf of any county or municipality or  
3 any department, commission, bureau or agency thereof or of the State along,  
4 over, including or fronting upon, any riparian lands of the State, or shall  
5 extend to any such lands and such county or municipality or any department,  
6 commission, bureau or agency thereof shall apply under this law for a grant  
7 of said riparian lands and said county or municipality or any department,  
8 commission, bureau or agency thereof, whether or not it is the upland owner  
9 thereof, and it shall be unable or unwilling to pay the price fixed by the com-  
10 mission for such lands, the commission may grant to such applicant a  
11 revocable license to use said lands so granted and a permit to erect buildings  
12 and structures thereon for the purposes for which the application is made  
13 until such time as the commission shall decide to make a grant in favor of the  
14 lands to other grantees for such consideration as the commission may  
15 determine to be adequate consideration for said lands. Any such revocable  
16 license and permit may contain a provision that if the same is revoked and the  
17 lands in question granted to another grantee, the other grantee shall pay, as  
18 a condition of his grant, the cost of any improvements which may have been  
19 constructed by the conditional grantee upon the lands which were the subject  
20 matter of the revocable license and permit.

1     42. When any application is made to the commission by any applicant  
2 other than a county or municipality or any department, commission, bureau  
3 or agency thereof or of the State, for a grant or lease of any riparian lands  
4 and any county or municipality or any department, commission, bureau or  
5 agency thereof or of the State shall desire to obtain such grant or lease for

6 public use, in connection with activities within its jurisdiction, it shall give  
7 notice in writing to the commission and to the applicant within 2 months after  
8 the making of said application, stating the purpose for which it desires to  
9 use the land and it shall, within 6 months of the making of the application,  
10 make application for a grant or lease of said riparian lands, which shall be  
11 made, received and proceeded upon as are other applications under this law,  
12 except as otherwise provided in this article.

1 43. The commission in any such case in which the county or municipal-  
2 ity or any department, commission, bureau or agency thereof or of the State  
3 applying under section 42 of this law is not the upland owner of the riparian  
4 lands applied for, shall hold a public hearing upon at least 2 weeks notice  
5 by publication and by service, by certified mail, upon all interested parties  
6 and if the commission shall determine as a result of said hearing that the best  
7 interests of the State require that a grant or lease shall be made to the  
8 county or municipality, or department, commission, bureau or agency thereof  
9 or of the State, applying therefor, it shall fix the proper and adequate con-  
10 sideration to be paid therefor.

1 44. Such grant or lease shall be effective only upon payment of the  
2 consideration fixed therefor, within such time as the commission shall fix, in  
3 the same manner as in cases of grant or lease made to individuals, and in any  
4 such case the upland owner shall not be entitled to any of the benefits pro-  
5 vided in this law.

1 45. Any grant, lease or license made under this article shall contain a  
2 term that it shall be terminated if and when the public use terminates, if at  
3 that time the grantee, lessee or licensee is not the owner of the adjoining up-  
4 land, but when a grant or lease shall be made to the proper authority of the  
5 State, or a municipal or other subdivision thereof, of riparian lands of the  
6 State fronting on or within the extended lines of any street or highway  
7 heretofore or hereafter laid out or provided for, and said authority shall  
8 have or may hereafter grant or lease the lands so granted, or the right to  
9 use the lands for the purpose of constructing a bridge over or along the



10 same, to a corporation organized under sections 48:5-13 to 48:5-25 of this  
 11 Title, Public Utilities, the commission may insert an express provision in the  
 12 grant or lease that the lands may be used for such purpose.

#### ARTICLE 11

##### WATER-FRONT IMPROVEMENTS

1 46. All plans for the development of any water front upon any navigable  
 2 water or stream of this State or bounding thereon, or of any riparian lands  
 3 of this State belonging to the State or conveyed or leased by the State to  
 4 any person under a riparian grant or lease, which is contemplated by any  
 5 person or municipality in the nature of individual improvement or develop-  
 6 ment or as a part of a general plan which involves the construction or altera-  
 7 tion of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or other similar  
 8 or dissimilar water-front development shall be first submitted to the commis-  
 9 sion. No such development or improvement shall be commenced or executed  
 10 except under permit issued by the commission as in this act provided.

1 47. Upon the presentation of plans for any such water-front develop-  
 2 ment or improvement the commission shall forthwith consider the same, and  
 3 may hold public hearings for the consideration thereof under such rules and  
 4 regulations as it may establish.

1 48. Before any plans are approved or disapproved the commission may,  
 2 except as otherwise provided in this act, direct such changes or alterations  
 3 in the plans as it may deem necessary or advisable, as a condition precedent  
 4 to approval.

1 49. Where such water front is under the control of a local board, com-  
 2 mission or other body having power by law to improve or develop or to con-  
 3 trol the water front so that a permit or license must be granted by it before  
 4 any improvement or development may be commenced, the plans for any such  
 5 improvement or development shall be filed with the commission.

1 50. The commission may within 10 days after receipt of such plans file  
 2 notice of objections to the carrying out of the improvement or development  
 3 or to the granting of a permit or license by such governing body.



51. The filing of the notice shall act as a stay in the carrying out of the plans for the granting of such permit or license until a public hearing shall have been held by the local governing body of the municipality concerned, sitting jointly with the commission.

52. At the hearing the commission may state its objection to the plans and recommend such changes as may be necessary. The local governing body, together with the commission, shall approve or disapprove the plans or grant or refuse to grant the permit for license as seems to them to be necessary or desirable.

53. Any improvement or development subject to the jurisdiction of the commission, which is commenced or executed without first obtaining approval thereof as in this article provided, shall be deemed to be a purpresture and a public nuisance and may be abated in an action brought by the commission in the name of the State, appropriate for that purpose, and any person guilty of any such purpresture shall be subject to a penalty of not more than \$100.00 for each day during which such purpresture continues, to be recovered by commission by proceedings under the Penalty Enforcement Law.

This article shall not apply to or affect any development for docks, shipping and transportation facilities inaugurated by a municipality and under construction in whole or in part prior to April 8, 1914 provided the municipality had, prior to said date, filed with the Secretary of State a map showing the lands proposed to be taken for such municipal development.

54. Upon the request of a county, municipality or other political subdivision of the State the commission shall prepare and submit a proper plan for the development and improvement of the water front of such county, municipality or political subdivision upon any navigable stream or waters of this State or bounding thereon, the navigation of the waters thereof and the regulation and improvement of the traffic of commerce incident thereto. For the preparation and submission of the plans the commission may make such charge against the county, municipality or other political subdivision



9 requesting the same as is equal to the actual cost thereof, which said county,  
10 municipality or political subdivision is authorized to pay from any funds  
11 available therefor in such treasury.

ARTICLE 12

GRANTS, ET CETERA, ADJACENT TO AND IN

FRONT OF THE PALISADES, ET CETERA

1 55. As used in this article, "Palisades" means that portion of the west  
2 shore of the Hudson river, lying between the high-water line and the top or  
3 edge of the steep cliffs or the crest of the slope in places where the steep  
4 cliffs are absent, from the road leading from the old Fort Lee dock or land-  
5 ing to Fort Lee in Bergen county on the south to the northerly boundary  
6 line of the State of New Jersey. The riparian lands lying under the water  
7 of the Hudson river to the southward of the said road, leading from the Fort  
8 Lee dock or landing to Fort Lee in Bergen county, shall not be subject to  
9 the provisions of this article.

1 56. Every lease, grant or conveyance of lands lying under the waters  
2 of the Hudson river adjacent to or in front of the Palisades, or adjacent  
3 to or in front of the strip of land between the base of the Palisades and the  
4 lands under water, shall contain such terms, conditions, restrictions and lim-  
5 itations as will, so far as possible, forever thereafter preserve unbroken the  
6 uniformity and continuity of the Palisades, and to prevent the lands leased,  
7 granted or conveyed from being used or devoted to injurious or destructive  
8 work or operations against the Palisades, or in connection with or for the en-  
9 couragement, aid or promotion of such work or operations.

1 57. No terms, conditions, restrictions or limitations shall be inserted in  
2 any such lease, grant or conveyance which shall prevent or interfere with  
3 any work or operations, whether by blasting and removing rock or other-  
4 wise, on any part of land lying between the base of the vertical line of the  
5 Palisades and the high-water mark on the Hudson river, for the purpose of  
6 preparing the ground for the construction of buildings or for commercial  
7 purposes.



1) 58. No lease, grant or conveyance, made prior to March 11, 1922, of lands  
 2 lying under the waters of the Hudson river southward of said road, leading  
 3 from the Fort Lee dock or landing to Fort Lee in Bergen county, shall be  
 4 held invalid because not containing the terms, conditions and restrictions  
 5 prescribed in this article. Nothing in this article shall affect or impair any lease or grant made  
 6 prior to March 18, 1898.

#### ARTICLE 13

##### RIPARIAN LANDS ACQUIRED BY THE STATE

1) 59. The commission may acquire title in fee simple, in the name of the  
 2 State to any riparian lands in the State, which can be used with and are  
 3 necessary for the development and improvement or use of lands under tide-  
 4 waters owned by the State, of such area and extent as the commission, in its  
 5 discretion, may deem necessary and advisable for said purposes. All lands  
 6 so acquired shall be subject to the jurisdiction and control of the commission.

1) 60. Whenever the Department of Conservation and Economic Develop-  
 2 ment shall have acquired title in fee simple, in any manner provided by law, to  
 3 any riparian lands within the State, the use and occupation of the riparian  
 4 lands so acquired, together with all improvements thereon, may be leased or  
 5 granted by the commission to any person upon such terms and covenants and  
 6 for such periods of time not exceeding 60 years, as may be required and  
 7 directed by the commission but such grant or lease shall be permitted only  
 8 in conjunction with the grant or lease of the adjacent lands under tidewater  
 9 and only to the same party or parties and for the same period of time.

1) 61. The commission may, as a consideration for the transfer of title of  
 2 any riparian lands to the State, enter into an agreement with the owner  
 3 thereof to lease and grant, after transfer of title to the State, the use and  
 4 occupation of the riparian lands as well as the adjacent lands under tidewater,  
 5 to such owner or any party designated by him, whereby the lands, both  
 6 riparian and under tidewater, shall be improved and developed at the expense  
 7 of the grantee or lessee, in such manner, under such plans and specifications,



8 at such minimum cost and within such time as may be required by the  
9 commission.

1 62. The commission shall also require that after such improvements have  
2 been made and constructed, the lessee or grantee shall, under the supervision  
3 and jurisdiction of the commission maintain and operate, during the life of  
4 the lease or grant upon said premises, such enterprise, commercial opera-  
5 tion, business or venture as the improvements are designed for, at the sole  
6 cost and expense of the lessee or grantee.

1 63. In lieu of rent reserved in cash for the grant or lease of said  
2 riparian lands and lands under tidewater, the commission may require as  
3 rental, for the full term of the grant or lease, an annual percentage of not  
4 less than  $33\frac{1}{3}\%$  of the income the lessee or grantee received from the use and  
5 occupation of the premises and the business or enterprise conducted  
6 thereon. The income shall be calculated and adjusted in such manner as the  
7 commission shall determine and all of such requirements shall be set forth in  
8 detail in the grant or lease.

1 64. All moneys received by the commission under the provisions of this  
2 article shall be subject to the provisions of law applicable to the receipts  
3 from grants or leases of land under tidewater.

1 65. At the expiration of the term of the grant or lease the title to all  
2 improvements, railways, buildings, docks, wharves, bulkheads, machinery,  
3 stock and equipment and all chattels comprising the fixtures located upon  
4 such land and premises and then in the operation and maintenance of the  
5 enterprise, business or venture conducted on the premises, together with the  
6 title and goodwill of the business or enterprise, shall vest in the State. The  
7 grant or lease shall contain in detail the mode and manner and subject matter  
8 of the transfer to the State.

1 66. All grants or leases under the provisions of this article shall be  
2 subject to the provisions of existing laws so far as the same are not incon-  
3 sistent with the terms of this article.

4 of the grantee or lessee, in such manner, under such plans and specifications



ARTICLE 14

REMOVAL OF SAND, ET CETERA, FROM RIPARIAN LANDS

1 67. No person or corporation shall dig, dredge or remove any deposits  
 2 of sand or other material from the riparian lands of the State without a  
 3 license so to do first obtained as provided in section 68 of this act, and any  
 4 person or corporation who shall so unlawfully dig, dredge or remove any de-  
 5 posit of sand or other material as aforesaid shall forfeit and pay for each  
 6 and every such offense the sum of \$100.00, to be prosecuted for and re-  
 7 covered by a civil action by any person or persons in any court of competent  
 8 jurisdiction with costs of suit, the 1/2 the amount so recovered to be for the  
 9 use of the State, and the other half to the use of the person or persons who  
 10 shall sue for and prosecute the same to effect; provided, however, that nothing  
 11 in this section contained shall prevent the owner of any grant or lease from  
 12 the State, or the assignee or lessee thereof, from digging, dredging, remov-  
 13 ing, and taking sand and other material within the lines of, or in front of, such  
 14 grant or lease, for the purpose of improving lands granted or leased to  
 15 them, or their grantors or lessors, by the State, nor prevent such owner, as-  
 16 signee or lessee from digging or dredging a channel or channels to the main  
 17 channels, and removing and taking the material therefrom.

1 68. The commission may, under such terms and restrictions as to dura-  
 2 tion, compensation to be paid and such other conditions and restrictions as  
 3 the interest of the State may require, license by an instrument in writing,  
 4 executed in the same manner as grants of riparian lands are required to be  
 5 executed, any person or corporation to dig, dredge or remove any deposits of  
 6 sand or other material from riparian lands of the State.

ARTICLE 15

PROCEEDINGS AGAINST TRESPASSERS, ET CETERA, ON RIPARIAN LANDS

1 69. In case any construction, improvement or development shall be com-  
 2 menced, or be in the process of construction or alteration, in violation of the  
 3 provisions of this act, the commission may order all further work in and



4 about the same to be stopped forthwith and after the issuance of such order  
 5 and the service of a copy or copies thereof upon the owner of the premises,  
 6 personally or by certified mail at his last known address, and, upon the  
 7 persons working in and around such construction, improvement or develop-  
 8 ment, by the posting of a copy thereof in a conspicuous place upon the  
 9 premises, no further work shall be done thereon until the provisions of this  
 10 law, so far as they apply thereto, shall be entirely complied with.

1 70. Any person served with, or having knowledge of, such an order  
 2 who thereafter shall do or permit or allow to be done any work in or about  
 3 such construction, improvement or development before all the provisions of  
 4 this act, so far as they apply to such improvement or development, shall have  
 5 been entirely complied with, shall be subject to a penalty of not more than  
 6 \$100.00 for each day upon which such offense shall be committed or con-  
 7 tinued, to be recovered by the commission in proceedings under the Penalty  
 8 Enforcement Law.

1 71. Any encroachment or trespass upon the riparian lands of the State  
 2 or upon the water front of any navigable waters of this State, or the waters  
 3 or lands bounding thereon, and the erection or maintenance of any construc-  
 4 tion, improvement or development upon any riparian lands, whether or not  
 5 they have been granted or leased by the State, without first obtaining ap-  
 6 proval thereof as in this act provided, shall be a purpresture and a public  
 7 nuisance and may be abated by the commission, and the commission may  
 8 restrain and prevent the erection and maintenance thereof, and remove or  
 9 compel the removal thereof, and any construction, erection or accretion in-  
 10 jurious to the flow of any such waters which may be detrimental to the proper  
 11 navigation thereof, and the maintenance and improvement of commerce  
 12 thereon.

1 72. Any person guilty of any such purpresture shall be subject to a  
 2 penalty of not more than \$100.00 for each day during which purpresture con-  
 3 tinues to be recovered by the commission in proceedings brought and prose-  
 4 cuted in the name of the State under the Penalty Enforcement Law, and



5 the commission may institute and prosecute appropriate actions in the name  
6 of the State in any courts of competent jurisdiction for the enforcement of  
7 any other remedy, which may be available to it, in the enforcement of this  
8 Article.

9 73. The Attorney General of the State is hereby required to commence  
10 and prosecute such actions as may be instituted or directed by the com-  
11 mission.

#### ARTICLE 16

##### LIENS FOR DELINQUENT PAYMENTS

1 74. The State shall have a lien against the property of any person who  
2 has or receives any grant, lease or license of riparian lands or any permit  
3 to make improvements upon any such lands for the amount of the considera-  
4 tion or the rentals payable under said grant, lease or license or any charges  
5 incident to the granting of any such permit, when the same are due or as they  
6 grow due, with interest thereon, which lien shall have priority from the time  
7 of its filing over all subsequent encumbrances, alienations and judgments.

8 Any such lien may be filed at any time after the grant, lease, license or  
9 permit is issued and it shall become effective as a lien at the time when the  
10 payment or payments for which it is filed as a lien shall become due and  
11 payable.

1 75. The State shall have a similar lien against the property of any person  
2 who has wrongfully occupied or used, or shall wrongfully occupy or use, any  
3 riparian lands of the State, for the amount of the damages which the State  
4 has suffered or shall suffer by reason thereof. The amount of such damages  
5 shall be assessed by the commission and the lien shall be filed for such  
6 amount and the commission shall institute a civil action in the nature of an  
7 action at law against such person within 60 days after the filing of the lien.

8 76. Any lien for a wrongful occupation or use of riparian lands belong-  
9 ing to the State may be filed at any time after such wrongful occupation or  
10 use is discovered and such lien shall become effective, for the amount of the  
11 preliminary assessment of damages stated in the lien, from the time of its



5 filing until determination of such civil action and in case judgment is entered  
 6 in favor of the State therein, the lien of the judgment, to an amount not  
 7 exceeding the amount stated in the lien, shall relate back to the date of the  
 8 filing of the lien and the lien shall be enforceable only by proceedings on the  
 9 judgment entered in such civil action. If the commission shall fail to institute  
 10 such civil action within said period of 60 days or, if having instituted it, final  
 11 judgment shall be entered against the commission the lien shall be void. The  
 12 commission shall have power to compromise any claim made under any such  
 13 lien and such a lien shall be discharged when payment is made of the amount  
 14 claimed thereunder or of such other sum as the commission shall determine  
 15 upon by way of compromise settlement of the amount so claimed, or if it shall  
 16 become void as provided in this article.

1 77. The lien shall state the name of the person against whose property  
 2 it is filed and the amount due and to grow due thereon and shall be executed  
 3 by the president or vice-president of the commission under the seal of the com-  
 4-5 mission attested by the secretary or an assistant secretary of the commission.

6 It shall be filed with the clerk of the county in which the lands granted,  
 7 leased or licensed or in connection with which the permit is granted or which  
 8 are the subject matter of wrongful occupation or use, shall lie or with the Clerk  
 9 of the Superior Court and it shall immediately attach to and become binding  
 10 upon all real property owned by any person against whom it is filed, within  
 11 the county, if it is filed with the county clerk of a county, or wherever situate  
 12 within the State, if it is filed in the Superior Court, and shall have the force  
 13 and effect and may be proceeded upon in the same manner as a judgment, in  
 14 the nature of a judgment at law, entered in said court subject to the provi-  
 15 sions of this article. The validity of any such lien may be reviewed in a  
 16 proceeding in lieu of the prerogative writs.

1 78. The clerk of the county or the Clerk of the Superior Court, as the case  
 2 may be, shall provide suitable books in which all liens and other papers  
 3 incidental thereto shall be received and recorded without payment of any fee,  
 4 which books shall be properly indexed in the name of the person against whom  
 5 the lien is claimed.



79. Such lien against a parcel of real estate may be apportioned by the commission among any lots or other subdivisions of any lands covered thereby and shall be made on the written application of any person interested, or on motion of the commission without application, and shall be made according to the values of the respective lots or subdivisions at the time it was imposed.

80. The apportionment shall be made on the written application of any person interested, or on motion of the commission without application, and shall be made according to the values of the respective lots or subdivisions at the time it was imposed.

81. The apportionment shall be made upon notice to the interested parties whose interest appears of record, after hearing, unless the interested parties shall waive notice and hearing.

82. Such notice shall state the time and place of hearing on the application for apportionment and shall be given at least one week in advance by publication in a newspaper published in and circulating in the municipality, if there be any such newspaper and otherwise in a newspaper circulating in the county.

83. The commission may require that the written application shall be accompanied by a map showing the entire parcel and the subdivisions desired and the deposit of a sum sufficient to cover the expenses of the notice and advertisement provided for in this article, and to pay the estimated amount apportionable to the lot or lots or other subdivisions in which the applicant is interested.

84. A copy of the apportionment shall be filed with the secretary of the commission and the charge as apportioned to each lot or other subdivision shall then be a lien thereon, in the same manner as if originally so imposed.

85. The commission is authorized to compromise and make settlement of any claim for which any lien is filed under the provisions of this article and such resolution shall be sufficient authorization for the discharge thereof.

and otherwise if known to the commission; and



86. Any lien so filed may be discharged as to all of the lands covered thereby or as to any part thereof specifically described in the certificate offered for filing, by filing in the office in which it is filed a certificate setting forth that the same is discharged of record, executed under the seal of the commission and signed and acknowledged by the chairman or vice-chairman of the commission and attested by the secretary or an assistant secretary of the commission.

#### ARTICLE 17

##### DELINQUENT RENTALS, ET CETERA

87. The secretary of the commission shall, on or before the first Tuesday in January in each year, make out a list of all leases of riparian lands held by the State on which rentals are in arrears and unpaid for the space of 1 year, and transmit the same to the commission.

88. Where a riparian lease, the rentals of which are unpaid for the space of 1 year, contains a covenant or condition that upon nonpayment of the yearly rent or sum reserved at the time or times fixed for the payment thereof, the State may re-enter and possess the lands described in the lease, the commission may enter upon said lands, and in the name and on behalf of the State, take possession thereof.

89. Such entry shall be made by the commission or any member thereof, by going on the land and announcing in the presence of one or more witnesses that all rights under the lease are forfeited to the State.

90. Before the entry is made, the commission shall give notice to the lessee or to the person or persons, entitled to possession of the premises after payment, on the records of the commission,

a. By publication, or

b. By personal service.

91. The notice so to be published or served shall set forth:

a. The name of the person to whom the lease was granted;

b. The name of the person holding the lease by devise, grant, assignment or otherwise, if known to the commission; and



5 c. A statement that if the rentals unpaid are not paid on or before the  
6 expiration of a time to be fixed therein, not less than 2 weeks, all rights  
7 under the lease shall determine, become void and forfeited to the State.

1 92. After such notice shall have been published or served and entry made  
2 on the land described in the lease, the commission shall make and file with its  
3 secretary a report setting forth the fact of such publication or service and  
4 entry on the land, and:

5 a. In case the notice shall have been published, annex a copy of the  
6 publication to the report; and

7 b. In case the notice shall have been served personally, annex to the  
8 report an affidavit by the person serving the notice, proving the truth thereof.

1 93. Thereafter the commission may, in the manner prescribed by law,  
2 again lease or grant the land as fully as if the original lease had never been  
3 made.

1 94. Upon making entry and taking possession of any lands described in  
2 any such lease, the commission shall execute its certificate certifying to the  
3 re-entry and repossession and describing the lands re-entered and repossessed.

4 The certificate shall be executed and acknowledged as deeds are re-  
5 quired to be acknowledged, and shall be recorded in the records of the county  
6 wherein such lands are located as deeds are required to be recorded.

7 The same fee shall be paid for recording the certificate as is required for  
8 recording deeds.

1 95. All rights, at law or in equity, which have accrued to the State for  
2 the rentals in arrears and unpaid up to the expiration of the time fixed in the  
3 notice mentioned in this article shall not abate but shall remain in force and  
4 effect.

1 96. The commission shall be released from all responsibility arising from  
2 the lease of any lands upon which re-entry had been made as provided by this  
3 article.

4 or grants and of the sum agreed to be paid for the new lease.  
5 The lands to be affected by this article shall be riparian lands of this  
6 State. Any lease or grant of new areas or by way of continuation may be



## ARTICLE 18

## CONFIRMATORY GRANTS OR LEASES

1 97. The commission may, upon petition of any upland owner, investigate  
 2 the facts relative to any lease or grant of riparian lands purporting to have  
 3 theretofore been made under authority of any legislative act for the purpose  
 4 of determining whether or not it is equitable and just that a confirmatory  
 5 lease or grant shall be made to ratify and confirm to the petitioner the title  
 6 to riparian lands under water adjacent to the ripa of the petitioner and  
 7 within the area of lands covered by a prior lease or grant through which the  
 8 petitioner claims title to the riparian lands for which a confirmatory lease or  
 9 grant is required.

1 98. If the commission finds that it is equitable and just that such a con-  
 2 firmatory lease or grant be executed in consideration of the moneys thereto-  
 3 fore paid to the State on account of the lease or grant, or upon payment of  
 4 such further consideration as may be equitable and just, a proper confirma-  
 5 tory lease or grant shall be executed and delivered to the petitioner, his  
 6 heirs, successors or assigns. Any confirmatory lease or grant made in com-  
 7 pliance with this article shall be conclusive and final as to its equity or just-  
 8 ness and thenceforth shall be binding upon the State.

1 99. The commission may consider, under a petition filed under this  
 2 article, the granting of additional riparian lands adjacent to the lands to be  
 3 covered by any confirmatory lease or grant, provided the petition shall have  
 4 made application for the grant of additional riparian lands in accordance  
 5 with the requirements of the statutes in force at the date of the petition, to  
 6 the end that a lease or grant may include not only the lands, title to which is  
 7 being confirmed, but also additional riparian lands adjacent thereto.

8 The expressed consideration for such lease or grant shall be the sum  
 9 total of any additional sum to be paid for the confirmation of previous leases  
 10 or grants and of the sum agreed to be paid for the new area.

1 100. The lands to be affected by this article shall be riparian lands of this  
 2 State. Any lease or grant of new areas or by way of confirmation may be



3 based upon the original natural mean high tide line as of the date of the  
4 lease or grant being confirmed or as of the date of the new and confirmatory  
5 grant.

1 101. The commission may, in reaching its conclusion that it is equitable  
2 and just to confirm in a present owner title to riparian lands which he has  
3 lawfully acquired through any previous lease or grant of the State, determine  
4 that it is equitable and just if it determines that:

5 a. The consideration paid for the original lease or grant was at the date  
6 of its execution full and adequate consideration for the lands so leased or  
7 granted;

8 b. The lands leased or granted lie in front of the ripa on which the lease  
9 or grant was based because the riparian lands in the vicinity of the lands  
10 under consideration have been lawfully and equitably apportioned to the  
11 owners by any agency authorized by law to make grants of riparian lands  
12 in the name of the State and the lands under consideration are within the  
13 area of the lands under water so apportioned to the lands owned by the peti-  
14 tioner, and provide reasonable access to owners to deep water beyond bulk-  
15 head and pierhead lines;

16 c. The lands leased or granted lie in front of the riparian lands of the  
17 petitioner because the lands so leased or granted constitute an equitable  
18 allotment or apportionment of the lands under water to the riparian lands to  
19 which they are attached, even though the boundaries defining the limits of  
20 the lands granted are irregular and do not constitute straight side lines  
21 running parallel to each other and extending from the shore to the bulkhead  
22 or pierhead lines, and provide reasonable access to upland owners to deep  
23 water beyond bulkhead and pierhead lines; and

24 d. The owner of all estates, rights and privileges under the lease or grant  
25 to be confirmed to the extent of the riparian lands to be defined in a confirma-  
26 tory lease or grant is the petitioning owner of riparian lands to be benefited  
27 on the date the petition is filed; or at the date of the finding of the commis-  
28 sion that it is equitable and just that a confirmatory lease or grant shall be  
29 executed. and other like profits, tolls and charges.



1 102. Any lease or grant which shall be authorized under a petition filed  
 2 in accordance with this article may be in fact executed to the petitioner, or  
 3 his heirs, devisees or assigns, provided that the grantee named in the lease or  
 4 grant is the upland owner at the date of the lease or grant.  
 5 Any person owning riparian lands shall be deemed to be entitled to the  
 6 benefits of this article.

#### ARTICLE 19

##### GRANTS OR LEASES UNDER STATUTORY AUTHORITY

1 103. In case any person or corporation who by any legislative act, is a  
 2 grantee or licensee, or has such power or authority, or any of his, her or  
 3 their representatives or assigns shall desire a paper capable of being acknowl-  
 4 edged and recorded, made by and in the name of the State of New Jersey,  
 5 conveying the land mentioned in the proviso to the third section of an act  
 6 entitled "Supplement to an act entitled 'An act to ascertain the rights of the  
 7 State and of riparian owners in the lands lying under the waters of the bay of  
 8 New York and elsewhere in this State,' approved April 11, 1864," approved  
 9 March 31, 1869 (§ 12:3-4 of the Revised Statutes), whether under water now  
 10 or not, and the benefit of an express covenant, that the State will not make or  
 11 give any grant or license power, or authority affecting lands under water in  
 12 front of said lands, then and in either of such cases, such person or corpora-  
 13 tion, grantee or licensee, having such grant and license, power or authority,  
 14 his, her or their representatives or assigns on producing a duly certified copy  
 15 of such legislative act to the commission, and in case of a representative or  
 16 assignee also satisfactory evidence of his, her or their being such representa-  
 17 tive or assignee, and requesting such grant and benefits as in this section  
 18 mentioned, shall be entitled to said paper so capable of being acknowledged  
 19 and recorded, and granting the title and benefits aforesaid, on payment of the  
 20 consideration hereinafter mentioned; and the commission, by its chairman,  
 21 attested by its secretary shall and may execute and deliver and acknowledge  
 22 in the name and on behalf of the State, a lease in perpetuity to such grantee

and made a part of the record of the State. Any lease or grant of new areas or by way of confirmation may be executed.



23 or licensee or corporation having such grant, license, power or authority, and  
24 to the heirs and assigns of such grantee or licensee, or to the successors and  
25 assigns of such corporation, upon his, her or their securing to be paid to the  
26 State an annual rental of such reasonable sum as the commission may fix for  
27 each and every lineal foot measuring on the bulkhead line, or a conveyance  
28 to such grantee or licensee or corporation having such grant, license, power  
29 or authority, and to the heirs and assigns of such grantee or licensee, or to the  
30 successors and assigns of such corporation in fee, upon his, her, or their pay-  
31 ing to the State such reasonable sum as the commission may fix for each and  
32 every lineal foot measuring on the bulkhead line, in front of the land included  
33 in said conveyance; provided, that no corporation to whom any such grant,  
34 license, power or authority was given by legislative act as aforesaid, in which  
35 provision was made for the payment of money to the Treasurer of the State  
36 for each and every foot of the shore embraced and contained in the act; nor the  
37 assigns of such corporation shall be entitled to the benefits of this section;  
38 and provided further, that the commission shall in no case grant lands under  
39 water beyond the exterior lines hereby established, or that may be hereafter  
40 established, but the said conveyance shall be construed to extend to any bulk-  
41 head or pier line further out on said river and bay that may hereafter be  
42 established by legislative authority; in case any person or corporation taking  
43 a lease under this section, shall desire afterwards a conveyance of all or any  
44 part of the land so leased, the same shall be made upon payment of such  
45 reasonable sum for every such lineal foot, as the commission may fix, the  
46 conveyance or lease of the commission under this law, shall not merely pass  
47 the title to the land therein described, but the right of the grantee or licensee,  
48 individual or corporation, his, her or their heirs and assigns, to exclude to  
49 the exterior bulkhead line, the tidewater by filling in or otherwise improving  
50 the same, and to appropriate the land to exclusive private uses, and so far  
51 as the upland from time to time made shall adjoin the navigable water, the  
52 said conveyance or lease shall vest in the grantee or licensee, individual or  
53 corporation, and their heirs and assigns, the rights of the perquisites of  
54 wharfage, and other like profits, tolls and charges.



## ARTICLE 20

## ERRONEOUS GRANTS

1 104. Whenever

2 a. The Board of Commerce and Navigation or the Department of Con-  
3 servation and Economic Development has granted or the commission here-  
4 after shall grant any riparian lands of the State to any person erroneously  
5 by reason whereof the grant shall be void as therein provided; and

6 b. The State has or shall have received the stipulated consideration for  
7 such supposed grant; and

8 c. The grantee named therein, or his heirs or assigns has or shall have  
9 recorded the grant in the county or counties where the land described therein  
10 shall or may be located; and

11 d. Such grantee, his heirs or assigns has or shall have gone into occupa-  
12 tion of the lands described in the supposed grant and the lands if any  
13 between the same and the original high-water line by bulkheading or filling  
14 in, or erecting structures thereon, or otherwise improving the same in such  
15 manner as to give visible notice of such occupation; and

16 e. Such occupation has or shall have continued for a period of 5 years  
17 after the recording of the supposed grant—

18 Every pre-emptive and other right conferred by any legislative act upon  
19 any person to apply for and obtain a grant from the State of the lands so  
20 occupied shall cease and determine, unless a person entitled thereto shall,  
21 before the expiration of such period of 5 years of occupation, apply in writing  
22 to the commission for a grant of the lands so occupied; and pay or give  
23 security for the price fixed or that shall be fixed therefor, which price shall  
24 include the reasonable value of the improvements upon the lands.

1 105. In default of such application, and payment of or security for the  
2 price of the lands, by another person entitled to such grant within the period  
3 of 5 years of occupation of the lands, the commission, on application of the  
4 person named in the supposed grant, or of his heirs and assigns, shall grant

of separate and other like titles and grants.



5 and convey absolutely in fee to the applicant, his heirs or assigns forever, all  
6 right and title of the State in and to the lands so occupied.

1 106. If the commission shall determine that the original consideration  
2 paid to the State for the supposed grant was not the reasonable, fair and  
3 adequate value of the lands so occupied, as of the date of the supposed grant,  
4 the applicant shall pay to the State such additional consideration for a  
5 further grant as the commission shall determine to be necessary, in order  
6 that the total consideration received by the State for the lands shall be reason-  
7 able, fair and adequate as of the date of the original supposed grant.

#### ARTICLE 21

##### EFFECT OF REPEAL OF PRIOR STATUTES

1 107. The repeal of the act entitled "An act to authorize the owners of  
2 lands under tidewaters to build wharves in front of the same," approved  
3 March 18, 1851 (L. 1851, p. 335), as to the tidewaters of this State below  
4 the line of mean high tide, by section 3 of the act entitled "Supplement to an  
5 act entitled 'An act to ascertain the rights of the State and of riparian owners  
6 in the lands lying under the waters of the bay of New York and elsewhere  
7 in this State,' approved April 11, 1864," approved March 31, 1869 (L. 1869,  
8 c. 383, p. 1017), as amended by the act approved March 20, 1891 (L. 1891,  
9 c. 124, p. 216), shall not be construed to restore any supposed rights, usage or  
10 local common law, founded upon the tacit consent of the State or otherwise to  
11 fill in any land under water below mean high tide.

#### ARTICLE 22

##### GENERAL PROVISIONS

1 108. The rules and regulations, heretofore promulgated by the Depart-  
2 ment of Conservation and Economic Development for the Bureau of Naviga-  
3 tion in the Division of Resource Development, shall continue in full force and  
4 effect until amended or repealed by the commission, and all applications made  
5 to said bureau and pending at the time this act takes effect shall be valid



6 and effectual, if made in accordance with the statutes and rules and regula-  
7 tions governing the same on said date, but they shall be proceeded upon in  
8 the manner prescribed by this law.

109. Nothing in this law shall be construed to deprive any person of  
2 any right or protection provided for him under Title 11, Civil Service, of the  
3 Revised Statutes, or by any pension law or retirement system.

110. All appropriations available to, and to become available to, the  
2 Bureau of Navigation in the Division of Resource Development of the De-  
3 partment of Conservation and Economic Development, which are required to  
4 be transferred to carry out the purposes of this law shall be transferred to  
5 the Riparian Lands Commission, established under this law, to be used for  
6 said purposes and the additional sum of \$12,000.00 is hereby appropriated to  
7 said commission to be used for said purposes.

**ARTICLE 23**

**REPEALERS AND EFFECTIVE DATE**

111. This act is a revision law and all acts and parts of acts inconsistent  
2 herewith are hereby superseded and repealed and without limiting the gen-  
3 eral effect of this act in superseding and repealing acts inconsistent here-  
4 with the following acts and parts of acts are specifically repealed

5 P. L. 1948, chapter 448, section 13,

6 P. L. 1946, chapter 299,

7 Sections 12:3-2 through 12:3-36, 12:3-38 through 12:3-57, 12:3-64  
8 through 12:3-71 and 12:5-1 through 12:5-8 of the Revised Statutes.

112. This act shall take effect immediately, but it shall not be operative  
2 until January 1, 1964, except to authorize the appointment of the members  
3 of the Riparian Lands Commission, prior to, but only to take office upon  
4 said date.

The Division of Resource Development shall continue in full force and  
effect until the commission is organized and all applications made  
to it for membership shall be processed and all applications made  
to it for membership shall be processed and all applications made  
to it for membership shall be processed and all applications made



NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF SOURCE SECTIONS

Section Number	Source Section	Section Number	Source Section
1	New	24	12:3-7
2	New		12:3-10
3	New		12:3-21
4	New	25	12:3-7
5	New	26	12:3-7
6	New	27	New
7	New	28	New
8	New	29	New
9	New	30	New
10	New	31	New
11	New	32	12:3-9
12	New		12:3-16
13	12:3-2	33	12:3-6
14	12:3-3	34	12:3-25
15	12:3-13	35	12:3-10
	12:3-19	36	New
16	12:3-4	37	New
	12:3-14	38	New
	12:5-2	39	New
17	12:3-26	40	New
18	12:3-28	41	12:3-33
19	12:3-20		12:3-36
	13:1A-32.1	42	New
20	12:3-24	43	New
21	12:3-15	44	New
22	12:3-27	45	12:3-34
23	12:3-18		12:3-35



Section Number	Source Section	Section Number	Source Section
46	12:5-3	74	New
47	12:5-4	75	New
48	12:5-4	76	New
49	12:5-5	77	New
50	12:5-5	78	New
51	12:5-5	79	New
52	12:5-5	80	New
53	12:5-6	81	New
	12:5-7	82	New
54	12:5-8	83	New
55	12:3-31	84	New
56	12:3-29	85	New
57	12:3-30	86	New
58	12:3-32	87	12:3-48
59	12:3-64	88	12:3-49
60	12:3-65	89	12:3-50
61	12:3-66	90	12:3-51
62	12:3-67	91	12:3-52
63	12:3-68	92	12:3-53
64	12:3-69	93	12:3-54
65	12:3-70	94	12:3-55
66	12:3-71	95	12:3-56
67	12:3-21	96	12:3-57
68	12:3-22	97	12:3-38
69	New	98	12:3-39
70	New	99	12:3-40
71	12:3-8	100	12:3-41
	12:5-2	101	12:3-42
72	New	102	12:3-43
73	New		12:3-44



Section Number	Source Section	Section Number	Source Section
103	12:3-5	108	New: 21
104	12:3-45	109	New: 21
105	12:3-46	110	New: 21
106	12:3-47	111	New: 21
107	12:3-4	112	New: 21

NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF ALLOCATION OF SOURCE SECTIONS

Source Section	Section Number	Source Section	Section Number
12:3-2	13	12:3-22	68
12:3-3	14	12:3-24	20
12:3-4	16	12:3-25	34
	107	12:3-26	17
12:3-5	103	12:3-27	22
12:3-6	33	12:3-28	18
12:3-7	24	12:3-29	56
	25	12:3-30	57
	26	12:3-31	55
12:3-8	71	12:3-32	58
12:3-9	32	12:3-33	41
12:3-10	24	12:3-34	45
	35	12:3-35	45
12:3-13	15	12:3-36	41
12:3-14	16	12:3-38	97
12:3-15	21	12:3-39	98
12:3-16	32	12:3-40	99
12:3-18	23	12:3-41	100
12:3-19	15	12:3-42	101
12:3-20	19	12:3-43	102
12:3-21	24	12:3-44	102
	67	12:3-45	104

Source Section	Section Number	Source Section	Section Number
12:3-46	105	12:5-71	53
12:3-47	106	12:5-81	54
12:3-48	107	13:1A-32.1	59
12:3-49	108	New	60
12:3-50	109	New	62
12:3-51	90	New	3
12:3-52	91	New	4
12:3-53	92	New	5
12:3-54	93	New	6
12:3-55	94	New	7
12:3-56	95	New	8
12:3-57	96	New	9
12:3-64	59	New	10
12:3-65	60	New	11
12:3-66	61	New	12
12:3-67	62	New	27
12:3-68	63	New	28
12:3-69	64	New	29
12:3-70	65	New	30
12:3-71	66	New	31
12:5-2	16	New	36
	71	New	37
12:5-3	46	New	38
12:5-4	47	New	39
	48	New	40
12:5-5	49	New	42
101	50	New	43
201	51	New	44
301	52	New	69
12:5-6	53	New	70



Source Section	Section Number	Source Section	Section Number
New	72	New	82
New	73	New	83
New	74	New	84
New	75	New	85
New	76	New	86
New	77	New	108
New	78	New	109
New	79	New	110
New	80	New	111
New	81	New	112

106

period of time in excess of 30 days (including a notice of removal within  
 which to remove, replace, or re-range such materials) or to be maintained  
 under said license.

31 12-2-41

(CORRECTED COPY)

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 286

# STATE OF NEW JERSEY

ADOPTED DECEMBER 9, 1963

Amend page 17, section 39, line 7, after the word "shall," insert "except as otherwise provided,".

Amend page 17, section 39, line 12, after "law." insert "A public utility, as defined in R. S. 48:2-13, holding such license shall be granted a reasonable period of time in excess of said 30 days following a notice of revocation within which to remove, replace, or rearrange such structures erected or maintained under said license."

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. This act shall be known and may be cited as "The Historic Landmarks Commission Law."
2. The following words shall, unless the context indicates otherwise, have the following meanings:
  3. "Commission" shall mean the Historic Landmarks Commission;
  4. "Department" shall mean the Department of Conservation and Economic Development;
  5. "Division" shall mean the Division of Historic Preservation of the Department of Conservation and Economic Development;
  6. "Title" shall mean the title of any building or structure.



# STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1964

By Assemblyman HIERING

Referred to Committee on Agriculture, Conservation and Economic Development

AN Act providing for the establishment of a Riparian Lands Commission and revising the statutes relating to the rights of the State and others in and to riparian lands and to lands now or formerly below the high-water mark or under tidewater and prescribing the jurisdiction, powers and duties of said commission.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE 1

### SHORT TITLE AND DEFINITIONS

1 1. This act shall be known and may be cited as "The Riparian Lands  
2 Commission Law."

1 2. The following words shall, unless the context indicates otherwise, have  
2 the following meanings:

3 "Commission" shall mean the Riparian Lands Commission;

4 "Department" shall mean the Department of Conservation and Eco-  
5 nomic Development;

6 "Division" shall mean the Division of Resource Development in the  
7 Department of Conservation and Economic Development.

8 "Notice" when required to be given by this act

9 (a) by publication, shall mean the publication of a notice in a newspaper  
 10 published and circulating in each municipality in which any lands, in rela-  
 11 tion to which the notice is given, shall lie, and if there be no such newspaper  
 12 in any such municipality, then as to that municipality, in a newspaper pub-  
 13 lished in the county and circulating in the municipality, and if there be no  
 14 such newspaper, then in a newspaper published in the State and circulating  
 15 in the municipality, and

16 (b) to any person

17 (1) personally or by personal service, shall mean by handing a written  
 18 copy thereof to such person or leaving a written copy thereof at his last  
 19 known place of address with a member of his family above the age of 14  
 20 years, then residing therein, or

21 (2) by mailing, shall mean the sending of a written copy thereof by  
 22 certified or registered mail to said person in a sealed envelope addressed to  
 23 him as his last known address, with sufficient postage and a return receipt  
 24 requested.

25 "Upland owner" shall mean the owner of the upland or ripa adjoining  
 26 any riparian lands, whether or not said upland or ripa is part of an island.

## ARTICLE 2

### THE RIPARIAN LANDS COMMISSION

1 3. There is hereby established, within the Division of Resource Develop-  
 2 ment of the Department of Conservation and Economic Development, a com-  
 3 mission which shall be known as The Riparian Lands Commission and which  
 4 shall consist of 5 members, no more than 3 of whom shall be members of  
 5 the same political party.

1 4. The members of the commission shall be appointed by the Governor  
 2 with the advice and consent of the Senate, for terms of 5 years beginning on  
 3 July 1, except that of the first appointments: one member shall be appointed  
 4 for the term of 1 year, one member shall be appointed for the term of 2  
 5 years, one member shall be appointed for the term of 3 years, and one member



6 shall be appointed for the term of 4 years, and the terms of all of the members  
7 first appointed shall begin on July 1, 1963. The members of the commission  
8 shall serve, after the expiration of their respective terms, until their respec-  
9 tive successors shall be appointed and shall qualify.

1 5. Vacancies in the membership of the commission shall be filled in the  
2 same manner as the original appointments were made, but for the unexpired  
3 terms only.

1 6. The members of the commission shall be paid \$50.00 for each day  
2 devoted to the performance of their official duties under this law.

1 7. The Governor shall designate one member of the commission as its  
2 chairman and one member as its vice-chairman and they shall serve, as such,  
3 at the pleasure of the Governor until the expiration of the term of the Gover-  
4 nor by whom they are appointed and until their respective successors shall  
5 be appointed and shall qualify.

1 8. The Chief of the Bureau of Navigation in the Division of Resource  
2 Development of the Department of Conservation and Economic Development  
3 shall serve as secretary of the commission but in event that, by reason of  
4 rearrangement of the bureaus of said division, the office, position or employ-  
5 ment as Chief of the Bureau of Navigation is abolished, the commission shall  
6 appoint a secretary, who shall have the same qualification as are now required  
7 for the chief of said bureau. The commission may appoint an assistant secre-  
8 tary and prescribe his powers and duties and fix his compensation.

1 9. The commission shall adopt a seal and it may make rules regulating  
2 its administration under this law and the procedures in connection with  
3 applications to it and proceedings before it.

4 The chief of the bureau shall assign to the work of the commission such  
5 members of the bureau's technical, stenographic and secretarial staff as may  
6 be necessary to perform said work and the commission shall have authority  
7 to enter into contracts for surveys and other engineering services, without  
8 publicly advertising and obtaining bids therefor, within the limits of funds  
9 appropriated or made available to the commission.

## ARTICLE 3

## JURISDICTION OF THE COMMISSION

1        10. The Riparian Lands Commission shall be vested with and shall admin-  
2  ister all of the functions, powers and duties of the State over and in relation  
3  to the granting and leasing and administration of riparian lands of the State  
4  and the making of grants or leases on behalf of the State, of said lands or any  
5  parcels thereof, to any person or persons, upon such terms and conditions as  
6  said commission shall fix pursuant to this law, and in the execution and  
7  performance of said functions, powers and duties, the commission shall be  
8  vested with all of said powers over said riparian lands, formerly vested in and  
9  exercised by the Board of Riparian Commissioners, the Board of Commerce  
10 and Navigation, the Navigation Council in the Division of Navigation in the  
11 State Department of Conservation and the Resource Development Council of  
12 the Division of Resource Development in the Department of Conservation  
13 and Economic Development.

14        Nothing herein contained shall be deemed to impair the power and juris-  
15 diction now or hereafter conferred upon the Shell Fisheries Council to lease,  
16 to applicants therefor, any of the lands of the State under the tidal waters  
17 thereof to be used and enjoyed by such lessee for the planting and cultivating  
18 of oysters and clams.

## ARTICLE 4

## BULKHEAD AND PIER LINES, ET CETERA

1        11. The commission, having due regard for the interests of navigation  
2  and the development of the resources and lands of the State, may change, fix  
3  and establish the pier lines, or lines for solid filling in the waters under its  
4  jurisdiction, and any other lines, or make any changes in any basin now fixed  
5  and established, or lay out and fix and establish any new basin or basins in  
6  said waters, and when so fixed and established, the commission shall file a map  
7  and surveys in the office of its secretary, showing what lines have been fixed  
8  and established by it for the exterior lines for solid filling and pier lines and



9 any other lines which it may establish, pursuant to law, as well as for any  
10 changes in basins or new basins fixed, laid out and established by it under this  
11 section.

1 12. The commission may, at the request of upland owners, extend its sur-  
2 veys over the tidewaters of this State and prepare and file maps thereof, in  
3 the office of its secretary, showing what lines have been fixed and established  
4 for the exterior lines for solid filling and pier lines.

1 13. The bulkhead line or lines of solid filling and pier lines in the tide-  
2 waters of the Hudson river, New York bay and Kill von Kull, lying between  
3 Enyard's dock, on the Kill von Kull, and the New York State line, so far as  
4 they have been recommended and reported to the Legislature by the commis-  
5 sioners appointed under the act entitled "An act to ascertain the rights of the  
6 State and of the riparian owners in the lands lying under the waters of the  
7 bay of New York, and elsewhere in the State," approved April 11, 1864,  
8 (L. 1864, c. 391, p. 681), by report bearing date February 1, 1865, are hereby  
9 adopted and declared to be fixed and established as the exterior bulkhead and  
10 pier lines between the points above named, as such exterior bulkhead and pier  
11 lines so fixed, established and adopted are shown upon the manuscript maps,  
12 accompanying said report, and filed in the office of the Secretary of State, ex-  
13 cept as said lines have been or may hereafter be changed pursuant to law and  
14 except said lines drawn on said maps over or upon lands within the bound-  
15 aries of the grant made to the Morris Canal and Banking Company by the act  
16 entitled "A further supplement to the act entitled 'An act to incorporate a  
17 company to form an artificial navigation between the Passaic and Delaware  
18 rivers,' passed December 31, 1824," approved March 14, 1867.

1 14. It shall not be lawful to fill in with earth, stones or other solid ma-  
2 terial, in the tidewaters of the Hudson river, New York bay and Kill von Kull,  
3 beyond the bulkhead line or lines of solid filling by section 13 of this law  
4 adopted, fixed and, established, laid down and exhibited on the aforesaid  
5 maps; and it shall not be lawful to erect or maintain any pier or other struc-  
6 ture exterior to the said bulkhead line or lines of solid filling in any place or



7 places where no exterior line for piers is reported or indicated by said maps,  
8 on the Hudson river, New York bay and Kill von Kull and when an exterior  
9 line for piers is recommended and shown by said report and maps, no erection  
10 or structure of any kind shall be erected, allowed or maintained beyond or ex-  
11 terior to the aforesaid bulkhead line or lines of solid filling, except piers which  
12 shall not exceed 100 feet in width respectively, and which shall in no case ex-  
13 tend beyond the line indicated for piers on said maps accompanying said re-  
14 port; and no piers shall be constructed in said tidewaters, when such exterior  
15 pier lines are adopted, fixed and established, at less intervals between such  
16 piers than 75 feet, except at places occupied and used for ferries, or to be so  
17 occupied or used, when the spaces between the piers may be less; nor shall  
18 any such pier be constructed in any other manner than on piles or on blocks  
19 and bridges; and if on blocks and bridges, such blocks and bridges shall not  
20 occupy more than  $\frac{1}{2}$  of the length of the pier, and they shall be so constructed  
21 as to permit a free flow or passage of water under and through them, without  
22 any other interruption or obstruction than the pile or blocks necessary to sup-  
23 port said piers.

1 15. The commission, shall, from time to time, fix and establish, around or  
2 in front of all islands, reefs and shoals situate in the tidal waters of this  
3 State, exterior lines in said waters, beyond which no pier, wharf, bulkhead,  
4 erection or permanent obstruction of any kind shall be made or maintained,  
5 and also the interior lines for solid filling in said waters, beyond which no  
6 permanent obstruction shall be made or maintained other than wharves and  
7 piers and erections thereon for commercial uses; provided, however, that no  
8 exterior line around or in front of any such island, reef or shoal shall be fixed  
9 and established in front of any riparian grant which was made prior to Feb-  
10 ruary 10, 1891, unless such exterior line shall be fixed and established, at  
11 such distance as will, in the judgment of the commission, leave sufficient wa-  
12 terway in front of said grants for navigation, and when the commission shall  
13 have so fixed and established said lines, it shall file a survey and map thereof  
14 in the office of the secretary of the commission, showing the lines for piers  
15 and solid filling so fixed and established.



## ARTICLE 5

## ENCROACHMENTS AND UNAUTHORIZED

## RECLAMATION OF RIPARIAN LANDS

1     16. Without the grant or permission of the commission no person or pub-  
2 lic or private corporation shall fill in, build upon, make any erection on or  
3 reclaim or encroach upon any of the riparian lands of this State, except  
4 pursuant to lawful grant, lease or permit previously obtained, and any per-  
5 son or corporation so offending shall be guilty of a purpresture, which shall  
6 be abated at the cost and expense of such person or corporation, on applica-  
7 tion of the Attorney General, under judgment of the Superior Court or by  
8 indictment in the county in which the same may be, or opposite to or adjoining  
9 which said purpresture may be; or by a penal action as hereinafter provided;  
10 provided, however, that neither this section nor any provision contained in  
11 this law, shall in anywise repeal or impair any grant of riparian lands or  
12 right to reclaim made directly by legislative act, or grant or license, power  
13 or authority, so made or given, to purchase, fill up, occupy, possess and en-  
14 joy riparian lands fronting and adjoining lands owned or authorized to be  
15 owned by the corporation, or grantee or licensee in the legislative act men-  
16 tioned, its, his or their representatives, grantees, or assigns, or to repeal or  
17 impair any grant or license, power or authority to erect or build docks,  
18 wharves and piers opposite and adjoining lands owned, or authorized to be  
19 owned by the corporation, or grantee or licensee in the legislative act men-  
20 tioned, its, his or their representatives, grantees, or assigns made prior to  
21 July 1, 1891, or given directly by legislative acts, whether said acts are or  
22 are not repealable, and as to any revocable license given by the board of  
23 chosen freeholders of a county prior to July 1, 1892, to build docks, wharves  
24 or piers, or to fill in or reclaim any riparian lands in this State, the same  
25 shall be irrevocable so far as the land under water has been lawfully reclaimed  
26 or built upon under such license issued prior to July 1, 1891, provided such  
27 reclamation or building under such license has been completed prior to Jan-

28 uary 1, 1892; but, as to the future, such revocable license, if the said lands  
 29 covered by the license have not been wholly or in part lawfully reclaimed or  
 30 built upon, is hereby revoked, and no occupation or reclamation of land under  
 31 water without such legislative act or revocable license shall divest the title  
 32 of the State, or confer any rights upon the party who has reclaimed or who  
 33 is in possession of the same.

1 17. It shall be unlawful to erect, lay, construct or maintain any pipe,  
 2 cable or sewer line, or any erection or construction, on, over or under any  
 3 of the riparian lands of the State, or to erect or maintain any structure, im-  
 4 provement or development upon any riparian lands granted or leased under  
 5 this law, without the consent or permission of the commission, first had and  
 6 obtained in writing; provided that nothing in this section shall be construed  
 7 to apply to any pipes heretofore laid under the waters of the Atlantic ocean  
 8 or to any pipe, cable or sewer line or other erection or construction on, over  
 9 or under any of the other riparian lands of this State heretofore laid, erected  
 10 or constructed, pursuant to any lawful permission so to do.

1 18. Whenever a State board or agency has been or may hereafter be  
 2 authorized or directed by any law of this State to build a bridge or other struc-  
 3 ture, or to alter or change any existing bridge or other structure on or over  
 4 any riparian lands of this State, such board or agency, before proceeding  
 5 with the work, shall first submit to and obtain the approval of such plans  
 6 or work by and from the commission.

#### ARTICLE 6

##### GRANTS AND LEASES OF RIPARIAN LANDS

1 19. The commission may sell or let to any applicant therefor any island,  
 2 shoal or reef situate in the tidal waters of this State, or any of the riparian  
 3 lands, in which the State owns or has an interest, upon such terms as to pur-  
 4 chase money or rental, and under such conditions and restrictions as to time  
 5 and manner of payment, the duration and renewal of any lease, the occupa-  
 6 tion and use of the land so sold or leased, and such other conditions and re-  
 7 strictions as the interest of the State may require, and as may be fixed and



8 determined by the commission subject to the provisions of this law, includ-  
9 ing the provisions of section 25 of this law, as to the giving of previous notice,  
10 when such application is made by an applicant other than an upland owner,  
11 if any, upon such terms as to purchase money or rental, and under such con-  
12 ditions and restrictions as to time and manner of payment, the duration and  
13 renewal of any lease, the occupation and use of the land sold or leased, and  
14 such other conditions and restrictions as the interest of the State may re-  
15 quire, and as may be fixed and determined by the commission.

1     20. The commission shall not be required to give leases for riparian  
2 lands of the State, convertible into grants upon payment of the principal sum  
3 mentioned therein, but may sell or let any of the lands of the State below  
4 mean high-water mark upon such terms as to purchase money or rental, and  
5 under such conditions and restrictions as to time and manner of payment, the  
6 duration and renewal of any lease, the occupation and use of the lands sold or  
7 leased, and such other conditions and restrictions as the interest of the State  
8 may require, as may be fixed and determined by the commission.

1     21. The commission may make, for a satisfactory consideration, any lease  
2 or sale to the owners of the lands fronting on any basin or basins described in  
3 section 11 of this law, of the right to have the exclusive use of the said basin  
4 or basins for the purpose of wharfage and docking, and to charge a reason-  
5 able sum for the use of the same on the line of bulkhead owned by them  
6 respectively; and that from and after the filing of said map and survey, the  
7 same shall remain as a public basin or basins, and they are hereby dedicated  
8 for that purpose.

1     22. Whenever the State has, prior to March 4, 1918, dedicated any lands  
2 under water to public use as a tidewater basin, it shall be lawful for the  
3 commission, on the application of the owners of all of the lands abutting  
4 thereon, to either enlarge or reduce the area of said basin or change the  
5 boundaries thereof, and said owners of lands adjoining and abutting upon  
6 said tidewater basin are hereby authorized to fill up and reclaim the same to  
7 such extent as the commission in writing may confirm, and the commission



8 is hereby authorized and empowered upon the payment of an adequate con-  
9 sideration therefor, to grant or lease in the manner provided by law to the  
10 owners of lands adjoining and abutting upon said tidewater basin, the State's  
11 rights in any portion of said basin to be filled up and reclaimed; provided,  
12 however, that no reclamation by any person of said lands and no grant or  
13 lease thereof by the commission shall be valid unless all of the owners of  
14 lands fronting and abutting on said basin shall consent in writing thereto.

1       23. When lands have been or shall be taken or granted for a right of  
2 way and such right of way has been or shall be so located on land of an upland  
3 owner as to occupy the same along or on the shore line, thereby separating  
4 the upland of the upland owner adjoining that used for the right of way  
5 from mean high tidewater, such owner of the land so subject to such right of  
6 way shall be held, subject to the provisions of article 10 of this law, to be  
7 an upland owner for the purpose of receiving any grant or lease heretofore  
8 or hereafter made of the riparian lands, and for the purpose of receiving  
9 any notice under this law; provided, that nothing in this section shall affect the  
10 rights of the State to the riparian lands.

1       24. If any person shall desire to obtain a grant, lease or license from  
2 the State of New Jersey for riparian lands, which are not authorized to be  
3 improved under any grant, lease or license previously issued therefor, he may  
4 apply to the commission, in such form as shall be prescribed by the com-  
5 mission, and the commission may, subject to the provisions of this law and  
6 having due regard for the interests of navigation and the development of the  
7 resources and lands of the State, make such grant or lease or issue such license  
8 and fix such compensation therefor to be paid to the State of New Jersey as  
9 shall be determined by the commission.

1       25. No grant or lease shall be made for riparian lands to any applicant  
2 therefor, other than the upland owner or the holder of a mortgage, of record,  
3 upon the lands by reason of the ownership of which such upland owner quali-  
4 fies as such, except in cases in which there is no upland owner, or it is other-  
5 wise provided in this law, unless the upland owner and any such mortgagee

6 shall have received 6 months previous notice, in the manner prescribed by  
7 this law, of the intention of such applicant to make application for said  
8 grant or lease, and such upland owner, or in default of application by such  
9 upland owner, such mortgagee, shall, within said period of 6 months, have  
10 failed or neglected to apply for such grant or lease and to pay or secure  
11 to be paid to the commission such sum as the commission shall determine  
12 to be the estimated cost of perfecting said grant or lease, which sum when  
13 so paid shall be credited against the price or consideration fixed by the com-  
14 mission for the grant or lease.

1       26. The notice required by section 25 of this law, to be given in con-  
2 nection with the application for a grant or lease of riparian lands by the  
3 commission, shall be given by the applicant and shall be in writing and shall  
4 state the name and post-office address of the applicant and the time and place  
5 when such application will be made to the commission, and shall describe the  
6 lands for which such grant or lease is applied, and shall contain a state-  
7 ment that unless the upland owner, naming him, or in default of application  
8 by such upland owner, any person holding a mortgage of record upon the  
9 lands by reason of the ownership of which such upland owner qualifies as  
10 such, shall make application for such grant or lease within a period of 6  
11 months from the time of service of said notice upon said upland owner and  
12 any such mortgagee, said grant or lease may be made to the applicant.

13       Such notice shall be given to each upland owner, and to each holder of  
14 a mortgage of record upon the lands by reason of which such upland owner  
15 qualifies as such, and in case of a minor or mental incompetent, to his  
16 guardian or the person standing in loco parentis, by service upon such owner  
17 or holder as follows:

18       (a) If a resident of, or a corporation organized under the laws of, or  
19 authorized to do business in, this State, by personal service upon such per-  
20 son or upon the president, secretary, treasurer or a director or the resident  
21 agent of such corporation, or



22 (b) If a nonresident, or a corporation not organized under the laws of,  
23 or authorized to do business in, this State, by publication at least once and by  
24 mailing to such person or to such corporation or its president, secretary,  
25 treasurer or one of its directors, at his or its last known post-office address,  
26 if such post-office address can be ascertained by reasonable inquiry as pre-  
27 scribed by the commission by rule, or

28 (c) If not known, by publication at least once.

29 Said notice when served, together with an affidavit reciting the manner  
30 and place of service and the person upon whom service was made, shall be  
31 filed in the office of the commission.

32 The notice so filed shall be indexed in a separate book, to be kept by the  
33 commission, under the name of each upland owner, each mortgagee upon whom  
34 notice has been served and each applicant. The filing of any such notice  
35 shall be sufficient notice, of said application, to all purchasers and mort-  
36 gagees of the property, by reason of the ownership of which such upland  
37 owner qualifies as such, to authorize any grant or lease which may be made as  
38 a result of the giving of said notice.

1 27. The notice required by the previous section may be waived in writing  
2 by any person who is entitled to be served with the same, which waiver shall  
3 be duly proved or acknowledged, and shall be recorded in the office of the  
4 County Clerk or Register of Deeds and Mortgages of the county, as in the  
5 case of a deed and shall then be filed with the commission.

1 28. In any case in which the lands of an upland owner are so far distant  
2 from open water which is navigable in fact, or are of such restricted frontage  
3 or peculiar location, that a grant or lease of the riparian lands fronting  
4 thereon to one other than the upland owner would substantially increase the  
5 opportunities for the development of the State's riparian lands in accordance  
6 with the best interests of the State, the commission may fix, and from time to  
7 time change and alter, a line beyond which grants or leases of such riparian  
8 lands may be made without any preference on the part of any upland owner  
9 to obtain grants or leases of the same as against other applicants as pre-

10 scribed in this law, but in any such case no such line shall be fixed, changed  
11 or altered, except after public hearing, held upon notice of the time and place  
12 of the holding of the same, given by publication once each week for 2 weeks,  
13 and also, by mailing to each upland owner who otherwise would have prefer-  
14 ence in the grant or lease as against other applicants, not less than 2 weeks,  
15 prior to the date of the hearing. Said notice shall be given in lieu of the  
16 notice prescribed in section 25 of this law. In any such case the validity and  
17 propriety of the establishment and location of any such line so fixed, changed  
18 or altered, and of any grant or lease to any person under this section, shall be  
19 in issue at said hearing and shall be subject to determination and re-  
20 determination.

1 29. In any case in which any person is occupying riparian lands of the  
2 State under color of title and improvements have been made thereon, the value  
3 of said riparian lands for the purposes of a grant or lease thereof by the  
4 commission, shall be calculated without the addition thereto of the value of  
5 said improvements and such an occupant shall be authorized to apply for  
6 and receive a grant or lease of such lands as though he were the upland  
7 owner and without giving the notice required to be given by section 25 of this  
8 law. In case application is made to the commission by any other applicant  
9 for a grant or lease of said lands, said occupant of said lands shall be given  
10 notice, by mailing, of said application and if such occupant shall make ap-  
11 plication therefor within 6 months after service of such notice, he shall have  
12 preference in obtaining such grant or lease over any other person, except a  
13 county or municipality, or any department, commission, bureau or agency  
14 thereof or of the State.

1 30. In event that a grant or lease of such lands is made to any county or  
2 municipality, or any department, commission, bureau or agency thereof or of  
3 the State, pursuant to this law, such occupant shall be entitled to occupy said  
4 lands under written permit by the commission, upon such terms as it may  
5 determine to be equitable and proper, until the grantee or lessee takes posses-  
6 sion thereof, and in such case said occupant shall be entitled to be paid the



7 value of his improvements so made, as determined by the commission, by the  
8 grantee or lessee of said riparian lands, upon taking possession thereof.

1     31. No grant or lease from the State of New Jersey for riparian lands  
2 shall be made, unless the applicant shall give notice by publication of the  
3 application therefor for 2 weeks, by one insertion in each week, prior to the  
4 granting of the same. The notice shall state the name of the applicant, shall  
5 contain a brief description of the lands covered in the application, and, if the  
6 applicant is an upland owner, a brief description of the lands by virtue of  
7 the ownership of which he makes such application and a statement that  
8 written objections to the granting of said application, stating the reasons  
9 therefor, may be filed with the secretary of the commission on or before a  
10 date stated therein, which shall be not less than 2 weeks after the date of the  
11 first publication.

12     If any written objection is so filed, the commission, if it determines that  
13 the objection is of such substantial character that it should be the subject  
14 matter of a public hearing before the authorization of any such grant or lease,  
15 shall fix a date for and hold a public hearing and give notice thereof by  
16 publication once each week for 2 weeks, and by mailing to each person making  
17 objection not less than 2 weeks, prior to the date fixed for said hearing.

1     32. It shall be lawful for the commission to fix and determine the  
2 annual rental or the price or purchase money to be paid by any applicant for  
3 so much of the riparian lands belonging to the State, as may be described in  
4 any application therefor duly made according to law, and the commission may  
5 in the name of the State, grant or lease said lands to any applicant to whom  
6 it has power to make such grant or lease, but in the event that any doubt  
7 arises as to the validity of the State's claim to any riparian lands or lands  
8 claimed to be riparian lands, the commission may by way of compromise  
9 accept in payment for such claims of the State such sum as it may deem  
10 proper and shall, in any such case, upon payment of the sum so fixed, exe-  
11 cute a release of all such claims of the State to the lands in question as  
12 riparian lands of the State.



13 No grant or lease of, or release of claims by the State to, any riparian  
 14 lands shall be delivered until there shall be paid to the secretary of the com-  
 15 mission, for payment into the State Treasury, the price or purchase money  
 16 provided to be paid for such grant or release, or the rentals provided to be  
 17 paid under such lease which are then due, and there shall have been secured  
 18 to the State the payment of the rentals to grow due under such lease in such  
 19 manner as the commission shall prescribe, if the commission in its discretion  
 20 shall determine that such security shall be given.

21 All such grants, leases and releases shall be prepared by the commis-  
 22 sion or its agents at the cost and expense of the lessee or grantee or re-  
 23 leasee therein and when they shall be executed by the commission by its  
 24 chairman or vice-chairman, under its seal, attested by its secretary or assist-  
 25 ant secretary and acknowledged or proved in the manner as corporate deeds  
 26 are acknowledged or proved, and when so executed and acknowledged or  
 27 proved and delivered they shall be fully effective and shall be recordable in  
 28 any public office in the State as deeds are recorded.

#### ARTICLE 7

##### RENEWAL OR CANCELLATION OF LEASES OR GRANTS

1 33. The commission may, in any lease of riparian lands of the State, pro-  
 2 vide for a renewal or renewals of the lease for a subsequent term or terms to  
 3 be expressed in the lease, and therein provide that the annual rentals to be  
 4 paid for each renewal shall, in case the amount cannot be agreed upon, be  
 5 fixed and determined before the commencement of the renewal term by 3  
 6 arbitrators, one to be appointed by the State, one by the then lessee, and  
 7 the third by their joint agreement, or should they fail to agree, then by the  
 8 Superior Court.

1 34. Upon application in writing made by any person, by whom any lease  
 2 of riparian lands is held, for the cancellation and annulment of such lease,  
 3 the commission may in its discretion cancel and annul the same and there-  
 4 upon such riparian lands and the rights therein shall revert to the State.



## ARTICLE 8

## CERTIFIED SEARCHES

1       35. Any person who may desire to be informed as to the title or rights  
2 claimed by the State, in any parcel of land, or in any land adjoining any  
3 parcel of land, as riparian lands of the State, may apply to the commission  
4 for an official certificate of search, by application in writing in such form as  
5 shall be prescribed by the commission describing the lands intended to be the  
6 subject matter of the search, and the commission may in such case require  
7 that accompanying said application, there shall be a survey and map of such  
8 character that there may be delineated thereon the boundaries of the parcel  
9 of said lands, if any, so claimed by the State and such lines, if any, as shall  
10 have been fixed by the commission for the improvement thereof as such  
11 riparian lands.

1       36. Upon receipt of such application and upon the payment of such fee  
2 as the commission shall fix for the making of such examination and search,  
3 the commission shall cause an examination of its records to be made and if  
4 it shall appear that the lands in question have not been surveyed by the com-  
5 mission, or if they have been surveyed, that the physical conditions of said  
6 lands may have so changed that said survey is no longer accurate, the com-  
7 mission shall cause a survey or a new survey of said lands to be made and  
8 the cost thereof shall be paid by the applicant, before any certified search is  
9 issued.

1       37. Upon the conclusion of said examination, the commission shall cause  
2 to be issued, under the hand of its secretary, a search showing the boundaries  
3 of the lands so claimed as riparian lands of the State in the lands in ques-  
4 tion, and such lines, if any, as shall have been fixed by the commission for the  
5 improvement thereof as riparian lands, by delineating the same upon a map,  
6 or if the State claims no title or right in the lands in question as riparian  
7 lands, stating accordingly, which search shall be certified as correct, under the  
8 hand of the secretary of the commission.



9 If any person, in reliance upon such search, shall acquire, for value, any  
 10 interest in any lands covered thereby, or having an interest therein, shall  
 11 take any action, in relation thereto, of such character that he would be  
 12 damaged, if any claim as to said lands as riparian lands of the State not  
 13 shown upon said search, is asserted by the State, as of the date of such  
 14 search, such persons shall hold such interest free from any claim of the  
 15 State in said lands as riparian lands of the State, which is not shown upon  
 16 said search as of the date thereof.

1 38. Any party or any person having an interest in said lands who is  
 2 dissatisfied with any claim of the State, as it is set forth in said search,  
 3 shall be entitled to a public hearing thereon, to be held within 30 days after  
 4 written request therefor, made or filed with the secretary of the commission.

#### ARTICLE 9

##### OFFSHORE LICENSES

1 39. The commission may grant licenses to persons holding grants or leases  
 2 of riparian lands of the State, or to any other person making application  
 3 therefor, with the consent of such grantee or lessee or of the upland owner  
 4 of the riparian lands involved, for the erection and maintenance of struc-  
 5 tures within or without the exterior line fixed by the commission, upon pay-  
 6 ment of a reasonable fee therefor as fixed by the commission, which license  
 7 shall be revocable on 30 days' notice of revocation, served upon the license  
 8 holder by certified mail addressed to his last known address, or if the license  
 9 holder be a corporation, upon any officer or registered agent thereof at his  
 10 last known address, and failure to remove any such structure within said 30  
 11 days shall constitute a purpresture, which may be abated and shall be punish-  
 12 able as provided in this law.

#### ARTICLE 10

##### STATE OR MUNICIPAL, ET CETERA, GRANTS

1 40. Whenever any county or municipality or any department, commission,  
 2 bureau or agency thereof or of the State, whether or not it is the owner of  
 3 the upland adjoining any riparian lands, shall determine to obtain a grant or  
 4 lease of such riparian lands for public use, it shall make application for



5 such a grant or lease of said riparian lands, stating the purpose for which it  
6 desires to use the lands, which application shall be made, received and pro-  
7 ceeded upon in the same manner as is prescribed for other applications for  
8 grants or leases of such lands.

1     41. Whenever a public park, place, street or highway has been or shall be  
2 laid out or provided for by or on behalf of any county or municipality or  
3 any department, commission, bureau or agency thereof or of the State along,  
4 over, including or fronting upon, any riparian lands of the State, or shall  
5 extend to any such lands and such county or municipality or any department,  
6 commission, bureau or agency thereof shall apply under this law for a grant  
7 of said riparian lands and said county or municipality or any department,  
8 commission, bureau or agency thereof, whether or not it is the upland owner  
9 thereof, and it shall be unable or unwilling to pay the price fixed by the com-  
10 mission for such lands, the commission may grant to such applicant a  
11 revocable license to use said lands so granted and a permit to erect buildings  
12 and structures thereon for the purposes for which the application is made  
13 until such time as the commission shall decide to make a grant in favor of the  
14 lands to other grantees for such consideration as the commission may  
15 determine to be adequate consideration for said lands. Any such revocable  
16 license and permit may contain a provision that if the same is revoked and the  
17 lands in question granted to another grantee, the other grantee shall pay, as  
18 a condition of his grant, the cost of any improvements which may have been  
19 constructed by the conditional grantee upon the lands which were the subject  
20 matter of the revocable license and permit.

1     42. When any application is made to the commission by any applicant  
2 other than a county or municipality or any department, commission, bureau  
3 or agency thereof or of the State, for a grant or lease of any riparian lands  
4 and any county or municipality or any department, commission, bureau or  
5 agency thereof or of the State shall desire to obtain such grant or lease for  
6 public use, in connection with activities within its jurisdiction, it shall give  
7 notice in writing to the commission and to the applicant within 2 months after  
8 the receipt of such application and shall make application for  
9 the grant of such riparian lands for public use if it shall make application for



8 the making of said application, stating the purpose for which it desires to  
9 use the land and it shall, within 6 months of the making of the application,  
10 make application for a grant or lease of said riparian lands, which shall be  
11 made, received and proceeded upon as are other applications under this law,  
12 except as otherwise provided in this article.

1     43. The commission in any such case in which the county or municipal-  
2 ity or any department, commission, bureau or agency thereof or of the State  
3 applying under section 42 of this law is not the upland owner of the riparian  
4 lands applied for, shall hold a public hearing upon at least 2 weeks' notice  
5 by publication and by service, by certified mail, upon all interested parties  
6 and if the commission shall determine as a result of said hearing that the best  
7 interests of the State require that a grant or lease shall be made to the  
8 county or municipality, or department, commission, bureau or agency thereof  
9 or of the State, applying therefor, it shall fix the proper and adequate con-  
10 sideration to be paid therefor.

1     44. Such grant or lease shall be effective only upon payment of the  
2 consideration fixed therefor, within such time as the commission shall fix, in  
3 the same manner as in cases of grant or lease made to individuals, and in any  
4 such case the upland owner shall not be entitled to any of the benefits pro-  
5 vided in this law.

1     45. Any grant, lease or license made under this article shall contain a  
2 term that it shall be terminated if and when the public use terminates, if at  
3 that time the grantee, lessee or licensee is not the owner of the adjoining up-  
4 land, but when a grant or lease shall be made to the proper authority of the  
5 State, or a municipal or other subdivision thereof, of riparian lands of the  
6 State fronting on or within the extended lines of any street or highway  
7 heretofore or hereafter laid out or provided for, and said authority shall  
8 have or may hereafter grant or lease the lands so granted, or the right to  
9 use the lands for the purpose of constructing a bridge over or along the  
10 same, to a corporation organized under sections 48:5-13 to 48:5-25 of this  
11 Title, Public Utilities, the commission may insert an express provision in the  
12 grant or lease that the lands may be used for such purpose.



## ARTICLE 11

## WATER-FRONT IMPROVEMENTS

1       46. All plans for the development of any water front upon any navigable  
2 water or stream of this State or bounding thereon, or of any riparian lands  
3 of this State belonging to the State or conveyed or leased by the State to  
4 any person under a riparian grant or lease, which is contemplated by any  
5 person or municipality in the nature of individual improvement or develop-  
6 ment or as a part of a general plan which involves the construction or altera-  
7 tion of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or other similar  
8 or dissimilar water-front development shall be first submitted to the commis-  
9 sion. No such development or improvement shall be commenced or executed  
10 except under permit issued by the commission as in this act provided.

1       47. Upon the presentation of plans for any such water-front develop-  
2 ment or improvement the commission shall forthwith consider the same, and  
3 may hold public hearings for the consideration thereof under such rules and  
4 regulations as it may establish.

1       48. Before any plans are approved or disapproved the commission may,  
2 except as otherwise provided in this act, direct such changes or alterations  
3 in the plans as it may deem necessary or advisable, as a condition precedent  
4 to approval.

1       49. Where such water front is under the control of a local board, com-  
2 mission or other body having power by law to improve or develop or to con-  
3 trol the water front so that a permit or license must be granted by it before  
4 any improvement or development may be commenced, the plans for any such  
5 improvement or development shall be filed with the commission.

1       50. The commission may within 10 days after receipt of such plans file  
2 notice of objections to the carrying out of the improvement or development  
3 or to the granting of a permit or license by such governing body.

1       51. The filing of the notice shall act as a stay in the carrying out of the  
2 plans for the granting of such permit or license until a public hearing shall  
3 have been held by the local governing body of the municipality concerned,  
4 sitting jointly with the commission.



1     52. At the hearing the commission may state its objection to the plans  
2 and recommend such changes as may be necessary. The local governing body,  
3 together with the commission, shall approve or disapprove the plans or  
4 grant or refuse to grant the permit for license as seems to them to be nec-  
5 essary or desirable.

1     53. Any improvement or development subject to the jurisdiction of the  
2 commission, which is commenced or executed without first obtaining ap-  
3 proval thereof as in this article provided, shall be deemed to be a purpres-  
4 ture and a public nuisance and may be abated in an action brought by the  
5 commission in the name of the State, appropriate for that purpose, and any  
6 person guilty of any such purpresture shall be subject to a penalty of not  
7 more than \$100.00 for each day during which such purpresture continues, to  
8 be recovered by commission by proceedings under the Penalty Enforcement  
9 Law.

10    This article shall not apply to or affect any development for docks,  
11 shipping and transportation facilities inaugurated by a municipality and  
12 under construction in whole or in part prior to April 8, 1914 provided the  
13 municipality had, prior to said date, filed with the Secretary of State a map  
14 showing the lands proposed to be taken for such municipal development.

1     54. Upon the request of a county, municipality or other political subdi-  
2 vision of the State the commission shall prepare and submit a proper plan  
3 for the development and improvement of the water front of such county,  
4 municipality or political subdivision upon any navigable stream or waters  
5 of this State or bounding thereon, the navigation of the waters thereof and  
6 the regulation and improvement of the traffic of commerce incident thereto.  
7 For the preparation and submission of the plans the commission may make  
8 such charge against the county, municipality or other political subdivision  
9 requesting the same as is equal to the actual cost thereof, which said county,  
10 municipality or political subdivision is authorized to pay from any funds  
11 available therefor in such treasury.

## ARTICLE 12

GRANTS, ET CETERA, ADJACENT TO AND IN  
FRONT OF THE PALISADES, ET CETERA

1 55. As used in this article, "Palisades" means that portion of the west  
2 shore of the Hudson river, lying between the high-water line and the top or  
3 edge of the steep cliffs or the crest of the slope in places where the steep  
4 cliffs are absent, from the road leading from the old Fort Lee dock or land-  
5 ing to Fort Lee in Bergen county on the south to the northerly boundary  
6 line of the State of New Jersey. The riparian lands lying under the water  
7 of the Hudson river to the southward of the said road, leading from the Fort  
8 Lee dock or landing to Fort Lee in Bergen county, shall not be subject to  
9 the provisions of this article.

1 56. Every lease, grant or conveyance of lands lying under the waters  
2 of the Hudson river adjacent to or in front of the Palisades, or adjacent  
3 to or in front of the strip of land between the base of the Palisades and the  
4 lands under water, shall contain such terms, conditions, restrictions and lim-  
5 itations as will, so far as possible, forever thereafter preserve unbroken the  
6 uniformity and continuity of the Palisades, and to prevent the lands leased,  
7 granted or conveyed from being used or devoted to injurious or destructive  
8 work or operations against the Palisades, or in connection with or for the en-  
9 couragement, aid or promotion of such work or operations.

1 57. No terms, conditions, restrictions or limitations shall be inserted in  
2 any such lease, grant or conveyance which shall prevent or interfere with  
3 any work or operations, whether by blasting and removing rock or other-  
4 wise, on any part of land lying between the base of the vertical line of the  
5 Palisades and the high-water mark on the Hudson river, for the purpose of  
6 preparing the ground for the construction of buildings or for commercial  
7 purposes.

1 58. No lease, grant or conveyance made prior to March 11, 1922, of lands  
2 lying under the waters of the Hudson river southward of said road leading  
3 from the Fort Lee dock or landing to Fort Lee in Bergen county, shall be



4 held invalid because not containing the terms, conditions and restrictions  
5 prescribed in this article.

6 Nothing in this article shall affect or impair any lease or grant made  
7 prior to March 18, 1898.

#### ARTICLE 13

##### RIPARIAN LANDS ACQUIRED BY THE STATE

1 59. The commission may acquire title in fee simple, in the name of the  
2 State to any riparian lands in the State, which can be used with and are  
3 necessary for the development and improvement or use of lands under tide-  
4 waters owned by the State, of such area and extent as the commission, in its  
5 discretion, may deem necessary and advisable for said purposes. All lands  
6 so acquired shall be subject to the jurisdiction and control of the commission.

1 60. Whenever the Department of Conservation and Economic Develop-  
2 ment shall have acquired title in fee simple, in any manner provided by law, to  
3 any riparian lands within the State, the use and occupation of the riparian  
4 lands so acquired, together with all improvements thereon, may be leased or  
5 granted by the commission to any person upon such terms and covenants and  
6 for such periods of time not exceeding 60 years, as may be required and  
7 directed by the commission but such grant or lease shall be permitted only  
8 in conjunction with the grant or lease of the adjacent lands under tidewater  
9 and only to the same party or parties and for the same period of time.

1 61. The commission may, as a consideration for the transfer of title of  
2 any riparian lands to the State, enter into an agreement with the owner  
3 thereof to lease and grant, after transfer of title to the State, the use and  
4 occupation of the riparian lands as well as the adjacent lands under tidewater,  
5 to such owner or any party designated by him, whereby the lands, both  
6 riparian and under tidewater, shall be improved and developed at the expense  
7 of the grantee or lessee, in such manner, under such plans and specifications,  
8 at such minimum cost and within such time as may be required by the  
9 commission.



1     62. The commission shall also require that after such improvements have  
2 been made and constructed, the lessee or grantee shall, under the supervision  
3 and jurisdiction of the commission maintain and operate, during the life of  
4 the lease or grant upon said premises, such enterprise, commercial opera-  
5 tion, business or venture as the improvements are designed for, at the sole  
6 cost and expense of the lessee or grantee.

1     63. In lieu of rent reserved in cash for the grant or lease of said  
2 riparian lands and lands under tidewater, the commission may require as  
3 rental, for the full term of the grant or lease, an annual percentage of not  
4 less than 33 $\frac{1}{3}$ % of the income the lessee or grantee received from the use and  
5 occupation of the premises and the business or enterprise conducted  
6 thereon. The income shall be calculated and adjusted in such manner as the  
7 commission shall determine and all of such requirements shall be set forth in  
8 detail in the grant or lease.

1     64. All moneys received by the commission under the provisions of this  
2 article shall be subject to the provisions of law applicable to the receipts  
3 from grants or leases of land under tidewater.

1     65. At the expiration of the term of the grant or lease the title to all  
2 improvements, railways, buildings, docks, wharves, bulkheads, machinery,  
3 stock and equipment and all chattels comprising the fixtures located upon  
4 such land and premises and then in the operation and maintenance of the  
5 enterprise, business or venture conducted on the premises, together with the  
6 title and goodwill of the business or enterprise, shall vest in the State. The  
7 grant or lease shall contain in detail the mode and manner and subject matter  
8 of the transfer to the State.

1     66. All grants or leases under the provisions of this article shall be  
2 subject to the provisions of existing laws so far as the same are not incon-  
3 sistent with the terms of this article.

#### ARTICLE 14

##### REMOVAL OF SAND, ET CETERA, FROM RIPARIAN LANDS

1     67. No person or corporation shall dig, dredge or remove any deposits



2 of sand or other material from the riparian lands of the State without a  
 3 license so to do first obtained as provided in section 68 of this act, and any  
 4 person or corporation who shall so unlawfully dig, dredge or remove any de-  
 5 posit of sand or other material as aforesaid shall forfeit and pay for each  
 6 and every such offense the sum of \$100.00, to be prosecuted for and re-  
 7 covered by a civil action by any person or persons in any court of competent  
 8 jurisdiction with costs of suit, the  $\frac{1}{2}$  the amount so recovered to be for the  
 9 use of the State, and the other  $\frac{1}{2}$  to the use of the person or persons who  
 10 shall sue for and prosecute the same to effect; provided, however, that nothing  
 11 in this section contained shall prevent the owner of any grant or lease from  
 12 the State, or the assignee or lessee thereof, from digging, dredging, remov-  
 13 ing, and taking sand and other material within the lines of, or in front of, such  
 14 grant or lease, for the purpose of improving lands granted or leased to  
 15 them, or their grantors or lessors, by the State, nor prevent such owner, as-  
 16 signee or lessee from digging or dredging a channel or channels to the main  
 17 channels, and removing and taking the material therefrom.

1 68. The commission may, under such terms and restrictions as to dura-  
 2 tion, compensation to be paid and such other conditions and restrictions as  
 3 the interest of the State may require, license by an instrument in writing,  
 4 executed in the same manner as grants of riparian lands are required to be  
 5 executed, any person or corporation to dig, dredge or remove any deposits of  
 6 sand or other material from riparian lands of the State.

#### ARTICLE 15

##### PROCEEDINGS AGAINST TRESPASSERS, ET CETERA, ON RIPARIAN LANDS

1 69. In case any construction, improvement or development shall be com-  
 2 menced, or be in the process of construction or alteration, in violation of the  
 3 provisions of this act, the commission may order all further work in and  
 4 about the same to be stopped forthwith and after the issuance of such order  
 5 and the service of a copy or copies thereof upon the owner of the premises,  
 6 personally or by certified mail at his last known address, and, upon the



7 persons working in and around such construction, improvement or develop- 7  
8 ment, by the posting of a copy thereof in a conspicuous place upon the 8  
9 premises, no further work shall be done thereon until the provisions of this 1  
10 law, so far as they apply thereto, shall be entirely complied with. 2

1 70. Any person served with, or having knowledge of, such an order 3  
2 who thereafter shall do or permit or allow to be done any work in or about  
3 such construction, improvement or development before all the provisions of  
4 this act, so far as they apply to such improvement or development, shall have  
5 been entirely complied with, shall be subject to a penalty of not more than  
6 \$100.00 for each day upon which such offense shall be committed or con-  
7 tinued, to be recovered by the commission in proceedings under the Penalty  
8 Enforcement Law.

1 71. Any encroachment or trespass upon the riparian lands of the State  
2 or upon the water front of any navigable waters of this State, or the waters  
3 or lands bounding thereon, and the erection or maintenance of any construc-  
4 tion, improvement or development upon any riparian lands, whether or not  
5 they have been granted or leased by the State, without first obtaining ap-  
6 proval thereof as in this act provided, shall be a purpresture and a public  
7 nuisance and may be abated by the commission, and the commission may  
8 restrain and prevent the erection and maintenance thereof, and remove or  
9 compel the removal thereof, and any construction, erection or accretion in-  
10 jurious to the flow of any such waters which may be detrimental to the proper  
11 navigation thereof, and the maintenance and improvement of commerce.  
12 thereon.

1 72. Any person guilty of any such purpresture shall be subject to a  
2 penalty of not more than \$100.00 for each day during which purpresture con-  
3 tinues to be recovered by the commission in proceedings brought and prose-  
4 cuted in the name of the State under the Penalty Enforcement Law, and  
5 the commission may institute and prosecute appropriate actions in the name  
6 of the State in any courts of competent jurisdiction for the enforcement of

7 any other remedy, which may be available to it, in the enforcement of this  
8 article.

1 73. The Attorney General of the State is hereby required to commence  
2 and prosecute such actions as may be instituted or directed by the com-  
3 mission.

#### ARTICLE 16

##### LIENS FOR DELINQUENT PAYMENTS

1 74. The State shall have a lien against the property of any person who  
2 has or receives any grant, lease or license of riparian lands or any permit  
3 to make improvements upon any such lands for the amount of the considera-  
4 tion or the rentals payable under said grant, lease or license or any charges  
5 incident to the granting of any such permit, when the same are due or as they  
6 grow due, with interest thereon, which lien shall have priority from the time  
7 of its filing over all subsequent encumbrances, alienations and judgments.

8 Any such lien may be filed at any time after the grant, lease, license or  
9 permit is issued and it shall become effective as a lien at the time when the  
10 payment or payments for which it is filed as a lien shall become due and  
11 payable.

1 75. The State shall have a similar lien against the property of any person  
2 who has wrongfully occupied or used, or shall wrongfully occupy or use, any  
3 riparian lands of the State, for the amount of the damages which the State  
4 has suffered or shall suffer by reason thereof. The amount of such damages  
5 shall be assessed by the commission and the lien shall be filed for such  
6 amount and the commission shall institute a civil action in the nature of an  
7 action at law against such person within 60 days after the filing of the lien.

1 76. Any lien for a wrongful occupation or use of riparian lands belong-  
2 ing to the State may be filed at any time after such wrongful occupation or  
3 use is discovered and such lien shall become effective, for the amount of the  
4 preliminary assessment of damages stated in the lien, from the time of its  
5 filing until determination of such civil action and in case judgment is entered  
6 in favor of the State therein, the lien of the judgment, to an amount not



7 exceeding the amount stated in the lien, shall relate back to the date of the  
8 filing of the lien and the lien shall be enforceable only by proceedings on the  
9 judgment entered in such civil action. If the commission shall fail to institute  
10 such civil action within said period of 60 days or, if having instituted it, final  
11 judgment shall be entered against the commission the lien shall be void. The  
12 commission shall have power to compromise any claim made under any such  
13 lien and such a lien shall be discharged when payment is made of the amount  
14 claimed thereunder or of such other sum as the commission shall determine  
15 upon by way of compromise settlement of the amount so claimed, or if it shall  
16 become void as provided in this article.

1 77. The lien shall state the name of the person against whose property  
2 it is filed and the amount due and to grow due thereon and shall be executed  
3 by the president or vice-president of the commission under the seal of the com-  
4-5 mission attested by the secretary or an assistant secretary of the commission.

6 It shall be filed with the clerk of the county in which the lands granted,  
7 leased or licensed or in connection with which the permit is granted or which  
8 are the subject matter of wrongful occupation or use, shall lie or with the Clerk  
9 of the Superior Court and it shall immediately attach to and become binding  
10 upon all real property owned by any person against whom it is filed, within  
11 the county, if it is filed with the county clerk of a county, or wherever situate  
12 within the State, if it is filed in the Superior Court, and shall have the force  
13 and effect and may be proceeded upon in the same manner as a judgment, in  
14 the nature of a judgment at law entered in said court subject to the provi-  
15 sions of this article. The validity of any such lien may be reviewed in a  
16 proceeding in lieu of the prerogative writs.

1 78. The clerk of the county or the Clerk of the Superior Court, as the case  
2 may be, shall provide suitable books in which all liens and other papers  
3 incidental thereto shall be received and recorded without payment of any fee,  
4 which books shall be properly indexed in the name of the person against whom  
5 the lien is claimed.



1     79. Such lien against a parcel of real estate may be apportioned by the  
2 commission among any lots or other subdivisions of any lands covered thereby  
3 and shall be made on the written application of any person interested, or on  
4 motion of the commission without application, and shall be made according  
5 to the values of the respective lots or subdivisions at the time it was im-  
6 posed.

1     80. The apportionment shall be made on the written application of any  
2 person interested, or on motion of the commission without application, and  
3 shall be made according to the values of the respective lots or subdivisions  
4 at the time it was imposed.

1     81. The apportionment shall be made upon notice to the interested par-  
2 ties whose interest appears of record, after hearing unless the interested  
3 parties shall waive notice and hearing.

1     82. Such notice shall state the time and place of hearing on the appli-  
2 cation for apportionment and shall be given at least one week in advance  
3 by publication in a newspaper published in and circulating in the municipal-  
4 ity if there be any such newspaper and otherwise in a newspaper circulat-  
5 ing in the county.

1     83. The commission may require that the written application shall be  
2 accompanied by a map showing the entire parcel and the subdivisions de-  
3 sired and the deposit of a sum sufficient to cover the expenses of the notice  
4 and advertisement provided for in this article, and to pay the estimated  
5 amount apportionable to the lot or lots or other subdivisions in which the  
6 applicant is interested.

1     84. A copy of the apportionment shall be filed with the secretary of the  
2 commission and the charge as apportioned to each lot or other subdivision  
3 shall then be a lien thereon, in the same manner as if originally so imposed.

1     85. The commission is authorized to compromise and make settlement  
2 of any claim for which any lien is filed under the provisions of this article  
3 and such resolution shall be sufficient authorization for the discharge thereof.

1     86. Any lien so filed may be discharged as to all of the lands covered

2 thereby or as to any part thereof specifically described in the certificate  
3 offered for filing, by filing in the office in which it is filed a certificate setting  
4 forth that the same is discharged of record, executed under the seal of the  
5 commission and signed and acknowledged by the chairman or vice-chairman  
6 of the commission and attested by the secretary or an assistant secretary of  
7 the commission.

#### ARTICLE 17

##### DELINQUENT RENTALS, ET CETERA

1 87. The secretary of the commission shall, on or before the first Tuesday  
2 in January in each year, make out a list of all leases of riparian lands held  
3 by the State on which rentals are in arrears and unpaid for the space of 1  
4 year, and transmit the same to the commission.

1 88. Where a riparian lease, the rentals of which are unpaid for the  
2 space of 1 year, contains a covenant or condition that upon nonpayment of  
3 the yearly rent or sum reserved at the time or times fixed for the payment  
4 thereof, the State may re-enter and possess the lands described in the lease,  
5 the commission may enter upon said lands, and in the name and on behalf  
6 of the State, take possession thereof.

1 89. Such entry shall be made by the commission or any member thereof,  
2 by going on the land and announcing in the presence of one or more witnesses  
3 that all rights under the lease are forfeited to the State.

1 90. Before the entry is made, the commission shall give notice to the  
2 lessee or to the person or persons, entitled to possession of the premises  
3 after payment, on the records of the commission,

4 a. By publication, or

5 b. By personal service.

1 91. The notice so to be published or served shall set forth:

2 a. The name of the person to whom the lease was granted;

3 b. The name of the person holding the lease by devise, grant, assign-  
4 ment or otherwise, if known to the commission; and



5 c. A statement that if the rentals unpaid are not paid on or before the  
6 expiration of a time to be fixed therein, not less than 2 weeks, all rights  
7 under the lease shall determine, become void and forfeited to the State.

1 92. After such notice shall have been published or served and entry made  
2 on the land described in the lease, the commission shall make and file with its  
3 secretary a report setting forth the fact of such publication or service and  
4 entry on the land, and:

5 a. In case the notice shall have been published, annex a copy of the  
6 publication to the report; and

7 b. In case the notice shall have been served personally, annex to the  
8 report an affidavit by the person serving the notice, proving the truth thereof.

1 93. Thereafter the commission may, in the manner prescribed by law,  
2 again lease or grant the land as fully as if the original lease had never been  
3 made.

1 94. Upon making entry and taking possession of any lands described in  
2 any such lease, the commission shall execute its certificate certifying to the  
3 re-entry and repossession and describing the lands re-entered and repossessed,

4 The certificate shall be executed and acknowledged as deeds are re-  
5 quired to be acknowledged, and shall be recorded in the records of the county  
6 wherein such lands are located as deeds are required to be recorded.

7 The same fee shall be paid for recording the certificate as is required for  
8 recording deeds.

1 95. All rights, at law or in equity, which have accrued to the State for  
2 the rentals in arrears and unpaid up to the expiration of the time fixed in the  
3 notice mentioned in this article shall not abate but shall remain in force and  
4 effect.

1 96. The commission shall be released from all responsibility arising from  
2 the lease of any lands upon which re-entry had been made as provided by this  
3 article.

## ARTICLE 18

## CONFIRMATORY GRANTS OR LEASES

1 97. The commission may, upon petition of any upland owner, investigate  
2 the facts relative to any lease or grant of riparian lands purporting to have  
3 theretofore been made under authority of any legislative act for the purpose  
4 of determining whether or not it is equitable and just that a confirmatory  
5 lease or grant shall be made to ratify and confirm to the petitioner the title  
6 to riparian lands under water adjacent to the ripa of the petitioner and  
7 within the area of lands covered by a prior lease or grant through which the  
8 petitioner claims title to the riparian lands for which a confirmatory lease or  
9 grant is required.

1 98. If the commission finds that it is equitable and just that such a con-  
2 firmatory lease or grant be executed in consideration of the moneys thereto-  
3 fore paid to the State on account of the lease or grant, or upon payment of  
4 such further consideration as may be equitable and just, a proper confirma-  
5 tory lease or grant shall be executed and delivered to the petitioner, his  
6 heirs, successors or assigns. Any confirmatory lease or grant made in com-  
7 pliance with this article shall be conclusive and final as to its equity or just-  
8 ness and thenceforth shall be binding upon the State.

1 99. The commission may consider, under a petition filed under this  
2 article, the granting of additional riparian lands adjacent to the lands to be  
3 covered by any confirmatory lease or grant, provided the petition shall have  
4 made application for the grant of additional riparian lands in accordance  
5 with the requirements of the statutes in force at the date of the petition, to  
6 the end that a lease or grant may include not only the lands, title to which is  
7 being confirmed, but also additional riparian lands adjacent thereto.

8 The expressed consideration for such lease or grant shall be the sum  
9 total of any additional sum to be paid for the confirmation of previous leases  
10 or grants and of the sum agreed to be paid for the new area.

1 100. The lands to be affected by this article shall be riparian lands of this  
2 State. Any lease or grant of new areas or by way of confirmation may be



9 total of any additional sum to be paid for the confirmation of previous leases  
10 or grants and of the sum agreed to be paid for the new area.

1 100. The lands to be affected by this article shall be riparian lands of this  
2 State. Any lease or grant of new areas or by way of confirmation may be  
3 based upon the original natural mean high tide line as of the date of the  
4 lease or grant being confirmed or as of the date of the new and confirmatory  
5 grant.

1 101. The commission may, in reaching its conclusion that it is equitable  
2 and just to confirm in a present owner title to riparian lands which he has  
3 lawfully acquired through any previous lease or grant of the State, determine  
4 that it is equitable and just if it determines that:

5 a. The consideration paid for the original lease or grant was at the date  
6 of its execution full and adequate consideration for the lands so leased or  
7 granted;

8 b. The lands leased or granted lie in front of the ripa on which the lease  
9 or grant was based because the riparian lands in the vicinity of the lands  
10 under consideration have been lawfully and equitably apportioned to the  
11 owners by any agency authorized by law to make grants of riparian lands  
12 in the name of the State and the lands under consideration are within the  
13 area of the lands under water so apportioned to the lands owned by the peti-  
14 tioner, and provide reasonable access to owners to deep water beyond bulk-  
15 head and pierhead lines;

16 c. The lands leased or granted lie in front of the riparian lands of the  
17 petitioner because the lands so leased or granted constitute an equitable  
18 allotment or apportionment of the lands under water to the riparian lands to  
19 which they are attached, even though the boundaries defining the limits of  
20 the lands granted are irregular and do not constitute straight side lines  
21 running parallel to each other and extending from the shore to the bulkhead  
22 or pierhead lines, and provide reasonable access to upland owners to deep  
23 water beyond bulkhead and pierhead lines; and

24 d. The owner of all estates, rights and privileges under the lease or grant  
 25 to be confirmed to the extent of the riparian lands to be defined in a confirma-  
 26 tory lease or grant is the petitioning owner of riparian lands to be benefited  
 27 on the date the petition is filed, or at the date of the finding of the commis-  
 28 sion that it is equitable and just that a confirmatory lease or grant shall be  
 29 executed.

1 102. Any lease or grant which shall be authorized under a petition filed  
 2 in accordance with this article may be in fact executed to the petitioner, or  
 3 his heirs, devisees or assigns, provided that the grantee named in the lease or  
 4 grant is the upland owner at the date of the lease or grant.

5 Any person owning riparian lands shall be deemed to be entitled to the  
 6 benefits of this article.

#### ARTICLE 19

##### GRANTS OR LEASES UNDER STATUTORY AUTHORITY

1 103. In case any person or corporation who by any legislative act, is a  
 2 grantee or licensee, or has such power or authority, or any of his, her or  
 3 their representatives or assigns shall desire a paper capable of being acknowl-  
 4 edged and recorded, made by and in the name of the State of New Jersey,  
 5 conveying the land mentioned in the proviso to the third section of an act  
 6 entitled "Supplement to an act entitled 'An act to ascertain the rights of the  
 7 State and of riparian owners in the lands lying under the waters of the bay of  
 8 New York and elsewhere in this State,' approved April 11, 1864," approved  
 9 March 31, 1869 (§ 12:3-4 of the Revised Statutes), whether under water now  
 10 or not, and the benefit of an express covenant, that the State will not make or  
 11 give any grant or license power, or authority affecting lands under water in  
 12 front of said lands, then and in either of such cases, such person or corpora-  
 13 tion, grantee or licensee, having such grant and license, power or authority,  
 14 his, her or their representatives or assigns on producing a duly certified copy  
 15 of such legislative act to the commission, and in case of a representative or  
 16 assignee also satisfactory evidence of his, her or their being such representa-  
 17 tive or assignee, and requesting such grant and benefits as in this section



23 or licensee or corporation having such grant, license, power or authority, and  
24 to the heirs and assigns of such grantee or licensee, or to the successors and  
25 assigns of such corporation, upon his, her or their securing to be paid to the  
26 State an annual rental of such reasonable sum as the commission may fix for  
27 each and every lineal foot measuring on the bulkhead line, or a conveyance  
28 to such grantee or licensee or corporation having such grant, license, power  
29 or authority, and to the heirs and assigns of such grantee or licensee, or to the  
30 successors and assigns of such corporation in fee, upon his, her, or their pay-  
31 ing to the State such reasonable sum as the commission may fix for each and  
32 every lineal foot measuring on the bulkhead line, in front of the land included  
33 in said conveyance; provided, that no corporation to whom any such grant,  
34 license, power or authority was given by legislative act as aforesaid, in which  
35 provision was made for the payment of money to the Treasurer of the State  
36 for each and every foot of the shore embraced and contained in the act; nor the  
37 assigns of such corporation shall be entitled to the benefits of this section;  
38 and provided further, that the commission shall in no case grant lands under  
39 water beyond the exterior lines hereby established, or that may be hereafter  
40 established, but the said conveyance shall be construed to extend to any bulk-  
41 head or pier line further out on said river and bay that may hereafter be  
42 established by legislative authority; in case any person or corporation taking  
43 a lease under this section, shall desire afterwards a conveyance of all or any  
44 part of the land so leased, the same shall be made upon payment of such  
45 reasonable sum for every such lineal foot, as the commission may fix, the  
46 conveyance or lease of the commission under this law, shall not merely pass  
47 the title to the land therein described, but the right of the grantee or licensee,  
48 individual or corporation, his, her or their heirs and assigns, to exclude to  
49 the exterior bulkhead line, the tidewater by filling in or otherwise improving  
50 the same, and to appropriate the land to exclusive private uses, and so far  
51 as the upland from time to time made shall adjoin the navigable water, the  
52 said conveyance or lease shall vest in the grantee or licensee, individual or  
53 corporation, and their heirs and assigns, the rights of the perquisites of  
54 wharfage, and other like profits, tolls and charges.

## ARTICLE 20

## ERRONEOUS GRANTS

1 104. Whenever

2 a. The Board of Commerce and Navigation or the Department of Con-  
3 servation and Economic Development has granted or the commission here-  
4 after shall grant any riparian lands of the State to any person erroneously  
5 by reason whereof the grant shall be void as therein provided; and

6 b. The State has or shall have received the stipulated consideration for  
7 such supposed grant; and

8 c. The grantee named therein, or his heirs or assigns has or shall have  
9 recorded the grant in the county or counties where the land described therein  
10 shall or may be located; and

11 d. Such grantee, his heirs or assigns has or shall have gone into occupa-  
12 tion of the lands described in the supposed grant and the lands if any  
13 between the same and the original high-water line by bulkheading or filling  
14 in, or erecting structures thereon, or otherwise improving the same in such  
15 manner as to give visible notice of such occupation; and

16 e. Such occupation has or shall have continued for a period of 5 years  
17 after the recording of the supposed grant—

18 Every pre-emptive and other right conferred by any legislative act upon  
19 any person to apply for and obtain a grant from the State of the lands so  
20 occupied shall cease and determine, unless a person entitled thereto shall,  
21 before the expiration of such period of 5 years of occupation, apply in writing  
22 to the commission for a grant of the lands so occupied; and pay or give  
23 security for the price fixed or that shall be fixed therefor, which price shall  
24 include the reasonable value of the improvements upon the lands.

1 105. In default of such application, and payment of or security for the  
2 price of the lands, by another person entitled to such grant within the period  
3 of 5 years of occupation of the lands, the commission, on application of the  
4 person named in the supposed grant, or of his heirs and assigns, shall grant



5 and convey absolutely in fee to the applicant, his heirs or assigns forever, all  
6 right and title of the State in and to the lands so occupied.

1 106. If the commission shall determine that the original consideration  
2 paid to the State for the supposed grant was not the reasonable, fair and  
3 adequate value of the lands so occupied, as of the date of the supposed grant,  
4 the applicant shall pay to the State such additional consideration for a  
5 further grant as the commission shall determine to be necessary, in order  
6 that the total consideration received by the State for the lands shall be reason-  
7 able, fair and adequate as of the date of the original supposed grant.

#### ARTICLE 21

##### EFFECT OF REPEAL OF PRIOR STATUTES

1 107. The repeal of the act entitled "An act to authorize the owners of  
2 lands under tidewaters to build wharves in front of the same," approved  
3 March 18, 1851 (L. 1851, p. 335), as to the tidewaters of this State below  
4 the line of mean high tide, by section 3 of the act entitled "Supplement to an  
5 act entitled 'An act to ascertain the rights of the State and of riparian owners  
6 in the lands lying under the waters of the bay of New York and elsewhere  
7 in this State,' approved April 11, 1864," approved March 31, 1869 (L. 1869,  
8 c. 383, p. 1017), as amended by the act approved March 20, 1891 (L. 1891,  
9 c. 124, p. 216), shall not be construed to restore any supposed rights, usage or  
10 local common law, founded upon the tacit consent of the State or otherwise to  
11 fill in any land under water below mean high tide.

#### ARTICLE 22

##### GENERAL PROVISIONS

1 108. The rules and regulations, heretofore promulgated by the Depart-  
2 ment of Conservation and Economic Development for the Bureau of Naviga-  
3 tion in the Division of Resource Development, shall continue in full force and  
4 effect until amended or repealed by the commission, and all applications made  
5 to said bureau and pending at the time this act takes effect shall be valid

6 and effectual, if made in accordance with the statutes and rules and regula-  
 7 tions governing the same on said date, but they shall be proceeded upon in  
 8 the manner prescribed by this law.

1 109. Nothing in this law shall be construed to deprive any person of  
 2 any right or protection provided for him under Title 11, Civil Service, of the  
 3 Revised Statutes, or by any pension law or retirement system.

1 110. All appropriations available to, and to become available to, the  
 2 Bureau of Navigation in the Division of Resource Development of the De-  
 3 partment of Conservation and Economic Development which are required to  
 4 be transferred to carry out the purposes of this law shall be transferred to  
 5 the Riparian Lands Commission, established under this law, to be used for  
 6 said purposes and the additional sum of \$12,000.00 is hereby appropriated to  
 7 said commission to be used for said purposes.

#### ARTICLE 23

##### REPEALERS AND EFFECTIVE DATE

1 111. This act is a revision law and all acts and parts of acts inconsistent  
 2 herewith are hereby superseded and repealed and without limiting the gen-  
 3 eral effect of this act in superseding and repealing acts inconsistent here-  
 4 with, the following acts and parts of acts are specifically repealed:

5 P. L. 1948, chapter 448, section 13,

6 P. L. 1946, chapter 299,

7 Sections 12:3-2 through 12:3-36, 12:3-38 through 12:3-57, 12:3-64  
 8 through 12:3-71 and 12:5-1 through 12:5-8 of the Revised Statutes.

1 112. This act shall take effect immediately, but it shall not be operative  
 2 until January 1, 1965, except to authorize the appointment of the members  
 3 of the Riparian Lands Commission, prior to, but only to take office upon  
 4 said date.



## NEW JERSEY RIPARIAN LAND LAW REVISION

## SCHEDULE OF SOURCE SECTIONS

Section Number	Source Section	Section Number	Source Section
1	New	24	12:3-7
2	New		12:3-10
3	New		12:3-21
4	New	25	12:3-7
5	New	26	12:3-7
6	New	27	New
7	New	28	New
8	New	29	New
9	New	30	New
10	New	31	New
11	New	32	12:3-9
12	New		12:3-16
13	12:3-2	33	12:3-6
14	12:3-3	34	12:3-25
15	12:3-13	35	12:3-10
	12:3-19	36	New
16	12:3-4	37	New
	12:3-14	38	New
	12:5-2	39	New
17	12:3-26	40	New
18	12:3-28	41	12:3-33
19	12:3-20		12:3-36
	13:1A-32.1	42	New
20	12:3-24	43	New
21	12:3-15	44	New
22	12:3-27	45	12:3-34
23	12:3-18		12:3-35

Section Number	Source Section	Section Number	Source Section
46	12:5-3	74	New
47	12:5-4	75	New
48	12:5-4	76	New
49	12:5-5	77	New
50	12:5-5	78	New
51	12:5-5	79	New
52	12:5-5	80	New
53	12:5-6	81	New
	12:5-7	82	New
54	12:5-8	83	New
55	12:3-31	84	New
56	12:3-29	85	New
57	12:3-30	86	New
58	12:3-32	87	12:3-48
59	12:3-64	88	12:3-49
60	12:3-65	89	12:3-50
61	12:3-66	90	12:3-51
62	12:3-67	91	12:3-52
63	12:3-68	92	12:3-53
64	12:3-69	93	12:3-54
65	12:3-70	94	12:3-55
66	12:3-71	95	12:3-56
67	12:3-21	96	12:3-57
68	12:3-22	97	12:3-38
69	New	98	12:3-39
70	New	99	12:3-40
71	12:3-8	100	12:3-41
	12:5-2	101	12:3-42
72	New	102	12:3-43
73	New		12:3-44



Section Number	Source Section	Section Number	Source Section
103	12:3-5	108	New
104	12:3-45	109	New
105	12:3-46	110	New
106	12:3-47	111	New
107	12:3-4	112	New

NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF ALLOCATION OF SOURCE SECTIONS

Source Section	Section Number	Source Section	Section Number
12:3-2	13	12:3-22	68
12:3-3	14	12:3-24	20
12:3-4	16	12:3-25	34
	107	12:3-26	17
12:3-5	103	12:3-27	22
12:3-6	33	12:3-28	18
12:3-7	24	12:3-29	56
	25	12:3-30	57
	26	12:3-31	55
12:3-8	71	12:3-32	58
12:3-9	32	12:3-33	41
12:3-10	24	12:3-34	45
	35	12:3-35	45
12:3-13	15	12:3-36	41
12:3-14	16	12:3-38	97
12:3-15	21	12:3-39	98
12:3-16	32	12:3-40	99
12:3-18	23	12:3-41	100
12:3-19	15	12:3-42	101
12:3-20	19	12:3-43	102
12:3-21	24	12:3-44	102
	67	12:3-45	104

Source Section	Section Number	Source Section	Section Number
12:3-46	105	12:5-7	53
12:3-47	106	12:5-8	54
12:3-48	87	13:1A-32.1	19
12:3-49	88	New	1
12:3-50	89	New	2
12:3-51	90	New	3
12:3-52	91	New	4
12:3-53	92	New	5
12:3-54	93	New	6
12:3-55	94	New	7
12:3-56	95	New	8
12:3-57	96	New	9
12:3-64	59	New	10
12:3-65	60	New	11
12:3-66	61	New	12
12:3-67	62	New	27
12:3-68	63	New	28
12:3-69	64	New	29
12:3-70	65	New	30
12:3-71	66	New	31
12:5-2	16	New	36
	71	New	37
12:5-3	46	New	38
12:5-4	47	New	39
	48	New	40
12:5-5	49	New	42
	50	New	43
	51	New	44
	52	New	69
12:5-6	53	New	70

Source Section	Section Number	Source Section	Section Number
New	72	New	82
New	73	New	83
New	74	New	84
New	75	New	85
New	76	New	86
New	77	New	108
New	78	New	109
New	79	New	110
New	80	New	111
New	81	New	112



(CORRECTED COPY)

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 286

# STATE OF NEW JERSEY

ADOPTED DECEMBER 9, 1963

Amend page 17, section 39, line 7, after the word "shall," insert "except as otherwise provided,".

Amend page 17, section 39, line 12, after "law." insert "A public utility, as defined in R. S. 48:2-13, holding such license shall be granted a reasonable period of time in excess of said 30 days following a notice of revocation within which to remove, replace, or rearrange such structures erected or maintained under said license."



ASSEMBLY, No. 44

~~VETOED~~

1/12/65

# STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1964

By Assemblyman HIERING

Referred to Committee on Agriculture, Conservation and Economic Development

AN Act providing for the establishment of a Riparian Lands Commission and revising the statutes relating to the rights of the State and others in and to riparian lands and to lands now or formerly below the high-water mark or under tidewater and prescribing the jurisdiction, powers and duties of said commission.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE 1

### SHORT TITLE AND DEFINITIONS

1 1. This act shall be known and may be cited as "The Riparian Lands  
2 Commission Law."

1 2. The following words shall, unless the context indicates otherwise, have  
2 the following meanings:

3 "Commission" shall mean the Riparian Lands Commission;

4 "Department" shall mean the Department of Conservation and Eco-  
5 nomic Development;

6 "Division" shall mean the Division of Resource Development in the  
7 Department of Conservation and Economic Development.

8 "Notice" when required to be given by this act

9 (a) by publication, shall mean the publication of a notice in a newspaper  
10 published and circulating in each municipality in which any lands, in rela-  
11 tion to which the notice is given, shall lie, and if there be no such newspaper  
12 in any such municipality, then as to that municipality, in a newspaper pub-  
13 lished in the county and circulating in the municipality, and if there be no  
14 such newspaper, then in a newspaper published in the State and circulating  
15 in the municipality, and

16 (b) to any person

17 (1) personally or by personal service, shall mean by handing a written  
18 copy thereof to such person or leaving a written copy thereof at his last  
19 known place of address with a member of his family above the age of 14  
20 years, then residing therein, or

21 (2) by mailing, shall mean the sending of a written copy thereof by  
22 certified or registered mail to said person in a sealed envelope addressed to  
23 him as his last known address, with sufficient postage and a return receipt  
24 requested.

25 "Upland owner" shall mean the owner of the upland or ripa adjoining  
26 any riparian lands, whether or not said upland or ripa is part of an island.

## ARTICLE 2

### THE RIPARIAN LANDS COMMISSION

1 3. There is hereby established, within the Division of Resource Develop-  
2 ment of the Department of Conservation and Economic Development, a com-  
3 mission which shall be known as The Riparian Lands Commission and which  
4 shall consist of 5 members, no more than 3 of whom shall be members of  
5 the same political party.

1 4. The members of the commission shall be appointed by the Governor  
2 with the advice and consent of the Senate, for terms of 5 years beginning on  
3 July 1, except that of the first appointments: one member shall be appointed  
4 for the term of 1 year, one member shall be appointed for the term of 2  
5 years, one member shall be appointed for the term of 3 years, and one member



6 shall be appointed for the term of 4 years, and the terms of all of the members  
7 first appointed shall begin on July 1, 1963. The members of the commission  
8 shall serve, after the expiration of their respective terms, until their respec-  
9 tive successors shall be appointed and shall qualify.

1 5. Vacancies in the membership of the commission shall be filled in the  
2 same manner as the original appointments were made, but for the unexpired  
3 terms only.

1 6. The members of the commission shall be paid \$50.00 for each day  
2 devoted to the performance of their official duties under this law.

1 7. The Governor shall designate one member of the commission as its  
2 chairman and one member as its vice-chairman and they shall serve, as such,  
3 at the pleasure of the Governor until the expiration of the term of the Gover-  
4 nor by whom they are appointed and until their respective successors shall  
5 be appointed and shall qualify.

1 8. The Chief of the Bureau of Navigation in the Division of Resource  
2 Development of the Department of Conservation and Economic Development  
3 shall serve as secretary of the commission but in event that, by reason of  
4 rearrangement of the bureaus of said division, the office, position or employ-  
5 ment as Chief of the Bureau of Navigation is abolished, the commission shall  
6 appoint a secretary, who shall have the same qualification as are now required  
7 for the chief of said bureau. The commission may appoint an assistant secre-  
8 tary and prescribe his powers and duties and fix his compensation.

1 9. The commission shall adopt a seal and it may make rules regulating  
2 its administration under this law and the procedures in connection with  
3 applications to it and proceedings before it.

4 The chief of the bureau shall assign to the work of the commission such  
5 members of the bureau's technical, stenographic and secretarial staff as may  
6 be necessary to perform said work and the commission shall have authority  
7 to enter into contracts for surveys and other engineering services, without  
8 publicly advertising and obtaining bids therefor, within the limits of funds  
9 appropriated or made available to the commission.

## ARTICLE 3

## JURISDICTION OF THE COMMISSION

1       10. The Riparian Lands Commission shall be vested with and shall admin-  
2 ister all of the functions, powers and duties of the State over and in relation  
3 to the granting and leasing and administration of riparian lands of the State  
4 and the making of grants or leases on behalf of the State, of said lands or any  
5 parcels thereof, to any person or persons, upon such terms and conditions as  
6 said commission shall fix pursuant to this law, and in the execution and  
7 performance of said functions, powers and duties, the commission shall be  
8 vested with all of said powers over said riparian lands, formerly vested in and  
9 exercised by the Board of Riparian Commissioners, the Board of Commerce  
10 and Navigation, the Navigation Council in the Division of Navigation in the  
11 State Department of Conservation and the Resource Development Council of  
12 the Division of Resource Development in the Department of Conservation  
13 and Economic Development.

14       Nothing herein contained shall be deemed to impair the power and juris-  
15 diction now or hereafter conferred upon the Shell Fisheries Council to lease,  
16 to applicants therefor, any of the lands of the State under the tidal waters  
17 thereof to be used and enjoyed by such lessee for the planting and cultivating  
18 of oysters and clams.

## ARTICLE 4

## BULKHEAD AND PIER LINES, ET CETERA

1       11. The commission, having due regard for the interests of navigation  
2 and the development of the resources and lands of the State, may change, fix  
3 and establish the pier lines, or lines for solid filling in the waters under its  
4 jurisdiction, and any other lines, or make any changes in any basin now fixed  
5 and established, or lay out and fix and establish any new basin or basins in  
6 said waters, and when so fixed and established, the commission shall file a map  
7 and surveys in the office of its secretary, showing what lines have been fixed  
8 and established by it for the exterior lines for solid filling and pier lines and



9 any other lines which it may establish, pursuant to law, as well as for any  
10 changes in basins or new basins fixed, laid out and established by it under this  
11 section.

1 12. The commission may, at the request of upland owners, extend its sur-  
2 veys over the tidewaters of this State and prepare and file maps thereof, in  
3 the office of its secretary, showing what lines have been fixed and established  
4 for the exterior lines for solid filling and pier lines.

1 13. The bulkhead line or lines of solid filling and pier lines in the tide-  
2 waters of the Hudson river, New York bay and Kill von Kull, lying between  
3 Enyard's dock, on the Kill von Kull, and the New York State line, so far as  
4 they have been recommended and reported to the Legislature by the commis-  
5 sioners appointed under the act entitled "An act to ascertain the rights of the  
6 State and of the riparian owners in the lands lying under the waters of the  
7 bay of New York, and elsewhere in the State," approved April 11, 1864,  
8 (L. 1864, c. 391, p. 681), by report bearing date February 1, 1865, are hereby  
9 adopted and declared to be fixed and established as the exterior bulkhead and  
10 pier lines between the points above named, as such exterior bulkhead and pier  
11 lines so fixed, established and adopted are shown upon the manuscript maps,  
12 accompanying said report, and filed in the office of the Secretary of State, ex-  
13 cept as said lines have been or may hereafter be changed pursuant to law, and  
14 except said lines drawn on said maps over or upon lands within the bound-  
15 aries of the grant made to the Morris Canal and Banking Company by the act  
16 entitled "A further supplement to the act entitled 'An act to incorporate a  
17 company to form an artificial navigation between the Passaic and Delaware  
18 rivers,' passed December 31, 1824," approved March 14, 1867.

1 14. It shall not be lawful to fill in with earth, stones or other solid ma-  
2 terial, in the tidewaters of the Hudson river, New York bay and Kill von Kull,  
3 beyond the bulkhead line or lines of solid filling by section 13 of this law  
4 adopted, fixed and, established, laid down and exhibited on the aforesaid  
5 maps; and it shall not be lawful to erect or maintain any pier or other struc-  
6 ture exterior to the said bulkhead line or lines of solid filling in any place or

7 places where no exterior line for piers is reported or indicated by said maps,  
8 on the Hudson river, New York bay and Kill von Kull and when an exterior  
9 line for piers is recommended and shown by said report and maps, no erection  
10 or structure of any kind shall be erected, allowed or maintained beyond or ex-  
11 terior to the aforesaid bulkhead line or lines of solid filling, except piers which  
12 shall not exceed 100 feet in width respectively, and which shall in no case ex-  
13 tend beyond the line indicated for piers on said maps accompanying said re-  
14 port; and no piers shall be constructed in said tidewaters, when such exterior  
15 pier lines are adopted, fixed and established, at less intervals between such  
16 piers than 75 feet, except at places occupied and used for ferries, or to be so  
17 occupied or used, when the spaces between the piers may be less; nor shall  
18 any such pier be constructed in any other manner than on piles or on blocks  
19 and bridges; and if on blocks and bridges, such blocks and bridges shall not  
20 occupy more than  $\frac{1}{2}$  of the length of the pier, and they shall be so constructed  
21 as to permit a free flow or passage of water under and through them, without  
22 any other interruption or obstruction than the pile or blocks necessary to sup-  
23 port said piers.

1 15. The commission, shall, from time to time, fix and establish, around or  
2 in front of all islands, reefs and shoals situate in the tidal waters of this  
3 State, exterior lines in said waters, beyond which no pier, wharf, bulkhead,  
4 erection or permanent obstruction of any kind shall be made or maintained,  
5 and also the interior lines for solid filling in said waters, beyond which no  
6 permanent obstruction shall be made or maintained other than wharves and  
7 piers and erections thereon for commercial uses; provided, however, that no  
8 exterior line around or in front of any such island, reef or shoal shall be fixed  
9 and established in front of any riparian grant which was made prior to Feb-  
10 ruary 10, 1891, unless such exterior line shall be fixed and established, at  
11 such distance as will, in the judgment of the commission, leave sufficient wa-  
12 terway in front of said grants for navigation, and when the commission shall  
13 have so fixed and established said lines, it shall file a survey and map thereof  
14 in the office of the secretary of the commission, showing the lines for piers  
15 and solid filling so fixed and established.



## ARTICLE 5

## ENCROACHMENTS AND UNAUTHORIZED

## RECLAMATION OF RIPARIAN LANDS

1     16. Without the grant or permission of the commission no person or pub-  
2 lie or private corporation shall fill in, build upon, make any erection on or  
3 reclaim or encroach upon any of the riparian lands of this State, except  
4 pursuant to lawful grant, lease or permit previously obtained, and any per-  
5 son or corporation so offending shall be guilty of a purpresture, which shall  
6 be abated at the cost and expense of such person or corporation, on applica-  
7 tion of the Attorney General, under judgment of the Superior Court or by  
8 indictment in the county in which the same may be, or opposite to or adjoining  
9 which said purpresture may be; or by a penal action as hereinafter provided;  
10 provided, however, that neither this section nor any provision contained in  
11 this law, shall in anywise repeal or impair any grant of riparian lands or  
12 right to reclaim made directly by legislative act, or grant or license, power  
13 or authority, so made or given, to purchase, fill up, occupy, possess and en-  
14 joy riparian lands fronting and adjoining lands owned or authorized to be  
15 owned by the corporation, or grantee or licensee in the legislative act men-  
16 tioned, its, his or their representatives, grantees, or assigns, or to repeal or  
17 impair any grant or license, power or authority to erect or build docks,  
18 wharves and piers opposite and adjoining lands owned, or authorized to be  
19 owned by the corporation, or grantee or licensee in the legislative act men-  
20 tioned, its, his or their representatives, grantees, or assigns made prior to  
21 July 1, 1891, or given directly by legislative acts, whether said acts are or  
22 are not repealable, and as to any revocable license given by the board of  
23 chosen freeholders of a county prior to July 1, 1892, to build docks, wharves  
24 or piers, or to fill in or reclaim any riparian lands in this State, the same  
25 shall be irrevocable so far as the land under water has been lawfully reclaimed  
26 or built upon under such license issued prior to July 1, 1891, provided such  
27 reclamation or building under such license has been completed prior to Jan-

28 uary 1, 1892; but, as to the future, such revocable license, if the said lands  
 29 covered by the license have not been wholly or in part lawfully reclaimed or  
 30 built upon, is hereby revoked, and no occupation or reclamation of land under  
 31 water without such legislative act or revocable license shall divest the title  
 32 of the State, or confer any rights upon the party who has reclaimed or who  
 33 is in possession of the same.

1 17. It shall be unlawful to erect, lay, construct or maintain any pipe,  
 2 cable or sewer line, or any erection or construction, on, over or under any  
 3 of the riparian lands of the State, or to erect or maintain any structure, im-  
 4 provement or development upon any riparian lands granted or leased under  
 5 this law, without the consent or permission of the commission, first had and  
 6 obtained in writing; provided that nothing in this section shall be construed  
 7 to apply to any pipes heretofore laid under the waters of the Atlantic ocean  
 8 or to any pipe, cable or sewer line or other erection or construction on, over  
 9 or under any of the other riparian lands of this State heretofore laid, erected  
 10 or constructed, pursuant to any lawful permission so to do.

1 18. Whenever a State board or agency has been or may hereafter be  
 2 authorized or directed by any law of this State to build a bridge or other struc-  
 3 ture, or to alter or change any existing bridge or other structure on or over  
 4 any riparian lands of this State, such board or agency, before proceeding  
 5 with the work, shall first submit to and obtain the approval of such plans  
 6 or work by and from the commission.

#### ARTICLE 6

##### GRANTS AND LEASES OF RIPARIAN LANDS

1 19. The commission may sell or let to any applicant therefor any island,  
 2 shoal or reef situate in the tidal waters of this State, or any of the riparian  
 3 lands, in which the State owns or has an interest, upon such terms as to pur-  
 4 chase money or rental, and under such conditions and restrictions as to time  
 5 and manner of payment, the duration and renewal of any lease, the occupa-  
 6 tion and use of the land so sold or leased, and such other conditions and re-  
 7 strictions as the interest of the State may require, and as may be fixed and



8 determined by the commission subject to the provisions of this law, includ-  
9 ing the provisions of section 25 of this law, as to the giving of previous notice,  
10 when such application is made by an applicant other than an upland owner,  
11 if any, upon such terms as to purchase money or rental, and under such con-  
12 ditions and restrictions as to time and manner of payment, the duration and  
13 renewal of any lease, the occupation and use of the land sold or leased, and  
14 such other conditions and restrictions as the interest of the State may re-  
15 quire, and as may be fixed and determined by the commission.

1     20. The commission shall not be required to give leases for riparian  
2 lands of the State, convertible into grants upon payment of the principal sum  
3 mentioned therein, but may sell or let any of the lands of the State below  
4 mean high-water mark upon such terms as to purchase money or rental, and  
5 under such conditions and restrictions as to time and manner of payment, the  
6 duration and renewal of any lease, the occupation and use of the lands sold or  
7 leased, and such other conditions and restrictions as the interest of the State  
8 may require, as may be fixed and determined by the commission.

1     21. The commission may make, for a satisfactory consideration, any lease  
2 or sale to the owners of the lands fronting on any basin or basins described in  
3 section 11 of this law, of the right to have the exclusive use of the said basin  
4 or basins for the purpose of wharfage and docking, and to charge a reason-  
5 able sum for the use of the same on the line of bulkhead owned by them  
6 respectively; and that from and after the filing of said map and survey, the  
7 same shall remain as a public basin or basins, and they are hereby dedicated  
8 for that purpose.

1     22. Whenever the State has, prior to March 4, 1918, dedicated any lands  
2 under water to public use as a tidewater basin, it shall be lawful for the  
3 commission, on the application of the owners of all of the lands abutting  
4 thereon, to either enlarge or reduce the area of said basin or change the  
5 boundaries thereof, and said owners of lands adjoining and abutting upon  
6 said tidewater basin are hereby authorized to fill up and reclaim the same to  
7 such extent as the commission in writing may confirm, and the commission

8 is hereby authorized and empowered upon the payment of an adequate con-  
9 sideration therefor, to grant or lease in the manner provided by law to the  
10 owners of lands adjoining and abutting upon said tidewater basin, the State's  
11 rights in any portion of said basin to be filled up and reclaimed; provided,  
12 however, that no reclamation by any person of said lands and no grant or  
13 lease thereof by the commission shall be valid unless all of the owners of  
14 lands fronting and abutting on said basin shall consent in writing thereto.

1     23. When lands have been or shall be taken or granted for a right of  
2 way and such right of way has been or shall be so located on land of an upland  
3 owner as to occupy the same along or on the shore line, thereby separating  
4 the upland of the upland owner adjoining that used for the right of way  
5 from mean high tidewater, such owner of the land so subject to such right of  
6 way shall be held, subject to the provisions of article 10 of this law, to be  
7 an upland owner for the purpose of receiving any grant or lease heretofore  
8 or hereafter made of the riparian lands, and for the purpose of receiving  
9 any notice under this law; provided, that nothing in this section shall affect the  
10 rights of the State to the riparian lands.

1     24. If any person shall desire to obtain a grant, lease or license from  
2 the State of New Jersey for riparian lands, which are not authorized to be  
3 improved under any grant, lease or license previously issued therefor, he may  
4 apply to the commission, in such form as shall be prescribed by the com-  
5 mission, and the commission may, subject to the provisions of this law and  
6 having due regard for the interests of navigation and the development of the  
7 resources and lands of the State, make such grant or lease or issue such license  
8 and fix such compensation therefor to be paid to the State of New Jersey as  
9 shall be determined by the commission.

1     25. No grant or lease shall be made for riparian lands to any applicant  
2 therefor, other than the upland owner or the holder of a mortgage, of record,  
3 upon the lands by reason of the ownership of which such upland owner quali-  
4 fies as such, except in cases in which there is no upland owner, or it is other-  
5 wise provided in this law, unless the upland owner and any such mortgagee



6 shall have received 6 months previous notice, in the manner prescribed by  
7 this law, of the intention of such applicant to make application for said  
8 grant or lease, and such upland owner, or in default of application by such  
9 upland owner, such mortgagee, shall, within said period of 6 months, have  
10 failed or neglected to apply for such grant or lease and to pay or secure  
11 to be paid to the commission such sum as the commission shall determine  
12 to be the estimated cost of perfecting said grant or lease, which sum when  
13 so paid shall be credited against the price or consideration fixed by the com-  
14 mission for the grant or lease.

1       26. The notice required by section 25 of this law, to be given in con-  
2 nection with the application for a grant or lease of riparian lands by the  
3 commission, shall be given by the applicant and shall be in writing and shall  
4 state the name and post-office address of the applicant and the time and place  
5 when such application will be made to the commission, and shall describe the  
6 lands for which such grant or lease is applied, and shall contain a state-  
7 ment that unless the upland owner, naming him, or in default of application  
8 by such upland owner, any person holding a mortgage of record upon the  
9 lands by reason of the ownership of which such upland owner qualifies as  
10 such, shall make application for such grant or lease within a period of 6  
11 months from the time of service of said notice upon said upland owner and  
12 any such mortgagee, said grant or lease may be made to the applicant.

13       Such notice shall be given to each upland owner, and to each holder of  
14 a mortgage of record upon the lands by reason of which such upland owner  
15 qualifies as such, and in case of a minor or mental incompetent, to his  
16 guardian or the person standing in loco parentis, by service upon such owner  
17 or holder as follows:

18       (a) If a resident of, or a corporation organized under the laws of, or  
19 authorized to do business in, this State, by personal service upon such per-  
20 son or upon the president, secretary, treasurer or a director or the resident  
21 agent of such corporation, or

22 (b) If a nonresident, or a corporation not organized under the laws of,  
23 or authorized to do business in, this State, by publication at least once and by  
24 mailing to such person or to such corporation or its president, secretary,  
25 treasurer or one of its directors, at his or its last known post-office address,  
26 if such post-office address can be ascertained by reasonable inquiry as pre-  
27 scribed by the commission by rule, or

28 (c) If not known, by publication at least once.

29 Said notice when served, together with an affidavit reciting the manner  
30 and place of service and the person upon whom service was made, shall be  
31 filed in the office of the commission.

32 The notice so filed shall be indexed in a separate book, to be kept by the  
33 commission, under the name of each upland owner, each mortgagee upon whom  
34 notice has been served and each applicant. The filing of any such notice  
35 shall be sufficient notice, of said application, to all purchasers and mort-  
36 gagees of the property, by reason of the ownership of which such upland  
37 owner qualifies as such, to authorize any grant or lease which may be made as  
38 a result of the giving of said notice.

1 27. The notice required by the previous section may be waived in writing  
2 by any person who is entitled to be served with the same, which waiver shall  
3 be duly proved or acknowledged, and shall be recorded in the office of the  
4 County Clerk or Register of Deeds and Mortgages of the county, as in the  
5 case of a deed and shall then be filed with the commission.

1 28. In any case in which the lands of an upland owner are so far distant  
2 from open water which is navigable in fact, or are of such restricted frontage  
3 or peculiar location, that a grant or lease of the riparian lands fronting  
4 thereon to one other than the upland owner would substantially increase the  
5 opportunities for the development of the State's riparian lands in accordance  
6 with the best interests of the State, the commission may fix, and from time to  
7 time change and alter, a line beyond which grants or leases of such riparian  
8 lands may be made without any preference on the part of any upland owner  
9 to obtain grants or leases of the same as against other applicants as pre-



10 scribed in this law, but in any such case no such line shall be fixed, changed  
11 or altered, except after public hearing, held upon notice of the time and place  
12 of the holding of the same, given by publication once each week for 2 weeks,  
13 and also, by mailing to each upland owner who otherwise would have prefer-  
14 ence in the grant or lease as against other applicants, not less than 2 weeks,  
15 prior to the date of the hearing. Said notice shall be given in lieu of the  
16 notice prescribed in section 25 of this law. In any such case the validity and  
17 propriety of the establishment and location of any such line so fixed, changed  
18 or altered, and of any grant or lease to any person under this section, shall be  
19 in issue at said hearing and shall be subject to determination and re-  
20 determination.

1 29. In any case in which any person is occupying riparian lands of the  
2 State under color of title and improvements have been made thereon, the value  
3 of said riparian lands for the purposes of a grant or lease thereof by the  
4 commission, shall be calculated without the addition thereto of the value of  
5 said improvements and such an occupant shall be authorized to apply for  
6 and receive a grant or lease of such lands as though he were the upland  
7 owner and without giving the notice required to be given by section 25 of this  
8 law. In case application is made to the commission by any other applicant  
9 for a grant or lease of said lands, said occupant of said lands shall be given  
10 notice, by mailing, of said application and if such occupant shall make ap-  
11 plication therefor within 6 months after service of such notice, he shall have  
12 preference in obtaining such grant or lease over any other person, except a  
13 county or municipality, or any department, commission, bureau or agency  
14 thereof or of the State.

1 30. In event that a grant or lease of such lands is made to any county or  
2 municipality, or any department, commission, bureau or agency thereof or of  
3 the State, pursuant to this law, such occupant shall be entitled to occupy said  
4 lands under written permit by the commission, upon such terms as it may  
5 determine to be equitable and proper, until the grantee or lessee takes posses-  
6 sion thereof, and in such case said occupant shall be entitled to be paid the

7 value of his improvements so made, as determined by the commission, by the  
8 grantee or lessee of said riparian lands, upon taking possession thereof.

1     31. No grant or lease from the State of New Jersey for riparian lands  
2 shall be made, unless the applicant shall give notice by publication of the  
3 application therefor for 2 weeks, by one insertion in each week, prior to the  
4 granting of the same. The notice shall state the name of the applicant, shall  
5 contain a brief description of the lands covered in the application, and, if the  
6 applicant is an upland owner, a brief description of the lands by virtue of  
7 the ownership of which he makes such application and a statement that  
8 written objections to the granting of said application, stating the reasons  
9 therefor, may be filed with the secretary of the commission on or before a  
10 date stated therein, which shall be not less than 2 weeks after the date of the  
11 first publication.

12     If any written objection is so filed, the commission, if it determines that  
13 the objection is of such substantial character that it should be the subject  
14 matter of a public hearing before the authorization of any such grant or lease,  
15 shall fix a date for and hold a public hearing and give notice thereof by  
16 publication once each week for 2 weeks, and by mailing to each person making  
17 objection not less than 2 weeks, prior to the date fixed for said hearing.

1     32. It shall be lawful for the commission to fix and determine the  
2 annual rental or the price or purchase money to be paid by any applicant for  
3 so much of the riparian lands belonging to the State, as may be described in  
4 any application therefor duly made according to law, and the commission may  
5 in the name of the State, grant or lease said lands to any applicant to whom  
6 it has power to make such grant or lease, but in the event that any doubt  
7 arises as to the validity of the State's claim to any riparian lands or lands  
8 claimed to be riparian lands, the commission may by way of compromise  
9 accept in payment for such claims of the State such sum as it may deem  
10 proper and shall, in any such case, upon payment of the sum so fixed, exe-  
11 cute a release of all such claims of the State to the lands in question as  
12 riparian lands of the State.



13 No grant or lease of, or release of claims by the State to, any riparian  
 14 lands shall be delivered until there shall be paid to the secretary of the com-  
 15 mission, for payment into the State Treasury, the price or purchase money  
 16 provided to be paid for such grant or release, or the rentals provided to be  
 17 paid under such lease which are then due, and there shall have been secured  
 18 to the State the payment of the rentals to grow due under such lease in such  
 19 manner as the commission shall prescribe, if the commission in its discretion  
 20 shall determine that such security shall be given.

21 All such grants, leases and releases shall be prepared by the commis-  
 22 sion or its agents at the cost and expense of the lessee or grantee or re-  
 23 leasee therein and when they shall be executed by the commission by its  
 24 chairman or vice-chairman, under its seal, attested by its secretary or assist-  
 25 ant secretary and acknowledged or proved in the manner as corporate deeds  
 26 are acknowledged or proved, and when so executed and acknowledged or  
 27 proved and delivered they shall be fully effective and shall be recordable in  
 28 any public office in the State as deeds are recorded.

#### ARTICLE 7

##### RENEWAL OR CANCELLATION OF LEASES OR GRANTS

1 33. The commission may, in any lease of riparian lands of the State, pro-  
 2 vide for a renewal or renewals of the lease for a subsequent term or terms to  
 3 be expressed in the lease, and therein provide that the annual rentals to be  
 4 paid for each renewal shall, in case the amount cannot be agreed upon, be  
 5 fixed and determined before the commencement of the renewal term by 3  
 6 arbitrators, one to be appointed by the State, one by the then lessee, and  
 7 the third by their joint agreement, or should they fail to agree, then by the  
 8 Superior Court.

1 34. Upon application in writing made by any person, by whom any lease  
 2 of riparian lands is held, for the cancellation and annulment of such lease,  
 3 the commission may in its discretion cancel and annul the same and there-  
 4 upon such riparian lands and the rights therein shall revert to the State.

## ARTICLE 8

## CERTIFIED SEARCHES

1       35. Any person who may desire to be informed as to the title or rights  
2 claimed by the State, in any parcel of land, or in any land adjoining any  
3 parcel of land, as riparian lands of the State, may apply to the commission  
4 for an official certificate of search, by application in writing in such form as  
5 shall be prescribed by the commission describing the lands intended to be the  
6 subject matter of the search, and the commission may in such case require  
7 that accompanying said application, there shall be a survey and map of such  
8 character that there may be delineated thereon the boundaries of the parcel  
9 of said lands, if any, so claimed by the State and such lines, if any, as shall  
10 have been fixed by the commission for the improvement thereof as such  
11 riparian lands.

1       36. Upon receipt of such application and upon the payment of such fee  
2 as the commission shall fix for the making of such examination and search,  
3 the commission shall cause an examination of its records to be made and if  
4 it shall appear that the lands in question have not been surveyed by the com-  
5 mission, or if they have been surveyed, that the physical conditions of said  
6 lands may have so changed that said survey is no longer accurate, the com-  
7 mission shall cause a survey or a new survey of said lands to be made and  
8 the cost thereof shall be paid by the applicant, before any certified search is  
9 issued.

1       37. Upon the conclusion of said examination, the commission shall cause  
2 to be issued, under the hand of its secretary, a search showing the boundaries  
3 of the lands so claimed as riparian lands of the State in the lands in ques-  
4 tion, and such lines, if any, as shall have been fixed by the commission for the  
5 improvement thereof as riparian lands, by delineating the same upon a map,  
6 or if the State claims no title or right in the lands in question as riparian  
7 lands, stating accordingly, which search shall be certified as correct, under the  
8 hand of the secretary of the commission.



9 If any person, in reliance upon such search, shall acquire, for value, any  
 10 interest in any lands covered thereby, or having an interest therein, shall  
 11 take any action, in relation thereto, of such character that he would be  
 12 damaged, if any claim as to said lands as riparian lands of the State not  
 13 shown upon said search, is asserted by the State, as of the date of such  
 14 search, such persons shall hold such interest free from any claim of the  
 15 State in said lands as riparian lands of the State, which is not shown upon  
 16 said search as of the date thereof.

1 38. Any party or any person having an interest in said lands who is  
 2 dissatisfied with any claim of the State, as it is set forth in said search,  
 3 shall be entitled to a public hearing thereon, to be held within 30 days after  
 4 written request therefor, made or filed with the secretary of the commission.

#### ARTICLE 9

##### OFFSHORE LICENSES

1 39. The commission may grant licenses to persons holding grants or leases  
 2 of riparian lands of the State, or to any other person making application  
 3 therefor, with the consent of such grantee or lessee or of the upland owner  
 4 of the riparian lands involved, for the erection and maintenance of struc-  
 5 tures within or without the exterior line fixed by the commission, upon pay-  
 6 ment of a reasonable fee therefor as fixed by the commission, which license  
 7 shall be revocable on 30 days' notice of revocation, served upon the license  
 8 holder by certified mail addressed to his last known address, or if the license  
 9 holder be a corporation, upon any officer or registered agent thereof at his  
 10 last known address, and failure to remove any such structure within said 30  
 11 days shall constitute a purpresture, which may be abated and shall be punish-  
 12 able as provided in this law.

#### ARTICLE 10

##### STATE OR MUNICIPAL, ET CETERA, GRANTS

1 40. Whenever any county or municipality or any department, commission,  
 2 bureau or agency thereof or of the State, whether or not it is the owner of  
 3 the upland adjoining any riparian lands, shall determine to obtain a grant or  
 4 lease of such riparian lands for public use, it shall make application for

5 such a grant or lease of said riparian lands, stating the purpose for which it  
6 desires to use the lands, which application shall be made, received and pro-  
7 ceeded upon in the same manner as is prescribed for other applications for  
8 grants or leases of such lands.

1     41. Whenever a public park, place, street or highway has been or shall be  
2 laid out or provided for by or on behalf of any county or municipality or  
3 any department, commission, bureau or agency thereof or of the State along,  
4 over, including or fronting upon, any riparian lands of the State, or shall  
5 extend to any such lands and such county or municipality or any department,  
6 commission, bureau or agency thereof shall apply under this law for a grant  
7 of said riparian lands and said county or municipality or any department,  
8 commission, bureau or agency thereof, whether or not it is the upland owner  
9 thereof, and it shall be unable or unwilling to pay the price fixed by the com-  
10 mission for such lands, the commission may grant to such applicant a  
11 revocable license to use said lands so granted and a permit to erect buildings  
12 and structures thereon for the purposes for which the application is made  
13 until such time as the commission shall decide to make a grant in favor of the  
14 lands to other grantees for such consideration as the commission may  
15 determine to be adequate consideration for said lands. Any such revocable  
16 license and permit may contain a provision that if the same is revoked and the  
17 lands in question granted to another grantee, the other grantee shall pay, as  
18 a condition of his grant, the cost of any improvements which may have been  
19 constructed by the conditional grantee upon the lands which were the subject  
20 matter of the revocable license and permit.

1     42. When any application is made to the commission by any applicant  
2 other than a county or municipality or any department, commission, bureau  
3 or agency thereof or of the State, for a grant or lease of any riparian lands  
4 and any county or municipality or any department, commission, bureau or  
5 agency thereof or of the State shall desire to obtain such grant or lease for  
6 public use, in connection with activities within its jurisdiction, it shall give  
7 notice in writing to the commission and to the applicant within 2 months after  
8 the receipt of such application and shall make such grant or lease to such applicant for



8 the making of said application, stating the purpose for which it desires to  
 9 use the land and it shall, within 6 months of the making of the application,  
 10 make application for a grant or lease of said riparian lands, which shall be  
 11 made, received and proceeded upon as are other applications under this law,  
 12 except as otherwise provided in this article.

1     43. The commission in any such case in which the county or municipal-  
 2 ity or any department, commission, bureau or agency thereof or of the State  
 3 applying under section 42 of this law is not the upland owner of the riparian  
 4 lands applied for, shall hold a public hearing upon at least 2 weeks' notice  
 5 by publication and by service, by certified mail, upon all interested parties  
 6 and if the commission shall determine as a result of said hearing that the best  
 7 interests of the State require that a grant or lease shall be made to the  
 8 county or municipality, or department, commission, bureau or agency thereof  
 9 or of the State, applying therefor, it shall fix the proper and adequate con-  
 10 sideration to be paid therefor.

1     44. Such grant or lease shall be effective only upon payment of the  
 2 consideration fixed therefor, within such time as the commission shall fix, in  
 3 the same manner as in cases of grant or lease made to individuals, and in any  
 4 such case the upland owner shall not be entitled to any of the benefits pro-  
 5 vided in this law.

1     45. Any grant, lease or license made under this article shall contain a  
 2 term that it shall be terminated if and when the public use terminates, if at  
 3 that time the grantee, lessee or licensee is not the owner of the adjoining up-  
 4 land, but when a grant or lease shall be made to the proper authority of the  
 5 State, or a municipal or other subdivision thereof, of riparian lands of the  
 6 State fronting on or within the extended lines of any street or highway  
 7 heretofore or hereafter laid out or provided for, and said authority shall  
 8 have or may hereafter grant or lease the lands so granted, or the right to  
 9 use the lands for the purpose of constructing a bridge over or along the  
 10 same, to a corporation organized under 'sections 48:5-13 to 48:5-25 of this  
 11 Title, Public Utilities, the commission may insert an express provision in the  
 12 grant or lease that the lands may be used for such purpose.

## ARTICLE 11

## WATER-FRONT IMPROVEMENTS

1       46. All plans for the development of any water front upon any navigable  
2 water or stream of this State or bounding thereon, or of any riparian lands  
3 of this State belonging to the State or conveyed or leased by the State to  
4 any person under a riparian grant or lease, which is contemplated by any  
5 person or municipality in the nature of individual improvement or develop-  
6 ment or as a part of a general plan which involves the construction or altera-  
7 tion of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or other similar  
8 or dissimilar water-front development shall be first submitted to the commis-  
9 sion. No such development or improvement shall be commenced or executed  
10 except under permit issued by the commission as in this act provided.

1       47. Upon the presentation of plans for any such water-front develop-  
2 ment or improvement the commission shall forthwith consider the same, and  
3 may hold public hearings for the consideration thereof under such rules and  
4 regulations as it may establish.

1       48. Before any plans are approved or disapproved the commission may,  
2 except as otherwise provided in this act, direct such changes or alterations  
3 in the plans as it may deem necessary or advisable, as a condition precedent  
4 to approval.

1       49. Where such water front is under the control of a local board, com-  
2 mission or other body having power by law to improve or develop or to con-  
3 trol the water front so that a permit or license must be granted by it before  
4 any improvement or development may be commenced, the plans for any such  
5 improvement or development shall be filed with the commission.

1       50. The commission may within 10 days after receipt of such plans file  
2 notice of objections to the carrying out of the improvement or development  
3 or to the granting of a permit or license by such governing body.

1       51. The filing of the notice shall act as a stay in the carrying out of the  
2 plans for the granting of such permit or license until a public hearing shall  
3 have been held by the local governing body of the municipality concerned,  
4 sitting jointly with the commission.



1 52. At the hearing the commission may state its objection to the plans  
2 and recommend such changes as may be necessary. The local governing body,  
3 together with the commission, shall approve or disapprove the plans or  
4 grant or refuse to grant the permit for license as seems to them to be nec-  
5 essary or desirable.

1 53. Any improvement or development subject to the jurisdiction of the  
2 commission, which is commenced or executed without first obtaining ap-  
3 proval thereof as in this article provided, shall be deemed to be a purpres-  
4 ture and a public nuisance and may be abated in an action brought by the  
5 commission in the name of the State, appropriate for that purpose, and any  
6 person guilty of any such purpresture shall be subject to a penalty of not  
7 more than \$100.00 for each day during which such purpresture continues, to  
8 be recovered by commission by proceedings under the Penalty Enforcement  
9 Law.

10 This article shall not apply to or affect any development for docks,  
11 shipping and transportation facilities inaugurated by a municipality and  
12 under construction in whole or in part prior to April 8, 1914 provided the  
13 municipality had, prior to said date, filed with the Secretary of State a map  
14 showing the lands proposed to be taken for such municipal development.

1 54. Upon the request of a county, municipality or other political subdi-  
2 vision of the State the commission shall prepare and submit a proper plan  
3 for the development and improvement of the water front of such county,  
4 municipality or political subdivision upon any navigable stream or waters  
5 of this State or bounding thereon, the navigation of the waters thereof and  
6 the regulation and improvement of the traffic of commerce incident thereto.  
7 For the preparation and submission of the plans the commission may make  
8 such charge against the county, municipality or other political subdivision  
9 requesting the same as is equal to the actual cost thereof, which said county,  
10 municipality or political subdivision is authorized to pay from any funds  
11 available therefor in such treasury.

## ARTICLE 12

## GRANTS, ET CETERA, ADJACENT TO AND IN

## FRONT OF THE PALISADES, ET CETERA

1     55. As used in this article, "Palisades" means that portion of the west  
2 shore of the Hudson river, lying between the high-water line and the top or  
3 edge of the steep cliffs or the crest of the slope in places where the steep  
4 cliffs are absent, from the road leading from the old Fort Lee dock or land-  
5 ing to Fort Lee in Bergen county on the south to the northerly boundary  
6 line of the State of New Jersey. The riparian lands lying under the water  
7 of the Hudson river to the southward of the said road, leading from the Fort  
8 Lee dock or landing to Fort Lee in Bergen county, shall not be subject to  
9 the provisions of this article.

1     56. Every lease, grant or conveyance of lands lying under the waters  
2 of the Hudson river adjacent to or in front of the Palisades, or adjacent  
3 to or in front of the strip of land between the base of the Palisades and the  
4 lands under water, shall contain such terms, conditions, restrictions and lim-  
5 itations as will, so far as possible, forever thereafter preserve unbroken the  
6 uniformity and continuity of the Palisades, and to prevent the lands leased,  
7 granted or conveyed from being used or devoted to injurious or destructive  
8 work or operations against the Palisades, or in connection with or for the en-  
9 couragement, aid or promotion of such work or operations.

1     57. No terms, conditions, restrictions or limitations shall be inserted in  
2 any such lease, grant or conveyance which shall prevent or interfere with  
3 any work or operations, whether by blasting and removing rock or other-  
4 wise, on any part of land lying between the base of the vertical line of the  
5 Palisades and the high-water mark on the Hudson river, for the purpose of  
6 preparing the ground for the construction of buildings or for commercial  
7 purposes.

1     58. No lease, grant or conveyance made prior to March 11, 1922, of lands  
2 lying under the waters of the Hudson river southward of said road leading  
3 from the Fort Lee dock or landing to Fort Lee in Bergen county, shall be



4 held invalid because not containing the terms, conditions and restrictions  
5 prescribed in this article.

6 Nothing in this article shall affect or impair any lease or grant made  
7 prior to March 18, 1898.

#### ARTICLE 13

##### RIPARIAN LANDS ACQUIRED BY THE STATE

1 59. The commission may acquire title in fee simple, in the name of the  
2 State to any riparian lands in the State, which can be used with and are  
3 necessary for the development and improvement or use of lands under tide-  
4 waters owned by the State, of such area and extent as the commission, in its  
5 discretion, may deem necessary and advisable for said purposes. All lands  
6 so acquired shall be subject to the jurisdiction and control of the commission.

1 60. Whenever the Department of Conservation and Economic Develop-  
2 ment shall have acquired title in fee simple, in any manner provided by law, to  
3 any riparian lands within the State, the use and occupation of the riparian  
4 lands so acquired, together with all improvements thereon, may be leased or  
5 granted by the commission to any person upon such terms and covenants and  
6 for such periods of time not exceeding 60 years, as may be required and  
7 directed by the commission but such grant or lease shall be permitted only  
8 in conjunction with the grant or lease of the adjacent lands under tidewater  
9 and only to the same party or parties and for the same period of time.

1 61. The commission may, as a consideration for the transfer of title of  
2 any riparian lands to the State, enter into an agreement with the owner  
3 thereof to lease and grant, after transfer of title to the State, the use and  
4 occupation of the riparian lands as well as the adjacent lands under tidewater,  
5 to such owner or any party designated by him, whereby the lands, both  
6 riparian and under tidewater, shall be improved and developed at the expense  
7 of the grantee or lessee, in such manner, under such plans and specifications,  
8 at such minimum cost and within such time as may be required by the  
9 commission.

1 62. The commission shall also require that after such improvements have  
 2 been made and constructed, the lessee or grantee shall, under the supervision  
 3 and jurisdiction of the commission maintain and operate, during the life of  
 4 the lease or grant upon said premises, such enterprise, commercial opera-  
 5 tion, business or venture as the improvements are designed for, at the sole  
 6 cost and expense of the lessee or grantee.

1 63. In lieu of rent reserved in cash for the grant or lease of said  
 2 riparian lands and lands under tidewater, the commission may require as  
 3 rental, for the full term of the grant or lease, an annual percentage of not  
 4 less than 33 $\frac{1}{3}$ % of the income the lessee or grantee received from the use and  
 5 occupation of the premises and the business or enterprise conducted  
 6 thereon. The income shall be calculated and adjusted in such manner as the  
 7 commission shall determine and all of such requirements shall be set forth in  
 8 detail in the grant or lease.

1 64. All moneys received by the commission under the provisions of this  
 2 article shall be subject to the provisions of law applicable to the receipts  
 3 from grants or leases of land under tidewater.

1 65. At the expiration of the term of the grant or lease the title to all  
 2 improvements, railways, buildings, docks, wharves, bulkheads, machinery,  
 3 stock and equipment and all chattels comprising the fixtures located upon  
 4 such land and premises and then in the operation and maintenance of the  
 5 enterprise, business or venture conducted on the premises, together with the  
 6 title and goodwill of the business or enterprise, shall vest in the State. The  
 7 grant or lease shall contain in detail the mode and manner and subject matter  
 8 of the transfer to the State.

1 66. All grants or leases under the provisions of this article shall be  
 2 subject to the provisions of existing laws so far as the same are not incon-  
 3 sistent with the terms of this article.

#### ARTICLE 14

##### REMOVAL OF SAND, ET CETERA, FROM RIPARIAN LANDS

1 67. No person or corporation shall dig, dredge or remove any deposits



2 of sand or other material from the riparian lands of the State without a  
 3 license so to do first obtained as provided in section 68 of this act, and any  
 4 person or corporation who shall so unlawfully dig, dredge or remove any de-  
 5 posit of sand or other material as aforesaid shall forfeit and pay for each  
 6 and every such offense the sum of \$100.00, to be prosecuted for and re-  
 7 covered by a civil action by any person or persons in any court of competent  
 8 jurisdiction with costs of suit, the  $\frac{1}{2}$  the amount so recovered to be for the  
 9 use of the State, and the other  $\frac{1}{2}$  to the use of the person or persons who  
 10 shall sue for and prosecute the same to effect; provided, however, that nothing  
 11 in this section contained shall prevent the owner of any grant or lease from  
 12 the State, or the assignee or lessee thereof, from digging, dredging, remov-  
 13 ing, and taking sand and other material within the lines of, or in front of, such  
 14 grant or lease, for the purpose of improving lands granted or leased to  
 15 them, or their grantors or lessors, by the State, nor prevent such owner, as-  
 16 signee or lessee from digging or dredging a channel or channels to the main  
 17 channels, and removing and taking the material therefrom.

1 68. The commission may, under such terms and restrictions as to dura-  
 2 tion, compensation to be paid and such other conditions and restrictions as  
 3 the interest of the State may require, license by an instrument in writing,  
 4 executed in the same manner as grants of riparian lands are required to be  
 5 executed, any person or corporation to dig, dredge or remove any deposits of  
 6 sand or other material from riparian lands of the State.

#### ARTICLE 15

##### PROCEEDINGS AGAINST TRESPASSERS, ET CETERA, ON RIPARIAN LANDS

1 69. In case any construction, improvement or development shall be com-  
 2 menced, or be in the process of construction or alteration, in violation of the  
 3 provisions of this act, the commission may order all further work in and  
 4 about the same to be stopped forthwith and after the issuance of such order  
 5 and the service of a copy or copies thereof upon the owner of the premises,  
 6 personally or by certified mail at his last known address, and, upon the

7 persons working in and around such construction, improvement or develop- 7  
8 ment, by the posting of a copy thereof in a conspicuous place upon the 8  
9 premises, no further work shall be done thereon until the provisions of this 1  
10 law, so far as they apply thereto, shall be entirely complied with. 2

1 70. Any person served with, or having knowledge of, such an order 3  
2 who thereafter shall do or permit or allow to be done any work in or about  
3 such construction, improvement or development before all the provisions of  
4 this act, so far as they apply to such improvement or development, shall have  
5 been entirely complied with, shall be subject to a penalty of not more than  
6 \$100.00 for each day upon which such offense shall be committed or con-  
7 tinued, to be recovered by the commission in proceedings under the Penalty  
8 Enforcement Law.

1 71. Any encroachment or trespass upon the riparian lands of the State  
2 or upon the water front of any navigable waters of this State, or the waters  
3 or lands bounding thereon, and the erection or maintenance of any construc-  
4 tion, improvement or development upon any riparian lands, whether or not  
5 they have been granted or leased by the State, without first obtaining ap-  
6 proval thereof as in this act provided, shall be a purpresture and a public  
7 nuisance and may be abated by the commission, and the commission may  
8 restrain and prevent the erection and maintenance thereof, and remove or  
9 compel the removal thereof, and any construction, erection or accretion in-  
10 jurious to the flow of any such waters which may be detrimental to the proper  
11 navigation thereof, and the maintenance and improvement of commerce.  
12 thereon.

1 72. Any person guilty of any such purpresture shall be subject to a  
2 penalty of not more than \$100.00 for each day during which purpresture con-  
3 tinues to be recovered by the commission in proceedings brought and prose-  
4 cuted in the name of the State under the Penalty Enforcement Law, and  
5 the commission may institute and prosecute appropriate actions in the name  
6 of the State in any courts of competent jurisdiction for the enforcement of



7 any other remedy, which may be available to it, in the enforcement of this  
8 article.

1 73. The Attorney General of the State is hereby required to commence  
2 and prosecute such actions as may be instituted or directed by the com-  
3 mission.

#### ARTICLE 16

##### LIENS FOR DELINQUENT PAYMENTS

1 74. The State shall have a lien against the property of any person who  
2 has or receives any grant, lease or license of riparian lands or any permit  
3 to make improvements upon any such lands for the amount of the considera-  
4 tion or the rentals payable under said grant, lease or license or any charges  
5 incident to the granting of any such permit, when the same are due or as they  
6 grow due, with interest thereon, which lien shall have priority from the time  
7 of its filing over all subsequent encumbrances, alienations and judgments.

8 Any such lien may be filed at any time after the grant, lease, license or  
9 permit is issued and it shall become effective as a lien at the time when the  
10 payment or payments for which it is filed as a lien shall become due and  
11 payable.

1 75. The State shall have a similar lien against the property of any person  
2 who has wrongfully occupied or used, or shall wrongfully occupy or use, any  
3 riparian lands of the State, for the amount of the damages which the State  
4 has suffered or shall suffer by reason thereof. The amount of such damages  
5 shall be assessed by the commission and the lien shall be filed for such  
6 amount and the commission shall institute a civil action in the nature of an  
7 action at law against such person within 60 days after the filing of the lien.

1 76. Any lien for a wrongful occupation or use of riparian lands belong-  
2 ing to the State may be filed at any time after such wrongful occupation or  
3 use is discovered and such lien shall become effective, for the amount of the  
4 preliminary assessment of damages stated in the lien, from the time of its  
5 filing until determination of such civil action and in case judgment is entered  
6 in favor of the State therein, the lien of the judgment, to an amount not



7 exceeding the amount stated in the lien, shall relate back to the date of the  
8 filing of the lien and the lien shall be enforceable only by proceedings on the  
9 judgment entered in such civil action. If the commission shall fail to institute  
10 such civil action within said period of 60 days or, if having instituted it, final  
11 judgment shall be entered against the commission the lien shall be void. The  
12 commission shall have power to compromise any claim made under any such  
13 lien and such a lien shall be discharged when payment is made of the amount  
14 claimed thereunder or of such other sum as the commission shall determine  
15 upon by way of compromise settlement of the amount so claimed, or if it shall  
16 become void as provided in this article.

1 77. The lien shall state the name of the person against whose property  
2 it is filed and the amount due and to grow due thereon and shall be executed  
3 by the president or vice-president of the commission under the seal of the com-  
4-5 mission attested by the secretary or an assistant secretary of the commission.

6 It shall be filed with the clerk of the county in which the lands granted,  
7 leased or licensed or in connection with which the permit is granted or which  
8 are the subject matter of wrongful occupation or use, shall lie or with the Clerk  
9 of the Superior Court and it shall immediately attach to and become binding  
10 upon all real property owned by any person against whom it is filed, within  
11 the county, if it is filed with the county clerk of a county, or wherever situate  
12 within the State, if it is filed in the Superior Court, and shall have the force  
13 and effect and may be proceeded upon in the same manner as a judgment, in  
14 the nature of a judgment at law entered in said court subject to the provi-  
15 sions of this article. The validity of any such lien may be reviewed in a  
16 proceeding in lieu of the prerogative writs.

1 78. The clerk of the county or the Clerk of the Superior Court, as the case  
2 may be, shall provide suitable books in which all liens and other papers  
3 incidental thereto shall be received and recorded without payment of any fee,  
4 which books shall be properly indexed in the name of the person against whom  
5 the lien is claimed.



1     79. Such lien against a parcel of real estate may be apportioned by the  
2 commission among any lots or other subdivisions of any lands covered thereby  
3 and shall be made on the written application of any person interested, or on  
4 motion of the commission without application, and shall be made according  
5 to the values of the respective lots or subdivisions at the time it was im-  
6 posed.

1     80. The apportionment shall be made on the written application of any  
2 person interested, or on motion of the commission without application, and  
3 shall be made according to the values of the respective lots or subdivisions  
4 at the time it was imposed.

1     81. The apportionment shall be made upon notice to the interested par-  
2 ties whose interest appears of record, after hearing unless the interested  
3 parties shall waive notice and hearing.

1     82. Such notice shall state the time and place of hearing on the appli-  
2 cation for apportionment and shall be given at least one week in advance  
3 by publication in a newspaper published in and circulating in the municipal-  
4 ity if there be any such newspaper and otherwise in a newspaper circulat-  
5 ing in the county.

1     83. The commission may require that the written application shall be  
2 accompanied by a map showing the entire parcel and the subdivisions de-  
3 sired and the deposit of a sum sufficient to cover the expenses of the notice  
4 and advertisement provided for in this article, and to pay the estimated  
5 amount apportionable to the lot or lots or other subdivisions in which the  
6 applicant is interested.

1     84. A copy of the apportionment shall be filed with the secretary of the  
2 commission and the charge as apportioned to each lot or other subdivision  
3 shall then be a lien thereon, in the same manner as if originally so imposed.

1     85. The commission is authorized to compromise and make settlement  
2 of any claim for which any lien is filed under the provisions of this article  
3 and such resolution shall be sufficient authorization for the discharge thereof.

1     86. Any lien so filed may be discharged as to all of the lands covered

2 thereby or as to any part thereof specifically described in the certificate  
 3 offered for filing, by filing in the office in which it is filed a certificate setting  
 4 forth that the same is discharged of record, executed under the seal of the  
 5 commission and signed and acknowledged by the chairman or vice-chairman  
 6 of the commission and attested by the secretary or an assistant secretary of  
 7 the commission.

#### ARTICLE 17

##### DELINQUENT RENTALS, ET CETERA

1 87. The secretary of the commission shall, on or before the first Tuesday  
 2 in January in each year, make out a list of all leases of riparian lands held  
 3 by the State on which rentals are in arrears and unpaid for the space of 1  
 4 year, and transmit the same to the commission.

1 88. Where a riparian lease, the rentals of which are unpaid for the  
 2 space of 1 year, contains a covenant or condition that upon nonpayment of  
 3 the yearly rent or sum reserved at the time or times fixed for the payment  
 4 thereof, the State may re-enter and possess the lands described in the lease,  
 5 the commission may enter upon said lands, and in the name and on behalf  
 6 of the State, take possession thereof.

1 89. Such entry shall be made by the commission or any member thereof,  
 2 by going on the land and announcing in the presence of one or more witnesses  
 3 that all rights under the lease are forfeited to the State.

1 90. Before the entry is made, the commission shall give notice to the  
 2 lessee or to the person or persons, entitled to possession of the premises  
 3 after payment, on the records of the commission,

4 a. By publication, or

5 b. By personal service.

1 91. The notice so to be published or served shall set forth:

2 a. The name of the person to whom the lease was granted;

3 b. The name of the person holding the lease by devise, grant, assign-  
 4 ment or otherwise, if known to the commission; and



5 c. A statement that if the rentals unpaid are not paid on or before the  
6 expiration of a time to be fixed therein, not less than 2 weeks, all rights  
7 under the lease shall determine, become void and forfeited to the State.

1 92. After such notice shall have been published or served and entry made  
2 on the land described in the lease, the commission shall make and file with its  
3 secretary a report setting forth the fact of such publication or service and  
4 entry on the land, and:

5 a. In case the notice shall have been published, annex a copy of the  
6 publication to the report; and

7 b. In case the notice shall have been served personally, annex to the  
8 report an affidavit by the person serving the notice, proving the truth thereof.

1 93. Thereafter the commission may, in the manner prescribed by law,  
2 again lease or grant the land as fully as if the original lease had never been  
3 made.

1 94. Upon making entry and taking possession of any lands described in  
2 any such lease, the commission shall execute its certificate certifying to the  
3 re-entry and repossession and describing the lands re-entered and repossessed.

4 The certificate shall be executed and acknowledged as deeds are re-  
5 quired to be acknowledged, and shall be recorded in the records of the county  
6 wherein such lands are located as deeds are required to be recorded.

7 The same fee shall be paid for recording the certificate as is required for  
8 recording deeds.

1 95. All rights, at law or in equity, which have accrued to the State for  
2 the rentals in arrears and unpaid up to the expiration of the time fixed in the  
3 notice mentioned in this article shall not abate but shall remain in force and  
4 effect.

1 96. The commission shall be released from all responsibility arising from  
2 the lease of any lands upon which re-entry had been made as provided by this  
3 article.

## ARTICLE 18

## CONFIRMATORY GRANTS OR LEASES

1 97. The commission may, upon petition of any upland owner, investigate  
2 the facts relative to any lease or grant of riparian lands purporting to have  
3 theretofore been made under authority of any legislative act for the purpose  
4 of determining whether or not it is equitable and just that a confirmatory  
5 lease or grant shall be made to ratify and confirm to the petitioner the title  
6 to riparian lands under water adjacent to the ripa of the petitioner and  
7 within the area of lands covered by a prior lease or grant through which the  
8 petitioner claims title to the riparian lands for which a confirmatory lease or  
9 grant is required.

1 98. If the commission finds that it is equitable and just that such a con-  
2 firmatory lease or grant be executed in consideration of the moneys thereto-  
3 fore paid to the State on account of the lease or grant, or upon payment of  
4 such further consideration as may be equitable and just, a proper confirma-  
5 tory lease or grant shall be executed and delivered to the petitioner, his  
6 heirs, successors or assigns. Any confirmatory lease or grant made in com-  
7 pliance with this article shall be conclusive and final as to its equity or just-  
8 ness and thenceforth shall be binding upon the State.

1 99. The commission may consider, under a petition filed under this  
2 article, the granting of additional riparian lands adjacent to the lands to be  
3 covered by any confirmatory lease or grant, provided the petition shall have  
4 made application for the grant of additional riparian lands in accordance  
5 with the requirements of the statutes in force at the date of the petition, to  
6 the end that a lease or grant may include not only the lands, title to which is  
7 being confirmed, but also additional riparian lands adjacent thereto.

8 The expressed consideration for such lease or grant shall be the sum  
9 total of any additional sum to be paid for the confirmation of previous leases  
10 or grants and of the sum agreed to be paid for the new area.

1 100. The lands to be affected by this article shall be riparian lands of this  
2 State. Any lease or grant of new areas or by way of confirmation may be



9 total of any additional sum to be paid for the confirmation of previous leases  
10 or grants and of the sum agreed to be paid for the new area.

1 100. The lands to be affected by this article shall be riparian lands of this  
2 State. Any lease or grant of new areas or by way of confirmation may be  
3 based upon the original natural mean high tide line as of the date of the  
4 lease or grant being confirmed or as of the date of the new and confirmatory  
5 grant.

1 101. The commission may, in reaching its conclusion that it is equitable  
2 and just to confirm in a present owner title to riparian lands which he has  
3 lawfully acquired through any previous lease or grant of the State, determine  
4 that it is equitable and just if it determines that:

5 a. The consideration paid for the original lease or grant was at the date  
6 of its execution full and adequate consideration for the lands so leased or  
7 granted;

8 b. The lands leased or granted lie in front of the ripa on which the lease  
9 or grant was based because the riparian lands in the vicinity of the lands  
10 under consideration have been lawfully and equitably apportioned to the  
11 owners by any agency authorized by law to make grants of riparian lands  
12 in the name of the State and the lands under consideration are within the  
13 area of the lands under water so apportioned to the lands owned by the peti-  
14 tioner, and provide reasonable access to owners to deep water beyond bulk-  
15 head and pierhead lines;

16 c. The lands leased or granted lie in front of the riparian lands of the  
17 petitioner because the lands so leased or granted constitute an equitable  
18 allotment or apportionment of the lands under water to the riparian lands to  
19 which they are attached, even though the boundaries defining the limits of  
20 the lands granted are irregular and do not constitute straight side lines  
21 running parallel to each other and extending from the shore to the bulkhead  
22 or pierhead lines, and provide reasonable access to upland owners to deep  
23 water beyond bulkhead and pierhead lines; and

24 d. The owner of all estates, rights and privileges under the lease or grant  
 25 to be confirmed to the extent of the riparian lands to be defined in a confirma-  
 26 tory lease or grant is the petitioning owner of riparian lands to be benefited  
 27 on the date the petition is filed, or at the date of the finding of the commis-  
 28 sion that it is equitable and just that a confirmatory lease or grant shall be  
 29 executed.

1 102. Any lease or grant which shall be authorized under a petition filed  
 2 in accordance with this article may be in fact executed to the petitioner, or  
 3 his heirs, devisees or assigns, provided that the grantee named in the lease or  
 4 grant is the upland owner at the date of the lease or grant.

5 Any person owning riparian lands shall be deemed to be entitled to the  
 6 benefits of this article.

#### ARTICLE 19

##### GRANTS OR LEASES UNDER STATUTORY AUTHORITY

1 103. In case any person or corporation who by any legislative act, is a  
 2 grantee or licensee, or has such power or authority, or any of his, her or  
 3 their representatives or assigns shall desire a paper capable of being acknowl-  
 4 edged and recorded, made by and in the name of the State of New Jersey,  
 5 conveying the land mentioned in the proviso to the third section of an act  
 6 entitled "Supplement to an act entitled 'An act to ascertain the rights of the  
 7 State and of riparian owners in the lands lying under the waters of the bay of  
 8 New York and elsewhere in this State,' approved April 11, 1864," approved  
 9 March 31, 1869 (§ 12:3-4 of the Revised Statutes), whether under water now  
 10 or not, and the benefit of an express covenant, that the State will not make or  
 11 give any grant or license power, or authority affecting lands under water in  
 12 front of said lands, then and in either of such cases, such person or corpora-  
 13 tion, grantee or licensee, having such grant and license, power or authority,  
 14 his, her or their representatives or assigns on producing a duly certified copy  
 15 of such legislative act to the commission, and in case of a representative or  
 16 assignee also satisfactory evidence of his, her or their being such representa-  
 17 tive or assignee, and requesting such grant and benefits as in this section



23 or licensee or corporation having such grant, license, power or authority, and  
24 to the heirs and assigns of such grantee or licensee, or to the successors and  
25 assigns of such corporation, upon his, her or their securing to be paid to the  
26 State an annual rental of such reasonable sum as the commission may fix for  
27 each and every lineal foot measuring on the bulkhead line, or a conveyance  
28 to such grantee or licensee or corporation having such grant, license, power  
29 or authority, and to the heirs and assigns of such grantee or licensee, or to the  
30 successors and assigns of such corporation in fee, upon his, her, or their pay-  
31 ing to the State such reasonable sum as the commission may fix for each and  
32 every lineal foot measuring on the bulkhead line, in front of the land included  
33 in said conveyance; provided, that no corporation to whom any such grant,  
34 license, power or authority was given by legislative act as aforesaid, in which  
35 provision was made for the payment of money to the Treasurer of the State  
36 for each and every foot of the shore embraced and contained in the act; nor the  
37 assigns of such corporation shall be entitled to the benefits of this section;  
38 and provided further, that the commission shall in no case grant lands under  
39 water beyond the exterior lines hereby established, or that may be hereafter  
40 established, but the said conveyance shall be construed to extend to any bulk-  
41 head or pier line further out on said river and bay that may hereafter be  
42 established by legislative authority; in case any person or corporation taking  
43 a lease under this section, shall desire afterwards a conveyance of all or any  
44 part of the land so leased, the same shall be made upon payment of such  
45 reasonable sum for every such lineal foot, as the commission may fix, the  
46 conveyance or lease of the commission under this law, shall not merely pass  
47 the title to the land therein described, but the right of the grantee or licensee,  
48 individual or corporation, his, her or their heirs and assigns, to exclude to  
49 the exterior bulkhead line, the tidewater by filling in or otherwise improving  
50 the same, and to appropriate the land to exclusive private uses, and so far  
51 as the upland from time to time made shall adjoin the navigable water, the  
52 said conveyance or lease shall vest in the grantee or licensee, individual or  
53 corporation, and their heirs and assigns, the rights of the perquisites of  
54 wharfage, and other like profits, tolls and charges.

## ARTICLE 20

## ERRONEOUS GRANTS

1 104. Whenever

2 a. The Board of Commerce and Navigation or the Department of Con-  
3 servation and Economic Development has granted, or the commission here-  
4 after shall grant any riparian lands of the State to any person erroneously  
5 by reason whereof the grant shall be void as therein provided; and

6 b. The State has or shall have received the stipulated consideration for  
7 such supposed grant; and

8 c. The grantee named therein, or his heirs or assigns has or shall have  
9 recorded the grant in the county or counties where the land described therein  
10 shall or may be located; and

11 d. Such grantee, his heirs or assigns has or shall have gone into occupa-  
12 tion of the lands described in the supposed grant and the lands if any  
13 between the same and the original high-water line by bulkheading or filling  
14 in, or erecting structures thereon, or otherwise improving the same in such  
15 manner as to give visible notice of such occupation; and

16 e. Such occupation has or shall have continued for a period of 5 years  
17 after the recording of the supposed grant—

18 Every pre-emptive and other right conferred by any legislative act upon  
19 any person to apply for and obtain a grant from the State of the lands so  
20 occupied shall cease and determine, unless a person entitled thereto shall,  
21 before the expiration of such period of 5 years of occupation, apply in writing  
22 to the commission for a grant of the lands so occupied; and pay or give  
23 security for the price fixed or that shall be fixed therefor, which price shall  
24 include the reasonable value of the improvements upon the lands.

1 105. In default of such application, and payment of or security for the  
2 price of the lands, by another person entitled to such grant within the period  
3 of 5 years of occupation of the lands, the commission, on application of the  
4 person named in the supposed grant, or of his heirs and assigns, shall grant



5 and convey absolutely in fee to the applicant, his heirs or assigns forever, all  
6 right and title of the State in and to the lands so occupied.

1 106. If the commission shall determine that the original consideration  
2 paid to the State for the supposed grant was not the reasonable, fair and  
3 adequate value of the lands so occupied, as of the date of the supposed grant,  
4 the applicant shall pay to the State such additional consideration for a  
5 further grant as the commission shall determine to be necessary, in order  
6 that the total consideration received by the State for the lands shall be reason-  
7 able, fair and adequate as of the date of the original supposed grant.

#### ARTICLE 21

##### EFFECT OF REPEAL OF PRIOR STATUTES

1 107. The repeal of the act entitled "An act to authorize the owners of  
2 lands under tidewaters to build wharves in front of the same," approved  
3 March 18, 1851 (L. 1851, p. 335), as to the tidewaters of this State below  
4 the line of mean high tide, by section 3 of the act entitled "Supplement to an  
5 act entitled 'An act to ascertain the rights of the State and of riparian owners  
6 in the lands lying under the waters of the bay of New York and elsewhere  
7 in this State,' approved April 11, 1864," approved March 31, 1869 (L. 1869,  
8 c. 383, p. 1017), as amended by the act approved March 20, 1891 (L. 1891,  
9 c. 124, p. 216), shall not be construed to restore any supposed rights, usage or  
10 local common law, founded upon the tacit consent of the State or otherwise to  
11 fill in any land under water below mean high tide.

#### ARTICLE 22

##### GENERAL PROVISIONS

1 108. The rules and regulations, heretofore promulgated by the Depart-  
2 ment of Conservation and Economic Development for the Bureau of Naviga-  
3 tion in the Division of Resource Development, shall continue in full force and  
4 effect until amended or repealed by the commission, and all applications made  
5 to said bureau and pending at the time this act takes effect shall be valid

6 and effectual, if made in accordance with the statutes and rules and regula-  
 7 tions governing the same on said date, but they shall be proceeded upon in  
 8 the manner prescribed by this law.

1 109. Nothing in this law shall be construed to deprive any person of  
 2 any right or protection provided for him under Title 11, Civil Service, of the  
 3 Revised Statutes, or by any pension law or retirement system.

1 110. All appropriations available to, and to become available to, the  
 2 Bureau of Navigation in the Division of Resource Development of the De-  
 3 partment of Conservation and Economic Development which are required to  
 4 be transferred to carry out the purposes of this law shall be transferred to  
 5 the Riparian Lands Commission, established under this law, to be used for  
 6 said purposes and the additional sum of \$12,000.00 is hereby appropriated to  
 7 said commission to be used for said purposes.

#### ARTICLE 23

##### REPEALERS AND EFFECTIVE DATE

1 111. This act is a revision law and all acts and parts of acts inconsistent  
 2 herewith are hereby superseded and repealed and without limiting the gen-  
 3 eral effect of this act in superseding and repealing acts inconsistent here-  
 4 with, the following acts and parts of acts are specifically repealed:

- 5 P. L. 1948, chapter 448, section 13,
- 6 P. L. 1946, chapter 299,
- 7 Sections 12:3-2 through 12:3-36, 12:3-38 through 12:3-57, 12:3-64
- 8 through 12:3-71 and 12:5-1 through 12:5-8 of the Revised Statutes.

1 112. This act shall take effect immediately, but it shall not be operative  
 2 until January 1, 1965, except to authorize the appointment of the members  
 3 of the Riparian Lands Commission, prior to, but only to take office upon  
 4 said date.



## NEW JERSEY RIPARIAN LAND LAW REVISION

## SCHEDULE OF SOURCE SECTIONS

Section Number	Source Section	Section Number	Source Section
1	New	24	12:3-7
2	New		12:3-10
3	New		12:3-21
4	New	25	12:3-7
5	New	26	12:3-7
6	New	27	New
7	New	28	New
8	New	29	New
9	New	30	New
10	New	31	New
11	New	32	12:3-9
12	New		12:3-16
13	12:3-2	33	12:3-6
14	12:3-3	34	12:3-25
15	12:3-13	35	12:3-10
	12:3-19	36	New
16	12:3-4	37	New
	12:3-14	38	New
	12:5-2	39	New
17	12:3-26	40	New
18	12:3-28	41	12:3-33
19	12:3-20		12:3-36
	13:1A-32.1	42	New
20	12:3-24	43	New
21	12:3-15	44	New
22	12:3-27	45	12:3-34
23	12:3-18		12:3-35



Section Number	Source Section	Section Number	Source Section
46	12:5-3	74	New
47	12:5-4	75	New
48	12:5-4	76	New
49	12:5-5	77	New
50	12:5-5	78	New
51	12:5-5	79	New
52	12:5-5	80	New
53	12:5-6	81	New
	12:5-7	82	New
54	12:5-8	83	New
55	12:3-31	84	New
56	12:3-29	85	New
57	12:3-30	86	New
58	12:3-32	87	12:3-48
59	12:3-64	88	12:3-49
60	12:3-65	89	12:3-50
61	12:3-66	90	12:3-51
62	12:3-67	91	12:3-52
63	12:3-68	92	12:3-53
64	12:3-69	93	12:3-54
65	12:3-70	94	12:3-55
66	12:3-71	95	12:3-56
67	12:3-21	96	12:3-57
68	12:3-22	97	12:3-38
69	New	98	12:3-39
70	New	99	12:3-40
71	12:3-8	100	12:3-41
	12:5-2	101	12:3-42
72	New	102	12:3-43
73	New		12:3-44

Section Number	Source Section	Section Number	Source Section
103	12:3-5	108	New
104	12:3-45	109	New
105	12:3-46	110	New
106	12:3-47	111	New
107	12:3-4	112	New

NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF ALLOCATION OF SOURCE SECTIONS

Source Section	Section Number	Source Section	Section Number
12:3-2	13	12:3-22	68
12:3-3	14	12:3-24	20
12:3-4	16	12:3-25	34
	107	12:3-26	17
12:3-5	103	12:3-27	22
12:3-6	33	12:3-28	18
12:3-7	24	12:3-29	56
	25	12:3-30	57
	26	12:3-31	55
12:3-8	71	12:3-32	58
12:3-9	32	12:3-33	41
12:3-10	24	12:3-34	45
	35	12:3-35	45
12:3-13	15	12:3-36	41
12:3-14	16	12:3-38	97
12:3-15	21	12:3-39	98
12:3-16	32	12:3-40	99
12:3-18	23	12:3-41	100
12:3-19	15	12:3-42	101
12:3-20	19	12:3-43	102
12:3-21	24	12:3-44	102
	67	12:3-45	104



Source Section	Section Number	Source Section	Section Number
12:3-46	105	12:5-7	53
12:3-47	106	12:5-8	54
12:3-48	87	13:1A-32.1	19
12:3-49	88	New	1
12:3-50	89	New	2
12:3-51	90	New	3
12:3-52	91	New	4
12:3-53	92	New	5
12:3-54	93	New	6
12:3-55	94	New	7
12:3-56	95	New	8
12:3-57	96	New	9
12:3-64	59	New	10
12:3-65	60	New	11
12:3-66	61	New	12
12:3-67	62	New	27
12:3-68	63	New	28
12:3-69	64	New	29
12:3-70	65	New	30
12:3-71	66	New	31
12:5-2	16	New	36
	71	New	37
12:5-3	46	New	38
12:5-4	47	New	39
	48	New	40
12:5-5	49	New	42
	50	New	43
	51	New	44
	52	New	69
12:5-6	53	New	70



Source Section	Section Number	Source Section	Section Number
New	72	New	82
New	73	New	83
New	74	New	84
New	75	New	85
New	76	New	86
New	77	New	108
New	78	New	109
New	79	New	110
New	80	New	111
New	81	New	112

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 44

STATE OF NEW JERSEY

ADOPTED APRIL 13, 1964

Amend page 1, title, lines 3 and 4, delete "and to lands now or formerly below the high-water mark or under tidewater".

Amend page 1, section 1, after line 7, insert:

"'Exempt lands' shall mean any lands, whether or not riparian lands as herein defined, notwithstanding that they are now or were formerly flowed by mean high tide, record title to which has been held by any person or corporation or his or its predecessors in title for the last past 30 years and which have been assessed for taxes for the last past 20 years, and any such lands record title to which is now in any county, municipality or any department, commission, bureau or agency thereof."

Amend page 2, section 2, after line 24, insert:

"'Riparian lands' shall mean those lands within the State, which in their natural state, lie or would lie below the mean high tide line of waters of any of the tidal rivers, bays, streams or inlets within or bordering the State and of the Atlantic ocean."

Amend page 2, section 2, line 25, after the second word "owner", insert "of exempt lands, or"; after "ripa", insert ",".

Amend page 2, section 2, line 26; after the word "said", insert "exempt lands,".

Amend page 2, section 3, line 5, after the word "party", insert ", at least one of whom shall reside in a county in each of the following areas: (1) border-



ing on the Atlantic ocean; (2) bordering on Newark bay or the Hackensack river; (3) bordering on the tidal portion of the Delaware river or Delaware bay”.

Amend page 3, section 4, line 7, omit “July 1, 1963”, insert “January 1, 1965”.

Amend page 13, section 29, line 2, omit “the value”.

Amend page 13, section 29, lines 3 and 4, omit.

Amend page 13, section 29, line 5, omit “said improvements and such an”, insert “or taxes paid thereon to any State, local or other governmental unit, the commission in fixing the compensation therefor to be paid to the State of New Jersey, for a grant or lease thereof shall not include the value of any said improvements and shall give due consideration to the fact of payment of taxes, the amount thereof, and the value of such lands at the time when the applicant acquired such color of title. Such”.

Amend page 13, section 29, line 9, omit second “said”, insert “the”.

Amend page 13, section 29, line 12, omit “, except a”, insert “.”.

Amend page 13, section 29, line 13, omit.

Amend page 13, section 29, line 14, omit.

Amend page 13, section 29, after line 14, insert a new paragraph to read as follows:

“In making grants or leases of the riparian lands of the State the commission may reduce the price to be paid by the applicant to the extent of any improvements which said applicant undertakes to make within 5 years from the date of said grant or lease pursuant to a written and detailed agreement with the commission, if, in the opinion of the commission, said improvements would substantially increase the opportunities for the development of the riparian lands of the State and are likely to aid in the economic development of the State. Upon completion, these improvements shall be inspected by the commission in order to determine if they were made in conformity with said agreement. In the event that said improvements are not made in conformity with said agreement within 5 years of said grant or lease, the amount by which the



price was reduced shall immediately become due and payable and be a lien upon the lands when recorded in the office of the clerk of the county or counties in which the land is located unless the commission shall extend the period in its discretion for a period of not more than 2 years. The improvements referred to in this section may be made either by said applicant or any person to whom he transfers said lands."

Amend pages 16 and 17, omit sections 35, 36, 37 and 38 and substitute the following:

"35. Any person having an interest in any parcel of land or any land adjoining any parcel of land or in any exempt lands and who may desire to be informed as to the title or rights claimed by the State as riparian lands may apply to the commission for an official determination of the rights claimed by the State. The application shall be in writing in such form as shall be prescribed by the commission. Such application shall describe the lands which are the subject matter of the application. Such application shall contain a statement of the applicant's interest in the lands described. If the applicant claims the lands to be exempt lands, the application shall be accompanied by certified copies of such documents and records as are necessary to support this contention. There shall also be attached a map of the lands which are the subject matter of the application, made by a licensed surveyor which shall delineate and designate any riparian lands or exempt lands which may be included within or adjoin the exterior boundaries."

"36. Upon receipt of such application and upon the payment of such reasonable fee as the commission shall fix, the commission shall cause an examination to be made of the application and the accompanying documents and of its records."

"37. Upon the conclusion of said examination, the commission shall issue under the hand of its secretary a certificate fixing the boundaries of lands claimed as riparian lands, if any, and of lands determined to be exempt lands, if any, or if the State claims no title or right in any portion of the lands in question as riparian lands it shall issue a certificate accordingly. Such certificates shall be capable of recordation as a deed.

If any person, in reliance upon such certificate, shall acquire, for value, any interest in any lands covered thereby, or, having an interest therein, shall take any action in relation thereto of such character that he would be damaged if any claim as to said lands as riparian lands of the State, not shown as such upon said certificate, is asserted by the State, such person shall hold such interest free from any claim of the State in said lands as riparian lands.”

“38. Any recipient of any certificate who is dissatisfied with any claim of the State as it is set forth therein, shall be entitled to a hearing by the commission to be held within 30 days after request therefor may have been filed with the secretary of the commission, provided such request was filed within 30 days from receipt of the certificate.

Notwithstanding the authority contained in article 2, paragraph 9 hereof, the proceedings of any such hearing shall be transcribed and the commission shall make findings of fact and conclusions of law and shall order the affirmation or amendment of the certificate, which is the subject matter of the hearing, in accordance with such findings of fact and conclusions of law.

Such affirmed or amended certificate shall be a final administrative agency determination.

At any such hearing in which the applicant claims ownership of the lands, which are the subject matter of the hearing, it shall be sufficient to prove a prima facie case of ownership if it is proven that the lands are not at the time of hearing below the mean high tide line of the waters of any of the tidal rivers, streams, bays or inlets within or bordering the State and of the Atlantic ocean.”

Amend page 17, section 39, line 7, after “shall”, insert “, except as otherwise provided,”.

Amend page 17, section 39, line 12, after “law.”, insert a new sentence to read as follows: “A public utility, as defined in Revised Statutes, section 48:2-13, or any natural gas pipeline utility, as defined in section 2 of chapter 166 of the laws of 1952, holding such license shall be granted a reasonable period of time in excess of said 30 days following a notice of revocation within which to remove, replace, or rearrange such structures erected or maintained under said license.”.



Amend page 21, section 52, line 4, omit "for", insert "or".

Amend page 38, after section 110, insert the following 3 new sections:

"111. The State shall have no title to exempt lands."

"112. The validity of any grant or lease of riparian lands or license or permit affecting riparian lands, heretofore made, shall not be in any manner affected by the enactment of this act."

"113. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of this act as a whole, or any part thereof, other than the section or sections, provision or provisions, so held to be invalid."

Amend page 38, section 111, renumber this section as "114".

Amend page 38, section 112, renumber this section as "115".

Amend page 39, after "12", omit "New", insert "12:3-17"; after "33", omit "12:3-6", insert "12:3-25"; after "34", omit "12:3-25", insert "12:3-10"; after "35", omit "12:3-10", insert "New".

Amend page 41, after "112 New", insert "113 New", "114 New", "115 New"; after "12:3-10", omit "35", insert "34"; after "12:3-16 32", insert "12:3-17 12"; after "12:3-25", omit "34", insert "33".

Amend page 43, insert at end "New 113", "New 114", "New 115".



[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 44

VETOED

11/12/65

# STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1964

By Assemblyman HIERING

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT providing for the establishment of a Riparian Lands Commission and revising the statutes relating to the rights of the State and others in and to riparian lands \* [and to lands now or formerly below the high-water mark or under tidewater] \* and prescribing the jurisdiction, powers and duties of said commission.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE 1

### SHORT TITLE AND DEFINITIONS

1 1. This act shall be known and may be cited as "The Riparian Lands  
2 Commission Law."

1 2. The following words shall, unless the context indicates otherwise, have  
2 the following meanings:

3 "Commission" shall mean the Riparian Lands Commission;

4 "Department" shall mean the Department of Conservation and Eco-  
5 nomic Development;

6 "Division" shall mean the Division of Resource Development in the  
7 Department of Conservation and Economic Development.

7A "Exempt lands" shall mean any lands, whether or not riparian lands  
7B as herein defined, notwithstanding that they are now or were formerly flowed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



ing on the Atlantic ocean; (2) bordering on Newark bay or the Hackensack river; (3) bordering on the tidal portion of the Delaware river or Delaware bay”.

Amend page 3, section 4, line 7, omit “July 1, 1963”, insert “January 1, 1965”.

Amend page 13, section 29, line 2, omit “the value”.

Amend page 13, section 29, lines 3 and 4, omit.

Amend page 13, section 29, line 5, omit “said improvements and such an”, insert “or taxes paid thereon to any State, local or other governmental unit, the commission in fixing the compensation therefor to be paid to the State of New Jersey, for a grant or lease thereof shall not include the value of any said improvements and shall give due consideration to the fact of payment of taxes, the amount thereof, and the value of such lands at the time when the applicant acquired such color of title. Such”.

Amend page 13, section 29, line 9, omit second “said”, insert “the”.

Amend page 13, section 29, line 12, omit “, except a”, insert “.”.

Amend page 13, section 29, line 13, omit.

Amend page 13, section 29, line 14, omit.

Amend page 13, section 29, after line 14, insert a new paragraph to read as follows:

“In making grants or leases of the riparian lands of the State the commission may reduce the price to be paid by the applicant to the extent of any improvements which said applicant undertakes to make within 5 years from the date of said grant or lease pursuant to a written and detailed agreement with the commission, if, in the opinion of the commission, said improvements would substantially increase the opportunities for the development of the riparian lands of the State and are likely to aid in the economic development of the State. Upon completion, these improvements shall be inspected by the commission in order to determine if they were made in conformity with said agreement. In the event that said improvements are not made in conformity with said agreement within 5 years of said grant or lease, the amount by which the

price was reduced shall immediately become due and payable and be a lien upon the lands when recorded in the office of the clerk of the county or counties in which the land is located unless the commission shall extend the period in its discretion for a period of not more than 2 years. The improvements referred to in this section may be made either by said applicant or any person to whom he transfers said lands."

Amend pages 16 and 17, omit sections 35, 36, 37 and 38 and substitute the following:

"35. Any person having an interest in any parcel of land or any land adjoining any parcel of land or in any exempt lands and who may desire to be informed as to the title or rights claimed by the State as riparian lands may apply to the commission for an official determination of the rights claimed by the State. The application shall be in writing in such form as shall be prescribed by the commission. Such application shall describe the lands which are the subject matter of the application. Such application shall contain a statement of the applicant's interest in the lands described. If the applicant claims the lands to be exempt lands, the application shall be accompanied by certified copies of such documents and records as are necessary to support this contention. There shall also be attached a map of the lands which are the subject matter of the application, made by a licensed surveyor which shall delineate and designate any riparian lands or exempt lands which may be included within or adjoin the exterior boundaries."

"36. Upon receipt of such application and upon the payment of such reasonable fee as the commission shall fix, the commission shall cause an examination to be made of the application and the accompanying documents and of its records."

"37. Upon the conclusion of said examination, the commission shall issue under the hand of its secretary a certificate fixing the boundaries of lands claimed as riparian lands, if any, and of lands determined to be exempt lands, if any, or if the State claims no title or right in any portion of the lands in question as riparian lands it shall issue a certificate accordingly. Such certificates shall be capable of recordation as a deed.



If any person, in reliance upon such certificate, shall acquire, for value, any interest in any lands covered thereby, or, having an interest therein, shall take any action in relation thereto of such character that he would be damaged if any claim as to said lands as riparian lands of the State, not shown as such upon said certificate, is asserted by the State, such person shall hold such interest free from any claim of the State in said lands as riparian lands.”

“38. Any recipient of any certificate who is dissatisfied with any claim of the State as it is set forth therein, shall be entitled to a hearing by the commission to be held within 30 days after request therefor may have been filed with the secretary of the commission, provided such request was filed within 30 days from receipt of the certificate.

Notwithstanding the authority contained in article 2, paragraph 9 hereof, the proceedings of any such hearing shall be transcribed and the commission shall make findings of fact and conclusions of law and shall order the affirmation or amendment of the certificate, which is the subject matter of the hearing, in accordance with such findings of fact and conclusions of law.

Such affirmed or amended certificate shall be a final administrative agency determination.

At any such hearing in which the applicant claims ownership of the lands, which are the subject matter of the hearing, it shall be sufficient to prove a prima facie case of ownership if it is proven that the lands are not at the time of hearing below the mean high tide line of the waters of any of the tidal rivers, streams, bays or inlets within or bordering the State and of the Atlantic ocean.”

Amend page 17, section 39, line 7, after “shall”, insert “, except as otherwise provided,”.

Amend page 17, section 39, line 12, after “law.”, insert a new sentence to read as follows: “A public utility, as defined in Revised Statutes, section 48:2-13, or any natural gas pipeline utility, as defined in section 2 of chapter 166 of the laws of 1952, holding such license shall be granted a reasonable period of time in excess of said 30 days following a notice of revocation within which to remove, replace, or rearrange such structures erected or maintained under said license.”.

Amend page 21, section 52, line 4, omit "for", insert "or".

Amend page 38, after section 110, insert the following 3 new sections:

"111. The State shall have no title to exempt lands."

"112. The validity of any grant or lease of riparian lands or license or permit affecting riparian lands, heretofore made, shall not be in any manner affected by the enactment of this act."

"113. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of this act as a whole, or any part thereof, other than the section or sections, provision or provisions, so held to be invalid."

Amend page 38, section 111, renumber this section as "114".

Amend page 38, section 112, renumber this section as "115".

Amend page 39, after "12", omit "New", insert "12:3-17"; after "33", omit "12:3-6", insert "12:3-25"; after "34", omit "12:3-25", insert "12:3-10"; after "35", omit "12:3-10", insert "New".

Amend page 41, after "112 New", insert "113 New", "114 New", "115 New"; after "12:3-10", omit "35", insert "34"; after "12:3-16 32", insert "12:3-17 12"; after "12:3-25", omit "34", insert "33".

Amend page 43, insert at end "New 113", "New 114", "New 115".



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ASSEMBLY, No. 44

VETOED

11/12/65

# STATE OF NEW JERSEY

INTRODUCED JANUARY 20, 1964

By Assemblyman HIERING

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT providing for the establishment of a Riparian Lands Commission and revising the statutes relating to the rights of the State and others in and to riparian lands \* [and to lands now or formerly below the high-water mark or under tidewater] \* and prescribing the jurisdiction, powers and duties of said commission.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

## ARTICLE 1

### SHORT TITLE AND DEFINITIONS

1 1. This act shall be known and may be cited as "The Riparian Lands  
2 Commission Law."

1 2. The following words shall, unless the context indicates otherwise, have  
2 the following meanings:

3 "Commission" shall mean the Riparian Lands Commission;

4 "Department" shall mean the Department of Conservation and Eco-  
5 nomic Development;

6 "Division" shall mean the Division of Resource Development in the  
7 Department of Conservation and Economic Development.

7A "Exempt lands" shall mean any lands, whether or not riparian lands  
7B as herein defined, notwithstanding that they are now or were formerly flowed

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



7C by mean high tide, record title to which has been held by any person or cor-  
 7D poration or his or its predecessors in title for the last past 30 years and  
 7E which have been assessed for taxes for the last past 20 years, and any such  
 7F lands record title to which is now in any county, municipality or any depart-  
 7G ment, commission, bureau or agency thereof.\*

8 "Notice" when required to be given by this act

9 (a) by publication, shall mean the publication of a notice in a newspaper  
 10 published and circulating in each municipality in which any lands, in rela-  
 11 tion to which the notice is given, shall lie, and if there be no such newspaper  
 12 in any such municipality, then as to that municipality, in a newspaper pub-  
 13 lished in the county and circulating in the municipality, and if there be no  
 14 such newspaper, then in a newspaper published in the State and circulating  
 15 in the municipality, and

16 (b) to any person

17 (1) personally or by personal service, shall mean by handing a written  
 18 copy thereof to such person or leaving a written copy thereof at his last  
 19 known place of address with a member of his family above the age of 14  
 20 years, then residing therein, or

21 (2) by mailing, shall mean the sending of a written copy thereof by  
 22 certified or registered mail to said person in a sealed envelope addressed to  
 23 him as his last known address, with sufficient postage and a return receipt  
 24 requested.

24A \*\*\*"Riparian lands" shall mean those lands within the State, which in their  
 24B natural state, lie or would lie below the mean high tide line of waters of any  
 24C of the tidal rivers, bays, streams or inlets within or bordering the State and  
 24D of the Atlantic ocean.\*

25 "Upland owner" shall mean the owner \*of exempt lands, or\* of the  
 26 upland or ripa\*,\* adjoining any riparian lands, whether or not said \*exempt  
 27 lands,\* upland or ripa is part of an island.

## ARTICLE 2

## THE RIPARIAN LANDS COMMISSION

1 3. There is hereby established, within the Division of Resource Develop-  
2 ment of the Department of Conservation and Economic Development, a com-  
3 mission which shall be known as The Riparian Lands Commission and which  
4 shall consist of 5 members, no more than 3 of whom shall be members of  
5 the same political party\*, *at least one of whom shall reside in a county in*  
6 *each of the following areas: (1) bordering on the Atlantic ocean; (2) border-*  
7 *ing on Newark bay or the Hackensack river; (3) bordering on the tidal por-*  
8 *tion of the Delaware river or Delaware bay\*.*

1 4. The members of the commission shall be appointed by the Governor  
2 with the advice and consent of the Senate, for terms of 5 years beginning on  
3 July 1, except that of the first appointments: one member shall be appointed  
4 for the term of 1 year, one member shall be appointed for the term of 2  
5 years, one member shall be appointed for the term of 3 years, and one member  
6 shall be appointed for the term of 4 years, and the terms of all of the members  
7 first appointed shall begin on \*[July 1, 1963]\* \**January 1, 1965\**. The mem-  
8 bers of the commission shall serve, after the expiration of their respective  
9 terms, until their respective successors shall be appointed and shall qualify.

1 5. Vacancies in the membership of the commission shall be filled in the  
2 same manner as the original appointments were made, but for the unexpired  
3 terms only.

1 6. The members of the commission shall be paid \$50.00 for each day  
2 devoted to the performance of their official duties under this law.

1 7. The Governor shall designate one member of the commission as its  
2 chairman and one member as its vice-chairman and they shall serve, as such,  
3 at the pleasure of the Governor until the expiration of the term of the Gover-  
4 nor by whom they are appointed and until their respective successors shall  
5 be appointed and shall qualify.

1 8. The Chief of the Bureau of Navigation in the Division of Resource  
2 Development of the Department of Conservation and Economic Development



3 shall serve as secretary of the commission but in event that, by reason of  
4 rearrangement of the bureaus of said division, the office, position or employ-  
5 ment as Chief of the Bureau of Navigation is abolished, the commission shall  
6 appoint a secretary, who shall have the same qualification as are now required  
7 for the chief of said bureau. The commission may appoint an assistant secre-  
8 tary and prescribe his powers and duties and fix his compensation.

1 9. The commission shall adopt a seal and it may make rules regulating  
2 its administration under this law and the procedures in connection with  
3 applications to it and proceedings before it.

4 The chief of the bureau shall assign to the work of the commission such  
5 members of the bureau's technical, stenographic and secretarial staff as may  
6 be necessary to perform said work and the commission shall have authority  
7 to enter into contracts for surveys and other engineering services, without  
8 publicly advertising and obtaining bids therefor, within the limits of funds  
9 appropriated or made available to the commission.

### ARTICLE 3

#### JURISDICTION OF THE COMMISSION

1 10. The Riparian Lands Commission shall be vested with and shall admin-  
2 ister all of the functions, powers and duties of the State over and in relation  
3 to the granting and leasing and administration of riparian lands of the State  
4 and the making of grants or leases on behalf of the State, of said lands or any  
5 parcels thereof, to any person or persons, upon such terms and conditions as  
6 said commission shall fix pursuant to this law, and in the execution and  
7 performance of said functions, powers and duties, the commission shall be  
8 vested with all of said powers over said riparian lands, formerly vested in and  
9 exercised by the Board of Riparian Commissioners, the Board of Commerce  
10 and Navigation, the Navigation Council in the Division of Navigation in the  
11 State Department of Conservation and the Resource Development Council of  
12 the Division of Resource Development in the Department of Conservation  
13 and Economic Development.



14 Nothing herein contained shall be deemed to impair the power and juris-  
 15 diction now or hereafter conferred upon the Shell Fisheries Council to lease,  
 16 to applicants therefor, any of the lands of the State under the tidal waters  
 17 thereof to be used and enjoyed by such lessee for the planting and cultivating  
 18 of oysters and clams.

#### ARTICLE 4

##### BULKHEAD AND PIER LINES, ET CETERA

1 11. The commission, having due regard for the interests of navigation  
 2 and the development of the resources and lands of the State, may change, fix  
 3 and establish the pier lines, or lines for solid filling in the waters under its  
 4 jurisdiction, and any other lines, or make any changes in any basin now fixed  
 5 and established, or lay out and fix and establish any new basin or basins in  
 6 said waters, and when so fixed and established, the commission shall file a map  
 7 and surveys in the office of its secretary, showing what lines have been fixed  
 8 and established by it for the exterior lines for solid filling and pier lines and  
 9 any other lines which it may establish, pursuant to law, as well as for any  
 10 changes in basins or new basins fixed, laid out and established by it under this  
 11 section.

1 12. The commission may, at the request of upland owners, extend its sur-  
 2 veys over the tidewaters of this State and prepare and file maps thereof, in  
 3 the office of its secretary, showing what lines have been fixed and established  
 4 for the exterior lines for solid filling and pier lines.

1 13. The bulkhead line or lines of solid filling and pier lines in the tide-  
 2 waters of the Hudson river, New York bay and Kill von Kull, lying between  
 3 Enyard's dock, on the Kill von Kull, and the New York State line, so far as  
 4 they have been recommended and reported to the Legislature by the commis-  
 5 sioners appointed under the act entitled "An act to ascertain the rights of the  
 6 State and of the riparian owners in the lands lying under the waters of the  
 7 bay of New York, and elsewhere in the State," approved April 11, 1864,  
 8 (L. 1864, c. 391, p. 681), by report bearing date February 1, 1865, are hereby  
 9 adopted and declared to be fixed and established as the exterior bulkhead and

10 pier lines between the points above named, as such exterior bulkhead and pier  
11 lines so fixed, established and adopted are shown upon the manuscript maps,  
12 accompanying said report, and filed in the office of the Secretary of State, ex-  
13 cept as said lines have been or may hereafter be changed pursuant to law, and  
14 except said lines drawn on said maps over or upon lands within the bound-  
15 aries of the grant made to the Morris Canal and Banking Company by the act  
16 entitled "A further supplement to the act entitled 'An act to incorporate a  
17 company to form an artificial navigation between the Passaic and Delaware  
18 rivers,' passed December 31, 1824," approved March 14, 1867.

1     14. It shall not be lawful to fill in with earth, stones or other solid ma-  
2 terial, in the tidewaters of the Hudson river, New York bay and Kill von Kull,  
3 beyond the bulkhead line or lines of solid filling by section 13. of this law  
4 adopted, fixed and, established, laid down and exhibited on the aforesaid  
5 maps; and it shall not be lawful to erect or maintain any pier or other struc-  
6 ture exterior to the said bulkhead line or lines of solid filling in any place or  
7 places where no exterior line for piers is reported or indicated by said maps,  
8 on the Hudson river, New York bay and Kill von Kull and when an exterior  
9 line for piers is recommended and shown by said report and maps, no erection  
10 or structure of any kind shall be erected, allowed or maintained beyond or ex-  
11 terior to the aforesaid bulkhead line or lines of solid filling, except piers which  
12 shall not exceed 100 feet in width respectively, and which shall in no case ex-  
13 tend beyond the line indicated for piers on said maps accompanying said re-  
14 port; and no piers shall be constructed in said tidewaters, when such exterior  
15 pier lines are adopted, fixed and established, at less intervals between such  
16 piers than 75 feet, except at places occupied and used for ferries, or to be so  
17 occupied or used, when the spaces between the piers may be less; nor shall  
18 any such pier be constructed in any other manner than on piles or on blocks  
19 and bridges; and if on blocks and bridges, such blocks and bridges shall not  
20 occupy more than  $\frac{1}{2}$  of the length of the pier, and they shall be so constructed  
21 as to permit a free flow or passage of water under and through them, without  
22 any other interruption or obstruction than the pile or blocks necessary to sup-  
23 port said piers.



1 15. The commission, shall, from time to time, fix and establish, around or  
 2 in front of all islands, reefs and shoals situate in the tidal waters of this  
 3 State, exterior lines in said waters, beyond which no pier, wharf, bulkhead,  
 4 erection or permanent obstruction of any kind shall be made or maintained,  
 5 and also the interior lines for solid filling in said waters, beyond which no  
 6 permanent obstruction shall be made or maintained other than wharves and  
 7 piers and erections thereon for commercial uses; provided, however, that no  
 8 exterior line around or in front of any such island, reef or shoal shall be fixed  
 9 and established in front of any riparian grant which was made prior to Feb-  
 10 ruary 10, 1891, unless such exterior line shall be fixed and established, at  
 11 such distance as will, in the judgment of the commission, leave sufficient wa-  
 12 terway in front of said grants for navigation, and when the commission shall  
 13 have so fixed and established said lines, it shall file a survey and map thereof  
 14 in the office of the secretary of the commission, showing the lines for piers  
 15 and solid filling so fixed and established.

#### ARTICLE 5

##### ENCROACHMENTS AND UNAUTHORIZED

##### RECLAMATION OF RIPARIAN LANDS

1 16. Without the grant or permission of the commission no person or pub-  
 2 lic or private corporation shall fill in, build upon, make any erection on or  
 3 reclaim or encroach upon any of the riparian lands of this State, except  
 4 pursuant to lawful grant, lease or permit previously obtained, and any per-  
 5 son or corporation so offending shall be guilty of a purpresture, which shall  
 6 be abated at the cost and expense of such person or corporation, on applica-  
 7 tion of the Attorney General, under judgment of the Superior Court or by  
 8 indictment in the county in which the same may be, or opposite to or adjoining  
 9 which said purpresture may be; or by a penal action as hereinafter provided;  
 10 provided, however, that neither this section nor any provision contained in  
 11 this law, shall in anywise repeal or impair any grant of riparian lands or  
 12 right to reclaim made directly by legislative act, or grant or license, power



13 or authority, so made or given, to purchase, fill up, occupy, possess and en-  
14 joy riparian lands fronting and adjoining lands owned or authorized to be  
15 owned by the corporation, or grantee or licensee in the legislative act men-  
16 tioned, its, his or their representatives, grantees, or assigns, or to repeal or  
17 impair any grant or license, power or authority to erect or build docks,  
18 wharves and piers opposite and adjoining lands owned, or authorized to be  
19 owned by the corporation, or grantee or licensee in the legislative act men-  
20 tioned, its, his or their representatives, grantees, or assigns made prior to  
21 July 1, 1891, or given directly by legislative acts, whether said acts are or  
22 are not repealable, and as to any revocable license given by the board of  
23 chosen freeholders of a county prior to July 1, 1892, to build docks, wharves  
24 or piers, or to fill in or reclaim any riparian lands in this State, the same  
25 shall be irrevocable so far as the land under water has been lawfully reclaimed  
26 or built upon under such license issued prior to July 1, 1891, provided such  
27 reclamation or building under such license has been completed prior to Jan-  
28 uary 1, 1892; but, as to the future, such revocable license, if the said lands  
29 covered by the license have not been wholly or in part lawfully reclaimed or  
30 built upon, is hereby revoked, and no occupation or reclamation of land under  
31 water without such legislative act or revocable license shall divest the title  
32 of the State, or confer any rights upon the party who has reclaimed or who  
33 is in possession of the same.

1       17. It shall be unlawful to erect, lay, construct or maintain any pipe,  
2 cable or sewer line, or any erection or construction, on, over or under any  
3 of the riparian lands of the State, or to erect or maintain any structure, im-  
4 provement or development upon any riparian lands granted or leased under  
5 this law, without the consent or permission of the commission, first had and  
6 obtained in writing; provided that nothing in this section shall be construed  
7 to apply to any pipes heretofore laid under the waters of the Atlantic ocean  
8 or to any pipe, cable or sewer line or other erection or construction on, over  
9 or under any of the other riparian lands of this State heretofore laid, erected  
10 or constructed, pursuant to any lawful permission so to do.



1 18. Whenever a State board or agency has been or may hereafter be  
2 authorized or directed by any law of this State to build a bridge or other struc-  
3 ture, or to alter or change any existing bridge or other structure on or over  
4 any riparian lands of this State, such board or agency, before proceeding  
5 with the work, shall first submit to and obtain the approval of such plans  
6 or work by and from the commission.

#### ARTICLE 6

##### GRANTS AND LEASES OF RIPARIAN LANDS

1 19. The commission may sell or let to any applicant therefor any island,  
2 shoal or reef situate in the tidal waters of this State, or any of the riparian  
3 lands, in which the State owns or has an interest, upon such terms as to pur-  
4 chase money or rental, and under such conditions and restrictions as to time  
5 and manner of payment, the duration and renewal of any lease, the occupa-  
6 tion and use of the land so sold or leased, and such other conditions and re-  
7 strictions as the interest of the State may require, and as may be fixed and  
8 determined by the commission subject to the provisions of this law, includ-  
9 ing the provisions of section 25 of this law, as to the giving of previous notice,  
10 when such application is made by an applicant other than an upland owner,  
11 if any, upon such terms as to purchase money or rental, and under such con-  
12 ditions and restrictions as to time and manner of payment, the duration and  
13 renewal of any lease, the occupation and use of the land sold or leased, and  
14 such other conditions and restrictions as the interest of the State may re-  
15 quire, and as may be fixed and determined by the commission.

1 20. The commission shall not be required to give leases for riparian  
2 lands of the State, convertible into grants upon payment of the principal sum  
3 mentioned therein, but may sell or let any of the lands of the State below  
4 mean high-water mark upon such terms as to purchase money or rental, and  
5 under such conditions and restrictions as to time and manner of payment, the  
6 duration and renewal of any lease, the occupation and use of the lands sold or  
7 leased, and such other conditions and restrictions as the interest of the State  
8 may require, as may be fixed and determined by the commission.

1 21. The commission may make, for a satisfactory consideration, any lease  
2 or sale to the owners of the lands fronting on any basin or basins described in  
3 section 11 of this law, of the right to have the exclusive use of the said basin  
4 or basins for the purpose of wharfage and docking, and to charge a reason-  
5 able sum for the use of the same on the line of bulkhead owned by them  
6 respectively; and that from and after the filing of said map and survey, the  
7 same shall remain as a public basin or basins, and they are hereby dedicated  
8 for that purpose.

1 22. Whenever the State has, prior to March 4, 1918, dedicated any lands  
2 under water to public use as a tidewater basin, it shall be lawful for the  
3 commission, on the application of the owners of all of the lands abutting  
4 thereon, to either enlarge or reduce the area of said basin or change the  
5 boundaries thereof, and said owners of lands adjoining and abutting upon  
6 said tidewater basin are hereby authorized to fill up and reclaim the same to  
7 such extent as the commission in writing may confirm, and the commission  
8 is hereby authorized and empowered upon the payment of an adequate con-  
9 sideration therefor, to grant or lease in the manner provided by law to the  
10 owners of lands adjoining and abutting upon said tidewater basin, the State's  
11 rights in any portion of said basin to be filled up and reclaimed; provided,  
12 however, that no reclamation by any person of said lands and no grant or  
13 lease thereof by the commission shall be valid unless all of the owners of  
14 lands fronting and abutting on said basin shall consent in writing thereto.

1 23. When lands have been or shall be taken or granted for a right of  
2 way and such right of way has been or shall be so located on land of an upland  
3 owner as to occupy the same along or on the shore line, thereby separating  
4 the upland of the upland owner adjoining that used for the right of way  
5 from mean high tidewater, such owner of the land so subject to such right of  
6 way shall be held, subject to the provisions of article 10 of this law, to be  
7 an upland owner for the purpose of receiving any grant or lease heretofore  
8 or hereafter made of the riparian lands, and for the purpose of receiving  
9 any notice under this law; provided, that nothing in this section shall affect the  
10 rights of the State to the riparian lands.



1 24. If any person shall desire to obtain a grant, lease or license from  
2 the State of New Jersey for riparian lands, which are not authorized to be  
3 improved under any grant, lease or license previously issued therefor, he may  
4 apply to the commission, in such form as shall be prescribed by the com-  
5 mission, and the commission may, subject to the provisions of this law and  
6 having due regard for the interests of navigation and the development of the  
7 resources and lands of the State, make such grant or lease or issue such license  
8 and fix such compensation therefor to be paid to the State of New Jersey as  
9 shall be determined by the commission.

1 25. No grant or lease shall be made for riparian lands to any applicant  
2 therefor, other than the upland owner or the holder of a mortgage, of record,  
3 upon the lands by reason of the ownership of which such upland owner quali-  
4 fies as such, except in cases in which there is no upland owner, or it is other-  
5 wise provided in this law, unless the upland owner and any such mortgagee  
6 shall have received 6 months previous notice, in the manner prescribed by  
7 this law, of the intention of such applicant to make application for said  
8 grant or lease, and such upland owner, or in default of application by such  
9 upland owner, such mortgagee, shall, within said period of 6 months, have  
10 failed or neglected to apply for such grant or lease and to pay or secure  
11 to be paid to the commission such sum as the commission shall determine  
12 to be the estimated cost of perfecting said grant or lease, which sum when  
13 so paid shall be credited against the price or consideration fixed by the com-  
14 mission for the grant or lease.

1 26. The notice required by section 25 of this law, to be given in con-  
2 nection with the application for a grant or lease of riparian lands by the  
3 commission, shall be given by the applicant and shall be in writing and shall  
4 state the name and post-office address of the applicant and the time and place  
5 when such application will be made to the commission, and shall describe the  
6 lands for which such grant or lease is applied, and shall contain a state-  
7 ment that unless the upland owner, naming him, or in default of application  
8 by such upland owner, any person holding a mortgage of record upon the

1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-2992-2993-2994-2995-2996-2997-2998-2999-3000-3001-3002-3003-3004-3005-3006-3007-3008-3009-3010-3011-3012-3013-3014-3015-3016-3017-3018-3019-3020-3021-3022-3023-3024-3025-3026-3027-3028-3029-3030-3031-3032-3033-3034-3035-3036-3037-3038-3039-3040-3041-3042-3043-3044-3045-3046-3047-3048-3049-3050-3051-3052-3053-3054-3055-3056-3057-3058-3059-3060-3061-3062-3063-3064-3065-3066-3067-3068-3069-3070-3071-3072-3073-3074-3075-3076-3077-3078-3079-3080-3081-3082-3083-3084-3085-3086-3087-3088-3089-3090-3091-3092-3093-3094-3095-3096-3097-3098-3099-3100-3101-3102-3103-3104-3105-3106-3107-3108-3109-3110-3111-3112-3113-3114-3115-3116-3117-3118-3119-3120-3121-3122-3123-3124-3125-3126-3127-3128-3129-3130-3131-3132-3133-3134-3135-3136-3137-3138-3139-3140-3141-3142-3143-3144-3145-3146-3147-3148-3149-3150-3151-3152-3153-3154-3155-3156-3157-3158-3159-3160-3161-3162-3163-3164-3165-3166-3167-3168-3169-3170-3171-3172-3173-3174-3175-3176-3177-3178-3179-3180-3181-3182-3183-3184-3185-3186-3187-3188-3189-3190-3191-3192-3193-3194-3195-3196-3197-3198-3199-3200-3201-3202-3203-3204-3205-3206-3207-3208-3209-3210-3211-3212-3213-3214-3215-3216-3217-3218-3219-3220-3221-3222-3223-3224-3225-3226-3227-3228-3229-3230-3231-3232-3233-3234-3235-3236-3237-3238-3239-3240-3241-3242-3243-3244-3245-3246-3247-3248-3249-3250-3251-3252-3253-3254-3255-3256-3257-3258-3259-3260-3261-3262-3263-3264-3265-3266-3267-3268-3269-3270-3271-3272-3273-3274-3275-3276-3277-3278-3279-3280-3281-3282-3283-3284-3285-3286-3287-3288-3289-3290-3291-3292-3293-3294-3295-3296-3297-3298-3299-3300-3301-3302-3303-3304-3305-3306-3307-3308-3309-3310-3311-3312-3313-3314-3315-3316-3317-3318-3319-3320-3321-3322-3323-3324-3325-3326-3327-3328-3329-3330-3331-3332-3333-3334-3335-3336-3337-3338-3339-3340-3341-3342-3343-3344-3345-3346-3347-3348-3349-3350-3351-3352-3353-3354-3355-3356-3357-3358-3359-3360-3361-3362-3363-3364-3365-3366-3367-3368-3369-3370-3371-3372-3373-3374-3375-3376-3377-3378-3379-3380-3381-3382-3383-3384-3385-3386-3387-3388-3389-3390-3391-3392-3393-3394-3395-3396-3397-3398-3399-3400-3401-3402-3403-3404-3405-3406-3407-3408-3409-3410-3411-3412-3413-3414-3415-3416-3417-3418-3419-3420-3421-3422-3423-3424-3425-3426-3427-3428-3429-3430-3431-3432-3433-3434-3435-3436-3437-3438-3439-3440-3441-3442-3443-3444-3445-3446-3447-3448-3449-3450-3451-3452-3453-3454-3455-3456-3457-3458-3459-3460-3461-3462-3463-3464-3465-3466-3467-3468-3469-3470-3471-3472-3473-3474-3475-3476-3477-3478-3479-3480-3481-3482-3483-3484-3485-3486-3487-3488-3489-3490-3491-3492-3493-3494-3495-3496-3497-3498-3499-3500-3501-3502-3503-3504-3505-3506-3507-3508-3509-3510-3511-3512-3513-3514-3515-3516-3517-3518-3519-3520-3521-3522-3523-3524-3525-3526-3527-3528-3529-3530-3531-3532-3533-3534-3535-3536-3537-3538-3539-3540-3541-3542-3543-3544-3545-3546-3547-3548-3549-3550-3551-3552-3553-3554-3555-3556-3557-3558-3559-3560-3561-3562-3563-3564-3565-3566-3567-3568-3569-3570-3571-3572-3573-3574-3575-3576-3577-3578-3579-3580-3581-3582-3583-3584-3585-3586-3587-3588-3589-3590-3591-3592-3593-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9 lands by reason of the ownership of which such upland owner qualifies as  
10 such, shall make application for such grant or lease within a period of 6  
11 months from the time of service of said notice upon said upland owner and  
12 any such mortgagee, said grant or lease may be made to the applicant.

13 Such notice shall be given to each upland owner, and to each holder of  
14 a mortgage of record upon the lands by reason of which such upland owner  
15 qualifies as such, and in case of a minor or mental incompetent, to his  
16 guardian or the person standing in loco parentis, by service upon such owner  
17 or holder as follows:

18 (a) If a resident of, or a corporation organized under the laws of, or  
19 authorized to do business in, this State, by personal service upon such per-  
20 son or upon the president, secretary, treasurer or a director or the resident  
21 agent of such corporation, or

22 (b) If a nonresident, or a corporation not organized under the laws of,  
23 or authorized to do business in, this State, by publication at least once and by  
24 mailing to such person or to such corporation or its president, secretary,  
25 treasurer or one of its directors, at his or its last known post-office address,  
26 if such post-office address can be ascertained by reasonable inquiry as pre-  
27 scribed by the commission by rule, or

28 (c) If not known, by publication at least once.

29 Said notice when served, together with an affidavit reciting the manner  
30 and place of service and the person upon whom service was made, shall be  
31 filed in the office of the commission.

32 The notice so filed shall be indexed in a separate book, to be kept by the  
33 commission, under the name of each upland owner, each mortgagee upon whom  
34 notice has been served and each applicant. The filing of any such notice  
35 shall be sufficient notice, of said application, to all purchasers and mort-  
36 gagees of the property, by reason of the ownership of which such upland  
37 owner qualifies as such, to authorize any grant or lease which may be made as  
38 a result of the giving of said notice.

1 27. The notice required by the previous section may be waived in writing  
2 by any person who is entitled to be served with the same, which waiver shall



3 be duly proved or acknowledged, and shall be recorded in the office of the  
4 County Clerk or Register of Deeds and Mortgages of the county, as in the  
5 case of a deed and shall then be filed with the commission.

1     28. In any case in which the lands of an upland owner are so far distant  
2 from open water which is navigable in fact, or are of such restricted frontage  
3 or peculiar location, that a grant or lease of the riparian lands fronting  
4 thereon to one other than the upland owner would substantially increase the  
5 opportunities for the development of the State's riparian lands in accordance  
6 with the best interests of the State, the commission may fix, and from time to  
7 time change and alter, a line beyond which grants or leases of such riparian  
8 lands may be made without any preference on the part of any upland owner  
9 to obtain grants or leases of the same as against other applicants as pre-  
10 scribed in this law, but in any such case no such line shall be fixed, changed  
11 or altered, except after public hearing, held upon notice of the time and place  
12 of the holding of the same, given by publication once each week for 2 weeks,  
13 and also, by mailing to each upland owner who otherwise would have prefer-  
14 ence in the grant or lease as against other applicants, not less than 2 weeks,  
15 prior to the date of the hearing. Said notice shall be given in lieu of the  
16 notice prescribed in section 25 of this law. In any such case the validity and  
17 propriety of the establishment and location of any such line so fixed, changed  
18 or altered, and of any grant or lease to any person under this section, shall be  
19 in issue at said hearing and shall be subject to determination and re-  
20 determination.

1     29. In any case in which any person is occupying riparian lands of the  
2 State under color of title and improvements have been made thereon, \* [the  
3 value of said riparian lands for the purposes of a grant or lease thereof by the  
4 commission, shall be calculated without the addition thereto of the value of  
5 said improvements and such an] \* *\*or taxes paid thereon to any State, local  
6 or other governmental unit, the commission in fixing the compensation there-  
7 for to be paid to the State of New Jersey, for a grant or lease thereof shall  
8 not include the value of any said improvements and shall give due considera-*



9 tion to the fact of payment of taxes, the amount thereof, and the value of such  
 10 lands at the time when the applicant acquired such color of title. Such\*  
 11 occupant shall be authorized to apply for and receive a grant or lease of such  
 12 lands as though he were the upland owner and without giving the notice re-  
 13 quired to be given by section 25 of this law. In case application is made to  
 14 the commission by any other applicant for a grant or lease of said lands,  
 15 \* [said] \* the occupant of said lands shall be given notice, by mailing, of said  
 16 application and if such occupant shall make application therefor within 6  
 17 months after service of such notice, he shall have preference in obtaining  
 18 such grant or lease over any other person\* [, except a county or municipal-  
 19 ity, or any department, commission, bureau or agency thereof or of the  
 20 State]\*.

21 \*In making grants or leases of the riparian lands of the State the com-  
 22 mission may reduce the price to be paid by the applicant to the extent of any  
 23 improvements which said applicant undertakes to make within 5 years from  
 24 the date of said grant or lease pursuant to a written and detailed agreement  
 25 with the commission, if, in the opinion of the commission, said improvements  
 26 would substantially increase the opportunities for the development of the  
 27 riparian lands of the State and are likely to aid in the economic development  
 28 of the State. Upon completion, these improvements shall be inspected by  
 29 the commission in order to determine if they were made in conformity with  
 30 said agreement. In the event that said improvements are not made in con-  
 31 formity with said agreement within 5 years of said grant or lease, the amount  
 32 by which the price was reduced shall immediately become due and payable  
 33 and be a lien upon the lands when recorded in the office of the clerk of the  
 34 county or counties in which the land is located unless the commission shall ex-  
 35 tend the period in its discretion for a period of not more than 2 years. The  
 36 improvements referred to in this section may be made either by said ap-  
 37 plicant or any person to whom he transfers said lands.\*

1 30. In event that a grant or lease of such lands is made to any county or  
 2 municipality, or any department, commission, bureau or agency thereof or of

3 the State, pursuant to this law, such occupant shall be entitled to occupy said  
4 lands under written permit by the commission, upon such terms as it may  
5 determine to be equitable and proper, until the grantee or lessee takes posses-  
6 sion thereof, and in such case said occupant shall be entitled to be paid the  
7 value of his improvements so made, as determined by the commission, by the  
8 grantee or lessee of said riparian lands, upon taking possession thereof.

1     31. No grant or lease from the State of New Jersey for riparian lands  
2 shall be made, unless the applicant shall give notice by publication of the  
3 application therefor for 2 weeks, by one insertion in each week, prior to the  
4 granting of the same. The notice shall state the name of the applicant, shall  
5 contain a brief description of the lands covered in the application, and, if the  
6 applicant is an upland owner, a brief description of the lands by virtue of  
7 the ownership of which he makes such application and a statement that  
8 written objections to the granting of said application, stating the reasons  
9 therefor, may be filed with the secretary of the commission on or before a  
10 date stated therein, which shall be not less than 2 weeks after the date of the  
11 first publication.

12     If any written objection is so filed, the commission, if it determines that  
13 the objection is of such substantial character that it should be the subject  
14 matter of a public hearing before the authorization of any such grant or lease,  
15 shall fix a date for and hold a public hearing and give notice thereof by  
16 publication once each week for 2 weeks, and by mailing to each person making  
17 objection not less than 2 weeks, prior to the date fixed for said hearing.

1     32. It shall be lawful for the commission to fix and determine the  
2 annual rental or the price or purchase money to be paid by any applicant for  
3 so much of the riparian lands belonging to the State, as may be described in  
4 any application therefor duly made according to law, and the commission may  
5 in the name of the State, grant or lease said lands to any applicant to whom  
6 it has power to make such grant or lease, but in the event that any doubt  
7 arises as to the validity of the State's claim to any riparian lands or lands  
8 claimed to be riparian lands, the commission may by way of compromise



9 accept in payment for such claims of the State such sum as it may deem  
10 proper and shall, in any such case, upon payment of the sum so fixed, exe-  
11 cute a release of all such claims of the State to the lands in question as  
12 riparian lands of the State.

13 No grant or lease of, or release of claims by the State to, any riparian  
14 lands shall be delivered until there shall be paid to the secretary of the com-  
15 mission, for payment into the State Treasury, the price or purchase money  
16 provided to be paid for such grant or release, or the rentals provided to be  
17 paid under such lease which are then due, and there shall have been secured  
18 to the State the payment of the rentals to grow due under such lease in such  
19 manner as the commission shall prescribe, if the commission in its discretion  
20 shall determine that such security shall be given.

21 All such grants, leases and releases shall be prepared by the commis-  
22 sion or its agents at the cost and expense of the lessee or grantee or re-  
23 leasee therein and when they shall be executed by the commission by its  
24 chairman or vice-chairman, under its seal, attested by its secretary or assist-  
25 ant secretary and acknowledged or proved in the manner as corporate deeds  
26 are acknowledged or proved, and when so executed and acknowledged or  
27 proved and delivered they shall be fully effective and shall be recordable in  
28 any public office in the State as deeds are recorded.

#### ARTICLE 7

##### RENEWAL OR CANCELLATION OF LEASES OR GRANTS

1 33. The commission may, in any lease of riparian lands of the State, pro-  
2 vide for a renewal or renewals of the lease for a subsequent term or terms to  
3 be expressed in the lease, and therein provide that the annual rentals to be  
4 paid for each renewal shall, in case the amount cannot be agreed upon, be  
5 fixed and determined before the commencement of the renewal term by 3  
6 arbitrators, one to be appointed by the State, one by the then lessee, and  
7 the third by their joint agreement, or should they fail to agree, then by the  
8 Superior Court.



1 34. Upon application in writing made by any person, by whom any lease  
 2 of riparian lands is held, for the cancellation and annulment of such lease,  
 3 the commission may in its discretion cancel and annul the same and there-  
 4 upon such riparian lands and the rights therein shall revert to the State.

#### ARTICLE 8

##### CERTIFIED SEARCHES

1 \* [35. Any person who may desire to be informed as to the title or rights  
 2 claimed by the State, in any parcel of land, or in any land adjoining any  
 3 parcel of land, as riparian lands of the State, may apply to the commission  
 4 for an official certificate of search, by application in writing in such form as  
 5 shall be prescribed by the commission describing the lands intended to be the  
 6 subject matter of the search, and the commission may in such case require  
 7 that accompanying said application, there shall be a survey and map of such  
 8 character that there may be delineated thereon the boundaries of the parcel  
 9 of said lands, if any, so claimed by the State and such lines, if any, as shall  
 10 have been fixed by the commission for the improvement thereof as such  
 11 riparian lands.]\*

12 \*35. Any person having an interest in any parcel of land or any land  
 13 adjoining any parcel of land or in any exempt lands and who may desire to  
 14 be informed as to the title or rights claimed by the State as riparian lands  
 15 may apply to the commission for an official determination of the rights  
 16 claimed by the State. The application shall be in writing in such form as  
 17 shall be prescribed by the commission. Such application shall describe the  
 18 lands which are the subject matter of the application. Such application shall  
 19 contain a statement of the applicant's interest in the lands described. If the  
 20 applicant claims the lands to be exempt lands, the application shall be ac-  
 21 companied by certified copies of such documents and records as are neces-  
 22 sary to support this contention. There shall also be attached a map of the  
 23 lands which are the subject matter of the application, made by a licensed sur-  
 24 veyor which shall delineate and designate any riparian lands or exempt lands  
 25 which may be included within or adjoin the exterior boundaries.\*

1     \* [36. Upon receipt of such application and upon the payment of such fee  
2 as the commission shall fix for the making of such examination and search,  
3 ~~the commission shall cause an examination of its records to be made and if~~  
4 it shall appear that the lands in question have not been surveyed by the com-  
5 mission, or if they have been surveyed, that the physical conditions of said  
6 lands may have so changed that said survey is no longer accurate, the com-  
7 mission shall cause a survey or a new survey of said lands to be made and  
8 the cost thereof shall be paid by the applicant, before any certified search is  
9 issued.]\*

10     \*36. Upon receipt of such application and upon the payment of such  
11 reasonable fee as the commission shall fix, the commission shall cause an ex-  
12 amination to be made of the application and the accompanying documents and  
13 of its records.\*

1     \* [37. Upon the conclusion of said examination, the commission shall cause  
2 to be issued, under the hand of its secretary, a search showing the boundaries  
3 of the lands so claimed as riparian lands of the State in the lands in ques-  
4 tion, and such lines, if any, as shall have been fixed by the commission for the  
5 improvement thereof as riparian lands, by delineating the same upon a map,  
6 or if the State claims no title or right in the lands in question as riparian  
7 lands, stating accordingly, which search shall be certified as correct, under the  
8 hand of the secretary of the commission.

9     If any person, in reliance upon such search, shall acquire, for value, any  
10 interest in any lands covered thereby, or having an interest therein, shall  
11 take any action, in relation thereto, of such character that he would be  
12 damaged, if any claim as to said lands as riparian lands of the State not  
13 shown upon said search, is asserted by the State, as of the date of such  
14 search, such persons shall hold such interest free from any claim of the  
15 State in said lands as riparian lands of the State, which is not shown upon  
16 said search as of the date thereof.]\*

17     \*37. Upon the conclusion of said examination, the commission shall issue  
18 under the hand of its secretary a certificate fixing the boundaries of lands



19 claimed as riparian lands, if any, and of lands determined to be exempt  
20 lands, if any, or if the State claims no title or right in any portion of the lands  
21 in question as riparian lands it shall issue a certificate accordingly. Such cer-  
22 tificates shall be capable of recordation as a deed.

23 If any person, in reliance upon such certificate, shall acquire, for value,  
24 any interest in any lands covered thereby, or, having an interest therein,  
25 shall take any action in relation thereto of such character that he would be  
26 damaged if any claim as to said lands as riparian lands of the State, not  
27 shown as such upon said certificate, is asserted by the State, such person shall  
28 hold such interest free from any claim of the State in said lands as riparian  
29 lands.\*

1 \* [38. Any party or any person having an interest in said lands who is  
2 dissatisfied with any claim of the State, as it is set forth in said search,  
3 shall be entitled to a public hearing thereon, to be held within 30 days after  
4 written request therefor, made or filed with the secretary of the commis-  
5 sion.]\*

6 \*38. Any recipient of any certificate who is dissatisfied with any claim of  
7 the State as it is set forth therein, shall be entitled to a hearing by the com-  
8 mission to be held within 30 days after request therefor may have been filed  
9 with the secretary of the commission, provided such request was filed within  
10 30 days from receipt of the certificate.

11 Notwithstanding the authority contained in article 2, paragraph 9 hereof,  
12 the proceedings of any such hearing shall be transcribed and the commission  
13 shall make findings of fact and conclusions of law and shall order the  
14 affirmation or amendment of the certificate, which is the subject matter of the  
15 hearing, in accordance with such findings of fact and conclusions of law.

16 Such affirmed or amended certificate shall be a final administrative  
17 agency determination.

18 At any such hearing in which the applicant claims ownership of the  
19 lands, which are the subject matter of the hearing, it shall be sufficient to  
20 prove a prima facie case of ownership if it is proven that the lands are not at



21 *the time of lowing below the mean high tide line of the waters of any of the*  
 22 *tidal rivers, streams, bays or inlets within or bordering the State and of the*  
 23 *Atlantic ocean.\**

#### ARTICLE 9

##### OFFSHORE LICENSES

1 39. The commission may grant licenses to persons holding grants or leases  
 2 of riparian lands of the State, or to any other person making application  
 3 therefor, with the consent of such grantee or lessee or of the upland owner  
 4 of the riparian lands involved, for the erection and maintenance of struc-  
 5 tures within or without the exterior line fixed by the commission, upon pay-  
 6 ment of a reasonable fee therefor as fixed by the commission, which license  
 7 shall\*, *except as otherwise provided,\** be revocable on 30 days' notice of  
 8 revocation, served upon the license holder by certified mail addressed to  
 9 his last known address, or if the license holder be a corporation, upon any  
 10 officer or registered agent thereof at his last known address, and failure  
 11 to remove any such structure within said 30 days shall constitute a pur-  
 12 preture, which may be abated and shall be punishable as provided in this  
 13 law. *\*A public utility, as defined in Revised Statutes, section 48:2-13, or*  
 14 *any natural gas pipeline utility, as defined in section 2 of chapter 166 of the*  
 15 *laws of 1952, holding such license shall be granted a reasonable period of*  
 16 *time in excess of said 30 days following a notice of revocation within which*  
 17 *to remove, replace, or rearrange such structures erected or maintained*  
 18 *under said license.\**

#### ARTICLE 10

##### STATE OR MUNICIPAL, ET CETERA, GRANTS

1 40. Whenever any county or municipality or any department, commission,  
 2 bureau or agency thereof or of the State, whether or not it is the owner of  
 3 the upland adjoining any riparian lands, shall determine to obtain a grant or  
 4 lease of such riparian lands for public use, it shall make application for  
 5 such a grant or lease of said riparian lands, stating the purpose for which it

6 desires to use the lands, which application shall be made, received and pro-  
7 ceeded upon in the same manner as is prescribed for other applications for  
8 grants or leases of such lands.

1     41. Whenever a public park, place, street or highway has been or shall be  
2 laid out or provided for by or on behalf of any county, or municipality or  
3 any department, commission, bureau or agency thereof or of the State along,  
4 over, including or fronting upon, any riparian lands of the State, or shall  
5 extend to any such lands and such county or municipality or any department,  
6 commission, bureau or agency thereof shall apply under this law for a grant  
7 of said riparian lands and said county or municipality or any department,  
8 commission, bureau or agency thereof, whether or not it is the upland owner  
9 thereof, and it shall be unable or unwilling to pay the price fixed by the com-  
10 mission for such lands, the commission may grant to such applicant a  
11 revocable license to use said lands so granted and a permit to erect buildings  
12 and structures thereon for the purposes for which the application is made  
13 until such time as the commission shall decide to make a grant in favor of the  
14 lands to other grantees for such consideration as the commission may  
15 determine to be adequate consideration for said lands. Any such revocable  
16 license and permit may contain a provision that if the same is revoked and the  
17 lands in question granted to another grantee, the other grantee shall pay, as  
18 a condition of his grant, the cost of any improvements which may have been  
19 constructed by the conditional grantee upon the lands which were the subject  
20 matter of the revocable license and permit.

1     42. When any application is made to the commission by any applicant  
2 other than a county or municipality or any department, commission, bureau  
3 or agency thereof or of the State, for a grant or lease of any riparian lands  
4 and any county or municipality or any department, commission, bureau or  
5 agency thereof or of the State shall desire to obtain such grant or lease for  
6 public use, in connection with activities within its jurisdiction, it shall give  
7 notice in writing to the commission and to the applicant within 2 months after  
8 the making of said application, stating the purpose for which it desires to



9 use the land and it shall, within 6 months of the making of the application,  
10 make application for a grant or lease of said riparian lands, which shall be  
11 made, received and proceeded upon as are other applications under this law,  
12 except as otherwise provided in this article.

1 43. The commission in any such case in which the county or municipal-  
2 ity or any department, commission, bureau or agency thereof or of the State  
3 applying under section 42 of this law is not the upland owner of the riparian  
4 lands applied for, shall hold a public hearing upon at least 2 weeks notice  
5 by publication and by service, by certified mail, upon all interested parties  
6 and if the commission shall determine as a result of said hearing that the best  
7 interests of the State require that a grant or lease shall be made to the  
8 county or municipality, or department, commission, bureau or agency thereof  
9 or of the State, applying therefor, it shall fix the proper and adequate con-  
10 sideration to be paid therefor.

1 44. Such grant or lease shall be effective only upon payment of the  
2 consideration fixed therefor, within such time as the commission shall fix, in  
3 the same manner as in cases of grant or lease made to individuals, and in any  
4 such case the upland owner shall not be entitled to any of the benefits pro-  
5 vided in this law.

1 45. Any grant, lease or license made under this article shall contain a  
2 term that it shall be terminated if and when the public use terminates, if at  
3 that time the grantee, lessee or licensee is not the owner of the adjoining up-  
4 land, but when a grant or lease shall be made to the proper authority of the  
5 State, or a municipal or other subdivision thereof, of riparian lands of the  
6 State fronting on or within the extended lines of any street or highway  
7 heretofore or hereafter laid out or provided for, and said authority shall  
8 have or may hereafter grant or lease the lands so granted, or the right to  
9 use the lands for the purpose of constructing a bridge over or along the  
10 same, to a corporation organized under sections 48:5-13 to 48:5-25 of this  
11 Title, Public Utilities, the commission may insert an express provision in the  
12 grant or lease that the lands may be used for such purpose.



## ARTICLE 11

## WATER-FRONT IMPROVEMENTS

1 46. All plans for the development of any water front upon any navigable  
2 water or stream of this State or bounding thereon, or of any riparian lands  
3 of this State belonging to the State or conveyed or leased by the State to  
4 any person under a riparian grant or lease, which is contemplated by any  
5 person or municipality in the nature of individual improvement or develop-  
6 ment or as a part of a general plan which involves the construction or altera-  
7 tion of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or other similar  
8 or dissimilar water-front development shall be first submitted to the commis-  
9 sion. No such development or improvement shall be commenced or executed  
10 except under permit issued by the commission as in this act provided.

1 47. Upon the presentation of plans for any such water-front develop-  
2 ment or improvement the commission shall forthwith consider the same, and  
3 may hold public hearings for the consideration thereof under such rules and  
4 regulations as it may establish.

1 48. Before any plans are approved or disapproved the commission may,  
2 except as otherwise provided in this act, direct such changes or alterations  
3 in the plans as it may deem necessary or advisable, as a condition precedent  
4 to approval.

1 49. Where such water front is under the control of a local board, com-  
2 mission or other body having power by law to improve or develop or to con-  
3 trol the water front so that a permit or license must be granted by it before  
4 any improvement or development may be commenced, the plans for any such  
5 improvement or development shall be filed with the commission.

1 50. The commission may within 10 days after receipt of such plans file  
2 notice of objections to the carrying out of the improvement or development  
3 or to the granting of a permit or license by such governing body.

1 51. The filing of the notice shall act as a stay in the carrying out of the  
2 plans for the granting of such permit or license until a public hearing shall  
3 have been held by the local governing body of the municipality concerned,  
4 sitting jointly with the commission.

1     52. At the hearing the commission may state its objection to the plans  
2 and recommend such changes as may be necessary. The local governing body,  
3 together with the commission, shall approve or disapprove the plans or  
4 grant or refuse to grant the permit \*[for]\* \*or\* license as seems to them to  
5 be necessary or desirable.

1     53. Any improvement or development subject to the jurisdiction of the  
2 commission, which is commenced or executed without first obtaining ap-  
3 proval thereof as in this article provided, shall be deemed to be a purpres-  
4 ture and a public nuisance and may be abated in an action brought by the  
5 commission in the name of the State, appropriate for that purpose, and any  
6 person guilty of any such purpresture shall be subject to a penalty of not  
7 more than \$100.00 for each day during which such purpresture continues, to  
8 be recovered by commission by proceedings under the Penalty Enforcement  
9 Law.

10     This article shall not apply to or affect any development for docks,  
11 shipping and transportation facilities inaugurated by a municipality and  
12 under construction in whole or in part prior to April 8, 1914 provided the  
13 municipality had, prior to said date, filed with the Secretary of State a map  
14 showing the lands proposed to be taken for such municipal development.

1     54. Upon the request of a county, municipality or other political subdi-  
2 vision of the State the commission shall prepare and submit a proper plan  
3 for the development and improvement of the water front of such county,  
4 municipality or political subdivision upon any navigable stream or waters  
5 of this State or bounding thereon, the navigation of the waters thereof and  
6 the regulation and improvement of the traffic of commerce incident thereto.  
7 For the preparation and submission of the plans the commission may make  
8 such charge against the county, municipality or other political subdivision  
9 requesting the same as is equal to the actual cost thereof, which said county,  
10 municipality or political subdivision is authorized to pay from any funds  
11 available therefor in such treasury.



## ARTICLE 12

GRANTS, ET CETERA, ADJACENT TO AND IN

FRONT OF THE PALISADES, ET CETERA

1 55. As used in this article, "Palisades" means that portion of the west  
2 shore of the Hudson river, lying between the high-water line and the top or  
3 edge of the steep cliffs or the crest of the slope in places where the steep  
4 cliffs are absent, from the road leading from the old Fort Lee dock or land-  
5 ing to Fort Lee in Bergen county on the south to the northerly boundary  
6 line of the State of New Jersey. The riparian lands lying under the water  
7 of the Hudson river to the southward of the said road, leading from the Fort  
8 Lee dock or landing to Fort Lee in Bergen county, shall not be subject to  
9 the provisions of this article.

1 56. Every lease, grant or conveyance of lands lying under the waters  
2 of the Hudson river adjacent to or in front of the Palisades, or adjacent  
3 to or in front of the strip of land between the base of the Palisades and the  
4 lands under water, shall contain such terms, conditions, restrictions and lim-  
5 itations as will, so far as possible, forever thereafter preserve unbroken the  
6 uniformity and continuity of the Palisades, and to prevent the lands leased,  
7 granted or conveyed from being used or devoted to injurious or destructive  
8 work or operations against the Palisades, or in connection with or for the en-  
9 couragement, aid or promotion of such work or operations.

1 57. No terms, conditions, restrictions or limitations shall be inserted in  
2 any such lease, grant or conveyance which shall prevent or interfere with  
3 any work or operations, whether by blasting and removing rock or other-  
4 wise, on any part of land lying between the base of the vertical line of the  
5 Palisades and the high-water mark on the Hudson river, for the purpose of  
6 preparing the ground for the construction of buildings or for commercial  
7 purposes.

1 58. No lease, grant or conveyance made prior to March 11, 1922, of lands  
2 lying under the waters of the Hudson river southward of said road leading  
3 from the Fort Lee dock or landing to Fort Lee in Bergen county, shall be



4 held invalid because not containing the terms, conditions and restrictions  
5 prescribed in this article.

6 Nothing in this article shall affect or impair any lease or grant made  
7 prior to March 18, 1898.

### ARTICLE 13

#### RIPARIAN LANDS ACQUIRED BY THE STATE

1 59. The commission may acquire title in fee simple, in the name of the  
2 State to any riparian lands in the State, which can be used with and are  
3 necessary for the development and improvement or use of lands under tide-  
4 waters owned by the State, of such area and extent as the commission, in its  
5 discretion, may deem necessary and advisable for said purposes. All lands  
6 so acquired shall be subject to the jurisdiction and control of the commission.

1 60. Whenever the Department of Conservation and Economic Develop-  
2 ment shall have acquired title in fee simple, in any manner provided by law, to  
3 any riparian lands within the State, the use and occupation of the riparian  
4 lands so acquired, together with all improvements thereon, may be leased or  
5 granted by the commission to any person upon such terms and covenants and  
6 for such periods of time not exceeding 60 years, as may be required and  
7 directed by the commission but such grant or lease shall be permitted only  
8 in conjunction with the grant or lease of the adjacent lands under tidewater  
9 and only to the same party or parties and for the same period of time.

1 61. The commission may, as a consideration for the transfer of title of  
2 any riparian lands to the State, enter into an agreement with the owner  
3 thereof to lease and grant, after transfer of title to the State, the use and  
4 occupation of the riparian lands as well as the adjacent lands under tidewater,  
5 to such owner or any party designated by him, whereby the lands, both  
6 riparian and under tidewater, shall be improved and developed at the expense  
7 of the grantee or lessee, in such manner, under such plans and specifications,  
8 at such minimum cost and within such time as may be required by the  
9 commission.

1 62. The commission shall also require that after such improvements have  
2 been made and constructed, the lessee or grantee shall, under the supervision

3 and jurisdiction of the commission maintain and operate, during the life of  
4 the lease or grant upon said premises, such enterprise, commercial opera-  
5 tion, business or venture as the improvements are designed for, at the sole  
6 cost and expense of the lessee or grantee.

1 63. In lieu of rent reserved in cash for the grant or lease of said  
2 riparian lands and lands under tidewater, the commission may require as  
3 rental, for the full term of the grant or lease, an annual percentage of not  
4 less than  $33\frac{1}{3}\%$  of the income the lessee or grantee received from the use and  
5 occupation of the premises and the business or enterprise conducted  
6 thereon. The income shall be calculated and adjusted in such manner as the  
7 commission shall determine and all of such requirements shall be set forth in  
8 detail in the grant or lease.

1 64. All moneys received by the commission under the provisions of this  
2 article shall be subject to the provisions of law applicable to the receipts  
3 from grants or leases of land under tidewater.

1 65. At the expiration of the term of the grant or lease the title to all  
2 improvements, railways, buildings, docks, wharves, bulkheads, machinery,  
3 stock and equipment and all chattels comprising the fixtures located upon  
4 such land and premises and then in the operation and maintenance of the  
5 enterprise, business or venture conducted on the premises, together with the  
6 title and goodwill of the business or enterprise, shall vest in the State. The  
7 grant or lease shall contain in detail the mode and manner and subject matter  
8 of the transfer to the State.

1 66. All grants or leases under the provisions of this article shall be  
2 subject to the provisions of existing laws so far as the same are not incon-  
3 sistent with the terms of this article.

#### ARTICLE 14

##### REMOVAL OF SAND, ET CETERA, FROM RIPARIAN LANDS

1 67. No person or corporation shall dig, dredge or remove any deposits  
2 of sand or other material from the riparian lands of the State without a



3 license so to do first obtained as provided in section 68 of this act, and any  
 4 person or corporation who shall so unlawfully dig, dredge or remove any de-  
 5 posit of sand or other material as aforesaid shall forfeit and pay for each  
 6 and every such offense the sum of \$100.00, to be prosecuted for and re-  
 7 covered by a civil action by any person or persons in any court of competent  
 8 jurisdiction with costs of suit, the  $\frac{1}{2}$  the amount so recovered to be for the  
 9 use of the State, and the other  $\frac{1}{2}$  to the use of the person or persons who  
 10 shall sue for and prosecute the same to effect; provided, however, that nothing  
 11 in this section contained shall prevent the owner of any grant or lease from  
 12 the State, or the assignee or lessee thereof, from digging, dredging, remov-  
 13 ing, and taking sand and other material within the lines of, or in front of, such  
 14 grant or lease, for the purpose of improving lands granted or leased to  
 15 them, or their grantors or lessors, by the State, nor prevent such owner, as-  
 16 signee or lessee from digging or dredging a channel or channels to the main  
 17 channels, and removing and taking the material therefrom.

18 68. The commission may, under such terms and restrictions as to dura-  
 19 tion, compensation to be paid and such other conditions and restrictions as  
 20 the interest of the State may require, license by an instrument in writing,  
 21 executed in the same manner as grants of riparian lands are required to be  
 22 executed, any person or corporation to dig, dredge or remove any deposits of  
 23 sand or other material from riparian lands of the State.

#### ARTICLE 15

##### PROCEEDINGS AGAINST TRESPASSERS, ET CETERA, ON RIPARIAN LANDS

1 69. In case any construction, improvement or development shall be com-  
 2 menced, or be in the process of construction or alteration, in violation of the  
 3 provisions of this act, the commission may order all further work in and  
 4 about the same to be stopped forthwith and after the issuance of such order  
 5 and the service of a copy or copies thereof upon the owner of the premises,  
 6 personally or by certified mail at his last known address, and, upon the  
 7 persons working in and around such construction, improvement or develop-



8 ment, by the posting of a copy thereof in a conspicuous place upon the  
9 premises, no further work shall be done thereon until the provisions of this  
10 law, so far as they apply thereto, shall be entirely complied with.

1 70. Any person served with, or having knowledge of, such an order  
2 who thereafter shall do or permit or allow to be done any work in or about  
3 such construction, improvement or development before all the provisions of  
4 this act, so far as they apply to such improvement or development, shall have  
5 been entirely complied with, shall be subject to a penalty of not more than  
6 \$100.00 for each day upon which such offense shall be committed or con-  
7 tinned, to be recovered by the commission in proceedings under the Penalty  
8 Enforcement Law.

1 71. Any encroachment or trespass upon the riparian lands of the State  
2 or upon the water front of any navigable waters of this State, or the waters  
3 or lands bounding thereon, and the erection or maintenance of any construc-  
4 tion, improvement or development upon any riparian lands, whether or not  
5 they have been granted or leased by the State, without first obtaining ap-  
6 proval thereof as in this act provided, shall be a purpresture and a public  
7 nuisance and may be abated by the commission, and the commission may  
8 restrain and prevent the erection and maintenance thereof, and remove or  
9 compel the removal thereof, and any construction, erection or accretion in-  
10 jurious to the flow of any such waters which may be detrimental to the proper  
11 navigation thereof, and the maintenance and improvement of commerce  
12 thereon.

1 72. Any person guilty of any such purpresture shall be subject to a  
2 penalty of not more than \$100.00 for each day during which purpresture con-  
3 tinues to be recovered by the commission in proceedings brought and prose-  
4 cuted in the name of the State under the Penalty Enforcement Law, and  
5 the commission may institute and prosecute appropriate actions in the name  
6 of the State in any courts of competent jurisdiction for the enforcement of  
7 any other remedy, which may be available to it, in the enforcement of this  
8 article.

1 73. The Attorney General of the State is hereby required to commence  
2 and prosecute such actions as may be instituted or directed by the com-  
3 mission.

#### ARTICLE 16

##### LIENS FOR DELINQUENT PAYMENTS

1 74. The State shall have a lien against the property of any person who  
2 has or receives any grant, lease or license of riparian lands or any permit  
3 to make improvements upon any such lands for the amount of the considera-  
4 tion or the rentals payable under said grant, lease or license or any charges  
5 incident to the granting of any such permit, when the same are due or as they  
6 grow due, with interest thereon, which lien shall have priority from the time  
7 of its filing over all subsequent encumbrances, alienations and judgments.

8 Any such lien may be filed at any time after the grant, lease, license or  
9 permit is issued and it shall become effective as a lien at the time when the  
10 payment or payments for which it is filed as a lien shall become due and  
11 payable.

1 75. The State shall have a similar lien against the property of any person  
2 who has wrongfully occupied or used, or shall wrongfully occupy or use, any  
3 riparian lands of the State, for the amount of the damages which the State  
4 has suffered or shall suffer by reason thereof. The amount of such damages  
5 shall be assessed by the commission and the lien shall be filed for such  
6 amount and the commission shall institute a civil action in the nature of an  
7 action at law against such person within 60 days after the filing of the lien.

1 76. Any lien for a wrongful occupation or use of riparian lands belong-  
2 ing to the State may be filed at any time after such wrongful occupation or  
3 use is discovered and such lien shall become effective, for the amount of the  
4 preliminary assessment of damages stated in the lien, from the time of its  
5 filing until determination of such civil action and in case judgment is entered  
6 in favor of the State therein, the lien of the judgment, to an amount not  
7 exceeding the amount stated in the lien, shall relate back to the date of the  
8 filing of the lien and the lien shall be enforceable only by proceedings on the



9 judgment entered in such civil action. If the commission shall fail to institute  
10 such civil action within said period of 60 days or, if having instituted it, final  
11 judgment shall be entered against the commission the lien shall be void. The  
12 commission shall have power to compromise any claim made under any such  
13 lien and such a lien shall be discharged when payment is made of the amount  
14 claimed thereunder or of such other sum as the commission shall determine  
15 upon by way of compromise settlement of the amount so claimed, or if it shall  
16 become void as provided in this article.

1 77. The lien shall state the name of the person against whose property  
2 it is filed and the amount due and to grow due thereon and shall be executed  
3 by the president or vice-president of the commission under the seal of the com-  
4-5 mission attested by the secretary or an assistant secretary of the commission.

6 It shall be filed with the clerk of the county in which the lands granted,  
7 leased or licensed or in connection with which the permit is granted or which  
8 are the subject matter of wrongful occupation or use, shall lie or with the Clerk  
9 of the Superior Court and it shall immediately attach to and become binding  
10 upon all real property owned by any person against whom it is filed, within  
11 the county, if it is filed with the county clerk of a county, or wherever situate  
12 within the State, if it is filed in the Superior Court, and shall have the force  
13 and effect and may be proceeded upon in the same manner as a judgment, in  
14 the nature of a judgment at law entered in said court subject to the provi-  
15 sions of this article. The validity of any such lien may be reviewed in a  
16 proceeding in lieu of the prerogative writs.

1 78. The clerk of the county or the Clerk of the Superior Court, as the case  
2 may be, shall provide suitable books in which all liens and other papers  
3 incidental thereto shall be received and recorded without payment of any fee,  
4 which books shall be properly indexed in the name of the person against whom  
5 the lien is claimed.

1 79. Such lien against a parcel of real estate may be apportioned by the  
2 commission among any lots or other subdivisions of any lands covered thereby  
3 and shall be made on the written application of any person interested, or on



4 motion of the commission without application, and shall be made according  
5 to the values of the respective lots or subdivisions at the time it was im-  
6 posed.

1 80. The apportionment shall be made on the written application of any  
2 person interested, or on motion of the commission without application, and  
3 shall be made according to the values of the respective lots or subdivisions  
4 at the time it was imposed.

1 81. The apportionment shall be made upon notice to the interested par-  
2 ties whose interest appears of record, after hearing unless the interested  
3 parties shall waive notice and hearing.

1 82. Such notice shall state the time and place of hearing on the appli-  
2 cation for apportionment and shall be given at least one week in advance  
3 by publication in a newspaper published in and circulating in the municipal-  
4 ity if there be any such newspaper and otherwise in a newspaper circulat-  
5 ing in the county.

1 83. The commission may require that the written application shall be  
2 accompanied by a map showing the entire parcel and the subdivisions de-  
3 sired and the deposit of a sum sufficient to cover the expenses of the notice  
4 and advertisement provided for in this article, and to pay the estimated  
5 amount apportionable to the lot or lots or other subdivisions in which the  
6 applicant is interested.

1 84. A copy of the apportionment shall be filed with the secretary of the  
2 commission and the charge as apportioned to each lot or other subdivision  
3 shall then be a lien thereon, in the same manner as if originally so imposed.

1 85. The commission is authorized to compromise and make settlement  
2 of any claim for which any lien is filed under the provisions of this article  
3 and such resolution shall be sufficient authorization for the discharge thereof.

1 86. Any lien so filed may be discharged as to all of the lands covered  
2 thereby or as to any part thereof specifically described in the certificate  
3 offered for filing, by filing in the office in which it is filed a certificate setting  
4 forth that the same is discharged of record, executed under the seal of the

5. commission and signed and acknowledged by the chairman or vice-chairman  
6. of the commission and attested by the secretary or an assistant secretary of  
7. the commission.

## ARTICLE 17

## DELINQUENT RENTALS, ET CETERA.

1 87. The secretary of the commission shall, on or before the first Tuesday  
2 in January in each year, make out a list of all leases of riparian lands held  
3 by the State on which rentals are in arrears and unpaid for the space of 1  
4 year, and transmit the same to the commission.

1 88. Where a riparian lease, the rentals of which are unpaid for the  
2 space of 1 year, contains a covenant or condition that upon nonpayment of  
3 the yearly rent or sum reserved at the time or times fixed for the payment  
4 thereof, the State may re-enter and possess the lands described in the lease,  
5 the commission may enter upon said lands, and in the name and on behalf  
6 of the State, take possession thereof.

1 89. Such entry shall be made by the commission or any member thereof,  
2 by going on the land and announcing in the presence of one or more witnesses  
3 that all rights under the lease are forfeited to the State.

1 90. Before the entry is made, the commission shall give notice to the  
2 lessee or to the person or persons, entitled to possession of the premises  
3 after payment, on the records of the commission,

4 a. By publication, or

5 b. By personal service.

1 91. The notice so to be published or served shall set forth:

2 a. The name of the person to whom the lease was granted;

3 b. The name of the person holding the lease by devise, grant, assign-  
4 ment or otherwise, if known to the commission; and

5 c. A statement that if the rentals unpaid are not paid on or before the  
6 expiration of a time to be fixed therein, not less than 2 weeks, all rights  
7 under the lease shall determine, become void and forfeited to the State.



92. After such notice shall have been published or served and entry made on the land described in the lease, the commission shall make and file with its secretary a report setting forth the fact of such publication or service and entry on the land, and:

a. In case the notice shall have been published, annex a copy of the publication to the report; and

b. In case the notice shall have been served personally, annex to the report an affidavit by the person serving the notice, proving the truth thereof.

93. Thereafter the commission may, in the manner prescribed by law, again lease or grant the land as fully as if the original lease had never been made.

94. Upon making entry and taking possession of any lands described in any such lease, the commission shall execute its certificate certifying to the re-entry and repossession and describing the lands re-entered and repossessed.

The certificate shall be executed and acknowledged as deeds are required to be acknowledged, and shall be recorded in the records of the county wherein such lands are located as deeds are required to be recorded.

The same fee shall be paid for recording the certificate as is required for recording deeds.

95. All rights, at law or in equity, which have accrued to the State for the rentals in arrears and unpaid up to the expiration of the time fixed in the notice mentioned in this article shall not abate but shall remain in force and effect.

96. The commission shall be released from all responsibility arising from the lease of any lands upon which re-entry had been made as provided by this article.

#### ARTICLE 18

##### CONFIRMATORY GRANTS OR LEASES

97. The commission may, upon petition of any upland owner, investigate the facts relative to any lease or grant of riparian lands purporting to have theretofore been made under authority of any legislative act for the purpose



4 of determining whether or not it is equitable and just that a confirmatory  
 5 lease or grant shall be made to ratify and confirm to the petitioner the title  
 6 to riparian lands under water adjacent to the ripa of the petitioner and  
 7 within the area of lands covered by a prior lease or grant through which the  
 8 petitioner claims title to the riparian lands for which a confirmatory lease or  
 9 grant is required.

1 98. If the commission finds that it is equitable and just that such a con-  
 2 firmatory lease or grant be executed in consideration of the moneys thereto-  
 3 fore paid to the State on account of the lease or grant, or upon payment of  
 4 such further consideration as may be equitable and just, a proper confirma-  
 5 tory lease or grant shall be executed and delivered to the petitioner, his  
 6 heirs, successors or assigns. Any confirmatory lease or grant made in com-  
 7 pliance with this article shall be conclusive and final as to its equity or just-  
 8 ness and thenceforth shall be binding upon the State.

9 99. The commission may consider, under a petition filed under this  
 10 article, the granting of additional riparian lands adjacent to the lands to be  
 11 covered by any confirmatory lease or grant, provided the petition shall have  
 12 made application for the grant of additional riparian lands in accordance  
 13 with the requirements of the statutes in force at the date of the petition, to  
 14 the end that a lease or grant may include not only the lands, title to which is  
 15 being confirmed, but also additional riparian lands adjacent thereto.

16 The expressed consideration for such lease or grant shall be the sum  
 17 total of any additional sum to be paid for the confirmation of previous leases  
 18 or grants and of the sum agreed to be paid for the new area.

19 100. The lands to be affected by this article shall be riparian lands of this  
 20 State. Any lease or grant of new areas or by way of confirmation may be  
 21 based upon the original natural mean high tide line as of the date of the  
 22 lease or grant being confirmed or as of the date of the new and confirmatory  
 23 grant.

24 101. The commission may, in reaching its conclusion that it is equitable  
 25 and just to confirm in a present owner title to riparian lands which he has

3 lawfully acquired through any previous lease or grant of the State, determine  
4 that it is equitable and just if it determines that:

5 a. The consideration paid for the original lease or grant was at the date  
6 of its execution full and adequate consideration for the lands so leased or  
7 granted;

8 b. The lands leased or granted lie in front of the ripa on which the lease  
9 or grant was based because the riparian lands in the vicinity of the lands  
10 under consideration have been lawfully and equitably apportioned to the  
11 owners by any agency authorized by law to make grants of riparian lands  
12 in the name of the State and the lands under consideration are within the  
13 area of the lands under water so apportioned to the lands owned by the peti-  
14 tioner, and provide reasonable access to owners to deep water beyond bulk-  
15 head and pierhead lines;

16 c. The lands leased or granted lie in front of the riparian lands of the  
17 petitioner because the lands so leased or granted constitute an equitable  
18 allotment or apportionment of the lands under water to the riparian lands to  
19 which they are attached, even though the boundaries defining the limits of  
20 the lands granted are irregular and do not constitute straight side lines  
21 running parallel to each other and extending from the shore to the bulkhead  
22 or pierhead lines, and provide reasonable access to upland owners to deep  
23 water beyond bulkhead and pierhead lines; and

24 d. The owner of all estates, rights and privileges under the lease or grant  
25 to be confirmed to the extent of the riparian lands to be defined in a confirma-  
26 tory lease or grant is the petitioning owner of riparian lands to be benefited  
27 on the date the petition is filed, or at the date of the finding of the commis-  
28 sion that it is equitable and just that a confirmatory lease or grant shall be  
29 executed.

30 102. Any lease or grant which shall be authorized under a petition filed  
31 in accordance with this article may be in fact executed to the petitioner, or  
32 his heirs, devisees or assigns, provided that the grantee named in the lease or  
33 grant is the upland owner at the date of the lease or grant.



5 Any person owning riparian lands shall be deemed to be entitled to the  
6 benefits of this article.

#### ARTICLE 19

##### GRANTS OR LEASES UNDER STATUTORY AUTHORITY

1 103. In case any person or corporation who by any legislative act, is a  
2 grantee or licensee, or has such power or authority, or any of his, her or  
3 their representatives or assigns shall desire a paper capable of being acknowl-  
4 edged and recorded, made by and in the name of the State of New Jersey,  
5 conveying the land mentioned in the proviso to the third section of an act  
6 entitled "Supplement to an act entitled 'An act to ascertain the rights of the  
7 State and of riparian owners in the lands lying under the waters of the bay of  
8 New York and elsewhere in this State,' approved April 11, 1864," approved  
9 March 31, 1869 (§ 12:3-4 of the Revised Statutes), whether under water now  
10 or not, and the benefit of an express covenant, that the State will not make or  
11 give any grant or license power, or authority affecting lands under water in  
12 front of said lands, then and in either of such cases, such person or corpora-  
13 tion, grantee or licensee, having such grant and license, power or authority,  
14 his, her or their representatives or assigns on producing a duly certified copy  
15 of such legislative act to the commission, and in case of a representative or  
16 assignee also satisfactory evidence of his, her or their being such representa-  
17 tive or assignee, and requesting such grant and benefits as in this section  
18 mentioned, shall be entitled to said paper so capable of being acknowledged  
19 and recorded, and granting the title and benefits aforesaid, on payment of the  
20 consideration hereinafter mentioned; and the commission by its chairman,  
21 attested by its secretary shall and may execute and deliver and acknowledge  
22 in the name and on behalf of the State, a lease in perpetuity to such grantee  
23 or licensee or corporation having such grant, license, power or authority, and  
24 to the heirs and assigns of such grantee or licensee, or to the successors and  
25 assigns of such corporation, upon his, her or their securing to be paid to the  
26 State an annual rental of such reasonable sum as the commission may fix for  
27 each and every lineal foot measuring on the bulkhead line, or a conveyance  
28 to such grantee or licensee or corporation having such grant, license, power



29 or authority, and to the heirs and assigns of such grantee or licensee, or to the  
 30 successors and assigns of such corporation in fee, upon his, her, or their pay-  
 31 ing to the State such reasonable sum as the commission may fix for each and  
 32 every lineal foot measuring on the bulkhead line, in front of the land included  
 33 in said conveyance; provided, that no corporation to whom any such grant,  
 34 license, power or authority was given by legislative act as aforesaid, in which  
 35 provision was made for the payment of money to the Treasurer of the State  
 36 for each and every foot of the shore embraced and contained in the act; nor the  
 37 assigns of such corporation shall be entitled to the benefits of this section;  
 38 and provided further, that the commission shall in no case grant lands under  
 39 water beyond the exterior lines hereby established, or that may be hereafter  
 40 established, but the said conveyance shall be construed to extend to any bulk-  
 41 head or pier line further out on said river and bay that may hereafter be  
 42 established by legislative authority; in case any person or corporation taking  
 43 a lease under this section, shall desire afterwards a conveyance of all or any  
 44 part of the land so leased, the same shall be made upon payment of such  
 45 reasonable sum for every such lineal foot, as the commission may fix, the  
 46 conveyance or lease of the commission under this law, shall not merely pass  
 47 the title to the land therein described, but the right of the grantee or licensee,  
 48 individual or corporation, his, her or their heirs and assigns, to exclude to  
 49 the exterior bulkhead line, the tidewater by filling in or otherwise improving  
 50 the same, and to appropriate the land to exclusive private uses, and so far  
 51 as the upland from time to time made shall adjoin the navigable water, the  
 52 said conveyance or lease shall vest in the grantee or licensee, individual or  
 53 corporation, and their heirs and assigns, the rights of the perquisites of  
 54 wharfage, and other like profits, tolls and charges.

**ARTICLE 20**

**ERRONEOUS GRANTS**

104. Whenever

102 a. The Board of Commerce and Navigation or the Department of Con-  
 103 servation and Economic Development has granted or the commission here-

104 to such grantee or licensee or corporation having such grant license power

4 after shall grant any riparian lands of the State to any person erroneously  
5 by reason whereof the grant shall be void as therein provided; and

6 b. The State has or shall have received the stipulated consideration for  
7 such supposed grant; and

8 c. The grantee named therein, or his heirs or assigns has or shall have  
9 recorded the grant in the county or counties where the land described therein  
10 shall or may be located; and

11 d. Such grantee, his heirs or assigns has or shall have gone into occupa-  
12 tion of the lands described in the supposed grant and the lands if any  
13 between the same and the original high-water line by bulkheading or filling  
14 in, or erecting structures thereon, or otherwise improving the same in such  
15 manner as to give visible notice of such occupation; and

16 e. Such occupation has or shall have continued for a period of 5 years  
17 after the recording of the supposed grant—

18 Every pre-emptive and other right conferred by any legislative act upon  
19 any person to apply for and obtain a grant from the State of the lands so  
20 occupied shall cease and determine, unless a person entitled thereto shall,  
21 before the expiration of such period of 5 years of occupation, apply in writing  
22 to the commission for a grant of the lands so occupied; and pay or give  
23 security for the price fixed or that shall be fixed therefor, which price shall  
24 include the reasonable value of the improvements upon the lands.

105. In default of such application, and payment of or security for the  
2 price of the lands, by another person entitled to such grant within the period  
3 of 5 years of occupation of the lands, the commission, on application of the  
4 person named in the supposed grant, or of his heirs and assigns, shall grant  
5 and convey absolutely in fee to the applicant, his heirs or assigns forever, all  
6 right and title of the State in and to the lands so occupied.

106. If the commission shall determine that the original consideration  
2 paid to the State for the supposed grant was not the reasonable, fair and  
3 adequate value of the lands so occupied, as of the date of the supposed grant,  
4 the applicant shall pay to the State such additional consideration for a



5 further grant as the commission shall determine to be necessary, in order  
 6 that the total consideration received by the State for the lands shall be reason-  
 7 able, fair and adequate as of the date of the original supposed grant.

#### ARTICLE 21

##### EFFECT OF REPEAL OF PRIOR STATUTES

1 107. The repeal of the act entitled "An act to authorize the owners of  
 2 lands under tidewaters to build wharves in front of the same," approved  
 3 March 18, 1851 (L. 1851, p. 335), as to the tidewaters of this State below  
 4 the line of mean high tide, by section 3 of the act entitled "Supplement to an  
 5 act entitled 'An act to ascertain the rights of the State and of riparian owners  
 6 in the lands lying under the waters of the bay of New York and elsewhere  
 7 in this State,' approved April 11, 1864," approved March 31, 1869 (L. 1869,  
 8 c. 383, p. 1017), as amended by the act approved March 20, 1891 (L. 1891,  
 9 c. 124, p. 216), shall not be construed to restore any supposed rights, usage or  
 10 local common law, founded upon the tacit consent of the State or otherwise to  
 11 fill in any land under water below mean high tide.

#### ARTICLE 22

##### GENERAL PROVISIONS

11 108. The rules and regulations, heretofore promulgated by the Depart-  
 12 ment of Conservation and Economic Development for the Bureau of Naviga-  
 13 tion in the Division of Resource Development, shall continue in full force and  
 14 effect until amended or repealed by the commission, and all applications made  
 15 to said bureau and pending at the time this act takes effect shall be valid  
 16 and effectual, if made in accordance with the statutes and rules and regula-  
 17 tions governing the same on said date, but they shall be proceeded upon in  
 18 the manner prescribed by this law.

19 109. Nothing in this law shall be construed to deprive any person of  
 20 any right or protection provided for him under Title 11, Civil Service, of the  
 21 Revised Statutes, or by any pension law or retirement system.

22 110. All appropriations available to, and to become available to, the



2 Bureau of Navigation in the Division of Resource Development of the De-  
3 partment of Conservation and Economic Development which are required to  
4 be transferred to carry out the purposes of this law shall be transferred to  
5 the Riparian Lands Commission, established under this law, to be used for  
6 said purposes and the additional sum of \$12,000.00 is hereby appropriated to  
7 said commission to be used for said purposes.

1 \*111. The State shall have no title to exempt lands.\*

1 \*112. The validity of any grant or lease of riparian lands or license or  
2 permit affecting riparian lands, heretofore made, shall not be in any manner  
3 affected by the enactment of this act.\*

1 \*113. Should any section or provision of this act be held to be invalid by  
2 any court of competent jurisdiction, the same shall not affect the validity of  
3 this act as a whole, or any part thereof, other than the section or sections,  
4 provision or provisions, so held to be invalid.\*

ARTICLE 23

REPEALERS AND EFFECTIVE DATE

\*111.\* [111.]\* \*114.\* This act is a revision law and all acts and parts of acts in-  
2 consistent herewith are hereby superseded and repealed and without limiting  
3 the general effect of this act in superseding and repealing acts inconsistent  
4 herewith, the following acts and parts of acts are specifically repealed:

- 5 P. L. 1948, chapter 448, section 13,
- 6 P. L. 1946, chapter 299;
- 7 Sections 12:3-2 through 12:3-36, 12:3-38 through 12:3-57, 12:3-64
- 8 through 12:3-71 and 12:5-1 through 12:5-8 of the Revised Statutes.

1 \*112.\* \*115.\* This act shall take effect immediately, but it shall not be  
2 operative until January 1, 1965, except to authorize the appointment of the  
3 members of the Riparian Lands Commission, prior to, but only to take office  
4 upon said date.

12-3-61	24	21-3-61	12
12-3-61	24	72-3-61	22
28-3-61		81-3-61	23

NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF SOURCE SECTIONS

Section Number	Source Section	Section Number	Source Section
1	New	24	12:3-7
2	New		12:3-10
3	New		12:3-21
4	New	25	12:3-7
5	New	26	12:3-7
6	New	27	New
7	New	28	New
8	New	29	New
9	New	30	New
10	New	31	New
11	New	32	12:3-9
12	*[New]*	*12:3-17*	12:3-16
13	12:3-2	33	*[12:3-6]* *12:3-25*
14	12:3-3	34	*[12:3-25]* *12:3-10*
15	12:3-13	35	*[12:3-10]* *New*
	12:3-19	36	New
16	12:3-4	37	New
	12:3-14	38	New
	12:5-2	39	New
17	12:3-26	40	New
18	12:3-28	41 and 42 through 45	12:3-33
19	12:3-20		12:3-36
	13:1A-32A	42	New
20	12:3-24	43	New
21	12:3-15	44	New
22	12:3-27	45	12:3-34
23	12:3-18		12:3-35



Section Number	Source Section	Section Number	Source Section
46	12:5-3	74	New
47	12:5-4	75	New
48	12:5-4	76	New
49	12:5-5	77	New
50	12:5-5	78	New
51	12:5-5	79	New
52	12:5-5	80	New
53	12:5-6	81	New
	12:5-7	82	New
54	12:5-8	83	New
55	12:3-31	84	New-3
56	12:3-29	85	New-3
57	12:3-30	86	New-3
58	12:3-32	87	12:3-48
59	12:3-64	88	12:3-49
60	12:3-65	89	12:3-50
61	12:3-66	90	12:3-51
62	12:3-67	91	12:3-52
63	12:3-68	92	12:3-53
64	12:3-69	93	12:3-54
65	12:3-70	94	12:3-55
66	12:3-71	95	12:3-56
67	12:3-21	96	12:3-57
68	12:3-22	97	12:3-38
69	New-3	98	12:3-39
70	New-3	99	12:3-40
71	12:3-8	100	12:3-41
	12:5-2	101	12:3-42
72	New-3	102	12:3-43
73	New-3		12:3-44



Section Number	Source Section	Section Number	Source Section
103	12:3-5	110	New
104	12:3-45	111	New
105	12:3-46	112	New
106	12:3-47	*113	New
107	12:3-4	*114	New
108	New	*115	New
109	New		

NEW JERSEY RIPARIAN LAND LAW REVISION

SCHEDULE OF ALLOCATION OF SOURCE SECTIONS

Source Section	Section Number	Source Section	Section Number
12:3-2	13	12:3-20	19
12:3-3	14	12:3-21	24
12:3-4	16	08 8:21	67
21-8:21	107	12:3-22	68
12:3-5:21	103	12:3-24	20
12:3-6:21	33	12:3-25	*[34]* *33*
12:3-7:21	24	12:3-26	17
25-8:21	25	12:3-27	22
26-8:21	26	12:3-28	18
12:3-8:21	71	12:3-29	56
12:3-9:21	32	12:3-30	57
12:3-10:21	24	12:3-31	55
16-8:21	*[35]* *34*	12:3-32	58
12:3-13:21	15	12:3-33	41
12:3-14:21	16	12:3-34	45
12:3-15:21	21	12:3-35	45
12:3-16:21	32	12:3-36	41
*12:3-17:21	12	12:3-38	97
12:3-18:21	23	12:3-39	98
12:3-19:21	15	12:3-40	99

Source Section	Section Number	Source Section	Section Number
12:3-41	100	12:5-5	49
12:3-42	101		50
12:3-43	102		51
12:3-44	102		52
12:3-45	104	12:5-6	53
12:3-46	105	12:5-7	53
12:3-47	106	12:5-8	54
12:3-48	87	13:1A-32.1	19
12:3-49	88	New	1
12:3-50	89	New	2
12:3-51	90	New	3
12:3-52	91	New	4
12:3-53	92	New	5
12:3-54	93	New	6
12:3-55	94	New	7
12:3-56	95	New	8
12:3-57	96	New	9
12:3-64	59	New	10
12:3-65	60	New	11
12:3-66	61	New	12
12:3-67	62	New	27
12:3-68	63	New	28
12:3-69	64	New	29
12:3-70	65	New	30
12:3-71	66	New	31
12:5-2	16	New	36
	71	New	37
12:5-3	46	New	38
12:5-4	47	New	39
	48	New	40

Despite this awareness, however, I am not prepared to sign this Bill, but the way to cure the present federal bill is to remove entirely those safeguards imposed on the signed warrants of responsible State officials. Even so, I am not



Source Section	Section Number	Source Section	Section Number
New <sup>24</sup>	42:21	New <sup>001</sup>	181:21
New <sup>25</sup>	43	New <sup>101</sup>	182:21
New <sup>26</sup>	44	New <sup>201</sup>	183:21
New <sup>27</sup>	69	New <sup>301</sup>	184:21
New <sup>28</sup>	70:21	New <sup>401</sup>	185:21
New <sup>29</sup>	72:21	New <sup>501</sup>	186:21
New <sup>30</sup>	73:21	New <sup>601</sup>	108:21
New <sup>31</sup>	1.33 74:21	New <sup>78</sup>	109:21
New <sup>32</sup>	75:21	New <sup>88</sup>	110:21
New <sup>33</sup>	76:21	New <sup>88</sup>	111:21
New <sup>34</sup>	77:21	New <sup>00</sup>	112:21
New <sup>35</sup>	78:21	*New <sup>10</sup>	113:21
New <sup>36</sup>	79:21	*New <sup>20</sup>	114:21
New <sup>37</sup>	80:21	*New <sup>30</sup>	115:21
	21:21	40	12:2-21
	22:21	50	12:2-21
	23:21	60	12:2-21
	24:21	70	12:2-21
	25:21	80	12:2-21
	26:21	90	12:2-21
	27:21	00	12:2-21
	28:21	10	12:2-21
	29:21	20	12:2-21
	30:21	30	12:2-21
	31:21	40	12:2-21
	32:21	50	12:2-21
	33:21	60	12:2-21
	34:21	70	12:2-21
	35:21	80	12:2-21
	36:21	90	12:2-21
	37:21	00	12:2-21
	38:21	10	12:2-21
	39:21	20	12:2-21
	40:21	30	12:2-21
	41:21	40	12:2-21
	42:21	50	12:2-21



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

January 12, 1965

ASSEMBLY BILL NO. 44

the General Assembly:

I herewith return Assembly Bill No. 44, without my approval, for the following reasons:

As originally introduced, and as conceived by the Riparian Lands Study Commission (created under J.R. No. 11 of 1960) which prepared this legislation, Assembly Bill No. 44 was advanced as a proposed revision of the law of this State pertaining to riparian lands and rights with the general intention "that the cumbersome process of securing a riparian grant be expedited and that the statutes be made more comprehensible." (Report and Recommendations, The Riparian Lands Study Commission, May 6, 1963, p. 9).

There can be little quarrel with the Commission's finding that the accumulation of statutes which have grown out of the ancient development of riparian laws is in need of modernization and clarification. During my administration, I have had occasion to witness the inconvenience and, at times, even hardship that can be experienced during the time consumed by the State's adherence to the safeguarding steps established in connection with the processing of a riparian grant application. I am not unsympathetic to the need for periodic re-evaluation of these procedures to the end that this burden might be minimized, consistent with adequate protection of the very real public interest.

Neither is there any doubt in my mind that the difficult questions of title which have arisen with respect to meadowlands properties, largely as a consequence of the application of established legal principles to such properties in recent cases, must be shortly resolved so that the urgently needed development of these areas can safely proceed.

Despite this awareness, however, I am not now prepared to assert, by placing my signature on this bill, that the way to cure the apparent procedural ills is to remove entirely those safeguards inherent in requiring the signed assents of responsible State officials. Even more do I question

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EXECUTIVE DEPARTMENT

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the propriety of curing individual title defects by a general waiver of the public's rights and interest, without even an effort to determine the value of that interest to the public.

Because there is machinery at hand for an independent appraisal of each of the procedural changes contemplated by this bill, I do not intend to comment upon them individually at this time. In general, my concern goes to the very heart of the bill's approach. We are here asked to replace the twelve member Resource Development Council, which presently can recommend approval of grants, with a 5-member Riparian Lands Commission, and to give to this latter Commission the non-reviewable authority to make riparian grants or leases on behalf of the State. The presently required concurrence of the Commissioner of Conservation and Economic Development, the Attorney General and the Governor, and thus the supervision which they are able to bring to these dispositions of public property, would be eliminated. Gone, too, would be the opportunity for other public officials, for example, the State Highway Commissioner, to note in advance a projected State use of the property and thus avoid the costly necessity for reacquisition by purchase or condemnation at an inflated price.

As Governor, I view with considerable respect the responsibilities attendant upon my oath of office. The functions which have been assigned to the Executive in connection with the disposition of State property are important and, in my view, appropriate. I have not asked to be relieved of the burden of these responsibilities and do not intend to participate in their removal, without some better showing of necessity and some greater assurance of improved protection of the public interest.

One additional aspect of this bill deserves specific mention here. By Assembly Committee amendment, there was added to Section 2 of the legislation proposed by the Riparian Lands Study Commission a definition of "exempt lands" to include any land within the State, regardless of its



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Riparian quality, as to which record title has been held by any person or corporation or by their predecessors in title "for the last past 30 years and which have been assessed for taxes for the last past 20 years." There was also added, at section 111 of the bill, a simple declaration that "the State shall have no title to exempt lands." The solution proposed by this device to our complex meadowlands problems is clear. What is not clear is whether the Legislature had any comprehension of the potential value of the State's interest in such property, an interest it must have assumed in considering the amendment.

My efforts to evaluate these two provisions of the bill caused me to inquire whether the Riparian Lands Study Commission had considered or commented upon such an approach. It is worth noting here that in its Report, addressed to the Legislature, at pages 9-10, that Commission said:

" . . . It will be further noted that no definition of the term riparian lands is given. The reason is that it was the feeling of the Commission that the Legislature could not constitutionally either extend or limit the ownership of the state in the riparian lands by this legislation. Under Article 8, Section 4, Paragraph 2 of the Constitution of 1844 the Fund for the support of Public Schools was set apart as a perpetual fund, inviolate against invasion or appropriation in any manner by the Legislature. Under Chapter 71 of the Laws of 1894 and Chapter 1, Section 168 of the Laws of 1903, continued as R.S. 18:10-5 all of the tide lands of the state have been placed in the School Fund. Unquestionably in view of the decisions in Henderson v. Atlantic City, 64 N.J. Eq. 583 (Ch. 1903) and In Re Camden, 1 N.J. Misc. 623 (Sup. Ct. 1923) any statute which limited the state's interest in any lands flowed by tidewater as that interest was defined at common law would be unconstitutional . . . Accordingly the Commission felt constrained to leave the definition of a riparian lands (sic) in the position that the courts have left it at common law. The Commission has not ignored the request that some clearer and easier to apply in practice definition be given; it simply cannot comply with the request." (Emphasis added.)

We have not been provided with a specification of any legitimate basis upon which disregard for this clear admonition, backed by three years of study, can be justified. We are not, I submit, presently in possession of sufficient information to properly make the ultimate decisions called for by this legislation.



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There is a means available by which we can gather much of that information. In December, 1963, I participated with the Legislature in the creation of the Commission to Study Meadowland Development (J. R. No. 8 of 1963). We assigned to its members the duty:

"to make a comprehensive study of the meadowlands of North Jersey for the purpose of developing a long-range comprehensive plan for the reclamation and development of the entire meadowlands area. The commission is further authorized to study and inquire into any subject or matter deemed by the commission to be relevant to the purposes of its study or helpful to it in the consummation of its work."

Additionally, the Commission was authorized to include in the report it will submit, prior to June 30, 1965, any "specific changes or additions to the statutory law relating to the reclamation and development of the meadowlands" as it deems appropriate.

Subsequently, the sum of \$50,000 was appropriated to that Commission to carry on its assignment. I have been informed that, using a Committee arrangement, this group has embarked on a conscientious effort to fulfill its assignment and has retained competent legal and engineering staff to that end. One worthwhile consequence of this endeavor will be the compilation of statistical data reflecting property valuations in the meadowlands area, thus providing those of us charged with the management of the State's affairs and interests with some estimate of the potential fiscal consequences of legislation such as this.

Because this Commission was assigned, by legislative act, the responsibility to study the meadowland problem, I requested the members of the group to consider Assembly Bill No. 44. They have submitted a report commenting upon the bill in considerable detail. They have noted some of the reservations that I have already expressed in this message. The report, for example, seriously questions whether the portions of Assembly Bill No. 44 which relate to waiving the State's interest in so-called "exempt lands" are valid. The report further indicates the intention of the Commission to deal

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with the fundamental problem which gave rise to the amendments concerning exempt lands.

Although the Commission obviously does not deem itself capable, at this point, to value the State's interest in riparian and meadowlands that would be abandoned if the approach suggested in this legislation were approved and upheld, it has indicated, with regard to only the Hackensack Meadowlands, that the State may have an interest in property valued in excess of \$25 million. Considering the vast areas and meadowlands which exist throughout the State, it is apparent that this legislation would seek to abandon all State claims, from the most secure to the most tenuous, to property worth untold millions of dollars but certainly in excess of \$100 million.

At meetings with proponents of this legislation, it was conceded that the formula used for determining what constitutes "exempt lands" results in the eliminating of any State claim to the entire meadowland areas of the State. Indeed it was indicated that this result was intended by the draftsman. Although it was suggested that the formula could be modified to make it clear that the State would maintain its interest in lands which are actually flowed by waterways, the proponents of this legislation believe the State should surrender its interests in this property.

As sympathetic as I am to the desires of landowners to clarify the uncertainty which exists as to the title to property in the meadowlands area, and as anxious as I may be to promote the development and growth of many of the areas in or bordered by the meadows, I cannot conclude that it would be in the best interest of the State to approve, at this time, legislation which would have such a broad and permanent effect upon the legitimate interests of the State and more particularly the interests of the Fund For the Support of the Public School. I believe it would be poor governmental practice, so soon before the report of the Commission to Study



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Meadowlands Development is due to take the irretrievable steps contemplated by this legislation.

At the very least, acceptable recommendations for more efficient handling of meadowlands problems would bring into sharper focus the route to clarification of the law with respect to other riparian matters. More than this, however, we may anticipate that this coordinating study will place in the hands of both the Legislature and the Governor the additional information essential to any final and proper resolution of the complex problems before us.

Respectfully,

RICHARD J. HUGHES

GOVERNOR

[SEAL]

Attest:

LAWRENCE BILDER

Acting Secretary to the Governor



ASSEMBLY, No. 605

STATE OF NEW JERSEY

INTRODUCED MARCH 22, 1965

By Assemblymen HIERING, KEITH, VANDER PLATT and EVERETT

Referred to Committee on Agriculture, Conservation and Economic Development

AN ACT to define riparian lands and to establish ownership as between the State of New Jersey and record owners of other than riparian lands which may be or may have been flowed by mean high tide.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Definitions.

2 "Riparian Lands" are all those lands within the State of New Jersey,  
3 now or formerly owned by the State of New Jersey by virtue of its sover-  
4 eignty because of the fact that at mean low tide said lands lie, or in their  
5 natural state would lie, below those waters of the Atlantic ocean or of the  
6 tidal rivers, bays, streams or inlets within or bounding the State of New  
7 Jersey, which are navigable at mean low tide, together with the foreshores  
8 of the Atlantic ocean and of such rivers, bays, streams or inlets.

9 "Foreshores" are those narrow strips of land which are alternately  
10 covered and uncovered by the ordinary flow of the tides, lying between the  
11 lines of mean low and mean high water of, adjoining and extending along  
12 the beds of, the Atlantic ocean or the tidal rivers, bays, streams or inlets,  
13 the landward edges of which shall, in no event, extend further in a land-  
14 ward direction than the top of the adjoining banks as located at mean low  
15 tide.

16 "Beds" are those lands lying under the waters of the Atlantic ocean or  
17 of the tidal rivers, bays, streams or inlets at mean low tide.

18 "Exempt Lands" are any lands, excluding riparian lands as herein de-  
19 fined, which are now or were formerly flowed by mean high tide, record title  
20 to which has been held by any person or corporation, including municipal  
21 corporations, or his or its predecessors in title for the last past 30 years,  
22 and which have either been assessed for taxes or owned by a municipality  
23 for the last past 20 years.

24 "Upland Owner" shall mean the owner of exempt lands or of the up-  
25 lands or ripa adjoining any riparian lands whether or not said exempt  
26 lands or ripa is part of an island.

27 "Department" shall mean the Department of Conservation and Eco-  
28 nomic Development of the State of New Jersey.

1 2. The title of the State of New Jersey to riparian lands as herein  
2 defined shall not be affected by this act.

1 3. The State of New Jersey shall have no title to exempt lands by reason  
2 of sovereignty only.

1 4. Any person having an interest in any parcel of land or any land ad-  
2 joining any parcel of land or in any exempt lands who may desire to be  
3 informed as to the title or rights claimed by the State as owner of riparian  
4 lands, may apply to the department for an official determination of the  
5 rights claimed by the State. The application shall be in writing in such  
6 form as shall be prescribed by the department. Such application shall de-  
7 scribe the lands which are the subject matter of the application. Such ap-  
8 plication shall contain a statement of the applicant's interest in the lands  
9 described. If the applicant claims the lands to be exempt lands, the appli-  
10 cation shall be accompanied by certified copies of such documents and  
11 records as are necessary to support this contention. There shall also be  
12 attached a map of the lands which are the subject matter of the applica-  
13 tion, made and sealed by a licensed surveyor which shall delineate and desig-  
14 nate any riparian lands or exempt lands which may be included within or  
15 adjoin the exterior boundaries.



1 5. Upon receipt of such application and upon the payment of such rea-  
2 sonable fee as the department shall fix, the department shall cause an ex-  
3 amination to be made of the application and the accompanying documents  
4 and of its records and shall within 3 months issue, under the hand of its  
5 secretary, a certificate fixing the boundaries of lands claimed as riparian  
6 lands, if any, and of lands determined to be exempt lands, if any, or if the  
7 State claims no title or right in any portion of the lands in question as  
8 riparian lands it shall issue a certificate accordingly. Such certificate shall  
9 be capable of recordation as a deed.

1 6. Any recipient of any such certificate who is dissatisfied with any  
2 claim of the State as it is set forth therein, shall be entitled to a hearing  
3 by the department to be held within 30 days after request therefor may  
4 have been filed with the secretary of the department, provided such request  
5 was filed within 30 days from receipt of the certificate.

6 The proceedings of any such hearing shall be transcribed and the de-  
7 partment shall make findings of fact and conclusions of law and shall order  
8 the affirmation or amendment of the certificate, which is the subject matter  
9 of the hearing, in accordance with such findings of fact and conclusions of  
10 law.

11 Such affirmed or amended certificate shall be a final administrative  
12 agency determination.

13 At any such hearing in which the applicant claims ownership of the  
14 lands, which are the subject matter of the hearing, it shall be sufficient to  
15 prove prima facie case of ownership if it is proven that the lands are not  
16 at the time of hearing below the mean low tide line of the waters of any of  
17 the tidal rivers, streams, bays or inlets within or bordering the State and  
18 of the Atlantic ocean.

1 7. The validity of any grant or lease of riparian lands or license or  
2 permit affecting riparian lands, heretofore made, shall not be in any manner  
3 affected by the enactment of this act.



1. **8. Should any section or provision of any court of competent jurisdiction, this act as a whole, or any part thereof, or any provision or provisions, so held to be invalid.**

2. **9. This act shall take effect immediately.**

*[The following text is extremely faint and largely illegible due to the page's age and the presence of a large white paper fragment on the right side. It appears to be a list of numbered items, possibly a table of contents or a list of sections, with numbers 1 through 20 visible.]*

8. Should any section or provision of this act be held to be invalid by any court of competent jurisdiction, the same shall not affect the validity of this act as a whole, or any part thereof, other than the section or sections, provision or provisions, so held to be invalid.

9. This act shall take effect immediately.

[The remainder of the page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document.]



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 13, 1965

ASSEMBLY BILL NO. 605

to the General Assembly:

I herewith return Assembly Bill No. 605, without my approval, for the following reasons:

Assembly Bill No. 605 is designed to divest the State of New Jersey of its entire interest in all riparian lands which, by reason of their present or former location above mean low tide, are commonly known as meadowlands. The bill would attempt to accomplish this objective by revising the common law definition of riparian lands to exclude meadowlands from its scope.

Like Assembly Bill No. 44 of last year, which I also returned to the Assembly without my approval, this measure is intended to solve the complex meadowlands title questions which have perplexed this State for many years by the simple expedient of surrendering the State's claim to all such property. The value of the State's meadowland interests cannot be calculated precisely, but it has been estimated to exceed \$100 million. For example, of the 25,000 acres in the Hackensack Meadowlands alone, some 12,000 acres are completely undeveloped and in their natural state. In all, the State's ownership claims to meadowlands, in the words of the New Jersey Commission to Study Meadowland Development, "may be worth untold millions of dollars." Yet under this bill, the rights of the State to such property would be relinquished entirely.

Many persons have reviewed Assembly Bill No. 605 with regard to the legality of such a proposal. The Legislature's own Commission to Study Meadowland Development sent a preliminary report to each member of the Senate prior to the passage of this bill, stating unequivocally that the bill is unconstitutional. The Commission said:

"It is our considered conclusion that Assembly Bill No. 605 is inherently unconstitutional. Any legislative act, including one that simply restates the meaning of riparian lands, is constitutionally void if its effect is to deprive the School Fund of assets it now enjoys without adequate consideration. We are confident that the Courts of this State would so hold and, for this reason, deplore the suggestion that the bill be enacted and the decision be left to those Courts. Prompt resolution of these title problems is too urgent to sanction the fruitless delay built into this approach."



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Subsequent to the passage of Assembly Bill No. 605, the Commission  
simplified its views in a final report, stating:

"The power to dispose of its tidal lands is an attribute of state sovereignty, one that New Jersey has exercised in various ways from its earliest days. It is a power that must adhere, however, to the limits placed upon it by the State Constitution. The most significant of these limits is found in Article VIII, sec. IV, which creates the Fund for the Support of Free Public Schools, to which the Legislature, in 1894, dedicated all state-owned tidal lands. By its terms, the Fund is 'perpetual' and its assets can not be used 'for any other purpose', nor may the Legislature be party to any arrangement for disposing of tidal lands that would impair the corpus of the Fund. Thus, in all its dealings with tidal lands, the State must regard itself as a conservator of the fund -- a role that can not be abandoned under the present Constitution.

\* \* \* \*

"The Legislature twice within the last year has passed bills which if signed into law would purport to close out the dispute over Meadowlands titles. Similar in their tone, the 1964 bill, A. 44, and the 1965 bill, A.605, would abdicate the State's claim to (and, thus, the School Fund's interest in) the Meadowlands. Under A. 44, which Governor Hughes vetoed in January, assessed owners could establish a paramount title essentially by adverse possession. Under A.605, which is now before the Governor, the age-old definition of 'tidal lands' is restated to exclude Meadowlands from its purview. Apart from the doubtful wisdom of depriving the School Fund of an ownership claim which may be worth untold millions of dollars, both measures violate the Constitutional bar against impairing the Fund corpus. However urgent the need to solve the titles dispute, unconstitutional legislation is not the answer."

I can find nothing in the history of this measure which impels me to doubt the wisdom and morality of the Commission's conclusion in this respect. Everyone agrees that the meadowlands problem must soon be resolved so that this valuable property can be developed in a manner consistent with the interests of the State. The solution, however, cannot ignore the patent equities of the State and the involved municipalities, as well as those of the private owners of record. It cannot ignore the fact that while some meadowland owners of record have occupied their property for many years and have developed it at great expense, there are also those who have acquired little more than paper title to meadowlands at tax foreclosure sales or by quit claim deed and who would realize great and perhaps undeserved benefits if a bill like this were approved. And, finally, at a time when improved public education is among the most urgent of all governmental concerns, the



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Assembly Bill No. 605

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olution to this problem cannot ignore the constitutional commitment of the State's meadowland interests to the Fund for the Support of Free Public Schools.

The above observations are made with the realization that it is far easier to criticize an unsound approach than to provide a positive answer. The meadowlands situation is urgent, but I am hopeful that it will shortly be resolved. While I have reservations as to some of the proposals put forth by the Meadowland Commission, I believe that the Commission's report in general furnishes a useful frame of reference within which the movement toward a just and lawful result can be initiated. Toward that end, I shall recommend to the new Legislature that the Commission be reconstituted immediately for the purpose of working directly with the Meadowlands Regional Development Authority and the Department of Conservation and Economic Development on the preparation of legislation that will properly satisfy the legitimate interests of all parties concerned. Every effort must be made to place specific proposals in this regard before the Legislature during the forthcoming session.

Respectfully,

/s/ RICHARD J. HUGHES

GOVERNOR

[seal]

Attest:

/s/ JOHN W. GLEESON

Secretary to the Governor

~~Filed Nov 17 1968~~

SENATE CONCURRENT RESOLUTION No. 26

STATE OF NEW JERSEY

INTRODUCED MAY 9, 1966

By Senators KELLY, MUSTO, GUARINI and HIERING

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing to amend Article VIII, Section III of the Constitution of the State of New Jersey by adding a new paragraph to be numbered 4.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the General*  
2 *Assembly concurring)*:

1 1. The following proposed amendment to the Constitution of the State  
2 of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article VIII, Section III by adding a new paragraph to be num-  
4 bered 4, to read as follows:

5 4. The State shall have no title by virtue of sovereignty only to any  
6 lands which are now or were formerly flowed by mean high tide, record title  
7 to which has been held by any person or corporation, including municipal  
8 corporations, or his or its predecessors in title for the last past 30 years and  
9 which for the last past 20 years have been assessed for taxes or owned by  
10 a municipality, except for riparian lands as hereinafter defined:

11 "Riparian lands" are all those lands within the State, now or formerly  
12 owned by the State by virtue of its sovereignty because of the fact that at  
13 mean low tide said lands lie, or in their natural state would lie, below those  
14 waters of the Atlantic ocean or of the tidal rivers, bays, streams or inlets  
15 within or bounding the State, which are navigable at mean low tide, together  
16 with the foreshores (as hereinafter defined) of the Atlantic ocean and of  
17 such rivers, bays, streams or inlets;



18 "Foreshores" are those narrow strips of land which are alternately cov-  
 19 ered and uncovered by the ordinary flow of the tides, lying between the lines  
 20 of mean low and mean high water of, adjoining and extending along the beds  
 21 (as hereinafter defined) of, the Atlantic ocean or the tidal rivers, bays, streams  
 22 or inlets, the landward edges of which shall, in no event, extend farther in  
 23 a landward direction than the top of the adjoining banks as located at mean  
 24 low tide;

25 "Beds" are those lands lying under the waters of the Atlantic ocean or  
 26 of the tidal rivers, bays, streams or inlets at mean low tide.

1 2. When this proposed amendment to the Constitution is finally agreed  
 2 to, pursuant to Article IX, paragraph 1 of the Constitution, it shall be sub-  
 3 mitted to the people at the next general election occurring more than 3 months  
 4 after such final agreement and shall be published at least once in at least  
 5 one newspaper of each county designated by the President of the Senate and  
 6 the Speaker of the General Assembly and the Secretary of State, not less  
 7 than 3 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be submitted to  
 2 the people at said election in the following manner and form:

3 There shall be printed on each official ballot to be used at such general  
 4 election, the following:

5 1. In every municipality in which voting machines are not used, a legend  
 6 which shall immediately precede the question, as follows:

7 If you favor the proposition printed below make a cross (X), plus (+)  
 8 or check (V) in the square opposite the word "Yes." If you are opposed  
 9 thereto make a cross (X), plus (+) or check (V) in the square opposite  
 10 the word "No."

11 2. In every municipality the following question:

	Yes.	Shall the amendment of the Constitu- tion to provide that the State of New Jersey shall have no title by virtue of sovereignty only to lands now or for- merly flowed by mean high tide, record title to which has been privately or mu- nicipally held for 30 years and which have been assessed for taxes for 20 years, except for riparian lands as de- fined therein, agreed to by the Legisla- ture be approved?
	No.	



SENATE, No. 323

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1967

By Senators CRABIEL, LYNCH and FELDMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT relating to riparian lands, creating a Riparian Lands Commission to undertake title surveys of meadowlands and other riparian lands and to designate and certify State-owned riparian lands, to make licenses, leases and grants on behalf of the State as to State-owned riparian lands, creating a land titles court in which claimants may contest such determinations, and making appropriations therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of the New Jersey:*

3 ARTICLE I

4 1. This act shall be known and may be cited as the "Riparian  
5 Lands Act of 1967."

6 2. As used in this act:

7 a. "Riparian lands" means those lands now, or formerly, or  
8 hereafter flowed by mean high tide, except where such tidal flow  
9 is caused by artificially produced changes in land or water  
10 elevation;

11 b. "Meadowlands" means those lands, now or formerly consist-  
12 ing chiefly of salt water swamps, meadows, or marshes;

13 c. "Hackensack meadowlands" means those meadowlands lying  
14 within the following municipalities: Carlstadt, East Rutherford,  
15 Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield,  
16 Rutherford, South Hackensack, and Teterboro, all in Bergen  
17 county, and Jersey City, Kearny, North Bergen, and Secaucus, all  
18 in Hudson county;

19 d. "Commission" means the Riparian Lands Commission  
20 created by this act.

21 e. "Court" means the land titles court created by this act.

22 f. "School fund" means the fund for the support of free public  
23 schools as provided by the Constitution, Article VIII, sec. IV;

24 g. "Unimproved riparian lands" are those riparian lands, lying



1 within meadowlands, that are substantially unreclaimed and on  
2 which no site or building improvements have been attached;

3 h. "Reclaimed riparian lands" are those riparian lands, lying  
4 within meadowlands, that have been reclaimed under claim of  
5 private title;

6 i. "Improved riparian lands" are those reclaimed riparian lands  
7 to which building improvements have been attached;

8 j. A "claimant" of riparian lands is a person holding or occupy-  
9 ing such lands lying within meadowlands, under claim of title;

10 ARTICLE II

11 3. There is hereby created in the Department of Conservation  
12 and Economic Development a Riparian Lands Commission to con-  
13 sist of 3 members, citizens of the State, to be appointed by the  
14 Governor with the advice and consent of the Senate for terms of 5  
15 years, except that of the members first appointed one shall be  
16 appointed for a term of 5 years, one for 4 years and one for 3 years.  
17 Members shall continue in office until the appointment and qualifica-  
18 tion of their successors. Members shall be eligible for reappoint-  
19 ment. Any vacancy on the commission shall be filled in the same  
20 manner for the unexpired term.

21 Any member of the commission may be removed from office by  
22 the Governor for cause after a public hearing. Each member of the  
23 commission before entering upon his duties shall take and sub-  
24 scribe an oath to perform the duties of his office faithfully, im-  
25 partially and justly to the best of his ability. A record of such  
26 oaths shall be filed in the office of the Secretary of State. The  
27 members of the commission shall serve without compensation, but  
28 shall be reimbursed for necessary expenses incurred in the dis-  
29 charge of their duties.

30 The commission, upon appointment of its members, and annually  
31 thereafter, shall elect from among its members a chairman and a  
32 vice-chairman. The commission may also appoint, retain and  
33 employ, without regard to the provisions of Title 11, Civil Service,  
34 of the Revised Statutes, such officers, agents, employees and experts  
35 as it may require, and it shall determine their qualifications, terms  
36 of office, duties, services and compensation. Notwithstanding the  
37 provisions of section 4 of P. L. 1944, chapter 20, the commission  
38 shall be entitled to its own counsel and may appoint and fix the  
39 compensation of a general counsel and such other attorneys and  
40 legal assistants as it shall deem necessary.

41 The powers of the commission shall be vested in the members  
42 thereof in office from time to time and 2 members shall constitute  
43 a quorum at any meeting thereof. Action may be taken and motions



1 and resolutions adopted by the commission at any meeting thereof  
2 by the affirmative vote of 2 members.

3 4. The commission on behalf of the State and in the exercise of  
4 governmental powers of the State is authorized to execute, deliver  
5 and enforce the terms of leases, licenses and grants made pursuant  
6 to the terms of Articles IV and V of this act and is directed to  
7 undertake studies and title surveys of meadowlands and other  
8 riparian lands throughout the State and to determine and certify  
9 those lands which it finds are State-owned riparian lands.

10 In making a thorough study of all such lands to determine which  
11 are State-owned riparian lands and in making its determination  
12 the commission shall take into account the mean high water level,  
13 the elevation of the lands, the nature of the vegetation thereon,  
14 artificial changes in land or water elevation, and such other  
15 historical or scientific data which, in the opinion of the commission,  
16 are relevant in determining whether a parcel of land is now or  
17 was formerly flowed by mean high tide, and the commission shall  
18 also take into account all valid conveyances of State interests which,  
19 in the opinion of the commission, are relevant in determining which  
20 of said parcels remain State-owned.

21 5. In undertaking its studies and surveys the commission shall  
22 divide its work into such number of areas and projects as it shall  
23 determine and it shall establish the priority in which such projects  
24 shall be undertaken. First priority shall be accorded to an im-  
25 mediate study and survey of the area commonly known as the  
26 Hackensack meadowlands with every effort to complete the same  
27 within 6 months of undertaking it.

28 6. Upon completion of each separate study and survey, the com-  
29 mission shall publish a map portraying the results of its study and  
30 clearly indicating those lands designated by the commission as  
31 State-owned riparian lands. Copies of the map and of each such  
32 study shall be filed with the Secretary of State and sent to the clerk  
33 of each county and to the governing body of each municipality  
34 whose political boundaries include lands shown on the map. Such  
35 maps and studies shall be available for public inspection.

36 7. Upon completion of each study, the commission shall mail  
37 to the record holder of title of each parcel of land designated as  
38 State-owned riparian land notice to that effect. The commission  
39 shall also cause to be published at least once in a newspaper  
40 circulating in each county whose political boundaries include lands  
41 designated as State-owned riparian lands a list of those parcels  
42 designated in whole or in part as State-owned riparian lands along  
43 with the names of the holders of record title when available.



1 Thirty days after the mailing and publication of notice, the com-  
 2 mission shall by resolution formally designate and certify to the  
 3 Secretary of State as State-owned riparian lands those lands so  
 4 determined.

5 8. Any person aggrieved by a designation and certification by  
 6 the commission that certain lands are State-owned riparian lands  
 7 may obtain judicial review thereof by commencing an action in the  
 8 land titles court.

9 9. The commission shall make progress reports to the Governor  
 10 and Legislature at least annually and shall complete its studies and  
 11 title surveys and make its determinations and certifications as to  
 12 State-owned meadowlands and other riparian lands on or before  
 13 December 31, 1972.

#### 14 ARTICLE III

15 10. There is hereby established in the judicial branch of the State  
 16 Government a court to be called the land titles court, which shall be  
 17 a court of record and have the right to use a seal. The Governor,  
 18 with the advice and consent of the Senate, shall appoint a chief  
 19 judge and 2 associate judges, who shall be attorneys at law, and  
 20 who shall hold office for 5 years from the date of their appointment  
 21 and until their successors are appointed and qualified. The annual  
 22 salaries of the chief judge and the associate judges shall be as  
 23 prescribed by law. The chief judge may appoint a clerk of the  
 24 court, and such referees and other employees as shall be found  
 25 necessary for the proper performance of the court's duties.  
 26 Vacancies occurring for any cause shall be filled by appointment  
 27 for the unexpired term only.

28 11. The court shall have exclusive jurisdiction over any proceed-  
 29 ing in which a claimant of riparian lands designated by the Riparian  
 30 Lands Commission as State-owned pursuant to the provisions of  
 31 this act, seeks to prove his title superior to that of the State. Any  
 32 such action shall be commenced within 2 years of the designation  
 33 by the commission of a parcel as State-owned riparian land.

34 12. Any claimant of riparian lands may commence an action  
 35 before the land titles court to settle the title thereto. To commence  
 36 such an action, a complaint filed with the court shall set forth  
 37 substantially:

- 38 (a) The full name and residence of the plaintiff;
- 39 (b) A correct description of the land;
- 40 (c) The estate or interest claimed in the land;
- 41 (d) The names of all persons, except the plaintiff and the State,  
 42 who appear of record, or who are known to the plaintiff to have or  
 43 to claim any estate or interest in the land;



1 (e) Whether the land is occupied or unoccupied; if occupied by  
2 any other person than the plaintiff, it shall state the full name and  
3 address of each occupant and the nature of the estate, interest, lien,  
4 or change which such occupant or occupants have, or claim to have,  
5 in the land;

6 (f) Whether the land is subject to any lien or encumbrance,  
7 recorded or unrecorded, together with the character of the same,  
8 and the name and address of each holder thereof; if recorded, it  
9 shall state the place, book and page of record.

10 The plaintiff shall also file an abstract which shall set forth the  
11 chain of title upon which his claim is based.

12 13. In an action brought under this act, the State, all persons in  
13 possession, and all persons who appear of record, or who are known  
14 to the plaintiff to have or to claim any estate, interest, lien or  
15 encumbrance in the land shall be made parties. Where it appears  
16 to the court that a person not a party to the action may have an  
17 estate, interest, lien or encumbrance in the land which may in any  
18 manner be affected by the judgment, the court upon application  
19 of such person, or of any party to the action, or on its own motion,  
20 may direct that such person be made a party.

21 14. Upon receipt of the complaint and abstract of title, the court,  
22 by its order, shall direct that a summons be issued. This order shall  
23 contain the name and address, so far as known, of every person  
24 who is to be joined as a party to the action.

25 15. In an action brought under this act, the service of process  
26 and the filings of pleadings shall be governed by the provisions  
27 for civil actions generally. In so far as it is practicable, one judge  
28 shall be assigned to hear and decide all matters relating to the  
29 action.

30 16. In any proceeding before the court, all parties shall be ac-  
31 corded the right to be accompanied, advised and represented by  
32 counsel. The interest of the commission shall be represented by  
33 its counsel and the interest of any other department or agency of  
34 the State shall be represented by the Attorney General of the State.  
35 All parties shall be afforded an opportunity to present evidence  
36 and argument with respect thereto. All evidence, including records  
37 and documents in the possession of the authority of which any  
38 party desires to avail itself, shall be offered and made a part of  
39 the record in the proceeding, and no other factual information or  
40 evidence shall be considered in the determination of proceeding,  
41 except that the court may, on its own motion or on the motion  
42 of any party, view the land. The court shall prepare an official  
43 record in each proceeding which shall include all testimony and  
44 exhibits.



17. The judge of the court, before whom the proceeding is held, may refer the proceeding, or any part thereof, to a referee, in accordance with the rules of civil procedure now or hereafter promulgated by the Supreme Court, to hear the parties and their evidence, and make report thereon to the court. After the filing of such report, the court may order such other or further hearing before him, or before the referee, and may require such other or further proof by any of the parties to the proceeding as he shall deem proper.

18. The court may find the plaintiff's title to be superior to that of the State only if the plaintiff shows either that the lands at issue are not riparian lands and that he is the record owner or that the lands have previously been conveyed to the plaintiff or to those he claims under by a valid riparian grant issued by the State. Upon finding superior title in the plaintiff as aforesaid the court shall issue a judgment negating the State's claim. If the court finds the lands at issue to be State-owned it shall issue a judgment vesting title thereto in the State and cause the judgment to be recorded in the county or counties wherein the lands are situated. The court shall dismiss the proceeding as to any plaintiff if it determines that some other person has a superior claim of private title to the parcel at issue, but as to such other person, if the court shall find that he has an interest superior to that of the State, the court shall issue a judgment negating the State's claim.

19. Every decision and judgment rendered by the court shall be in writing or stated in the record and, where appropriate, shall be accompanied by findings of fact and conclusions of law. Parties to the proceeding shall be notified of the final decision and judgment in person or by mail. A copy of the decision and judgment shall be filed and docketed in the office of the Clerk of the Superior Court and delivered or mailed upon request to each party or his attorney of record.

20. Within 60 days after the court has issued its final decision and judgment any aggrieved party may appeal to the appellate division of the Superior Court.

#### ARTICLE IV

21. (a) Any claimant of unimproved riparian lands may apply to the commission for a license to continue his present activity. Such application may be made after the claimant has failed to establish the primacy of his title in an action brought in the land titles court. Any claimant who does not presently wish to challenge the State's assertion of paramount title may also apply for a license under this section; provided, however, that application for or



1 acceptance of a license shall not be deemed recognition of the State's  
2 claim of paramount title in any action brought by the claimant  
3 under Article III of this act, nor shall the claimant be deemed to  
4 have waived his right to bring any such action.

5 (b) Upon application under this section, and if satisfied that  
6 no other person has a superior claim of private title, the commis-  
7 sion shall issue to the applicant a license for a term not exceeding  
8 5 years, which term shall reflect the nature of the applicant's  
9 activity on the parcel. The license fee shall be computed at an  
10 annual rate of 6% of the fair value of the parcel determined as  
11 of the date of issuance of the license. Upon the expiration of the  
12 license, the licensee must cease his activity and vacate the parcel.

13 (c) A claimant of unimproved riparian land must cease his  
14 activity thereon and vacate the land within 6 months after the  
15 formal designation of State ownership, pursuant to this act, unless  
16 within that time he had (1) commenced an action pursuant to  
17 Article III of this act, or (2) obtained a lease or grant pursuant  
18 to Article V of this act, or (3) obtained a license pursuant to this  
19 section. Such claimant shall be given 90 days after an adverse  
20 judgment in an action pursuant to Article III of this act to apply  
21 for a lease or grant pursuant to Article V of this act or license  
22 pursuant to this section.

23 (d) Any vacation may be stayed pending the final determination  
24 of an action pursuant to Article III of this act or of an application  
25 for a lease or grant pursuant to Article V of this act or a license  
26 pursuant to this section.

27 (e) A claimant of unimproved riparian land may apply simul-  
28 taneously and in the alternative for a lease or grant pursuant to  
29 Article V of this act or a license pursuant to this section.

30 22. (a) Any claimant of reclaimed riparian lands or improved  
31 riparian lands may apply to the commission for a lease. Such  
32 application may be made after the claimant has failed to establish  
33 the primacy of his title in an action pursuant to Article III of this  
34 act. Any claimant who does not presently wish to challenge the  
35 State's assertion of paramount title may also apply for a lease  
36 under this section, provided, however, that application for or  
37 acceptance of a lease shall not be deemed recognition of the State's  
38 claim of paramount title in any action brought by the claimant  
39 under Article III of this act, nor shall the claimant be deemed to  
40 have waived his right to bring any such action.

41 (b) Upon application under this section, and if satisfied that  
42 no other person has a superior claim of private title, the commis-  
43 sion shall issue to the applicant a lease of such lands upon such



1 terms and conditions not inconsistent with the provisions herein  
2 as it shall deem appropriate. The leasehold rent shall be computed  
3 at an annual rate of 6% of the fair value of the land, such fair  
4 value to be determined as of the date of execution of the lease,  
5 and at 10-year intervals thereafter. In determining the fair value  
6 of the land pursuant to this subsection, the commission shall give  
7 applicant a credit for the provable original cost of any land rec-  
8 lamation performed by him or his predecessor in record title  
9 prior to the effective date of this act. The leasehold term for a  
10 parcel of improved riparian land shall be 50 years or such shorter  
11 term as the lessee requests. The leasehold term for a parcel of  
12 reclaimed riparian land shall be for a term reflecting the nature  
13 of the applicant's activity on the parcel and the projected date on  
14 which the parcel is likely to be included in a reclamation project,  
15 but in no event shall the term be less than 5 nor more than 10 years  
16 unless the applicant requests a shorter term.

17 (c) Upon the expiration of the lease, the lessee must cease his  
18 activity and vacate the parcel; provided, however, that he shall  
19 be entitled to reimbursement by the commission for the provable  
20 original cost of any reclamation that is suitable for incorporation  
21 into a finished reclamation project provided that it was performed  
22 on the parcel prior to the effective date of this act. If, before the  
23 expiration of the lease, the commission shall take the parcel in  
24 the exercise of its powers, the lessee shall be entitled to reim-  
25 bursement by the commission for the provable original cost of any  
26 reclamation that is suitable for incorporation into a finished  
27 reclamation project provided that it was performed on the parcel  
28 prior to the effective date of this act, and he shall also be entitled  
29 to reimbursement for the value of any permanent structures erected  
30 on the parcel prior to the effective date of this act. The amount of  
31 reimbursement for permanent structures shall be based on the  
32 provable original cost unamortized at the time of premature expira-  
33 tion, provided, however, that the leasehold term, or the remaining  
34 useful life of the improvements, whichever is shorter, shall be used  
35 in computing the amortization.

36 (d) A claimant of reclaimed or improved riparian land must  
37 cease his activity thereon and vacate the land within 6 months  
38 after the formal designation of State ownership, pursuant to this  
39 act, unless within that time he has (1) commenced an action  
40 pursuant to Article III of this act, or (2) obtained a lease or grant  
41 pursuant to Article V of this act, or (3) obtained a lease pursuant  
42 to this section. Such claimant shall be given 90 days after an  
43 adverse judgment in an action pursuant to Article III of this act



1 to apply for a lease or grant pursuant to Article V of this act or a  
2 lease pursuant to this section.

3 (e) Any vacation may be stayed pending the final determination  
4 of an action pursuant to Article III of this act or of an application  
5 for a lease or grant pursuant to Article V of this act or a lease  
6 pursuant to this section.

7 (f) A claimant of reclaimed or improved riparian land may  
8 apply simultaneously and in the alternative for a lease or grant  
9 pursuant to Article V of this act or a lease pursuant to this section.

#### 10 ARTICLE V

11 23. (a) The commission is hereby given exclusive power to  
12 transfer the State's interest in any riparian lands.

13 (b) Any person wishing a grant or lease of the State's interest  
14 in riparian lands shall apply to the commission. The application  
15 shall set forth the exact boundaries of the parcel applied for, the  
16 manner in which the applicant intends to develop the parcel, the  
17 names and addresses of any claimant of the parcel applied for  
18 if the applicant is not himself the claimant, and in such event an  
19 affidavit stating that notice of the application has been mailed to  
20 the claimants named. The commission may issue a grant or lease  
21 of all or part of the parcel applied for if, in its opinion, the purposes  
22 of this act would be served thereby; provided, however, that no  
23 lease or grant shall be issued during the unexpired term of a  
24 riparian lease issued in accordance with the provisions of Article  
25 IV herein, except to the holder of such riparian lease; nor shall  
26 any lease or grant be issued until any claimant to all or part of  
27 the parcel applied for has been given notice of the application  
28 and 3 months thereafter in which to apply for a grant or lease of  
29 the lands he claims. In deciding whether to issue a grant or lease  
30 pursuant to this subsection the commission shall consider whether  
31 the development proposed by the applicant is in accord with the  
32 master plan of any State, county or municipal planning agency  
33 having jurisdiction over the area; whether, if the land is unre-  
34 claimed it would be in the better interest of the State and the  
35 commission not to issue a grant or lease until after reclamation;  
36 and whether, if a grant is applied for, a lease would better serve  
37 the purposes of this act. An applicant who is a claimant to  
38 riparian lands is to be preferred over an applicant who has no  
39 interest in those lands.

40 (c) No grant shall be issued except upon payment of that amount  
41 of compensation determined by the commission to represent the  
42 fair value of the land as of the date of the grant.

43 (d) The rent to be paid under a lease issued by the commission



1 pursuant to subsection (b) herein shall be computed at the annual  
 2 rate of 6% of the fair value of the land, such fair value to be  
 3 determined as of the date of execution of the lease, and at 10-year  
 4 intervals thereafter. If at the beginning date of the leasehold term  
 5 the land is unreclaimed and during the term of the lease is reclaimed  
 6 as part of a reclamation project of the authority, or if at the  
 7 beginning date of the leasehold term the land is reclaimed or  
 8 improved and during the term of the lease its peculiar benefit,  
 9 advantage or value is increased as part of a reclamation project  
 10 of the authority, then the amount for which the land would be  
 11 specifically assessed pursuant to section 41 of this act were it  
 12 privately owned shall be added to the fair value of the land upon  
 13 which the annual rent is computed commencing with the year after  
 14 such reclamation project is completed and for each subsequent  
 15 year of the leasehold term.

16 (e) In determining the fair value of the land, pursuant to  
 17 subsections (c) and (d) above, the commission shall give applicant  
 18 a credit for the provable original cost of any land reclamation that  
 19 is suitable for incorporation into a finished reclamation project  
 20 provided that it was performed prior to the effective date of this  
 21 act.

22 (f) The commission may attach to any grant or lease of riparian  
 23 lands issued under subsection (b) herein such covenants and condi-  
 24 tions as it deems necessary to effectuate the purposes of this act.  
 25 The leasehold term of any lease issued by the authority pursuant  
 26 to subsection (b) herein shall be for such term of years as it deems  
 27 appropriate, but no lease shall be issued for a term of more than  
 28 99 years.

29 (g) The net proceeds from the sale or lease, pursuant to this  
 30 section, of the State's interest in any riparian lands, or from the  
 31 license or lease, pursuant to Article 7, of the State's interest in  
 32 any riparian lands lying within meadowlands, shall be paid to the  
 33 school fund.

#### 34 ARTICLE VI

35 24. The following sums are appropriated for the purposes of  
 36 this act:

37 a. To the Department of Conservation and Economic Develop-  
 38 ment, for the Riparian Lands Commission the sum of \$250,000.00;

39 b. To the Judiciary, for the land titles court, the sum of  
 40 \$100,000.00.

41 25. All acts and parts of acts inconsistent with this act are  
 42 superseded.

43 26. This act shall take effect immediately.



SENATE, No. 518

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1967

By Senator KIEFER

Referred to Committee on Air and Water Pollution  
and Public Health

AN ACT to provide for the reclamation, planning, development and redevelopment of the Hackensack Meadowlands, creating the Hackensack Meadowlands Development Commission, and to provide a procedure for the resolution of disputed meadowlands titles, creating the meadowlands title board, and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as "Hackensack  
2 Meadowland Title and Development Act."

1 2. The Legislature hereby finds and determines that:

2 (a) Those lands of the State which are now, or formerly were  
3 flowed by tide water, being commonly known as meadowlands,  
4 which have not heretofore been granted to private citizens accord-  
5 ing to law, belong to the State, are held in trust for all its citizens  
6 and are an asset of the fund for the support of free public schools  
7 the integrity of which may not be impaired.

8 (b) Large areas of meadowlands in the Lower Hackensack  
9 Basin still remain undeveloped because of low elevation, exposure  
10 to tidal waters, unfavorable soil composition and uncertainty as  
11 to title.

12 (c) Comprehensive development of these areas is also hindered  
13 by their distribution among many municipalities.

14 (d) The orderly comprehensive development of these areas,  
15 due to their strategic location in the heart of a vast metropolitan  
16 area with urgent needs for more space for industrial, commercial,  
17 residential, and public recreational and other uses, can no longer  
18 be deferred.

19 (e) Large parts of the meadowlands may be subject to renewal  
20 under Article VIII of the State Constitution.



21 (f) Therefore, it is declared to be the policy of this State to  
22 promote the health, safety, morals and welfare of its citizens by:

23 (1) Creating the Hackensack Meadowlands Development  
24 Commission as a governmental agency for the public purpose  
25 of acquiring, holding, replanning, reclaiming, developing,  
26 redeveloping and disposing of lands and property in the area  
27 specified in Section 3 to make said area available for econom-  
28 ically and socially sound development,

29 (2) Creating a meadowlands title board to administer  
30 meadowlands ownership claims, to hear and determine dis-  
31 puted questions of title between the State and private citizens  
32 as to meadowlands and to issue recordable instruments of  
33 title binding upon the State and capable of being insured by  
34 title insurance companies.

35 (3) By safeguarding the interest of the fund for the support  
36 of public schools, all as more fully provided herein.

1 3. As used in this act, unless the context indicates another or  
2 different meaning or intent:

3 (a) "Board" means the meadowland title board created by  
4 this act.

5 (b) "Bonds" means any bonds, notes, interim certificates, de-  
6 bentures, or other obligations, issued by the commission pursuant  
7 to this act.

8 (c) "Claimant" means a person holding or occupying riparian  
9 lands within meadowlands under color of title.

10 (d) "Commission" means the Hackensack Meadowlands De-  
11 velopment Commission created by this act.

12 (e) "Constituent municipality" means a municipality with lands  
13 in the district.

14 (f) "District" means the Hackensack Meadowlands District,  
15 the area within the jurisdiction of the commission described in  
16 section 13 of this act.

17 (g) "District comprehensive plan" means the comprehensive  
18 plan for the district prepared and adopted in accordance with  
19 section 14.

20 (h) "Hackensack Meadowlands" means all those meadowlands  
21 lying within the municipalities of Carlstadt, East Rutherford  
22 Fairview, Hasbrouck Heights, Little Ferry, Lyndhurst, Moonachie,  
23 North Arlington, Ridgefield, Ridgefield Park, Rutherford, South  
24 Hackensack and Teterboro, and Wood-Ridge all in Bergen county  
25 and Jersey City, Kearny, North Bergen and Secaucus, all in  
26 Hudson county.



27 (i) "Improved meadowland" means such meadowland as has  
28 been reclaimed by the application of fill or other material thereon,  
29 and may include the erection of structures.

30 (j) "Meadowlands" means those lands consisting chiefly of  
31 salt water swamps, meadows or marshes that the Legislature has  
32 by this act and shall from time to time designate as within the  
33 jurisdiction of the board.

34 (k) "Mean high tide" means the statistical average of all high  
35 tides as determined by the United States Coast and Geodetic Sur-  
36 vey for a given locality.

37 (l) "Persons" means all individuals, partnerships, corporations,  
38 associations, and political subdivisions of the State.

39 (m) "Project" means any plan, work or undertaking by the  
40 commission pursuant to the district comprehensive plan or a re-  
41 development plan; such undertaking may include the reclamation  
42 and improvement of meadowlands, any buildings, land (including  
43 demolition, clearance or removal of buildings from land), equip-  
44 ment, facilities, or other real or personal properties, which are  
45 necessary, convenient or desirable appurtenances, such as, but not  
46 limited to, streets, sewers, utilities, parks, site preparation, land-  
47 scaping and administrative, community, health, recreational, edu-  
48 cational and welfare facilities, and buildings and structures in  
49 renewal areas for industrial, commercial, or residential use.

50 (n) "Project area" means all or a portion of a renewal area.

51 (o) "Redeveloper" means any person, firm, corporation or  
52 public agency that shall enter into or propose to enter into a con-  
53 tract with an agency for the redevelopment of an area of any part  
54 thereof under the provisions of this act.

55 (p) "Redevelopment" means a program for renewal through  
56 reclamation, clearance, replanning, development and redevelop-  
57 ment; the rehabilitation of any improvements; conservation or re-  
58 habilitation work; the construction and provision for construction  
59 of residential, commercial, industrial, public or other structures  
60 and the grant or dedication of spaces as may be appropriate or  
61 necessary in the interest of the general welfare for streets, parks,  
62 playgrounds, or other public purposes including recreational and  
63 other facilities incidental or appurtenant thereto, in accordance  
64 with the district comprehensive plan, or any part thereof, or a re-  
65 development plan.

66 (q) "Redevelopment plan" means a plan as it exists from time  
67 to time for a redevelopment project or projects in all of any part  
68 of the district, which plan shall conform to the district comprehen-



69 sive plan and shall be sufficiently complete to indicate such land  
70 acquisition, demolition and removal of structures, redevelopment  
71 improvements, conservation or rehabilitation work, as may be  
72 proposed to be carried out in the area of the project, existing and  
73 proposed land uses, building requirements, maximum densities,  
74 zoning and planning changes, if any, public transportation and  
75 utilities, recreational and community facilities and other public  
76 improvements, and to indicate the relationship of the plan to  
77 definite regional objectives.

78 (r) "Riparian lands" are those lands owned by the State now,  
79 formerly, or hereafter flowed by mean high tide, except where such  
80 tidal flow is caused by artificially produced changes in land or water  
81 elevation.

82 (s) "School fund" means the fund for support of free public  
83 schools as provided in the Constitution, Article VIII, Section IV.

84 (t) "Site plan" is a plan of an existing lot or plot or a sub-  
85 divided lot on which is shown topography, location of all existing  
86 or proposed buildings, structures, drainage facilities, roads, rights-  
87 of-way, easements, parking areas, together with any other informa-  
88 tion, required by and at a scale, by a commission site plan review  
89 and approval resolution.

90 (u) "Subdivision" means the division of a lot, tract, or parcel  
91 of land into 2 or more lots, sites or other divisions of land for the  
92 purpose, whether immediate or future, of sale or building develop-  
93 ment; except that the following divisions shall not be considered  
94 subdivisions within the meaning of this act; provided, however,  
95 that no new streets or roads are involved; divisions of land for  
96 agricultural purposes where the resulting parcels are 3 acres or  
97 larger in size, divisions or property by testamentary or interstate  
98 provisions, or divisions of property upon court order.

99 (v) "Improvement" means: (a) the laying out, opening, con-  
100 struction, widening, straightening, enlargement, extension, altera-  
101 tion, changing of location, grading, paving, or otherwise improving,  
102 a street, alley or public highway; (b) curbing or guttering of a  
103 sidewalk along a street, alley or highway; (c) construction and im-  
104 provement of bridges and viaducts; (d) construction, enlargement  
105 or extension of a sewer or drain or of a sewerage or drainage  
106 system including, but not limited to such systems under streets,  
107 alleys or public highways or systems for drainage of marshes and  
108 wet lowlands; or works for the sanitary disposal of sewage of  
109 drainage; (e) the installation of service connections to water, and  
110 other utility works including the laying, construction or placing of



111 mains, conduits or cables under or along a street, alley or highway;  
 112 (f) the construction, enlargement, or extension of water mains or  
 113 water distribution works; (g) the installation of lighting standards,  
 114 appliances and appurtenances required for the illumination of  
 115 streets; (h) widening, deepening, or improvement of, the removal  
 116 of obstructions in, and the construction enlargement and extension  
 117 of any waterway, or of enclosing walls, or of a pipe or conduit along  
 118 a water course; (i) the reclaiming, filling and improving and bulk-  
 119 heading and filling in lands lying under tidal or other water and  
 120 lands adjacent to such reclaimed or filled lands, and the dredging  
 121 of channels and improvement of harbor approaches in waters  
 122 abounding the lands to be reclaimed, filled and improved or bulk-  
 123 headed and filled.

1 4. Whenever a hearing is required under any section of this act,  
 2 unless a contrary provision is clearly applicable, before action by  
 3 the commission, notice of the hearing shall, at least ten days prior  
 4 thereto, be published in a newspaper or newspapers of general  
 5 circulation in the district and, in the case set forth below, shall  
 6 also be mailed to the persons indicated below:

7 (1) In cases involving renewal areas, as specified in section 20  
 8 through 22 of this act.

9 (2) In cases involving site plan or subdivision review, to the  
 10 last owners, if any, of adjoining property and property within 200  
 11 feet of the property involved.

12 (3) In cases involving special assessments, as specified under  
 13 sections 45 through 56.

14 The notice of the hearing shall contain a brief description of  
 15 the property and its boundaries areas or subject matter involved,  
 16 and a summary statement concerning any proposals, plans or maps  
 17 to be presented.

1 5. There is hereby established in, but not a part of, the Depart-  
 2 ment of Community Affairs a body corporate and politic, con-  
 3 stituting a public corporation and governmental instrumentality  
 4 known as the "Hackensack Meadowlands Development Commis-  
 5 sion," which shall consist of the following eleven members:

6 (1) The following members of the Governor's cabinet or their  
 7 designated representatives, (a) the Commissioner of Community  
 8 Affairs; (b) the Commissioner of Conservation and Economic De-  
 9 velopment; (c) the Commissioner of Transportation; (d) the State  
 10 Treasurer; and (2) the following public members: (a) 3 citizens  
 11 of this State, appointed by the Governor; (b) one citizen of Bergen  
 12 county, appointed by the director of the board of chosen free-



13 holders of said county and approved by said board; (c) one citizen  
 14 of Hudson county appointed by the director of the board of chosen  
 15 freeholders of said county and approved by said board; (d) one  
 16 citizen of one of the constituent municipalities located in Bergen  
 17 county, selected by a majority vote of the mayors of said munici-  
 18 palities; and (e) one citizen of one of the constituent municipal-  
 19 ities located in Hudson county, selected by a majority vote of the  
 20 mayors of said municipalities.

1 6. The cabinet members shall serve on the commission during  
 2 their term in office and shall be succeeded by their successors in  
 3 office. Each public member shall be appointed for a term of 4 years  
 4 and shall serve until his successor has been appointed and quali-  
 5 fied; provided that the first members appointed by the Governor  
 6 shall serve for first terms of 1, 2, and 3 years respectively and  
 7 those first approved by the county boards of freeholders shall serve  
 8 for first terms of 3 years. Any vacancies in the membership of  
 9 the commission occurring other than by expiration of the term  
 10 shall be filled, for the unexpired term only, by the person or bodies  
 11 responsible for the appointment of their respective predecessors  
 12 in office.

1 7. The members of the commission shall be entitled to no com-  
 2 pensation for their services as members, but shall be reimbursed  
 3 for all necessary expenses in the performance of their duties.

1 8. The commission shall meet, at the call of its chairman, at  
 2 such times and places within the State as it may provide. Six mem-  
 3 bers shall constitute a quorum for the transaction of business, the  
 4 exercise of any powers, or the performance of any duties. Action  
 5 may be taken by the commission by resolution, upon the affirmative  
 6 vote of a majority of all its members, (of which at least 2 affirm-  
 7 ative votes shall be those of cabinet members or their designated  
 8 representatives unless in any case the by-laws of the commission  
 9 shall require a larger number.

1 9. The Commissioner of Community Affairs shall serve as chair-  
 2 man of the commission, and shall be its presiding officer. The  
 3 commission may select from among its members a vice-chairman,  
 4 and a treasurer, and shall employ an executive director (who shall  
 5 be secretary) and a chief fiscal officer and may appoint, promote  
 6 and discharge other officers, and staff, as consulting engineers,  
 7 attorneys, accountants, construction and financial personnel, sup-  
 8 erintendents, managers and other employees and agents as it deems  
 9 advisable, and fix their compensation.



10 The commission may designate to one or more of its agents or  
11 employees to exercise such administrative functions, powers and  
12 duties, as it may deem proper, under its supervision and control.

1 10. No member, officer, agent or employee of the commission  
2 shall acquire any interest, direct or indirect (other than a resi-  
3 dence) in any project, renewal area or in any contract or proposed  
4 contract, or in the sale, purchase, lease or transfer of property,  
5 materials or services to which the commission is a party. Any  
6 member, officer, agent, or employee who already has acquired such  
7 an interest shall not participate in any action of the commission  
8 affecting such property or contract. Any contract or agreement  
9 knowingly made in contravention of this section shall be void and  
10 any person who shall willfully violate any of the provisions of this  
11 section shall forfeit his office or employment.

1 11. (a) There is hereby established a Hackensack Meadowlands  
2 Review Committee. The membership of such committee shall con-  
3 sist of the mayor of each constituent municipality.

4 (b) A majority of the members of the review committee shall  
5 constitute a quorum for the transaction of committee business.

6 (c) The review committee shall meet regularly as it may deter-  
7 mine and may also meet at the call of its chairman or the chairman  
8 of the commission.

9 (d) The review committee shall appoint a chairman from among  
10 its members and such other officers as may be necessary.

11 (e) Members of the review committee shall serve without  
12 compensation.

13 (f) The commission shall submit to the review committee for  
14 review, prior to final action thereon, codes, regulations and stand-  
15 ards formulated by the commission, the district comprehensive  
16 plan and amendments thereto, development and redevelopment  
17 plans, improvement plans and prospective special assessments for  
18 properties benefited thereby, and any other matter which the com-  
19 mission deems advisable to submit to the review committee.

20 (g) The commission shall provide by regulation for the procedure  
21 of submission and review and may include any matter it so deter-  
22 mines among subjects for review.

23 (h) The review committee may review and make recommenda-  
24 tions on matters submitted to it, in writing or otherwise, to the  
25 commission after such submittal to the committee.

1 12. The commission shall exercise public and essential govern-  
2 mental functions and shall have all the following powers:



3 (a) To adopt, and from time to time amend and repeal suitable  
4 by-laws, rules and regulations for the management of its affairs  
5 and the exercise of its powers and provide penalties for the viola-  
6 tion thereof;

7 (b) To adopt and use an official seal and alter the same at its  
8 pleasure;

9 (c) To maintain an office at such place or places within the State  
10 as it may designate;

11 (d) To sue and be sued in its own name;

12 (e) To conduct examinations and investigations, hear testimony  
13 and take proof, under oath at public or private hearings, of any  
14 material matter, require attendance of witnesses and the produc-  
15 tion of books and papers and issue commissions for the examina-  
16 tions of witnesses who are out of State, unable to attend, or excused  
17 from attendance;

18 (f) To acquire in the name of the commission by purchase or  
19 otherwise, on such terms and conditions and in such manner as it  
20 may deem proper or by the exercise of the power of eminent domain,  
21 according to the procedures set forth in chapter 1 of Title 20 of  
22 the Revised Statutes, any land or interest therein and other prop-  
23 erty, including, but not limited to, land under water and riparian  
24 lands, lands or highways held by any county, municipality or other  
25 governmental subdivision of the State, or any fee simple absolute  
26 in, easements upon, the benefit of restrictions upon abutting prop-  
27 erty, or other lesser interests, that it may determine is reasonably  
28 necessary for the performance of any of its duties under this act;  
29 provided, that the power of eminent domain shall not be exercised  
30 by the commission to acquire any property owned or used by a  
31 public utility (as defined in section 48:2-13 of the Revised Statutes)  
32 in furnishing any commodity or service which it is by law author-  
33 ized to furnish;

34 (g) To complete, administer, operate, obtain and pay for insur-  
35 ance on, and maintain, renovate, repair, modernize, lease or other-  
36 wise deal with any property acquired or held pursuant to this act;

37 (h) To subordinate, waive, sell, assign or release any right, title,  
38 claim, lien or demand however, acquired, including any equity or  
39 right of redemption, foreclose, sell or assign any mortgage held  
40 by it, or any interest in real or personal property; and purchase  
41 at any sale, upon such terms and at such prices as it determines  
42 to be reasonable and to take title to property, real, personal or  
43 mixed, so acquired and similarly to sell, exchange, assign, convey,  
44 or otherwise dispose of any such property;



45 (i) To enter upon any building or property in order to conduct  
46 investigations or make surveys, soundings or test borings neces-  
47 sary to carry out the purposes of this act;

48 (j) To publish and disseminate information and to make known  
49 to potential users, by advertisement, solicitation or other means,  
50 the availability for development of lands in the district;

51 (k) To cause to be prepared plans, specifications, designs and  
52 estimates of costs for the construction of projects under the pro-  
53 visions of this act, and from time to time modify such plans, speci-  
54 fications, designs or estimates;

55 (l) By contract or contracts or by its own employees to construct,  
56 acquire, reconstruct, operate, repair, and maintain such project  
57 or projects as it finds necessary to reclaim and improve the mead-  
58 owlands within its jurisdiction and to ready such lands for  
59 development;

60 (m) To receive and accept, from any Federal or other public  
61 agency or governmental entity, grants or loans for or in aid of the  
62 planning or construction of any project, or the acquisition of any  
63 property, and to receive and accept aid or contributions from any  
64 other source, of either money, property, labor, or other things of  
65 value, to be held, used and applied only for the purpose for which  
66 such grants, loans and contributions may be made;

67 (n) To establish engineering standards for land reclamation  
68 including the type of fill, drainage and grading, and to promulgate  
69 a building code specifying the maximum weight, size and density  
70 of all buildings and structures to be placed on any land within its  
71 jurisdiction according to the method of reclamation employed and  
72 the loadbearing quality of the reclaimed land;

73 (o) Generally to fix and revise from time to time and to charge  
74 and collect rates, fees and other charges for the use of any facilities  
75 operated and maintained by the commission.

76 (p) To make such legal arrangements for the use of the school  
77 fund as may be necessary or desirable for the purposes of the com-  
78 mission;

79 (q) To enter into any and all agreements or contracts, execute  
80 any and all instruments, and do and perform any and all acts or  
81 things necessary, convenient or desirable for the purposes of the  
82 commission or to carry out any power expressly given in this act.

1 13. The District—Except as otherwise provided, the Hackensack  
2 Meadowlands Development Commission created herein shall be  
3 authorized to carry out the purposes of this act within the follow-  
4 ing district:



5 All That Certain Area: Beginning at a point on U. S. Route 46  
6 at its junction with State Route 17 at Teterboro Airport:

7 Thence along U. S. Route 46 to its junction with State Route 93  
8 (Grand avenue) at the Ridgefield-Palisades Park Municipal bound-  
9 ary;

10 Thence southerly along Route 93 to its junction with U. S. Route  
11 1 and 9;

12 Thence southerly along U. S. Route 1 and 9 to its intersection  
13 with the Pulaski Skyway in Jersey City;

14 Thence southwesterly along a line formed by the Pulaski Sky-  
15 way to a point where the Port Authority Trans-Hudson tracks  
16 pass under the Pulaski Skyway;

17 Thence along the PATH tracks to their intersection with Harri-  
18 son's municipal boundary;

19 Thence northwesterly along the Harrison-Kearny municipal  
20 boundary to its junction with Harrison avenue;

21 Thence easterly along Harrison avenue (the easterly municipal  
22 boundary of Harrison) to its junction with Schuyler avenue;

23 Thence northerly along Schuyler avenue to Brisbin avenue  
24 (County Route 507);

25 Thence westerly along Brisbin avenue to Orient Way:

26 Thence northerly along Orient Way to State Route 3;

27 Thence easterly along Route 3 to its junction with Route 17;

28 Thence northerly along State Route 17 to its junction with U. S.  
29 Route 46, the place of beginning.

1 14. The commission shall prepare, or cause to be prepared, and,  
2 after public hearing, adopt, a comprehensive plan for the physical  
3 development of the district, which may include proposals for vari-  
4 ous stages in the future development of the district and adjacent  
5 areas. The commission may from time to time, after public hear-  
6 ing amend such comprehensive plan. The plan shall be a compos-  
7 ite of one or more mapped or written proposals recommending  
8 that physical development of the district after (1) meetings with  
9 the governing bodies of the municipalities, (2) meetings with other  
10 public agencies having planning, highway, transportation, recre-  
11 ation, conservation, and related powers within the area affected  
12 by the proposal. In preparing the plan or any portion thereof or  
13 amendment thereto, the commission shall give due consideration  
14 to the existing patterns of development adopted by a participating  
15 municipality. Notice of any public hearing shall contain a state-  
16 ment that copies of the maps and other documents to be considered  
17 at the hearing are available for inspection at the office of the com-  
18 mission.



1 15. The district comprehensive plan may include proposals for:  
 2 (1) the use of land and buildings—residential, commercial indus-  
 3 trial, mining, agricultural, park and other like matters; (2) serv-  
 4 ices—water supply, utilities, sewerage, and other like matters; (3)  
 5 transportation—streets, parking public transit, freight facilities,  
 6 airports, and other like matters; (4) renewal housing—residential  
 7 standards, slum clearance and redevelopment, rehabilitation, con-  
 8 servation and other like matters; (5) conservation—water, forest,  
 9 soil, flood control and other like matters; (6) public and semi-  
 10 public facilities—civic center, schools, libraries, parks, play-  
 11 grounds, fire houses, police structures, hospitals and other like  
 12 matters; (7) the density of population; (8) planned unit develop-  
 13 ment; (9) community appearance; (10) financing capital improve-  
 14 ments; (11) other elements of growth and development.

15 The plan may also include recommendations for model codes  
 16 and standards covering comprehensive zoning, buildings, housing,  
 17 and other subjects necessary to carry out the plan, or to undertake  
 18 a workable program of community improvement referred to in  
 19 section 25. No municipality shall enact any code which is incon-  
 20 sistent with any such model code or standard.

21 The comprehensive plan may include in its scope consideration  
 22 of the effect in the district of development in areas outside its  
 23 boundaries which the commission deems to bear an essential rela-  
 24 tion to the planning of the district. The studies in connection with  
 25 the plan for these areas shall be conducted wherever possible with  
 26 the co-operation of the planning agencies of the affected munici-  
 27 pality and county.

1 16. (a) Whenever the commission after public hearing shall  
 2 have adopted any portion of the district plan, the governing body  
 3 of any constituent municipality or county or other public agency  
 4 having jurisdiction over the subject matter in the district, before  
 5 taking action necessitating the expenditure of any public funds,  
 6 incidental to the location, character, or extent of one or more proj-  
 7 ects thereof, shall refer action involving such specific project or  
 8 projects to the commission for review and recommendation, and  
 9 shall not act thereon without such recommendation or until 45  
 10 days after such reference have elapsed without such recommenda-  
 11 tion. This requirement shall apply to action by a housing, park-  
 12 ing, highway or other authority, redevelopment agency, school  
 13 board, or other similar public agency, Federal, State, county or  
 14 municipal.



15 (b) The governing body may by ordinance provide for the ref-  
16 erence of any other matter or class of matters to the commission  
17 before final action thereon by any municipal public body or mu-  
18 nicipal officer having final authority thereon, with or without the  
19 provision that final action thereon shall not be taken until the  
20 commission has submitted its report, or until a specified period  
21 of time has elapsed without such report having been made.

22 (c) Whenever the commission pursuant to this section shall  
23 have made a recommendation to another body, such recommenda-  
24 tion may be overridden only by a vote of a majority of the full mem-  
25 bership of such other body. Where the body which shall have  
26 overridden a recommendation of the commission is a municipal  
27 body or agency, the action of such body shall not become final until  
28 the governing body of the municipality shall, by a majority vote,  
29 approve its action in overriding the recommendation of the com-  
30 mission.

31 (d) The commission shall have full power and authority to  
32 make such investigations, maps and reports and recommendations  
33 in connection therewith relating to the planning and physical  
34 development of the district as it deems desirable.

1 17. As used in this act, the term "renewal area" shall mean that  
2 portion of the district wherein there exist, any of the conditions  
3 hereinafter enumerated:

4 (a) The generality of buildings used as dwellings or the dwelling  
5 accommodations therein are substandard, unsafe, unsanitary,  
6 dilapidated, or obsolescent, or possess any of such characteristics,  
7 or are so lacking in light, air, or space as to be conducive to unwhole-  
8 some living;

9 (b) The discontinuance of the use of buildings previously used  
10 for manufacturing or industrial purposes, the abandonment of such  
11 buildings or the same being allowed to fall into so great a state of  
12 disrepair as to be untenable;

13 (c) Unimproved vacant land, which has remained so for a period  
14 of 10 years prior to the determination hereinafter referred to, and  
15 which land by reason of its location, or remoteness from developed  
16 sections or portions of the district, or lack of means of access to  
17 such other parts thereof, or topography, or nature of the soil, is  
18 not likely to be developed through the instrumentality of private  
19 capital;

20 (d) Areas (including slum areas) with buildings or improve-  
21 ments which by reason of dilapidation, obsolescence, over-crowding,  
22 faulty arrangement or design, lack of ventilation, light and sanitary



23 facilities, excessive land coverage, deleterious land use or obsolete  
24 layout, or any combination of these or other factors, are detrimental  
25 to the safety, health, morals, or welfare of the community;

26 (e) A growing or total lack of proper utilization of areas caused  
27 by the condition of the title, diverse ownership of the real property  
28 therein and other conditions, resulting in a stagnant and unpro-  
29 ductive conditions of land potentially useful and valuable for con-  
30 tributing to and serving the public health, safety and welfare.

31 It is hereby determined and declared that such conditions or any  
32 of them are a social and economic liability to the district.

1 18. The commission, by resolution, may provide for a preliminary  
2 investigation of any area in the district to determine whether it is  
3 a renewal area as defined in this act. Whenever such a resolution  
4 is adopted, the commission, shall prepare a map showing the  
5 boundaries of the area to be investigated and the location of the  
6 various parcels of property therein, and shall append thereto a  
7 statement setting forth the basis for the investigation.

1 19. The commission shall thereupon cause a hearing to be held at  
2 an appointed time and place for the purpose of hearing persons  
3 interested in, or who would be affected by, a determination that the  
4 area is a renewal area, as defined in this act and who favor or are  
5 opposed to such determination.

1 20. A notice of such hearing shall be given setting forth the  
2 general boundaries of the area to be investigated and stating that a  
3 map has been prepared and can be inspected at the office of the  
4 commission. A copy of such notice shall be published in a news-  
5 paper of general circulation in the district once each week for 2  
6 consecutive weeks and the last publication shall be not less than 10  
7 days prior to the date set for the hearing. A copy of the notice shall  
8 be mailed at least 10 days prior to the date set for the hearing to  
9 the last owner, if any, of each parcel of property within the area  
10 according to the assessment records of the municipality where the  
11 parcel is located. A notice shall also be sent to any and all persons  
12 at his, or their last known address, if any, whose names are noted  
13 on said assessment records as claimants of an interest in any such  
14 parcel. The assessor of such municipality shall make such a nota-  
15 tion upon the said records when requested so to do by any person  
16 claiming to have an interest in any parcel of property in such  
17 municipality. Failure to mail any such notice shall not invalidate  
18 the investigation or determination thereon.

1 21. At the hearing, which may be adjourned from time to time the  
2 commission shall hear all persons interested in the investigation



3 and shall consider any, and all, written objections that may be filed  
4 and any evidence which may be adduced in support of the objec-  
5 tions, or any opposition to a determination that the area is a  
6 renewal area. After the hearing the commission shall, by resolu-  
7 tion, determine that the area or any part thereof is, or is not, a  
8 renewal area, as defined in the act. A determination that the area  
9 or any part thereof is a renewal area, if supported by substantial  
10 evidence, shall be binding and conclusive upon all persons affected  
11 by the determination. If the determination is that the area or any  
12 part thereof is a renewal area, the commission within 10 days after  
13 such determination, shall cause to be served a copy of the resolution  
14 upon each person who filed a written objection prior to the hearing;  
15 provided, the address of the objector was stated in, or upon, the  
16 written objection.

17 Such service may be made (a) by delivering a copy of the resolu-  
18 tion personally to the objector, (b) by mailing such copy addressed  
19 to the objector according to his said stated address, or (c) by leav-  
20 ing such copy at said stated address for the objector with a person  
21 of suitable age and discretion.

22. Any person who shall have filed such a written objection with  
2 the commission, may have a determination that an area is a renewal  
3 area reviewed by the Superior Court of New Jersey by procedure  
4 in lieu of prerogative writs. An action for any such review shall be  
5 commenced within 30 days after the determination by the commis-  
6 sion. In any such action, the said court may make any incidental  
7 order that shall be deemed by the court to be proper.

23. If the determination is that an area is a renewal area, the  
2 commission may, but shall not be required to, acquire the real  
3 property within the area by purchase, or by eminent domain pro-  
4 ceedings, and may proceed with the clearance, replaining, develop-  
5 ment or redevelopment of the area as a public purpose and of public  
6 use, or the commission may, by resolution, agree that a private  
7 corporation may undertake such clearance, replaining, development  
8 or redevelopment in accordance with statutory authority and sub-  
9 ject to the provisions of paragraph 1, Section III, Article VIII, of  
10 the Constitution; provided, however, that the power of eminent  
11 domain hereinbefore conferred upon the commission shall not be  
12 exercised to acquire for any of the purposes of the act any property  
13 or interests in property owned or used by any public utility (as  
14 defined in section 48:2-13 of the Revised Statutes) in furnishing  
15 any commodity or service which by law it is authorized to furnish.



1 24. If, any plan for the clearance, replanning, development or  
2 redevelopment (hereinafter called the "plan") of a renewal area  
3 is undertaken as provided for in section 25 of this act, and such  
4 plan shall provide for the closing or vacating of any street, avenue,  
5 highway, road, land, alley or other public place or way (herein-  
6 after called "street") in, on, along or under which is located any  
7 property owned or used by any public utility (as defined in sec-  
8 tion 48:2-13 of the Revised Statutes) or by any common carrier,  
9 in furnishing any commodity or service which by law it is author-  
10 ized to furnish, the commission shall, by resolution, determine  
11 whether or not the retention of such property in its then existing  
12 location will interfere with the consummation of the plan.

13 If the commission shall so determine that the retention of such  
14 property in such location will interfere with the consummation of  
15 such plan, the commission shall make an order requiring the public  
16 utility or common carrier owning or using such property to re-  
17 move, reconstruct, alter or relocate such property, and upon the  
18 receipt of such order such public utility or common carrier shall  
19 remove, reconstruct, alter or relocate such property, and upon  
20 the receipt of such order such public utility or common carrier  
21 shall remove, reconstruct, alter or relocate such property in ac-  
22 cordance with such order, and the cost and expense of such re-  
23 moval, reconstruction, alteration or relocation, including the cost  
24 of installing or replacing such property in a new location or new  
25 locations, and the cost of any lands or any rights or interest in  
26 lands, and any other rights acquired to accomplish such removal,  
27 reconstruction, alteration or relocation shall be paid by the com-  
28 mission or by the private corporation, as the case may be, as a  
29 part of the cost of the plan. In the case of the relocation of any  
30 such property the public utility or common carrier owning or using  
31 the same, its successors and assigns, may maintain and operate  
32 such locations, for as long a period and upon the same terms and  
33 conditions as it had the right to maintain and operate such prop-  
34 erty in its former location.

35 If the commission shall determine that the retention of such  
36 property in such location will not interfere with the consummation  
37 of such plan, the commission shall cause the proper officers to  
38 execute, acknowledge or prove, and deliver to such public utility  
39 or common carrier an instrument in writing, granting to such pub-  
40 lic utility or common carrier the right, privilege and authority to  
41 enter upon the lands which comprised such street prior to its



42 closing or vacation, for the purpose of maintaining, repairing, re-  
43 newing, replacing, reconstructing, altering or removing any such  
44 property.

1 25. The commission is authorized to prepare and adopt rede-  
2 velopment plans for areas in the district determined by the com-  
3 mission to be renewal areas pursuant to section 22, and, in under-  
4 taking redevelopment projects pursuant to such plan, may—

5 (a) Acquire, by condemnation or otherwise, real or personal  
6 property, or any interest therein, including such property as it  
7 may deem necessary or proper, although temporarily not required  
8 for such purposes; in a renewal area and in any area designated  
9 by it as necessary for relocation of residents, industry or com-  
10 merce displaced from a renewal area;

11 (b) Clear or reclaim any area so acquired and install, construct  
12 or reconstruct streets, facilities, utilities and site improvements;

13 (c) Relocate or arrange or contract with public or private agen-  
14 cies for the relocation of residents; industry or commerce dis-  
15 placed from the renewal area;

16 (d) Dispose of real property so acquired by sale, lease or ex-  
17 change for the uses and purposes specified in the redevelopment  
18 plan, to any person or public agency;

19 (e) Study the recommendations of any planning board for re-  
20 development of any area and make its own investigations as to  
21 current trends and blighting factors in the district, or any area  
22 thereof;

23 (f) By contract or contracts with public agencies or redevel-  
24 opers, or by its own employees or consultants to plan, replan,  
25 construct, reconstruct, operate, maintain and repair any redevel-  
26 opment or other project, or any part thereof;

27 (g) Arrange or contract with public agencies for opening, grad-  
28 ing, or closing of streets, alleys, roads, roadways, or for the fur-  
29 nishing to the occupants of the new facilities and services cus-  
30 tomarily provided by such agency, including parks, recreation  
31 centers, schools, sewerage, transportation, water and other public  
32 facilities;

33 (h) Make and adopt plans for carrying out a program of vol-  
34 untary repair and rehabilitation of buildings and improvements,  
35 and to make plans for the enforcement of codes and laws relating  
36 to the use of land, the use and occupancy of buildings and improve-  
37 ments and to the control over the disposition of liquid, solid and  
38 gaseous wastes;



39 (i) Prepare and adopt from time to time a workable program,  
40 representing an official plan of action for effectively dealing with  
41 the problem of urban renewal areas within the district and for  
42 the establishment and preservation of well-planned communities  
43 with well-organized residential neighborhoods of decent homes and  
44 suitable living environment for adequate family life; for utilizing  
45 appropriate private and public resources to eliminate and prevent  
46 the development or spread of blight and deterioration; to encour-  
47 age needed conservation or rehabilitation; to provide for the re-  
48 development of renewal areas; or to undertake such of the aforesaid  
49 activities or other feasible activities as may be suitably employed  
50 to achieve the objectives of such a program.

1 26. All agreements, leases, deeds and other instruments from or  
2 between the commission and to or with a redeveloper shall contain  
3 without being limited to the following provisions: (a) a covenant  
4 running with the land to the effect that the land, and any buildings  
5 or improvements thereon, shall only be used for the purposes  
6 designated in the redevelopment plan; (b) a provision that the re-  
7 developer shall be without power to sell, lease or otherwise transfer  
8 the redevelopment area or project or any part thereof without the  
9 prior written consent of the commission; (c) any lease to a  
10 redeveloper may provide that all improvements shall become the  
11 property of the commission. The execution of such a lease shall not  
12 impose upon the commission any liability for the financing, con-  
13 struction, management or operation of any development project,  
14 or any part thereof; (d) such other covenants, provisions and  
15 continuing controls as may be deemed necessary to effectuate the  
16 purposes of this act.

1 27. The commission shall review and regulate subdivisions and  
2 land development within the district, in accordance with procedures  
3 and engineering and planning standards adopted by resolution,  
4 which may require that:

5 (a) All subdivisions and site plans be in accordance with the  
6 district comprehensive plan and any applicable redevelopment  
7 plan;

8 (b) Adequate drainage facilities and easements be provided;

9 (c) Road improvements be provided for subdivisions or sites  
10 where necessary to protect the safety and convenience of the  
11 traveling public, such improvements to include, but not be limited  
12 to, additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design features  
14 necessitated by increased traffic, potential safety hazards or traffic  
15 flow impediments caused by the subdivision or development;



(d) Performance guarantees, maintenance bonds and agreements specifying minimum standards of construction for required improvements be provided, with the amount of any such guarantee or bond to be set up by the commission and not to exceed the full cost of the facility and installation thereof or the developer's proportionate share thereof. Any bonds, moneys or guarantees received by the commission under this paragraph shall not duplicate bonds, moneys or guarantees required by municipalities for municipal purposes.

28. All subdivisions and site plans (other than those expressly exempt) shall be submitted to the commission for review and approval prior to approval by the local municipal approving authority. The municipal approval authority shall defer taking action on subdivisions and site plans and building permits until receipt of the commission approval; provided that if the commission fails to report to the municipal approving authority within the 45-day period, said subdivision or site plan, as the case may be shall be deemed to have been approved by the commission, except when, upon mutual agreement between the commission and municipal approving authority, with approval of applicant, the 45-day period may be extended for an additional 45-day period. The commission shall withhold approval of said subdivision or site plan if it does not comply with standards previously adopted by the commission.

Provision may be made in such regulations for waiver, according to definite criteria, of strict compliance with the standards promulgated, where necessary to alleviate hardship. The commission may exempt subdivisions of less than a designated number of lots or site plans involving single-family residences from its regulations where no new streets are involved.

29. The county clerk or registrar of deeds and mortgages shall not accept for filing any subdivision plat for lands in the district unless it bears the certification of approval of the commission in addition to all other requirements for filing a subdivision plat. If the commission shall have taken no action to approve or disapprove a subdivision within the period required by section 28, it shall, at the request of the developer, certify such fact upon the plat. Such certification shall be sufficient authorization for further action by the municipal approving authority and filing with the appropriate county recording officer.

30. Whenever a hearing upon notice is required in any constituent municipality or county with respect to the adoption or amendment of a master plan, official map, zoning or subdivision



14 regulations, or to the granting of variances or special exceptions,  
15 involving property within the district or within 200 feet of its  
16 borders, the person required to give such notice shall also, at least  
17 45 days prior to the hearing, give written notice of the hearing to  
18 the commission by registered or certified mail. Said notice of hear-  
19 ing shall contain a brief description of the property involved, its  
20 location, a concise statement of the matters to be heard, and a copy  
21 of any plan, code, regulations, or standards to be approved.

22 The commission shall be considered a party in interest at such  
23 hearing, and no action involving the master plan, zoning ordinance,  
24 subdivision, building, or site plan approval, the official map, or the  
25 grant of variance or special exception shall be taken by a public  
26 body of a constituent municipality or county which shall be in-  
27 consistent with the district comprehensive plan.

1 31. (a) The commission shall have the power and is hereby  
2 authorized from time to time to issue its bonds or notes for any of  
3 its corporate purpose, including the payment, funding or refunding  
4 of the principal of or interest or redemption premiums on any  
5 bonds or notes issued by it, whether the bonds or notes or interest  
6 to be funded or refunded have or have not become due. The com-  
7 mission may issue temporary or interim bonds, pending the prep-  
8 aration of definitive bonds.

9 (b) Except as may be otherwise expressly provided by the com-  
10 mission, every issue of bonds or notes shall be general obligations  
11 payable out of any moneys or revenues of the commission subject  
12 only to any agreements with the holders of particular bonds or  
13 notes pledging any particular moneys or revenues. The commission  
14 may issue such types of bonds or notes as it may determine, includ-  
15 ing (without limiting the generality of foregoing) bonds or notes  
16 on which the principal and interest are payable (1) exclusively  
17 from the income and revenues of the project financed with the  
18 proceeds of such bonds or notes; (2) exclusively from the income  
19 and revenues of certain designated projects whether or not they  
20 are financed in whole or in part with the proceeds of such bonds or  
21 notes; (3) from its revenues generally.

22 For the purposes of this act the revenues of the commission shall  
23 be deemed to include: (1) fees, and other charges for the use of the  
24 commission's facilities, (2) income from the sale or lease of the  
25 commission's property, (3) proceeds of special assessments charged  
26 to properties benefiting from improvements made by the commis-  
27 sion, (4) funds received from any constituent municipality or  
28 county. Any such bonds or notes may be additionally secured by



29 a pledge of any grant or contributions from the Federal Govern-  
30 ment or any State or person or a pledge of any moneys, income or  
31 revenues of the commission from any source whatsoever, including  
32 the school fund.

33 (c) Any provision of any law to the contrary notwithstanding,  
34 any bond or note issued pursuant to this act shall be fully negotiable  
35 within the meaning and for all purposes of the negotiable instru-  
36 ments law of the State and each holder or owner of such bond or  
37 note, or of any coupon appointment thereto, by accepting such bond,  
38 note, or coupon shall be deemed to have agreed that such bond,  
39 note or coupon is and shall be fully negotiable within the meaning  
40 and for all purposes of such negotiable instruments law.

41 (d) Bonds or notes of the commission shall be authorized by  
42 resolution of the commission and may be issued in one or more  
43 series and shall bear such date or dates, mature at such time not  
44 exceeding 40 years from the date thereof, bear interest at a rate  
45 or rates within such maximum rate (not exceeding 6% per annum),  
46 be in such denomination or denominations, be in such form either  
47 coupon or registered, carry such conversion or registration  
48 privileges, have such rank or priority, be executed in such manner,  
49 be payable from such sources in such medium of payment at such  
50 place or places, within or without the State, and be subject to such  
51 terms of redemption (with or without premium) as such resolution  
52 or resolutions may provide.

53 (e) Bonds or notes of the commission may be sold at public or  
54 private sale, at such price or prices as the commission shall deter-  
55 mine, provided however, that the interest cost to their average  
56 maturity of the money received for any group of bonds sold in a  
57 single transaction (computed according to standard tables of bond  
58 values) shall not exceed 6% per annum.

1 32. In any resolution of the commission authorizing or relating to  
2 the issuance of any bonds or notes, the commission, in order to  
3 secure the payment of such bonds or notes and in addition to its  
4 other powers, shall have power by provisions therein which shall  
5 constitute covenants by the commission and contracts with the  
6 holders of such bonds or notes:

7 (a) To pledge to any payment or purpose all of any part of its  
8 charges or other revenues or moneys to which its right then exists  
9 or may thereafter come into existence, and the moneys derived  
10 therefrom, and the proceeds of any bond or notes;

11 (b) To covenant against pledging all or any part of its charges  
12 or revenues, or against mortgaging all or any part of its real or



13 personal property then owned or thereafter acquired or against  
 14 permitting or suffering any lien on such charges, revenues or  
 15 property;

16 (c) To covenant with respect to limitations on any right to sell  
 17 lease or otherwise dispose of any project or any part thereof or any  
 18 property of any kind;

19 (d) To covenant as to any bonds and notes to be issued and the  
 20 limitations thereon and the terms and conditions thereof and as to  
 21 the custody application and disposition of the proceeds thereof;

22 (e) To covenant as to the issuance of additional bonds or notes  
 23 or as to limitations on the issuance of additional bonds or notes  
 24 and on the incurring of other debts by it;

25 (f) To covenant as to the payment of the principal of or interest  
 26 on the bonds or notes, or any other obligations, as to the sources and  
 27 methods of such payment, as to the rank or priority of any such  
 28 bonds, notes or obligations;

29 (g) To provide for the replacement of lost, stolen, destroyed or  
 30 mutilated bonds or notes;

31 (h) To covenant against extending the time for the payment of  
 32 bonds or notes or interest thereon;

33 (i) To covenant as to the redemption of bonds or notes and  
 34 privileges of exchange thereof for other bonds or notes of the com-  
 35 mission;

36 (j) To covenant as to the rates of fees and other charges to be  
 37 established and charged, the amount to be raised each year of other  
 38 period of time by fees, charges or other revenues and as to the use  
 39 and disposition to be made thereof;

40 (k) To covenant to create or authorize the creation of special  
 41 funds or moneys to be held in pledge or otherwise for construction  
 42 operating expenses, payment or redemption of bonds or notes  
 43 reserves or other purposes and as to the use and disposition of the  
 44 moneys held in such funds;

45 (l) To establish the procedure, if any, by which the terms of any  
 46 contract or covenant with or for the benefit of the holders of bonds  
 47 or notes may be amended or abrogated, the amount of bonds or  
 48 notes the holders of which must consent thereto, and the manner  
 49 in which such consent may be given;

50 (m) To covenant as to the construction, improvement, operation  
 51 and maintenance of its real and personal property, the replacement  
 52 thereof, the insurance to be carried thereon, and the use and dis-  
 53 position of insurance moneys;



- 54 (n) To provide for the rights and liabilities, powers and duties  
 55 arising upon the breach of any covenant, condition or obligation  
 56 and to prescribe the events of default and the terms and conditions  
 57 upon which any or all of the bonds, notes or other obligations of  
 58 the commission shall become or may be declared due and payable  
 59 before maturity and the terms and conditions upon which any such  
 60 declaration and its consequences may be waived;
- 61 (o) To vest in a trustee or trustees within or without the State  
 62 such property, rights, powers and duties and powers of such  
 63 trustee;
- 64 (p) To pay the costs or expenses incident to the enforcement of  
 65 such bonds or notes or of the provisions of such resolution or of  
 66 the provisions of such resolution or of any covenant  
 67 or agreement of the commission with the holders of its  
 68 bonds or notes;
- 69 (q) To limit the powers of the commission to construct, acquire  
 70 or operate any structures facilities or properties which may com-  
 71 pete or tend to compete with any of its projects;
- 72 (r) To limit the rights of the holders of any bonds or notes to  
 73 enforce any pledge or covenant securing bonds or notes; and
- 74 (s) To make covenants other than and in addition to the  
 75 covenants herein expressly authorized, of like or different  
 76 character, and make such acts and things as may be necessary or  
 77 convenient and desirable, in order to better secure bonds or notes  
 78 or which, in the absolute discretion of the commission will tend to  
 79 make bonds or notes more marketable, notwithstanding that such  
 80 covenants, acts or things may not be enumerated herein.
- 1 33. Any pledge of revenues or other moneys made by the com-  
 2 mission shall be valid and binding from the time when the pledge  
 3 is made; the revenues or other moneys so pledged and thereafter  
 4 received by the commission shall immediately be subject to the  
 5 lien of such pledge without any physical delivery thereof or fur-  
 6 ther act, and the lien of any such pledge shall be valid and binding  
 7 as against all parties having claims of any kind in tort, contract  
 8 or otherwise against the commission, irrespective of whether such  
 9 parties have notice thereof. Neither the resolution nor any other  
 10 instrument by which a pledge is created need be filed or recorded  
 11 except in the records of the commission.
- 1 34. (a) Neither the members of the commission, nor any person  
 2 executing bonds or notes issued pursuant to this act shall be liable  
 3 personally, on the bonds or notes by reason of the issuance thereof.



4 (b) Except as otherwise provided by or pursuant to Section II  
 5 of Article VIII of the State Constitution and approved by a major-  
 6 ity of the legally constituted voters of the State voting thereon,  
 7 or except where any county or municipality shall have guaranteed  
 8 payment of the principal of and interest thereon, bonds and notes  
 9 issued by the commission pursuant to this act shall not be in any  
 10 way a debt or liability of the State or any subdivision thereof and  
 11 shall not create or constitute any indebtedness, liability or obliga-  
 12 tion of the State or any such subdivision, except the commission.

13 35. The commission shall have the power to purchase bonds or  
 14 notes of the commission out of any funds available therefore. The  
 15 commission may hold, cancel or resell such bonds or notes subject  
 16 to and in accordance with agreements with holders of its bonds  
 17 and notes.

18 36. All banks, trust companies, savings banks, investment com-  
 19 panies and other persons carrying on a banking business are each  
 20 hereby authorized to give to the commission a good and sufficient  
 21 undertaking with such sureties as shall be approved by the com-  
 22 mission to the effect that such bank or banking institution as here-  
 23 inbefore described shall faithfully keep and pay over to the order  
 24 of or upon the warrant of the commission or its authorized agent  
 25 all such funds as may be deposited with it by the commission  
 26 and agreed interest thereon at such times or upon such demands  
 27 as may be agreed with the commission, lieu of such sureties, de-  
 28 posit with the commission, or its authorized agent or any trustee  
 29 therefore or for the holders of any bonds or notes, as collateral  
 30 such securities as the commission may approve. The deposits of  
 31 the commission may be evidenced or secured by a depository col-  
 32 lateral agreement in such form and upon such terms and condi-  
 33 tions as may be agreed upon by the commission and such bank  
 34 or banking institution.

35 37. Notwithstanding any restriction contained in any other law,  
 36 the State and all public officers, municipalities, counties, political  
 37 subdivisions and public bodies and agencies thereof, all banks,  
 38 trust companies, savings banks, and institutions, building and loan  
 39 associations, savings and loan associations, investment companies  
 40 and other persons carrying on a banking or investment business,  
 41 all insurance companies, insurance associations and other persons  
 42 carrying on an insurance business, and all executors, administra-  
 43 tors, guardians, trustees and other financiers, may legally invest  
 44 any sinking funds, moneys, or other funds belonging to them or  
 45 within their control in any bonds or notes issued pursuant to this



11 act, and such bonds and notes shall be authorized security for any  
12 and all public deposits.

1 38. The State of New Jersey does hereby pledge to and covenant  
2 and agree with the holders of any bonds or notes issued pursuant  
3 to authority of this act that the State will not limit or alter the  
4 rights or powers hereby vested in the commission to acquire, con-  
5 struct, maintain, improve, repair and operate any project, or to  
6 perform and fulfill the terms of any agreement made with the  
7 holders of such bonds or notes, or to fix, establish, charge, and  
8 and collect such fees, assessments, or other charges as may be  
9 convenient or necessary to produce sufficient revenues to meet all  
10 expenses by the commission and fulfill the terms of any agreement  
11 made with the holders of such bonds or notes, and that the State  
12 will not in any way impair the rights or remedies of such holders  
13 or modify in any way the exemptions from taxation provided  
14 for in this act until such bonds and notes, together with interest  
15 thereon, with interest on any unpaid installments of interest, and  
16 all costs and expenses in connection with any action or proceeding  
17 by or on behalf of such holders are fully met and discharged or  
18 provided for.

1 39. The exercise of the powers granted by this act will be in all  
2 respects for the benefit of the people of the State, for the increase  
3 of their commerce and property, and for the improvement of the  
4 health of living conditions, and, as the operation and maintenance  
5 of projects by the commission will constitute the performance of  
6 essential governmental functions, the commission shall not be re-  
7 quired to pay any taxes or assessments upon any project or any  
8 property acquired or used by the commission under the provisions  
9 of this act or upon the income therefrom, and every project and  
10 any property acquired for use by the commission under the pro-  
11 visions of this act, their transfer and the income therefrom (in-  
12 cluding any profit made on the sale thereof) shall be free from  
13 taxation.

1 40. The Commission may form within the district, improvement  
2 districts for any authorized purpose in order to levy special im-  
3 provement assessments against land located within such districts  
4 for benefits rendered.

1 41. All assessments for improvements within the district shall  
2 be made by the chief fiscal officer of the commission.



42. All land within the district shall be divided into 3 classes as follows:

Class 1—Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as presently or ultimately intended for a public use.

Class 2—Land owned by the State of New Jersey, any of its political subdivisions, or any other public agency or instrumentality which enjoys the privilege of general property tax exemption under the laws of the State, and which land is designated by the owner as ultimately disposable to private ownership.

Class 3—All other land.

43. The owners of all public land in the district shall be required to certify to the commission, by a date established by the commission, whether said public lands are in Class 1 or Class 2; and in the case of land being in Class 1, the public owners shall indicate the nature of the present or ultimate use. The commission shall approve or modify the certifications by resolution. The commission may also, by affirmative vote, reclassify lands, upon the request of any owner for such reclassification.

44. In the case that the title of lands designated to be in Class 3 passes to the State of New Jersey, the commission shall change the designation of the class of such land to reflect the use to which such land shall be put.

45. If in its judgment, public necessity or interest demands the construction of improvements which would benefit lands within a district, the commission shall pass a resolution of its intention to undertake such improvement or improvements and shall give notice of such intention by advertising in one or more newspapers circulating in such district and such advertisement shall fix a time and place, not earlier than 2 weeks after notice, for a hearing on said proposed action and prior to said hearing, the commission shall prepare a tentative assessment which shall be presented at such hearing and shall be open to inspection. Any person desiring to be heard in regard thereto shall be given a hearing. After said hearing, if the commission shall decide to carry out said improvements, it shall pass a resolution declaring such determination and proceed to make such improvements.

46. Upon the completion of any improvement, the appropriate officer of the commission shall prepare a statement showing in detail the cost of the improvement including therein the cost of advertising, financing, and inspection and the engineering expense and also the cost of any land or interest therein purchased or con-



6 demned for such improvement. Such statement shall also show  
 7 the proportion or amount of the whole cost of the improvement,  
 8 if any, paid or contributed by any public body or by any person.  
 9 The total amount of assessment levied upon the land benefited by  
 10 the improvement shall not exceed the cost thereof, less any such  
 11 payment or contribution. If the benefits so assessed shall not equal  
 12 the cost less such contribution, the balance shall be paid from the  
 13 general revenues of the commission.

1 47. The appropriate officer of the commission shall examine the  
 2 work of any improvement and view all lands benefited thereby and  
 3 shall thereupon fix a time and place for hearing all persons inter-  
 4 ested. Notice of the time and place of the hearing shall be mailed  
 5 to owners of land affected directed to their last known post-office  
 6 addresses, and shall be published at least 10 days before the hear-  
 7 ing. Failure to mail any such notice shall not invalidate any pro-  
 8 ceeding or assesment. Such officer of the commission shall attend  
 9 at the time and place appointed and shall give all parties inter-  
 10 ested or affected by an improvement ample opportunity to be  
 11 heard upon the subject of assessment. Thereafter, such officer  
 12 shall make a just and equitable assessment of the benefits con-  
 13 ferred upon any land by reason of such improvement, having due  
 14 regard to the rights and interests of all persons concerned, and  
 15 the increment in the value of the land benefited thereby.

1 48. All assessments levied under this Article for any improve-  
 2 ment shall in each case be as nearly as may be in proportion to and  
 3 not in excess of the benefit, advantage or increase in value which  
 4 respective lots and parcels of land shall be deemed to receive by  
 5 reason of such improvement.

1 49. In addition to the making of assessments for benefits, the  
 2 appropriate officer of the commission shall fix and determine the  
 3 amount, if any, the property is damaged incidentally to the making  
 4 of the improvement and deduct such amount from the amount of  
 5 benefits assessed thereon. If the amount of any such damages as  
 6 confirmed by the commission shall exceed the benefits assessed on  
 7 the same property, if in case no benefits shall accrue thereto, or  
 8 if such property is damaged subsequent to the levying and collec-  
 9 tion of an assessment which shall be confirmed by the commission  
 10 to be a direct result of the making of the improvement, the balance  
 11 or amount of such damages so fixed, may be raised from the gen-  
 12 eral revenues of the commission, and shall be paid by the com-  
 13 mission to the owner of the property so damaged. Any person  
 14 aggrieved by such assessment or award of damages may after the



15 same has been confirmed by the commission, appeal therefrom as  
16 provided in section 62.

1 50. When owners of any property have been or shall have been  
2 awarded damages as incidental to any improvement undertaken  
3 pursuant to this act, and such award has been or shall have been  
4 duly confirmed, the amount thereof shall be tendered to the person  
5 or persons entitled thereto. If there is uncertainty as to the person  
6 entitled to receive the award or if the party entitled to receive  
7 the amount awarded shall refuse upon tender thereof to receive  
8 the same, or shall be out of the State or under any legal disability,  
9 or if several parties interested in the fund shall not agree as to  
10 the distribution thereof, or the lands damaged are encumbered  
11 by any mortgage, judgment or other lien, or if for any other reason  
12 the commission can not safely pay the amount awarded to any  
13 person, in all such cases the amount awarded may, with leave of  
14 the Superior Court, be paid into said court and shall there be  
15 distributed according to law, on the application of any person  
16 interested therein.

1 51. Assessments for benefits for any improvement together with  
2 any accompanying awards for incidental damages and all awards of  
3 damages for land or interests therein taken from any improve-  
4 ment, shall be certified by the officer making the same to the com-  
5 mission by a report in writing signed by the officer. The report  
6 shall be accompanied by a map showing the land taken, damaged  
7 or benefited by the improvement and for which damages or bene-  
8 fits have been assessed.

9 The report shall be accompanied by a map showing the land  
10 taken, damaged or benefited by the improvement and for which  
11 damages or benefits have been assessed.

12 The report may be considered by the commission at any meeting  
13 thereof, of which at least 2 weeks previous notice shall have been  
14 given by the appropriate officer published in a newspaper circu-  
15 lating in the district, once each week for 2 weeks prior to the  
16 meeting, as the commission may direct, and also by mailing a copy  
17 of the notice to the owner or owners named in the report, directed  
18 to his or their last known post-office addresses, and the affidavit  
19 of said officer shall be conclusive as to such mailing. The notice  
20 shall briefly state the object of the meeting with reference to the  
21 assessment. At that or any subsequent meeting the commission  
22 after considering the report and map may adopt and confirm the  
23 same with or without alterations, as may seem proper, and may  
24 refer such matter to any committee of the commission, or to the



25 officer making such assessment, for revision or correction before  
 26 taking final action thereon. When the report shall be adopted and  
 27 confirmed with or without alterations, it shall be final and con-  
 28 clusive and appeals may be taken as hereinafter provided. Failure  
 29 to mail the notice in this section required shall not invalidate the  
 30 proceedings.

1 52. Immediately after the confirmation of any assessment, a  
 2 duplicate thereof duly certified by the commission shall be deliv-  
 3 ered to the chief fiscal officer of the commission, who shall imme-  
 4 diately thereafter send out by mail or deliver to owners of such  
 5 land, bills for such assessment. Such officer shall mail or deliver  
 6 a bill for an assessment in the manner required in connection with  
 7 local improvements and shall keep a record and books of assess-  
 8 ments in the same manne required for local improvements under  
 9 Revised Statutes 40:56-31, at the expense of the commission. The  
 10 commission may make additional requirements for recording, ac-  
 11 counting for, and collecting assessments.

1 53. (a) Special assessments levied against land in Class 1 shall  
 2 be considered to be of general benefit to the entire district and  
 3 shall be included as a charge against general revenues of the com-  
 4 mission or paid out of any funds of the commission which shall  
 5 be available for such a purpose.

6 (b) Special assessments made against land certified to be in  
 7 Class 2 shall be paid to the commission immediately upon delivery  
 8 of an assessment bill to the official in charge of a State revolving  
 9 fund which shall be appropriated by the State Legislature and  
 10 which shall not exceed \$5,000,000.00.

11 Prospective assessments against Class 2 property improved or  
 12 benefited shall be included in any general assessment and shall  
 13 be filed with the appropriate public owner. In the case said lands  
 14 are subject to sale or grant, the amount of such prospective assess-  
 15 ment which has been filed with the appropriate agency may be  
 16 included in the purchase price fixed for lands and made part of  
 17 the payment for the grant or sale, and the full amount of such  
 18 assessment shall be deposited in the revolving fund established by  
 19 the Legislature. In the case said lands are leased for a term of  
 20 years, there may be included in the annual rental, a charge for  
 21 the prospective assessment. Such payments up to the full amount  
 22 of such assessment shall be deposited in said revolving fund.

23 (c) The assessment against land in Class 3 shall be payable im-  
 24 mediately upon delivery to the collecting officer of the commission,  
 25 except as provided hereinafter in section 57.



1 54. When any assessment shall not be paid within 2 months after  
2 the date of confirmation thereof, interest thereon from the date  
3 of confirmation shall be imposed at the rate of 6%.

1 55. Every assessment for any improvement together with inter-  
2 est thereon and all costs and charges connected therewith shall  
3 be upon confirmation by the commission, or by the court, a first  
4 lien on the land described in the assessment paramount to all prior  
5 or subsequent alienations and descents of such land or encum-  
6 brances thereon, except subsequent taxes or assessments, notwith-  
7 standing any mistake in the name or names of any owner or own-  
8 ers, or any omission to name any owner or owners who are unknown,  
9 and notwithstanding any lack of form therein, or in any proceeding  
10 which does not impair the substantial rights of the owner or  
11 owners or other person or persons having a lien upon or interest  
12 in any such land. All assessments for improvements shall be pre-  
13 sumed to have been regularly assessed and confirmed and every  
14 assessment or proceeding preliminary thereto shall be presumed  
15 to have been regularly made or conducted until the contrary be  
16 shown.

1 56. In all cases in which any assessment incident to any improve-  
2 ment has been set aside by a court of competent jurisdiction, and  
3 the improvement shall have been actually made in the manner pro-  
4 vided by law, the officer charged with the duty of making assess-  
5 ments for benefits for improvements shall make a new assessment  
6 of benefits upon the property benefited by the improvement, in  
7 the manner and by the proceeding herein provided. All such new  
8 assessments shall become a lien upon the land so assessed in the  
9 same manner and with like effect and be enforceable in the same  
10 way as an original assessment for like improvements.

11 When any court of competent jurisdiction shall decide that any  
12 assessment has been illegally made and no assessment can be made,  
13 the commission shall refund the amount thereof, if the same has  
14 been paid, and if a new assessment of less amount is to be made,  
15 then the difference between the new assessment and the amount  
16 paid shall be refunded.

1 57. The commission may by resolution provide that the owner  
2 of any land upon which any assessments for any improvement shall  
3 have been made may pay such assessments in such equal yearly  
4 installments, not exceeding 10, with legal interest thereon, and at  
5 such time and in each year as the commission shall determine  
6 under the requirements and conditions for local improvements un-  
7 der Revised Statutes 40:56-35.



1 58. All assessments as collected shall be immediately placed in  
 2 an account to be known as "improvement assessment account."  
 3 Such moneys shall be used only to pay indebtedness incurred for  
 4 such improvements. Whenever a sinking fund is maintained, upon  
 5 a vote of the commission, such moneys as collected shall be paid  
 6 into such fund and kept in a similarly designated account and  
 7 used for the stated purposes.

1 59. When the total amount of the assessments does not equal the  
 2 cost of an improvement the difference between the cost of the im-  
 3 provement and the amount of the assessment shall be paid from  
 4 general revenues collected by the commission or paid out of any  
 5 funds of the commission available for the purpose. Such payment  
 6 may be made in equal installments to be fixed by the commission.  
 7 The entire amount to be raised by the commission shall be levied  
 8 before the date on which bonds issued to secure the funds for the  
 9 improvement falls due. The chief fiscal officer of the commission  
 10 shall 1 month before the time for passing the annual budget of the  
 11 commission report to the commission the cost of each improvement  
 12 completed during the year, the amount of assessments levied there-  
 13 for and the amount necessary to be paid from general revenues.

1 60. For the purposes of special assessments, mortgaged lands  
 2 shall be treated as other property.

1 61. No action or proceeding for injunctive or other relief shall be  
 2 commenced to restrain or review an assessment or award made for  
 3 any improvement after 30 days shall have elapsed from the date of  
 4 the confirmation of such assessment or award.

1 62. All assessments or awards made incident to any improvement  
 2 shall be subject to appeal in the Appellate Division of the Superior  
 3 Court.

1 63. The laws relating to the assessment and taxation of real and  
 2 personal property shall apply to the taxing districts of all con-  
 3 stituent municipalities unless otherwise specifically provided in this  
 4 act.

1 64. In preparing the list of owners of taxable property pursuant  
 2 to Revised Statutes 54:4-24, the assessor of each taxing district of  
 3 a constituent municipality shall indicate in the list for each parcel  
 4 of property whether or not it is located within the district bound-  
 5 aries, in accordance with regulations prescribed by the Director of  
 6 the Division of Taxation.

1 65. Upon its organization, the commission shall immediately  
 2 prepare a survey showing the area of each municipality located  
 3 within the district boundaries. The results of the survey shall be



published upon completion, and shall serve as the basis for apportionment payments to be made as indicated in section 71. The commission shall also immediately cause a census of population to be taken showing the total number of inhabitants of each constituent municipality residing within the boundaries of the district. A similar census, using comparable techniques and procedures, shall be taken annually every year thereafter.

66. On or before January 15 of each year, the chief financial officer of each school district of a constituent municipality shall certify to the commission the number of pupils enrolled in public schools, whether of the district or of other school districts to whom tuition is paid from local tax funds, as of the preceding December 31. The certification shall be subdivided to show the number of such pupils who reside within the boundaries of the meadowlands district and the number who reside outside.

67. On or before March 1 of each year, such chief financial officer shall certify to the commission the amount to be raised for local school district purposes.

68. On or before March 20 of each year, the chief financial officer of each constituent municipality shall certify to the commission the amount to be raised by taxation for local municipal purposes.

69. On or before April 1 of each year, the commission shall certify to each county board of taxation:

- (a) The service payments due to each taxing district, and
- (b) The proportion which the area of each taxing district constitutes of the entire area of the district.

70. Service payments to constituent municipalities for municipal and school district service shall be calculated by the commission as follows:

(a) For municipal services the service payment shall be found by dividing the amount to be raised by taxation for local municipal purposes by the most recent estimate of the total population of the municipality, as estimated by the Research and Statistics Section in the Department of Conservation and Economic Development, and multiplying the result by the increase, if any, in population of that portion of the municipality lying within the district boundaries, as shown by the initial census and the most recent census conducted by the commission.

(b) For school district services the service payment shall be found by dividing the amount to be raised by taxation for local school purposes by the total number of pupils enrolled in the public schools on December 31 of the year before the tax year, and multi-



17 plying the result by the increase, if any, in the number of such  
 18 pupils residing in that portion of the school district lying within  
 19 the district between December 31, 1967 and the December 31 of the  
 20 year before the tax year.

1 71. In filling out the table of aggregates pursuant to Revised  
 2 Statutes 54:4-52 each county board of taxation shall include the  
 3 following additional items for the taxing district of each consti-  
 4 tuent municipality:

5 Adjustments for meadowlands district taxes.

6 (a) A preliminary tax rate, which shall consist of the total of  
 7 local taxes to be raised, exclusive of bank stock taxes, divided by a  
 8 figure which is the sum of:

9 (1) The aggregate true value of all taxable real property  
 10 located within the boundaries of the district for the tax year  
 11 1966,

12 (2) The aggregate true value of all taxable real property  
 13 located outside of the boundaries of the district for the current  
 14 tax year.

15 (b) The taxes to be levied for meadowlands district purposes,  
 16 which shall consist of the preliminary tax rate, multiplied by a  
 17 figure which is:

18 (1) The aggregate true value of all taxable real property  
 19 located within the boundaries of the district for the current  
 20 year, minus

21 (2) The aggregate true value of all taxable real property  
 22 located within the same boundaries for the tax year 1966.

23 (c) The service payments for municipal and school district  
 24 services in each taxing district, as certified by the commission.

25 (d) The apportionment payments due to the taxing district, which  
 26 shall be found by deducting from the total amount of taxes to be  
 27 levied for meadowlands district purposes in item (b) the total  
 28 amount of service payments for municipal and school district  
 29 services in item (c) and apportioning the result among the taxing  
 30 districts in proportion to their share of the area within the district  
 31 boundaries.

32 (e) The net local taxes to be raised, exclusive of bank stock taxes,  
 33 which shall be the local taxes to be raised, as shown in item  
 34 Revised Statutes 54:4-52 (19) plus the meadowlands district taxes,  
 35 as shown in item (b) minus the service payments, as shown in  
 36 item (c); minus the apportionment payment, as shown in item (d).

37 The net local taxes so calculated shall form the basis for the tax  
 38 rate for local taxing purposes as required in Revised Statutes  
 39 54:4-52 (24).



1 72. The county boards of taxation of the counties of Bergen and  
2 Hudson shall meet jointly as necessary on or before April 10 of  
3 the tax year to complete the portion of the table of aggregates  
4 required by section 71 of this act. If agreeable to a majority of the  
5 members of each board, this responsibility may be delegated to the  
6 secretaries of the respective county boards of taxation, with the  
7 full table of aggregates being subject to approval by each board.

1 73. Where the amount of taxes levied for meadowlands district  
2 purposes in any given year is larger than the sum of the service  
3 payments plus the apportionment payments due to the municipality,  
4 the municipality shall pay to the commission in four installments,  
5 the balance due to the commission, on the fifteenth day of the  
6 month in which each installment of taxes shall become payable.  
7 The amount of each of the first 2 installments shall be  $\frac{1}{4}$  of the  
8 total amount due for the previous year, and the amount of the  
9 third and fourth installments shall be the full amount for the  
10 current year, less the amount charged as the first and second  
11 installments, divided equally between the third and fourth install-  
12 ments.

1 74. Where the amount of taxes levied for meadowland district  
2 purposes in any given year is smaller than the sum of the service  
3 payments and the apportionment payments due to the municipality,  
4 the commission shall pay to the municipality in four installments  
5 the balance due to the municipality on the fifteenth day of the month  
6 in which each installment of taxes shall become payable. The  
7 amount of each of the first two installments shall be  $\frac{1}{4}$  of the total  
8 amount due for the previous year, and the amount of the third and  
9 fourth installments shall be the full amount for the current year,  
10 less the amount charged as the first and second installments, divided  
11 equally between the third and fourth installments.

1 75. On or before February 25 of each year the commission shall  
2 adopt an annual budget for the year, which shall include the follow-  
3 ing items of expenditure:

4 (a) An operating budget covering administrative operating  
5 and maintenance expenses of each office, activity or project of  
6 the commission, plus contingent expenses of up to 5% of the  
7 amount stated;

8 (b) Capital budget, including deposits in any capital  
9 improvement fund or capital reserve fund, down payments or  
10 expenditures for capital projects, and interest payments due  
11 on bonds and notes of the commission;

12 (c) Deferred charges;  
13 and estimates of the following revenues:



- 14 (a) Cash balances and surplus;
- 15 (b) Federal, State and other grants-in-aid;
- 16 (c) Revenues from charges and fees for the use of the commis-
- 17 sion's facilities;
- 18 (d) Receipts from special assessments;
- 19 (e) Payments by municipalities or other governmental bodies
- 20 pursuant to contracts for services performed by the commission;
- 21 (f) Miscellaneous other revenues and receipts.

1 76. For the purpose of aiding and co-operating with the commis-  
 2 sion; the planning, undertaking, construction or operation of its  
 3 activities, any public body may upon such terms, with or without  
 4 consideration, as it may determine:

- 5 (a) Dedicate, sell, convey or lease any of its property to the
- 6 commission or the Federal Government;
- 7 (b) Cause parks, playgrounds, recreational, community, educa-
- 8 tional, water, sewer or drainage facilities, or any other works which
- 9 it is otherwise empowered to undertake, to be furnished adjacent
- 10 to or in connection with projects of the commission;
- 11 (c) Furnish, dedicate, close, pave, install, grade, regrade, plan
- 12 or replan streets, roads, roadways, alleys, sidewalks or other places
- 13 which it is otherwise empowered to undertake;
- 14 (d) Plan or replan, zone or rezone any part of such public body;
- 15 make exceptions from building regulations and ordinances and
- 16 change its map;
- 17 (e) Enter into agreements (which may extend over any period,
- 18 notwithstanding any provision or rule of law to the contrary) with
- 19 any commission or the Federal Government respecting action to be
- 20 taken by such public body pursuant to any of the powers granted
- 21 by this act;
- 22 (f) Do any and all things necessary or convenient to aid and
- 23 co-operate in planning, undertakings, construction, or operations
- 24 of the commission;
- 25 (g) Cause services to be furnished to the commission of the
- 26 character which such public body is otherwise empowered to
- 27 furnish;
- 28 (h) Purchase or legally invest in any of the bonds of the com-
- 29 mission and exercise all of the rights of any holder of such bonds;
- 30 (i) In connection with any public improvements made by a
- 31 public body in exercising the powers herein granted, such public
- 32 body may incur the entire expense thereof. Any law or statute to
- 33 the contrary notwithstanding, any grant, sale, conveyance, lease,
- 34 or agreement provided for in this section, may be made by a public



35 body without appraisal, public notice, advertisement or public  
36 bidding;

37 (j) Upon such terms as it may deem advisable, with or without  
38 consideration, grant, sell, convey or lease any of its property, in-  
39 cluding real property already devoted to a public use, whether held  
40 in a proprietary or governmental capacity to the commission, pro-  
41 vided, that the public body making the grant or lease determines  
42 that the premises are no longer required for the public purposes  
43 to which the property is devoted, and that it is in the public interest  
44 so to grant, sell, convey or lease said property.

1 77. (a) The commission may enter into, from time to time, con-  
2 tract with one or more municipalities, counties, or other public  
3 agencies for the operation of public improvements, works, facili-  
4 ties, services, or undertakings of such municipalities, counties, or  
5 agencies or of the commission.

6 (b) Such contracts shall specifically provide for the services or  
7 improvements to be undertaken, the fee or fees to be charged for  
8 such services or facilities, the method of apportionment of such  
9 fees among the contracting parties, persons or officers or agencies  
10 responsible for the performance of the contract and other appro-  
11 priate terms and conditions of participation.

12 (c) Such contracts shall be subject to approval by resolution of  
13 the commission and of the governing body of each participating  
14 municipality, county or other participating agency.

15 (d) The apportionment of costs and expenses may be based  
16 upon property valuations, population, area, and such other factors  
17 as may be provided in the contract.

1 78. When it shall find that, because of progress in development  
2 of the area, the exercise of the power of the commission is no  
3 longer necessary the Legislature shall provide for the reassign-  
4 ment of the functions, powers and duties of the commission to  
5 an agency or agencies representing municipalities and counties in  
6 the Hackensack Meadowlands area and other governmental inter-  
7 ests needing protection. Any such transfer of functions, powers  
8 and duties shall be accompanied by provision:

9 (a) For payment of all outstanding indebtedness of the com-  
10 mission and the performance of its outstanding obligations and  
11 the protection of vested rights of bondholders, lessees and other  
12 obligees,

13 (b) For the maintenance of the integrity of the Hackensack  
14 Meadowlands area for development and planning purposes,



15 (c) For the equitable allocation of costs and benefits, and

16 (d) For the protection of municipalities in the area as viable  
17 units of government.

1 79. There is hereby established in the Department of Conserva-  
2 tion and Economic Development a meadowlands title board which  
3 shall consist of 5 members, each of whom shall be a citizen of  
4 this State. Each member of the board shall be appointed by the  
5 Governor for a term of 5 years and shall serve until his successor  
6 has been appointed and has qualified; except that, of the first  
7 appointments hereunder, one shall be for a term of 1 year, one  
8 for 2 years, one for 3 years, one for 4 years and one for 5 years.  
9 No more than 3 members of the board shall be from the same  
10 political party.

1 80. Any vacancies in the membership of the board occurring  
2 other than by expiration of the term shall be filled by the Governor  
3 for the unexpired term only.

1 81. The Governor shall designate one of the members of the  
2 meadowlands title board as president of such board. Any member  
3 of the board so designated shall serve as president at the pleasure  
4 of the Governor designating him and until his successor has been  
5 designated. The president of the board shall be its presiding officer.

1 82. The board shall have a common seal. It may appoint a  
2 secretary, counsel and such other employees as it may deem nec-  
3 essary and fix their duties and terms of service. It shall fix the  
4 compensation of all officers and employees subject to the provisions  
5 of Title 11, Civil Service, except where otherwise provided by  
6 statute.

1 83. The board shall meet at such times and places within this  
2 State as it may provide. Three members shall constitute a quorum  
3 for the transaction of business, the exercise of any powers or the  
4 performance of any duties.

1 84. The members of the board shall each receive such compen-  
2 sation as shall be provided by law. The members, secretary and  
3 other employees of the board shall be entitled to receive from the  
4 State their necessary traveling expenses while traveling on the  
5 business of the board. Such traveling expenses shall be paid on  
6 proper voucher approved by the president of the board.

1 85. No member of the board shall have any official, business or  
2 professional relation or connection with any municipality, includ-  
3 ing a county, in which meadowlands which may come within the  
4 jurisdiction of the board are located. No member of the board



5 shall have any interest, either direct or indirect, in any property  
6 located in a meadowland area other than his residence.

1 86. In addition to other functions, powers and duties vested in  
2 it by this act or by any other act, the board shall have the follow-  
3 ing powers and duties:

4 (a) To establish the extent of the State's claim to meadowlands  
5 in such manner as provided in this act;

6 (b) To hear and determine conflicting claims of title between  
7 the State and private persons to riparian lands in meadowland  
8 areas;

9 (c) To issue recordable orders and instruments of title to mead-  
10 owland properties, riparian grants, leases and licenses in meadow-  
11 lands, in the name of and binding upon the State, with the  
12 approval of the Governor;

13 (d) To make such rules and regulations, not inconsistent here-  
14 with, which shall be necessary to the full implementation of the  
15 provisions of this act.

1 87. From and after the effective date of this, only the board  
2 shall have power to convey State-owned riparian lands in meadow-  
3 lands designated by the board as State owned as hereinafter set  
4 forth; provided, however, that nothing herein shall prohibit the  
5 Resource Development Council of the Department of Conservation  
6 and Economic Development from making conveyances of State-  
7 owned riparian lands elsewhere in the State pursuant to Titles  
8 12 and 13.

1 88. The board may conduct hearings by one or more of its mem-  
2 bers in place and stead of the full board, and testimony shall be  
3 taken stenographically. Thereafter the action of the board upon  
4 the matter upon which the hearing was so held shall be as effective  
5 as though the hearing were held before the entire board. All deci-  
6 sions of the board shall be by a majority of all its members.

1 89. The board may subpoena and require the attendance of wit-  
2 nesses and the production by them of documents, papers, maps,  
3 engineering and other scientific data and materials pertinent to the  
4 questions of title which the board is authorized to determine under  
5 this act, and may examine them and such public records as it shall  
6 require in relation thereto. Each commissioner may administer  
7 oaths in any proceeding which the board is required or authorized  
8 to conduct.

1 90. Within 6 months from its establishment the board shall un-  
2 dertake and complete a thorough study of those meadowlands  
3 located in the counties of Bergen and Hudson, to delineate the



4 limits of those lands which are State-owned riparian lands. There-  
5 after, and as expeditiously as possible, the board shall undertake  
6 and complete studies of the various other meadowlands located  
7 within the State. These studies shall be performed by the naviga-  
8 tion bureau.

1 91. In making its determination the board shall take into ac-  
2 count the mean high water level, the elevation of the lands, the  
3 nature of the vegetation thereon, artificial changes in land or  
4 water elevation and such other historical or scientific data which,  
5 in the opinion of the board, are relevant in determining whether  
6 such lands are now or were formerly flowed by mean high tide.  
7 The board shall also take into account all valid conveyances of  
8 State interests which, in the opinion of the board, are relevant  
9 to such determination.

1 92. Upon completion of each study, the board shall publish a  
2 map portraying the results of its study and clearly delineating  
3 those lands designated by the board as State-owned riparian lands.  
4 The board shall cause a copy of the map and the study to be filed  
5 with the governing body of each county and the governing body  
6 of each municipality whose political boundaries include lands  
7 shown on the map. The board shall also cause to be published at  
8 least twice in a newspaper circulating in each county whose politi-  
9 cal boundaries include lands designated as State-owned riparian  
10 lands a description of those lands designated as State-owned  
11 riparian lands.

1 93. From the effective date of this act and until the publication  
2 of the map and study delineating the limits of State-owned ri-  
3 parian land in the Hackensack Meadows, and thereafter, during  
4 the course of and until the completion and publication of any  
5 survey and study of meadowlands in this State ordered by the  
6 board pursuant to this act, there shall be no conveyances made of  
7 State-owned riparian lands in such particular meadowland areas.  
8 The board shall notify the Resource Development Council when  
9 it has authorized the commencement of any such study.

1 94. Any person who claims an interest in any meadowlands  
2 designated by the board as State-owned riparian lands paramount  
3 to that of the State may file with the board an application for an  
4 adjudication of the paramount title interest. Such application  
5 shall be in a form prescribed by the board and shall be accompanied  
6 by a survey showing the metes and bounds of the property, an  
7 affidavit of title and a copy of the instrument of title under which  
8 the claim is made with the county recording information endorsed  
9 thereon.



1 95. Within 30 days from the receipt of the application the board  
1A shall order the bureau of navigation to conduct a physical examina-  
2 tion and inspection of the premises and to submit to the board a  
3 report within 60 days thereafter showing the results of its inspec-  
4 tion together with such other pertinent data as may be in the  
5 possession of the bureau. The board shall have the discretion  
6 when necessary to expand the time within which the bureau may  
7 file its report.

1 96. Within 30 days following receipt of the report from the  
2 navigation bureau the board shall issue a preliminary ruling as to  
3 the interest of the State, shall schedule a hearing not less than 30  
4 nor more than 60 days following the issuance of the ruling, and  
5 shall send a copy of the ruling to the claimant and the navigation  
6 bureau. Where the navigation bureau report shows that the State  
7 has no interest in the premises, the board shall issue an order set-  
8 ting forth the description of the property and the determination  
9 that the property is not State owned. The order of the board shall  
10 be recordable in the office of the county recording officer of the  
11 county in which the property is located, and shall forever bar the  
12 State from asserting any interest in such property; provided,  
13 however, that such order shall in no way be construed to establish  
14 claimant's title against any other person.

1 97. At the hearing, the board shall receive all pertinent evidence  
2 bearing upon the question of title to the premises, the party with  
3 the burden of proof being required to introduce his evidence first.  
4 At such hearing, the claimant shall be entitled to be represented by  
5 counsel, and the State, by the Attorney General or his deputy.  
6 The hearing may be continued from date to date as may be con-  
7 venient for the parties; but in no case shall the hearing extend  
8 beyond 30 days from its inception.

1 98. If the hearing shall proceed before a single member of the  
2 board acting as a hearing officer, such member shall issue a report  
3 within 30 days of the conclusion of the hearing setting forth his  
4 findings of fact, conclusions of law and recommendations as to final  
5 determination. A copy of the hearing officer's report shall be  
6 mailed to the claimant or his attorney. The claimant shall there-  
7 after have 15 days in which to file any exceptions to the hearing  
8 officer's report. The board shall file its written decision within 45  
9 days of the receipt of the exceptions to the hearer's report and  
10 shall serve a copy of that decision upon the claimant or his attorney.  
11 The decision of the board and its action on any application may be  
12 reviewed upon appeal to the Appellate Division of the Superior  
13 Court.



1 99. Any department, agency or instrumentality of the State,  
2 county or municipality may file a request for adjudication of title  
3 to one or more parcels of land. Such request shall be accompanied  
4 by a survey of the land. The board shall immediately notify the  
5 person whose name appears as owner on the tax records of the  
6 municipality in which the property is located of the request, shall  
7 furnish him with an application and shall require that he file the  
8 same within 60 days of the notice together with an affidavit of title  
9 and a copy of the instrument under which he claims title with the  
10 county recording information endorsed thereon. The procedure  
11 thereafter shall be the same as set forth in sections 95 to 98 above.

1 100. When, in the discretion of the board, it appears that the  
2 best interests of individual claimants who have applied for adjudi-  
3 cation and of the State will be advanced by hearing evidence with  
4 respect to more than one parcel at the same proceeding, so long  
5 as the parcels are contiguous and topographically similar, the  
6 board may order such application to be adjudicated in the same  
7 proceeding.

1 101. If the land in question, or any part thereof, is presently tide  
2 flowed or below the level of mean high tide and unimproved, there  
3 shall be a rebuttable presumption in favor of the State that such  
4 land, or part thereof, that is presently tide flowed or is below the  
5 level of mean high tide and unimproved. If the land is not presently  
6 tide flowed but is below the level of mean high tide whether im-  
7 proved or not improved, the claimant shall have the burden of  
8 proving by the preponderance of the evidence that the land is not  
9 State-owned riparian land. If the land is presently above the level  
10 of mean high tide, there shall be a rebuttable presumption in favor  
11 of the claimant that such land is not State-owned riparian land.

1 102. Within 30 days following the conclusion of the hearing pro-  
2 cedure, including appeal, the board shall issue an order, under the  
3 seal of the board, signed by the President, and approved by the  
4 Governor, setting forth the description of the property and the  
5 determination as to whether or not the property is State-owned  
6 riparian land. The order of the board shall be recordable in the  
7 office of the county recording officer of the county in which the lands  
8 are located and shall be published once in a newspaper circulating  
9 in the county and municipality in which the lands are located. An  
10 order in favor of the claimant shall in no way be construed to estab-  
11 lish the claimant's title as against any other person; and provided  
12 further, that if the order is in favor of the State and it shall be  
13 later established that another private person has a claim of title



14 superior to that of the claimant and is able to demonstrate to the  
15 satisfaction of the board that he is in possession of evidence not  
16 presented to the board at the prior hearing which will materially  
17 bear upon the question of title, the board may permit the reopening  
18 of the hearing for the purpose of receiving the additional evidence  
19 and making new findings of fact and conclusions of law. The refusal  
20 of the board to reopen the hearing may be reviewed on appeal to  
21 the Appellate Division of the Superior Court; provided, however,  
22 that no application for a rehearing shall be permitted unless com-  
23 menced within 1 year of the final adjudication of title in the original  
24 proceeding, including appeal.

1 103. Any claimant of meadowland who shall desire to obtain a  
2 conveyance of the State's interest in such land may apply to the  
3 board, submitting with his application a survey of the property  
4 showing its metes and bounds, an affidavit of title, a copy of the  
5 instrument of title under which he claims with the county recording  
6 information endorsed thereon, and a statement of the purposes for,  
7 and the manner in which the claimant proposes to utilize or further  
8 to improve the property. Before making any such conveyance, the  
9 board shall first obtain the approval of the commission, the Com-  
10 missioner of Community Affairs, the Commissioner of Conserva-  
11 tion and Economic Development and the Commissioner of Trans-  
12 portation, and shall consider the affect of the proposed development  
13 upon contiguous meadowland properties.

1 104. The board shall investigate the application, and if satisfied  
2 that a conveyance will be in the public interest, the board shall  
3 determine the fair market value of the land in its unimproved  
4 state at the time of conveyance. Upon receipt of payment of the  
5 fair market value, the board shall convey the premises to the  
6 claimant by deed of bargain and sale under the seal of the board.

1 105. Any claimant may apply for, or the board may offer in lieu  
2 of a deed, a lease to such lands, at an annual rental equal to 6% of  
3 the fair market value of the land in its unimproved state at the  
4 time of the lease, payable to the board in yearly installments in  
5 advance. A leasehold term may not be less than 5 years, unless the  
6 board in its discretion deems some lesser term to be advisable, nor  
7 more than 10 years in duration; provided, however, that the lessee  
8 shall have the option of renewing his lease for such additional  
9 terms as he may desire; and provided, further, that such leasehold  
10 interest shall not be assignable without the approval of the board.  
11 The lessee shall have the option of acquiring the State's title at  
12 any time during the term of the lease or any extension thereof,



13 with the board's approval, by paying to the board a sum equal to  
14 the difference between the fair market value of the land in its  
15 unimproved state at the time when the claimant applies for a con-  
16 veyance of title and the rentals paid by the claimant during the  
17 term of the lease or any extension thereof.

1 106. All conveyances of the State's interest in riparian lands in  
2 meadowland areas shall be over the seal of the board, executed  
3 by its president and approved by the Governor. Such conveyances,  
4 which shall recite the full consideration therefor, shall be recordable  
5 in the office of the county recording officer in the county in which  
6 the lands are located and shall be effective to convey the State's  
7 interest in such lands. The board may attach such terms and con-  
8 ditions to the conveyance as it may deem necessary to preserve  
9 the uniform development of the meadowlands.

1 107. Any person not a claimant of specific unimproved meadow-  
2 land who shall desire to obtain a conveyance of the State's interest  
3 in such land may apply to the board submitting with his application  
4 a survey of the property showing its metes and bounds, a copy of  
5 the latest purported instrument of title which has been duly re-  
6 corded in the office of the county recording officer of the county in  
7 which the land is located with the recording information endorsed  
8 thereon, and an affidavit of the applicant that he has sent notifica-  
9 tion of his application to the person or persons named in such  
10 instrument of title and to the person named as the owner in the  
11 tax records of the municipality in which the lands are located. No  
12 deed or lease shall be issued until any claimant to all or part of the  
13 property applied for has been given notice of the application and  
14 3 months thereafter in which to apply for a conveyance of the lands  
15 he claims. Consideration payable for such conveyance shall be the  
16 same as set forth in sections 93 and 96 of this act.

1 108. Upon the expiration of the lease, or any renewal thereof,  
2 or upon the taking of such property by the commission in the  
3 exercise of its powers, but in no case later than 50 years from the  
4 date of the original lease, the lessee shall cease his activity and  
5 vacate the parcel; provided, however, that he shall be entitled to  
6 reimbursement by the commission for the provable original cost  
7 of any reclamation performed on the parcel prior to the effective  
8 date of this act or with the approval of the board, and also for the  
9 value of any permanent structures erected on the parcel prior to  
10 the effective date of this act or with the approval of the board. The  
11 amount of reimbursement for permanent structures shall be based  
12 on the provable original cost unamortized at the time of expiration;



13 provided, however, that the leasehold term, or the remaining useful  
 14 life of the improvements, whichever is shorter, shall be used in  
 15 computing the amortization.

1 109. The application for or acceptance of a lease shall not be  
 2 deemed recognition of the State's claim of paramount title by the  
 3 claimant, nor shall the claimant be deemed to have waived his right  
 4 to apply for an adjudication of title within the time prescribed by  
 5 this act. An application for any conveyance may also be made  
 6 after the claimant has failed to establish the primacy of his title  
 7 in a hearing pursuant to this act.

1 110. The powers enumerated in this act shall be interpreted liber-  
 2 ally to effectuate the purposes thereof. In addition to all the powers  
 3 expressly enumerated in this act, the commission and the board  
 4 shall have all the powers implied by the purposes set forth herein.  
 5 The enumeration of any powers shall not be construed as a limita-  
 6 tion upon general powers of the commission and the board.

1 111. If any clause, sentence, subdivision, paragraph, section, or  
 2 part of this act be judged by any court of competent jurisdiction to  
 3 be invalid, such judgement shall not affect, impair, or invalidate  
 4 the remainder thereof, but shall be confined in its operation to the  
 5 clause, sentence, subdivision, paragraph, section, or part thereof  
 6 directly involved in the controversy in which said judgement shall  
 7 have been rendered.

1 112. There is appropriated for the purposes enumerated in this  
 2 act from the General Treasury for the use of the commission, the  
 3 amount of \$250,000.00 and also for the use of the board \$100,000.00.

1 113. This act shall take effect on January 1, 1968.



SENATE COMMITTEE SUBSTITUTE FOR

**SENATE, No. 518**

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 20, 1967

AN ACT to provide for the reclamation, planning and development of the Hackensack Meadowlands, creating the Hackensack Meadowlands Development Commission and making an appropriation; and creating a land titles court.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

ARTICLE I. PURPOSE, SHORT TITLE, DEFINITIONS

1 1. This act shall be known and may be cited as the "Hackensack  
2 Meadowlands Reclamation and Development Act."

1 2. It is hereby declared that there are approximately 21,000  
2 acres of salt water swamps, meadows and marshes, which are com-  
3 monly known as meadowlands, in the Lower Hackensack River  
4 Basin; that extensive portions of this area have so far resisted  
5 comprehensive development because of their low elevation, ex-  
6 posure to tidal waters, unfavorable soil composition, and, in some  
7 instances, their distribution among many municipalities; that this  
8 acreage is a land resource of incalculable opportunity for new jobs,  
9 homes and recreational sites, which may be lost to the State through  
10 piece-meal reclamation and unplanned development; that the  
11 orderly, comprehensive development of the Hackensack Meadow-  
12 lands, due to their strategic location in the heart of a vast metro-  
13 politan area can no longer be deferred; that insofar as meadow-  
14 lands are State-owned lands they are an asset of the fund for the  
15 support of free public schools whose integrity may not be impaired;  
16 that it is the purpose of this act to provide for a commission that  
17 will act to reclaim, plan and develop the Hackensack Meadowlands;  
18 to provide an equitable arrangement for any private claimant who  
19 has reclaimed or improved meadowlands parcels without realizing  
20 that the lands were State-owned; and to safeguard fully the in-  
21 terests of the fund for the support of free public schools, all to the  
22 extent and manner provided herein.



1 3. As used in this act, the following words and terms shall have  
2 the following meanings, unless the context indicates or requires  
3 another or different meaning or intent:

4 (a) "Commission" means the Hackensack Meadowlands De-  
5 velopment Commission created by this act or any board, body, com-  
6 mission, department or officer succeeding to the principal functions  
7 thereof or to whom the powers conferred upon the commission by  
8 this act shall be given by law;

9 (b) "Bonds" means any bonds, notes, interim certificates, de-  
10 bentures, or other obligations, issued by the commission pursuant  
11 to this act;

12 (c) "Claimant" means a person holding or occupying riparian  
13 lands within meadowlands under color of title;

14 (d) "Meadowlands" means those lands consisting chiefly of  
15 salt-water swamps, meadows or marshes that the Legislature by  
16 this act has designated as within the jurisdiction of the commission;

17 (e) "School fund" means the fund for the support of free public  
18 schools, as provided by the Constitution, Article VIII, Section IV;

19 (f) "Riparian lands" are those lands now, formerly, or here-  
20 after flowed by mean high tide, except where such tidal flow is  
21 caused by artificially produced changes in land or water elevation;

22 (g) "Unimproved riparian lands" are those riparian lands,  
23 lying within meadowlands, that are substantially unreclaimed and  
24 on which no site or building improvements have been attached;

25 (h) "Reclaimed riparian lands" are those riparian lands, lying  
26 within meadowlands, that have been reclaimed by the application  
27 of fill or other material thereon under claim of private title;

28 (i) "Improved riparian lands" are those reclaimed riparian  
29 lands to which buildings or structures have been attached;

30 (j) "Person" means and shall include all individuals, copartner-  
31 ships, associations, private or municipal corporations and all politi-  
32 cal subdivisions of the State;

33 (k) "Owner" means and shall include all persons having any  
34 title or interest in any property, rights, easements and interests  
35 authorized to be acquired, assessed or regulated by this act;

36 (l) "Constituent municipality" or "Hackensack municipality"  
37 means a municipality with lands in the district;

38 (m) "District" means all that certain area: beginning at a  
39 point on U. S. Route 46 at its junction with State Route 17 at  
40 Teterboro Airport;

41 Thence along U. S. Route 46 to its junction with State Route 93  
42 (Grand avenue) at the Ridgefield-Palisades Park Municipal  
43 Boundary;



44 Thence southerly along U. S. Route 1 and 9 to its intersection  
45 with the Pulaski Skyway in Jersey City;

46 Thence southwesterly along a line formed by the Pulaski Skyway  
47 to a point where the Port Authority Trans-Hudson tracks pass  
48 under the Pulaski Skyway;

49 Thence along the PATH track to their intersection with Har-  
50 rison's municipal boundary;

51 Thence northwesterly along the Harrison-Kearny municipal  
52 boundary to its junction with Harrison avenue;

53 Thence easterly along Harrison avenue (the easterly municipal  
54 boundary of Harrison) to its junction with Schuyler avenue;

55 Thence northerly along Schuyler avenue to Brisbin avenue  
56 (County Route 507);

57 Thence westerly along Brisbin avenue to Orient way;

58 Thence northerly along Orient way to State Route 3;

59 Thence easterly along Route 3 to its junction with Route 17;

60 Thence northerly along State Route 17 to its junction with U. S.  
61 Route 46, the place of beginning.

62 (n) "Hackensack meadowlands" means all those meadowlands  
63 lying within the municipalities of Carlstadt, East Rutherford,  
64 Fairview, Hasbrouck Heights, Little Ferry, Lyndhurst, Moonachie,  
65 North Arlington, Ridgefield, Ridgefield Park, Rutherford, South  
66 Hackensack, Teterboro and Woodbridge, all in Bergen county; and  
67 Jersey City, Kearny, North Bergen and Secaucus, all in Hudson  
68 county.

69 (o) "Master plan" means the comprehensive plan for the dis-  
70 trict prepared and adopted in accordance with Article 6 of this act.

71 (p) "Project area" shall mean an area designated by the Legis-  
72 lature whose redevelopment is necessary to effectuate the public  
73 purposes declared in this act. A project area may include lands,  
74 buildings or improvements which of themselves are not detrimental  
75 to the public health, safety or welfare, but whose inclusion is found  
76 necessary, with or without change in their condition, for the effec-  
77 tive redevelopment of the area of which they are a part.

78 (q) "Development" shall mean reclamation, clearance, replan-  
79 ning, development and redevelopment; the rehabilitation of any  
80 improvements; conservation or rehabilitation work including the  
81 application of fill. The construction and provision for construction  
82 of residential, commercial, industrial, public or other structures  
83 and the grant or dedication of spaces as may be appropriate or  
84 necessary in the interest of the general welfare for streets, parks,  
85 playgrounds, or other public purposes including recreational and



86 other facilities incidental or appurtenant thereto, in accordance  
87 with the master plan or any part thereof.

88 (r) "Improvement" means: (a) the laying out, opening, con-  
89 struction, widening, straightening, enlargement, extension, altera-  
90 tion, changing of location, grading, paving or otherwise improving,  
91 a street, alley or public highway; (b) curbing or guttering of a side-  
92 walk along a street, alley or highway; (c) construction and im-  
93 provement of bridges and viaducts; (d) construction, enlargement  
94 or extension of a sewer or drain or of a sewerage or drainage sys-  
95 tem including, but not limited to such systems under street, alleys  
96 or public highways or systems for drainage of marshes and wet  
97 lowlands; or works for the sanitary disposal of sewerage or drain-  
98 age; (e) the installation of service connections to water, and other  
99 utility works including the laying, construction, or placing of  
100 mains, conduits, or cables under or along a street, alley or highway;  
101 (f) the construction, enlargement, or extension of water mains or  
102 water distribution works; (g) the construction, enlargement, or  
103 extension of sanitary landfills for the disposal of solid wastes; (h)  
104 the installation of lighting standards, appliances and appurte-  
105 nances required for the illumination of streets; (i) widening, deep-  
106 ening, or improvement of, the removal of obstructions in, and the  
107 construction, enlargement and extension of any waterway, or of  
108 enclosing walls, or of a pipe or conduit along a water course; (j)  
109 the reclaiming, filling and improving and bulkheading lands under  
110 tidal or other water and lands adjacent to such reclaimed or filled  
111 lands, and the dredging of channels and improvement of harbor  
112 approaches in waters abounding the lands to be reclaimed, filled  
113 and improved, or bulkheaded and filled.

114 (s) "Project" means any plan, work or undertaking by the  
115 commission or by a redeveloper under contract to the commission  
116 pursuant to the master plan; such undertaking may include the  
117 reclamation, development, redevelopment and improvement of  
118 meadowlands, any building, land (including demolition, clearance  
119 or removal of buildings from land), equipment, facilities, or other  
120 real or personal properties, which are necessary, convenient or  
121 desirable appurtenances, including, but not limited to, streets,  
122 sewers, utilities, parks, site preparation, landscaping, and admin-  
123 istrative community, health, recreation, educational, transporta-  
124 tion, and welfare facilities, and buildings and structures for in-  
125 dustrial, commercial, or residential use.

126 (t) "Redeveloper" means any person, firm, corporation or  
127 public agency that shall enter into or propose to enter into a con-  
128 tract with the commission for the reclamation, development, rede-



129 velopment or improvement of an area or any part thereof under  
 130 the provisions of this act, or for the construction of any project  
 131 pursuant to the master plan.

ARTICLE 2. ORGANIZATION, POWERS OF COMMISSION

1 4. (a) There is hereby established in, but not of, the Department  
 2 of Community Affairs a public body corporate and politic, with  
 3 corporate succession, to be known as the "Hackensack Meadow-  
 4 lands Development Commission." The commission shall constitute  
 5 a political subdivision of the State established as an instrumentality  
 6 exercising public and essential governmental functions, and the  
 7 exercise by the commission of the powers conferred by this act  
 8 shall be deemed and held to be an essential governmental function  
 9 of the State.

10 (b) The commission shall consist of 9 members appointed and  
 11 qualified as follows:

12 (1) The Commissioner of the State Department of Community  
 13 Affairs, ex officio;

14 (2) One citizen of Bergen county, appointed by the board of  
 15 chosen freeholders of said county, with the advice and consent of  
 16 the Senate;

17 (3) One citizen of Hudson county, appointed by the board of  
 18 chosen freeholders of said county, with the advice and consent  
 19 of the Senate;

20 (4) One citizen of one of the constituent municipalities located  
 21 in Bergen county, selected by a majority vote of the mayors of  
 22 said municipalities, with the advice and consent of the Senate;

23 (5) One citizen of one of the constituent municipalities located  
 24 in Hudson county, selected by a majority vote of the mayors of  
 25 said municipalities, with the advice and consent of the Senate;

26 (6) Four citizens of the State, appointed by the Governor, with  
 27 the advice and consent of the Senate, one of whom shall be a  
 28 citizen of Bergen county and one of whom shall be a citizen of  
 29 Hudson county, and no more than 2 of whom shall be of the same  
 30 political party.

31 (c) The Commissioner of Community Affairs shall serve on  
 32 the commission during his term of office and shall be succeeded by  
 33 his successor in office. Each member appointed by the county  
 34 boards of chosen freeholders and by the mayors of the constituent  
 35 municipalities shall serve for terms of 4 years. Each member  
 36 appointed by the Governor shall serve for terms of 5 years;  
 37 provided that the first members appointed by the Governor shall  
 38 serve for terms of 1, 2, 3 and 4 years respectively. Each member

11. For the rights of the holders thereof as provided in this act.



39 shall serve for the term of his appointment and until his successor  
40 shall have been appointed and qualified. Any vacancy shall be  
41 filled by appointment for the unexpired term only, by the person  
42 or body responsible for the original appointment. A member of  
43 the commission shall be eligible for reappointment, except the  
44 Commissioner of Community Affairs who shall serve only during  
45 his term of office.

46 (d) Any member of the commission may be removed by the  
47 Governor for cause after a public hearing.

48 (e) Each member of the commission before entering upon his  
49 duties shall take and subscribe an oath to perform the duties of  
50 his office faithfully, impartially and justly to the best of his ability.  
51 A record of such oaths shall be filed in the office of the Secretary  
52 of State.

53 (f) The members of the commission shall serve without com-  
54 pensation, but the commission may reimburse its members for  
55 necessary expenses incurred in the discharge of their duties.

56 (g) The Commissioner of Community Affairs shall serve as  
57 chairman of the commission, and shall be its presiding officer. The  
58 commission shall select from its members a vice-chairman and a  
59 treasurer, and shall employ an executive director, who shall be  
60 secretary, and a chief fiscal officer. The commission may also  
61 appoint, retain and employ, without regard to the provisions of  
62 Title 11, Civil Service, of the Revised Statutes, such officers,  
63 agents, employees and experts as it may require, and it shall  
64 determine their qualifications, terms of office, duties, services and  
65 compensation.

66 (h) The powers of the commission shall be vested in the mem-  
67 bers thereof in office from time to time and a majority of the  
68 total authorized membership of the commission shall constitute a  
69 quorum at any meeting thereof. Action may be taken and motions  
70 and resolutions adopted by the commission at any meeting thereof  
71 by the affirmative vote of a majority of the members present, unless  
72 in any case the by-laws of the commission shall require a larger  
73 number; provided that the commission may designate one or more  
74 of its agents or employees to exercise such administrative functions,  
75 powers and duties as it may deem proper, under its supervision  
76 and control. No vacancy in the membership of the commission  
77 shall impair the right of a quorum to exercise all the rights and  
78 perform all the duties of the commission.

79 (i) Before the issuance of any bonds under the provisions of  
80 this act, the members and the officer of the commission charged



81 with the handling of the commission's moneys shall be covered by  
 82 a surety bond or bonds in a penal sum of not less than \$25,000.00  
 83 per person conditioned upon the faithful performance of the duties  
 84 of their respective offices, and executed by a surety company  
 85 authorized to transact business in the State of New Jersey as  
 86 surety. Each such surety bond shall be submitted to the Attorney  
 87 General for his approval and upon his approval shall be filed in  
 88 the office of the Secretary of State prior to the issuance of any  
 89 bonds by the commission. At all times after the issuance of any  
 90 bonds by the commission the officer of the commission charged  
 91 with the handling of the commission's moneys and each member  
 92 shall maintain such surety bonds in full force and effect. All costs  
 93 of such surety bonds shall be borne by the commission.

94 (j) On or before the last day of March in each year the com-  
 95 mission shall make an annual report of its activities for the pre-  
 96 ceding calendar year to the Governor and to the Legislature. Each  
 97 such report shall set forth a complete operating and financial  
 98 statement covering its operations during the year.

99 (k) The commission shall cause an audit of its books and accounts  
 100 to be made at least once in each year by certified public accountants  
 101 and the cost thereof shall be treated as one incurred by the com-  
 102 mission in the administration of this act, and a copy thereof shall  
 103 be filed with the State Treasurer.

104 (L) (1) No member, officer, employee or agent of the commission  
 105 shall be financially interested, either directly or indirectly, in any  
 106 contract, sale, purchase, lease or transfer of real or personal  
 107 property to which the commission is a party;

108 (2) Any contract or agreement knowingly made in contravention  
 109 of this section is void;

110 (3) Any person who shall willfully violate any of the provisions  
 111 of this section shall forfeit his office or employment and shall be  
 112 guilty of a misdemeanor.

1 The commission shall be a body corporate and politic and  
 2 shall have perpetual succession and shall have the following  
 3 powers:

4 (a) to adopt suitable by-laws for the management of its affairs;

5 (b) to adopt and use an official seal and alter the same at its  
 6 pleasure;

7 (c) to maintain an office at such place or places within the State  
 8 as it may designate;

9 (d) to sue and be sued in its own name;

10 (e) to issue bonds or notes of the commission and to provide  
 11 for the rights of the holders thereof as provided in this act;



12 (f) to acquire, lease as lessee, hold and dispose of real and  
13 personal property or any interest therein, in the exercise of its  
14 powers and the performance of its duties under this act;

15 (g) to acquire in the name of the commission by purchase or  
16 otherwise, on such terms and conditions and in such manner as it  
17 may deem proper, or by the exercise of the power of eminent  
18 domain, any land or interest therein and other property, including  
19 land under water and riparian lands, land or highways held by  
20 any municipality or other governmental subdivision of the State,  
21 or any fee simple absolute in, easements upon, or the benefit of  
22 restrictions upon abutting property, that it may determine is  
23 reasonably necessary for the performance of any of its duties  
24 under this act; provided that the power of eminent domain shall  
25 not be exercised by the commission to acquire any property owned  
26 or used by a public utility, as defined in section 48:2-13 of the  
27 Revised Statutes, in furnishing any commodity of service which  
28 by law it is authorized to furnish;

29 (h) to receive and accept, from any Federal or other public  
30 agency or governmental entity, grants or loans for or in aid of the  
31 planning or construction of any project, or the acquisition of any  
32 property, and to receive and accept aid or contributions from any  
33 other source, of either money, property, labor or other things of  
34 value, to be held, used and applied only for the purposes for which  
35 such grants, loans and contributions may be made;

36 (i) to prepare, adopt and implement a master plan for the  
37 physical development of all lands lying within the Hackensack  
38 Meadowlands;

39 (j) by contract or contracts with a redeveloper or by its own  
40 employees to undertake any development or other project as it  
41 finds necessary to reclaim, develop, redevelop and improve the  
42 meadowlands within its jurisdiction;

43 (k) to establish engineering standards for land reclamation, in-  
44 cluding the type of fill, drainage and grading, and to promulgate a  
45 building code specifying the maximum weight, size and density of  
46 all buildings and structures to be placed on any land within its  
47 jurisdiction according to the method of reclamation employed and  
48 the load-bearing quality of the reclaimed land;

49 (l) to recover the cost of a development project or projects  
50 from the increase in meadowlands value attributable to such project  
51 or projects;

52 (m) generally to fix and revise from time to time and to charge  
53 and collect rates, fees and other charges for the use of any facilities  
54 operated and maintained by the commission;



55 (n) to make such legal arrangements with the school fund as  
 56 are necessary, convenient or desirable for the purposes of the com-  
 57 mission or to carry out any power expressly given in this act,  
 58 provided such legal arrangements do not impair the corpus of the  
 59 school fund;

60 (o) to enter into any and all agreements or contracts, execute  
 61 any and all instruments, and do and perform any and all acts or  
 62 things necessary, convenient or desirable for the purposes of the  
 63 commission or to carry out any power expressly given in this act;

64 (p) to undertake land and title surveys of the Hackensack  
 65 Meadowlands, to designate those meadowlands that the commission  
 66 finds are State-owned riparian lands; and to determine the total  
 67 land area of the district;

68 (q) to conduct examinations and investigations, hear testimony  
 69 and take proof, under oath at public or private hearings, of any  
 70 material matter, require attendance of witnesses and the production  
 71 of books and papers and issue commissions for the examination  
 72 of witnesses who are out of State, unable to attend, or excused  
 73 from attendance;

74 (r) to publish and disseminate information and to make known  
 75 to potential users, by advertisement, solicitation or other means,  
 76 the availability for development of lands in the district;

77 (s) to approve plans for any subdivision or development within  
 78 the Hackensack Meadowlands;

79 (t) to issue permits for the construction, reconstruction, or im-  
 80 provement of any building or structure within the Hackensack  
 81 Meadowlands;

### ARTICLE 3. DESIGNATION OF STATE-OWNED RIPARIAN LANDS

1 6. Within 6 months from its establishment the commission shall  
 2 undertake and complete a study of the Hackensack Meadowlands  
 3 to determine which are State-owned riparian lands. In making this  
 4 determination the commission shall take into account the mean high  
 5 tide line as established by the United States Coast and Geodetic  
 6 Survey on the Hackensack River and Tributaries dated December  
 7 30, 1963, the elevation of the lands, the nature of the vegetation  
 8 thereon, artificial changes in land or water elevation, and any other  
 9 historical or scientific data which, in the opinion of the commission,  
 10 are relevant in determining whether a parcel of land is above or  
 11 below the mean high tide line, and the commission shall also take  
 12 into account all valid conveyances of State interests which, in the  
 13 opinion of the commission, are relevant in determining which of  
 14 said parcels remain State-owned.



1 7. Upon completion of its study, the commission shall publish a  
 2 map portraying the results of its study and clearly indicating those  
 3 lands designated by the commission as State-owned riparian lands.  
 4 A copy of the map and the study shall be sent to the clerk of each  
 5 county and to the governing body of each municipality whose  
 6 political boundaries include lands shown on the map, and the copy  
 7 of such map and study shall be available for public inspection.

1 8. Upon completion of its study, the commission shall mail to the  
 2 record holder of title of each parcel of land designated as State-  
 3 owned riparian land notice to that effect. The commission shall  
 4 also cause to be published at least once in a newspaper circulating  
 5 in each county whose political boundaries include lands designated  
 6 as State-owned riparian lands a list of those parcels designated in  
 7 whole or in part as State-owned riparian lands along with the names  
 8 of the holders of record title when available.

1 9. Thirty days after the mailing and publication of notice, the  
 2 commission shall, by resolution, formally designate as State-owned  
 3 riparian lands those lands so determined under the sections above.

1 10. Any claimant of riparian lands that the commission designates  
 2 as State-owned, pursuant to the provisions of this act, may com-  
 3 mence an action before the land titles court established pursuant to  
 4 article 9 of this act.

#### ARTICLE 4. LICENSES AND LEASES

1 11. License of unimproved riparian lands.

2 (a) Any claimant of unimproved riparian lands designated as  
 3 State-owned by the commission may apply to the commission for a  
 4 license to continue his present activity. Such application may be  
 5 made after the claimant has failed to establish the primacy of his  
 6 title in an action pursuant to article 3 of this act. Any claimant  
 7 who does not presently wish to challenge the State's assertion of  
 8 paramount title may also apply for a license under this section;  
 9 provided, however, that application for or acceptance of a license  
 10 shall not be deemed recognition of the State's claim of paramount  
 11 title in any action brought by the claimant under article 3 of this act,  
 12 nor shall the claimant be deemed to have waived his right to bring  
 13 any such action.

14 (b) Upon application under this section, and if satisfied that no  
 15 other person has a superior claim of private title, the commission  
 16 shall issue to the applicant a license for a term not exceeding 5  
 17 years, which term shall reflect the nature of the applicant's activity  
 18 on the parcel and the projected date on which the parcel is likely to  
 19 be included in a development project. The license fee shall be com-  
 20 puted at an annual rate of 6% of the fair value of the parcel



21 determined as of the date of issuance of the license. Upon the ex-  
 22 piration of the license, the licensee must cease his activity and  
 23 vacate the parcel.

24 (c) A claimant of unimproved riparian land must cease his  
 25 activity thereon and vacate the land within 6 months after the  
 26 formal designation of State ownership, pursuant to article 3 of this  
 27 act, unless within that time he has (1) commenced an action pur-  
 28 suant to article 3 of this act, or (2) obtained a lease or grant  
 29 pursuant to article 5 of this act, or (3) obtained a license pursuant  
 30 to this section. Such claimant shall be given 90 days after an  
 31 adverse judgment in an action pursuant to article 3 of this act to  
 32 apply for a lease or grant pursuant to article 5 of this act or license  
 33 pursuant to this section.

34 (d) Any vacation may be stayed pending the final determination  
 35 of an action pursuant to article 3 of this act or of an application  
 36 for a lease or grant pursuant to article 5 of this act or a license  
 37 pursuant to this section.

38 (e) A claimant of unimproved riparian land may apply simul-  
 39 taneously and in the alternative for a lease or grant pursuant to  
 40 article 5 of this act or a license pursuant to this section.

1 12. Lease of reclaimed or improved riparian lands.

2 (a) Any claimant of reclaimed riparian lands or improved ripar-  
 3 ian lands designated as State-owned by the commission may apply  
 4 to the commission for a lease. Such application may be made after  
 5 the claimant has failed to establish the primacy of his title in an  
 6 action pursuant to article 3 of this act. Any claimant who does not  
 7 presently wish to challenge the State's assertion of paramount title  
 8 may also apply for a lease under this section, provided, however,  
 9 that application for or acceptance of a lease shall not be deemed  
 10 recognition of the State's claim of paramount title in any action  
 11 brought by the claimant under article 3 of this act, nor shall the  
 12 claimant be deemed to have waived his right to bring any such  
 13 action.

14 (b) Upon application under this section, and if satisfied that no  
 15 other person has a superior claim of private title, the commission  
 16 shall issue to the applicant a lease of such lands upon such terms  
 17 and conditions not inconsistent with the provisions herein as it  
 18 shall deem appropriate. The leasehold rent shall be computed at  
 19 an annual rate of 6% of the fair value of the land, such fair value  
 20 to be determined as of the date of execution of the lease, and at  
 21 10-year intervals thereafter. In determining the fair value of the  
 22 land pursuant to this subsection, the commission shall give appli-  
 23 cant a credit for the provable original cost of any land reclamation



24 performed by him or his predecessor in record title prior to the  
25 effective date of this act. The leasehold term for a parcel of im-  
26 proved riparian land shall be 50 years or such shorter term as the  
27 lessee requests. The leasehold term for a parcel of reclaimed  
28 riparian land shall be for a term reflecting the nature of the appli-  
29 cant's activity on the parcel and the projected date on which the  
30 parcel is likely to be included in a development project, but in no  
31 event shall the term be less than 5 nor more than 10 years unless  
32 the applicant requests a shorter term.

33 (c) Upon the expiration of the lease, the lessee must cease his  
34 activity and vacate the parcel; provided, however, that he shall be  
35 entitled to reimbursement by the commission for the provable  
36 original cost of any reclamation that is suitable for incorporation  
37 into a finished development project provided that it was performed  
38 on the parcel prior to the effective date of this act. If, before the  
39 expiration of the lease, the commission shall take the parcel in the  
40 exercise of its powers, the lessee shall be entitled to reimbursement  
41 by the commission for the provable original cost of any reclamation  
42 that is suitable for incorporation into a finished development project  
43 provided that it was performed on the parcel prior to the effective  
44 date of this act, and he shall also be entitled to reimbursement for  
45 the value of any permanent structures erected on the parcel prior to  
46 the effective date of this act. The amount of reimbursement for  
47 permanent structures shall be based on the provable original cost  
48 unamortized at the time of premature expiration, provided, how-  
49 ever, that the leasehold term, or the remaining useful life of the  
50 improvements, whichever is shorter, shall be used in computing the  
51 amortization.

52 (d) A claimant of reclaimed or improved riparian land must cease  
53 his activity thereon and vacate the land within 6 months after the  
54 formal designation of State ownership, pursuant to article 3 of this  
55 act, unless within that time he has (1) commenced an action pur-  
56 suant to article 3 of this act, or (2) obtained a lease or grant  
57 pursuant to article 5 of this act, or (3) obtained a lease pursuant to  
58 this section. Such claimant shall be given 90 days after an adverse  
59 judgment in an action pursuant to article 3 of this act to apply for  
60 a lease or grant pursuant to article 5 of this act or a lease pursuant  
61 to this section.

62 (e) Any vacation may be stayed pending the final determination  
63 of an action pursuant to article 3 of this act or of an application  
64 for a lease or grant pursuant to article 5 of this act or a lease pur-  
65 suant to this section.



66 (f) A claimant of reclaimed or improved riparian land may apply  
 67 simultaneously and in the alternative for a lease or grant pursuant  
 68 to article 5 of this act or a lease pursuant to this section.

ARTICLE 5. RIPARIAN GRANTS

1 13. Riparian grants.

2 (a) The commission is hereby given exclusive power to transfer  
 3 the State's interest in any riparian lands lying within the Hacken-  
 4 sack Meadowlands; provided, however, that from the effective date  
 5 of this act and until the publication of the map and study delineat-  
 6 ing the limits of State-owned riparian lands in the Hackensack  
 7 Meadowlands the commission shall make no conveyances or  
 8 transfers of any such riparian lands; and provided further, that  
 9 nothing herein shall prohibit the Resource Development Council  
 10 of the Department of Conservation and Economic Development  
 11 from making conveyances of State-owned riparian lands elsewhere  
 12 in the State pursuant to Titles 12 and 13 of the Revised Statutes.

13 (b) Any person wishing a grant or lease of the State's interest  
 14 in riparian lands lying within the Hackensack Meadowlands shall  
 15 apply to the commission. The application shall set forth the exact  
 16 boundaries of the parcel applied for, the manner in which the  
 17 applicant intends to develop the parcel, the names and addresses  
 18 of any claimant of the parcel applied for if the applicant is not  
 19 himself the claimant, and in such event an affidavit stating that  
 20 notice of the application has been mailed to the claimants named.  
 21 The commission may issue a grant or lease of all or part of the  
 22 parcel applied for if, in its opinion, the purposes of this act would  
 23 be served thereby; provided, however, that no lease or grant shall  
 24 be issued during the unexpired term of a riparian lease issued in  
 25 accordance with the provisions of article 4 herein, except to the  
 26 holder of such riparian lease; nor shall any lease or grant be issued  
 27 until any claimant to all or part of the parcel applied for has been  
 28 given notice of the application and 3 months thereafter in which to  
 29 apply for a grant or lease of the lands he claims. In deciding  
 30 whether to issue a grant or lease pursuant to this subsection the  
 31 commission shall consider whether the development proposed by  
 32 the applicant is in accord with the master plan of the commission  
 33 having jurisdiction over the area; whether, if the land is unre-  
 34 claimed it would be in the better interest of the commission not to  
 35 issue a grant or lease until after reclamation; and whether, if a  
 36 grant is applied for, a lease would better serve the purposes of this  
 37 act. An applicant who is a claimant to riparian lands is to be pre-  
 38 ferred over an applicant who has no interest in those lands.



39 (c) No grant shall be issued except upon payment of that amount  
40 of compensation determined by the commission to represent the fair  
41 value of the land as of the date of the grant.

42 (d) The rent to be paid under a lease issued by the commission  
43 pursuant to subsection (b) herein shall be computed at the annual  
44 rate of 6% of the fair value of the land, such fair value to be  
45 determined as of the date of execution of the lease, and at 10-year  
46 intervals thereafter. If at the beginning date of the leasehold term  
47 the land is unreclaimed and during the term of the lease is re-  
48 claimed as part of a development project of the commission, or if at  
49 the beginning date of the leasehold term the land is reclaimed or  
50 improved and during the term of the lease its peculiar benefit,  
51 advantage or value is increased as part of a development project of  
52 the commission, then the amount for which the land would be  
53 specifically assessed pursuant to section 40 of this act were it  
54 privately owned shall be added to the fair value of the land upon  
55 which the annual rent is computed commencing with the year after  
56 such development project is completed and for each subsequent year  
57 of the leasehold term.

58 (e) In determining the fair value of the land, pursuant to sub-  
59 sections (c) and (d) above, the commission shall give applicant a  
60 credit for the provable original cost of any land reclamation that is  
61 suitable for incorporation into a finished development project pro-  
62 vided that it was performed prior to the effective date of this act.

63 (f) The commission may attach to any grant or lease of riparian  
64 lands issued under subsection (b) herein such covenants and con-  
65 ditions as it deems necessary to effectuate the purposes of this act.  
66 The leasehold term of any lease issued by the commission pursuant  
67 to subsection (b) herein shall be for such term of years as it deems  
68 appropriate, but no lease shall be issued for a term of more than  
69 99 years.

#### ARTICLE 6. HACKENSACK MEADOWLANDS PROJECT

1 14. The Hackensack Meadowlands are hereby designated as a  
2 project area, and the commission is hereby authorized and directed  
3 to prepare and adopt a master plan, as hereinafter provided, and  
4 to implement said plan by contracting with redevelopers or by  
5 undertaking any development or other project as it finds necessary  
6 to reclaim, develop, redevelop and improve the meadowlands  
7 within its jurisdiction, pursuant to such master plan.

1 15. (a) The commission shall prepare a master plan for the  
2 physical development of all lands lying within the Hackensack  
3 Meadowlands. Such master plan shall include a report presenting  
4 the objectives, assumptions, standards and principles which are em-



5 bodied in the various interlocking portions of the master plan. The  
6 master plan shall be a composite of the one or more mapped and  
7 written proposals recommending the physical development of the  
8 lands within its jurisdiction either as a whole or severally after (1)  
9 meetings with the governing bodies of the Hackensack munici-  
10 palities, (2) meetings with other public agencies having planning,  
11 highway, transportation, recreation, conservation, and related  
12 powers within the Hackensack Meadowlands, and (3) public hear-  
13 ings held within the area affected by the proposal. Such master plan  
14 may include proposals for various stages in the future development  
15 of the Hackensack Meadowlands. In preparing the master plan or  
16 any portion thereof or amendment thereto the commission shall give  
17 due consideration to the existing patterns of the development in  
18 the Hackensack municipalities and to any master plan or other plan  
19 of development adopted by any Hackensack municipality.

20 (b) The master plan may include provisions for (a) the location  
21 and use of buildings, structures, and land for trade, residence, park  
22 and recreation, solid waste disposal and other purposes; (b) trans-  
23 portation—streets, parking facilities, public transit, freight facil-  
24 ities, airports, and other like matters; (c) services—water supply,  
25 utilities, sewerage, and other like matters; (d) conservation—  
26 water, forest, soil, flood control, air and water pollution control,  
27 green acres, and other like matters; (e) the distribution and density  
28 of population; and (f) other elements relating to the growth,  
29 development, redevelopment, and improvement of the Hackensack  
30 Meadowlands as a whole.

31 (c) The master plan may include within its scope areas outside  
32 the Hackensack Meadowlands (but within the boundaries of a  
33 Hackensack municipality) which the commission deems to bear an  
34 essential relation to the planning, and development of the Hacken-  
35 sack Meadowlands. The studies in connection with the master plan  
36 for these areas shall be conducted wherever possible with the  
37 co-operation of the planning agencies of the affected municipality.

1 16. In undertaking projects pursuant to the master plan the  
2 commission may:

3 (a) Acquire, by condemnation or otherwise, real or personal  
4 property, or any interest therein, including such property as it may  
5 deem necessary or proper for the relocation of residents, industry  
6 or commerce displaced from any other property under the jurisdic-  
7 tion of the commission in any project undertaken by the commis-  
8 sion, although such property may not be immediately required for  
9 such purposes;



10 (b) Clear or reclaim any area so acquired, and install, construct  
11 or reconstruct streets, facilities, utilities and other improvements;

12 (c) Relocate or arrange or contract with public or private  
13 agencies for the relocation of residents, industry or commerce dis-  
14 placed by any project;

15 (d) Dispose of real property so acquired by sale, lease or ex-  
16 change for the uses and purposes specified in the master plan, to  
17 any person or public agency;

18 (e) By contract or contracts with public agencies or redevelopers,  
19 or by its own employees to plan, construct, operate, maintain and  
20 repair any development or other project, or any part thereof;

21 (f) Arrange or contract with public agencies for the construction  
22 of improvements;

23 (g) Make and adopt plans for carrying out a program of volun-  
24 tary repair and rehabilitation of buildings and improvement, and  
25 to make plans for the enforcement of codes and laws relating to  
26 the use of the land and the use and occupancy of buildings and im-  
27 provements and relating to the control over the disposition of  
28 liquid, solid and gaseous wastes;

1 17. The commission may from time to time amend the master  
2 plan pursuant to the procedure set forth in sections 15 through 19  
3 of this act. Any constituent municipality or group of them, or any  
4 person, may petition the commission for amendment of the master  
5 plan.

1 18. (a) Within 90 days of its establishment the commission shall  
2 make, or cause to be made, a survey of the district to determine  
3 the exact total land area of the Hackensack Meadowlands and the  
4 acreage of meadowlands within each of the constituent municipal-  
5 ities. The completed survey, with maps and acreage shall be cer-  
6 tified to be the exact extent of the Hackensack Meadowlands for  
7 the purposes of this act. A copy of the map of the entire district  
8 and a map of the meadowlands within each constituent municipal-  
9 ity shall be sent to the governing body of each constituent munici-  
10 pality.

11 (b) Upon the completion by the commission of the master plan  
12 or any portion thereof or amendment thereto, the commission shall  
13 submit same to the governing body of each constituent municipality.  
14 The governing body of each municipality shall certify the receipt  
15 of the plan, portion thereof or amendment thereto to the commis-  
16 sion and shall have 30 days from said receipt to approve or reject  
17 such plan, portion thereof or amendment thereto. If a governing  
18 body does not certify its approval or rejection within 30 days, the  
19 commission shall record that municipality as approving the plan,



20 portion thereof or amendment thereto. The commission shall adopt  
21 said plan, portion thereof or amendment thereto after said 30 days  
22 unless same is rejected by constituent municipalities whose total  
23 land area in the Hackensack Meadowlands is equal to or greater  
24 than 2/3 of the total acreage.

25 (c) Upon the rejection of any plan, portion thereof or amend-  
26 ment thereto by constituent municipalities whose total land area in  
27 the Hackensack Meadowlands is equal to or greater than 2/3 of the  
28 total acreage, the commission shall not adopt same within 90 days  
29 from the date of such rejection. The constituent municipalities  
30 shall have 90 days to prepare and approve, by a vote of constituent  
31 municipalities whose total land area in the Hackensack Meadow-  
32 lands is greater than 50% of the total acreage, any plan, portion  
33 thereof or amendment thereto, and the commission shall adopt any  
34 such plan, portion thereof or amendment thereto so approved by  
35 the constituent municipalities. If constituent municipalities whose  
36 total land area in the Hackensack Meadowlands is greater than  
37 50% of the total acreage fail to prepare and approve any plan,  
38 portion thereof or amendment thereto within said 90 days, the com-  
39 mission shall adopt the plan, portion thereof or amendment thereto,  
40 originally submitted and rejected, as aforesaid, by the constituent  
41 municipalities.

42 (d) The commission may alter or modify any plan, portion  
43 thereof or amendment thereto after its initial rejection by con-  
44 stituent municipalities whose total land area in the Hackensack  
45 Meadowlands is equal to or greater than 2/3 of the total acreage,  
46 and nothing in this section shall be interpreted as preventing the  
47 commission from submitting any altered or modified plan, portion  
48 thereof or amendment thereto to the constituent municipalities at  
49 any time within 90 days of such initial rejection; provided, how-  
50 ever, that the right of constituent municipalities to prepare and  
51 approve any plan, portion thereof or amendment thereto, after re-  
52 jection of any plan, portion thereof or amendment thereto, sub-  
53 mitted by the commission, as provided by subsection (c) of this  
54 section, shall in no way be limited or impaired by the submission by  
55 the commission of any altered or modified plan, portion thereof or  
56 amendment thereto; and the constituent municipalities shall have  
57 an additional period of 90 days from the submission of any altered  
58 or modified plan, portion thereof or amendment thereto, to approve  
59 or reject same or to prepare and approve their own, as provided  
60 in subsection (b) and (c) of this section, and after said additional  
61 90 days the commission shall adopt only a plan, portion thereof or  
62 amendment thereto, prepared and approved by the constituent



63 municipalities as provided in subsection (c) of this section or the  
64 altered or modified plan, portion thereof or amendment thereto,  
65 submitted by the commission, as provided in this subsection.

1 19. Any Hackensack municipality or group of them, or any  
2 person, may submit to the commission for its approval and adoption  
3 a plan including residential, trade, industrial, and park and recrea-  
4 tional uses, or any mixture thereof, in planning unit development.  
5 In determining whether to approve or disapprove planned unit  
6 development the commission shall consider the effect of the plan  
7 upon the overall development of the Hackensack Meadowlands  
8 and its impact upon surrounding neighborhoods and municipalities.  
9 Before reaching its decision, the commission shall hold at least  
10 one public hearing within the area affected by such plan. Upon  
11 approval by the commission such a planned unit development shall  
12 constitute a proposed amendment to the master plan. The com-  
13 mission may also condition its approval of a planned unit develop-  
14 ment upon acceptance by the applicant of such changes or con-  
15 ditions as the commission deems appropriate. When the applicant  
16 has accepted the changes and conditions proposed by the com-  
17 mission such planned unit development shall be considered  
18 approved and shall constitute a proposed amendment to the master  
19 plan; provided, however, that, prior to the adoption of any planned  
20 unit development, the same shall be submitted to the constituent  
21 municipalities and shall be subject to the adoption procedure pro-  
22 vided in section 15-19 of this act for any other amendment to the  
23 master plan.

1 20. The commission shall adopt regulations governing the sub-  
2 division of land within its jurisdiction and shall consider plans  
3 showing new streets and highways. Before action is taken, a  
4 hearing after notice shall be given by the commission to all parties  
5 in interest. The commission may thereupon approve, modify and  
6 approve or disapprove such plan, taking due regard to its con-  
7 formity with the master plan.

1 21. No building or structure may be erected, altered or repaired  
2 within the area shown on the master plan unless the commission  
3 shall first issue a permit approving the plans and specifications  
4 for the proposed erection alteration or repair as being in con-  
5 formity with the master plan. No permit may be issued without  
6 a certificate from the chief engineer or equivalent official of the  
7 commission that the proposed improvements meet the engineering  
8 standards adopted by the commission.

1 22. An aggrieved party may appeal the adoption of the master  
2 plan or any amendment thereto or the rejection of any amendment



3 or proposed change or the refusal to approve a plan, to issue a  
 4 building permit, or to certify the conformity of a subdivision plan  
 5 to the Superior Court within 30 days of the action complained of.  
 1 23. The governing body or other appropriate body of each  
 2 Hackensack municipality may enact zoning ordinances for lands  
 3 within their boundaries subject to the jurisdiction of the com-  
 4 mission as are within the scope of chapter 55 of Title 40 of the  
 5 Revised Statutes, and which will effectuate the purposes of the  
 6 commission's master plan; provided, however, that no zoning  
 7 ordinance enacted by a municipality shall be valid as to lands  
 8 subject to the jurisdiction of the commission if the intent or effect  
 9 of such ordinance is to contravene, obstruct, delay, or make unduly  
 10 expensive the rapid development of lands subject to the jurisdiction  
 11 of the planning agency in accordance with the master plan adopted  
 12 pursuant to this article.

#### ARTICLE 7. CAPITAL FINANCING

1 24. The commission is authorized from time to time to issue  
 2 its negotiable notes for any corporate purpose and to renew from  
 3 time to time any notes by the issuance of new notes, whether the  
 4 notes to be renewed have or have not matured. The commission  
 5 may issue notes partly to renew notes or to discharge other  
 6 obligations then outstanding and partly for any other purpose.  
 7 The notes may be authorized, sold, executed and delivered in the  
 8 same manner as bonds. Any resolution or resolutions authorizing  
 9 notes of the commission or any issue thereof may contain any  
 10 provisions which the commission is authorized to include in any  
 11 resolution or resolutions authorizing bonds of the commission or  
 12 any issue thereof, and the commission may include in any notes  
 13 any terms, covenants or conditions which it is authorized to include  
 14 in any bonds. All such notes shall be payable from the revenues  
 15 or other moneys of the commission, subject only to any contractual  
 16 rights of the holders of any of its notes or other obligations then  
 17 outstanding.

1 25. (a) The commission is authorized from time to time to issue  
 2 its negotiable bonds for any corporate purpose. In anticipation of  
 3 the sale of such bonds the commission may issue negotiable bond  
 4 anticipation notes and may renew the same from time to time, but  
 5 the maximum maturity of any such note, including renewals thereof,  
 6 shall not exceed 5 years from the date of issue of the original note.  
 7 Such notes shall be paid from any revenues or other moneys of  
 8 the commission available therefor and not otherwise pledged, or  
 9 from the proceeds of sale of the bonds of the commission in



10 anticipation of which they were issued. The notes shall be issued  
11 in the same manner as the bonds. Such notes and the resolution  
12 or resolutions authorizing the same may contain any provisions,  
13 conditions or limitations which a bond resolution of the commission  
14 may contain.

15 (b) Except as may otherwise be expressly provided by the com-  
16 mission, every issue of its bonds or notes shall be general obliga-  
17 tions of the commission payable from any revenues or moneys  
18 of the commission, subject only to any agreements with the holders  
19 of particular bonds or notes pledging any particular revenues or  
20 moneys. Notwithstanding that bonds and notes may be payable  
21 from a special fund, they shall be fully negotiable within the  
22 meaning of the Uniform Commercial Code, subject only to the  
23 provisions of the bonds and notes for registration.

24 (c) The bonds may be issued as serial bonds or as term bonds,  
25 or the commission, in its discretion, may issue bonds of both types.  
26 The bonds shall be authorized by resolution of the members of the  
27 commission and shall bear such date or dates, mature at such  
28 time or times, not exceeding 50 years from their respective dates,  
29 bear interest at such rate or rates, not exceeding 6% per annum,  
30 be payable at such time or times, be in such denominations, be in  
31 such form, either coupon or registered, carry such registration  
32 privileges, be executed in such manner, be payable in lawful money  
33 of the United States of America at such place or places, and be  
34 subject to such terms of redemption, as such resolution or resolu-  
35 tions may provide. The bonds or notes may be sold at public or  
36 private sale for such price or prices as the commission shall de-  
37 termine, but which shall not at the time of sale yield more than  
38 6% per annum computed according to standard tables of bond  
39 values. Pending preparation of the definitive bonds, the commis-  
40 sion may issue interim receipts or certificates which shall be  
41 exchanged for such definitive bonds.

42 (d) Neither the members of the commission nor any person  
43 executing the bonds or notes shall be liable personally on the bonds  
44 or notes or be subject to any personal liability or accountability by  
45 reason of the issuance thereof.

46 (e) The commission shall have the power out of any funds  
47 available therefor to purchase its bonds or notes. The commission  
48 may hold, pledge, cancel or resell such bonds, subject to and in  
49 accordance with agreements with bondholders.

1 26. (a) In the discretion of the commission, any bonds issued  
2 under the provisions of this act may be secured by a trust agree-



3 ment by and between the commission and a corporate trustee or  
4 trustees which may be any trust company or bank having the powers  
5 of a trust company within or without the State. Such trust agree-  
6 ment, or the resolution providing for the issuance of such bonds,  
7 may pledge or assign the revenues or other moneys to be received or  
8 the proceeds of any contract or contracts pledged, but the commis-  
9 sion shall not convey or mortgage any of its lands or any project  
10 or part thereof as a security for such bonds or notes. Such trust  
11 agreement or resolution providing for the issuance of such bonds  
12 may contain such provisions for protecting and enforcing the  
13 rights and remedies of the bondholders as may be reasonable and  
14 proper and not in violation of law, including covenants setting forth  
15 the duties of the commission in relation to the acquisition of prop-  
16 erty, and the construction, improvement, maintenance, repair,  
17 operation and insurance of the project or projects, the amount of  
18 assessments or other charges to be levied upon holders of lands  
19 affected by the project or projects, the payment, security or redemp-  
20 tion of bonds, and the custody, safeguarding and application of all  
21 moneys. Any bank or trust company incorporated under the laws of  
22 this State which may act as depository of the proceeds of bonds or  
23 of revenues or other moneys may furnish such indemnifying bonds  
24 or pledge such securities as may be required by the commission.  
25 Any such trust agreement or resolution may set forth the rights and  
26 remedies of the bondholders and of the trustee, or trustees, and  
27 may restrict the individual right of action by bondholders. In addi-  
28 tion to the foregoing, any such trust agreement or resolution may  
29 contain such other provisions as the commission may deem reason-  
30 able and proper for the security of the bondholders. All expenses  
31 incurred in carrying out the provisions of such trust agreement  
32 or resolution may be treated as a part of the cost of construction  
33 or of a reclamation project or projects.

34 (b) Any pledge or assignment made pursuant to this section shall  
35 be valid and binding from the time when the pledge or assignment  
36 is made; the revenues or moneys so pledged or assigned and there-  
37 after received by the commission shall immediately be subject to  
38 the lien of such pledge without any physical delivery thereof or  
39 further act, and the lien of any such pledge shall be valid and bind-  
40 ing as against all parties having claims of any kind in tort, contract  
41 or otherwise against the commission, irrespective of whether such  
42 parties have notice thereof. Neither the resolution nor any trust  
43 agreement by which a pledge or assignment is created need be filed  
44 or recorded except in the records of the commission.



1 27. Bonds and notes issued by the commission under the provi-  
2 sions of this act shall not be deemed to constitute a debt or liability  
3 of the State or of any political subdivision thereof or a pledge of  
4 the faith and credit of the State or of any such political subdivision,  
5 and all such bonds or notes shall contain on the face thereof a  
6 statement to that effect.

1 28. The State does pledge to and agree with the holders of the  
2 bonds or notes issued pursuant to the provisions of this act that the  
3 State will not, without the commission's prior consent, enlarge,  
4 limit or restrict any of the rights and powers hereby vested in the  
5 commission to maintain, acquire, construct, reconstruct and operate  
6 any project as defined in this act, nor will the State limit or restrict  
7 the establishment and collection by the commission of such assess-  
8 ments and charges as may be convenient or necessary to produce  
9 sufficient revenues to meet the expenses of the commission and to  
10 fulfill the terms of any agreements made with the holders of bonds  
11 or notes authorized by this act, nor will the State in any way impair  
12 the rights or remedies of the holders of such notes or bonds until  
13 the notes and bonds, together with interest thereon, are fully paid  
14 and discharged.

1 29. All bonds or notes issued by the commission pursuant to this  
2 act are hereby declared to be issued by a political subdivision of  
3 this State and for an essential public and governmental purpose,  
4 and such bonds and notes, and the interest thereon and the income  
5 therefrom, including any profit made on the sale thereof, and all  
6 assessments, charges, funds, revenues, income and other moneys  
7 pledged or available to pay or secure the payment of such bonds or  
8 notes, or interest thereon, shall at all times be exempt from taxation  
9 of every kind by the State and by the municipalities and other  
10 political subdivisions in the State.

1 30. All moneys received pursuant to the authority of this act  
2 whether as proceeds from the sale of bonds or as revenues, shall be  
3 deemed to be trust funds to be held and applied solely as provided in  
4 this act. Any officer with whom, or any bank or trust company with  
5 which, such moneys shall be deposited shall act as trustee of such  
6 moneys and shall hold and apply the same for the purposes hereof,  
7 subject to such regulations as this act and the resolution author-  
8 izing the bonds of any issue or the trust agreement securing such  
9 bonds may provide.

1 31. Any holder of bonds issued under the provisions of this act,  
2 or of any of the coupons appertaining thereto, and the trustee or  
3 trustees under any trust agreement, except to the extent the rights  
4 herein given may be restricted by any resolution authorizing the



5 issuance of, or any such trust agreement securing, such bonds,  
6 may, either at law or in equity, by suit, action, mandamus or other  
7 proceedings, protect and enforce any and all rights under the laws  
8 of the State or granted hereunder or under such resolution or  
9 trust agreement, and may enforce and compel the performance  
10 of all duties required by this act or by such resolution or trust  
11 agreement to be performed by the commission or by any officer,  
12 employee or agent thereof, including the fixing, charging and  
13 collecting of the rates, rents, fees and charges herein authorized  
14 and required by the provisions of such resolution or trust agree-  
15 ment to be fixed, established and collected.

1 32. (a) The commission is hereby authorized to provide for the  
2 issuance of bonds of the commission for the purpose of refunding  
3 any bonds of the commission then outstanding, including the pay-  
4 ment of any redemption premium thereon and any interest accrued  
5 or to accrue to the earliest or subsequent date of redemption  
6 purchase or maturity, of such bonds, and, if deemed advisable by  
7 the commission for the additional purpose of paying all or any  
8 part of the cost of acquiring and constructing improvements, exten-  
9 sions, additions or enlargements of project or projects or any  
10 portion thereof.

11 (b) The proceeds of any such bonds issued for the purpose of  
12 refunding outstanding bonds may, in the discretion of the commis-  
13 sion be applied to the purchase or retirement at maturity or  
14 redemption of such outstanding bonds either on their earliest or  
15 any subsequent redemption date or upon the purchase or at the  
16 maturity thereof and may, pending such application, be placed in  
17 escrow to be applied to such purchase or retirement at maturity or  
18 redemption on such date as may be determined by the commission.

19 (c) Any such escrowed proceeds, pending such use, may be  
20 invested and reinvested in obligations of or guaranteed by the  
21 United States of America, or in certificates of deposit or time  
22 deposits secured by obligations of or guaranteed by the United  
23 States of America, maturing at such time or times as shall be  
24 appropriate to assure the prompt payment, as to principal, interest  
25 and redemption premium, if any, of the outstanding bonds to be so  
26 refunded. The interest, income and profits, if any, earned or  
27 realized on any such investment may also be applied to the payment  
28 of the outstanding bonds to be so refunded. After the terms of the  
29 escrow have been fully satisfied and carried out, any balance of  
30 such proceeds and interest, income and profits, if any, earned or  
31 realized on the investments thereof may be returned to the com-  
32 mission for use by it in any lawful manner.



33 (d) The portion of the proceeds of any such bonds issued for the  
 34 additional purpose of paying all or any part of the cost of con-  
 35 structing and acquiring additions, improvements, extensions or  
 36 enlargements of a project or projects, may be invested and rein-  
 37 vested in obligations of or guaranteed by the United States of  
 38 America, or in certificates of deposit or time deposits secured by  
 39 obligations of or guaranteed by the United States of America,  
 40 maturing not later than the time or times when such proceeds will  
 41 be needed for the purpose of paying all or any part of such cost.  
 42 The interest, income and profits, if any, earned or realized on such  
 43 investment may be applied to the payment of all or any part of  
 44 such cost or may be used by the commission in any lawful manner.  
 45 (e) All such bonds shall be subject to the provisions of this act  
 46 in the same manner and to the same extent as other bonds issued  
 47 pursuant to this act.

1 33. Bonds and notes issued by the commission under the provi-  
 2 sions of this act are hereby made securities in which the State and  
 3 all political subdivisions of the State, their officers, boards, com-  
 4 missions, departments or other agencies, all banks, bankers, savings  
 5 banks, trust companies, savings and loan associations, investment  
 6 companies and other persons carrying on a banking business, all  
 7 insurance companies, insurance associations, and other persons  
 8 carrying on an insurance business, and all administrators, execu-  
 9 tors, guardians, trustees and other fiduciaries, and all other persons  
 10 whatsoever who now are or may hereafter be authorized to invest  
 11 in bonds or other obligations of the State, may properly and  
 12 legally invest any funds including capital belonging to them or  
 13 within their control; and said bonds, notes or other securities or  
 14 obligations are hereby made securities which may properly and  
 15 legally be deposited with and received by any State or municipal  
 16 officers or agency of the State for any purpose for which the deposit  
 17 of bonds or other obligations of the State is now or may hereafter  
 18 be authorized by law.

1 34. Bonds may be issued under the provisions of this act without  
 2 obtaining the consent of any department, division, commission,  
 3 board, bureau, agency or officer of the State, and without any other  
 4 proceedings or the happening of any other conditions or things  
 5 than those proceedings, conditions and things which are specifically  
 6 required by this act.

#### ARTICLE 8. GENERAL PROVISIONS

1 35. (a) If for any of its authorized purposes (including tempo-  
 2 rary construction purposes) the commission shall find it necessary  
 3 or convenient to acquire any real property within its jurisdiction,



4 or if for any of its authorized purposes (including temporary  
5 construction purposes) the commission shall find it necessary to  
6 acquire any real property beyond its jurisdiction, whether for  
7 immediate or future use, the commission may find and determine  
8 that such property, whether a fee simple absolute or a lesser in-  
9 terest, is required for public use and, upon such determination,  
10 the said property shall be deemed to be required for a public use  
11 until otherwise determined by the commission; and the said de-  
12 termination shall not be affected by the fact that such property  
13 has heretofore been taken for, or is then devoted to, a public use,  
14 but the public use in the hands or under the control of the commis-  
15 sion shall be deemed superior to the public use in the hands or  
16 under the control of any other person, association or corporation.

17 (b) If the commission is unable to agree with the owner or  
18 owners thereof upon terms for the acquisition of any such real  
19 property, for any reason whatsoever, then the commission may  
20 acquire, and is hereby authorized to acquire, such property, whether  
21 a fee simple absolute or a lesser interest, in the manner provided  
22 in chapter 1 of Title 20 of the Revised Statutes insofar as the  
22A provisions thereof are applicable and not inconsistent with the  
23 provisions contained in this section.

24 (c) The commission may join, in separate subdivisions of one  
25 petition or complaint, the descriptions of any number of tracts or  
26 parcels of land or property to be condemned, and the names of any  
27 number of owners and other parties who may have an interest  
28 therein and all such land or property included in said petition or  
29 complaint may be condemned in a single proceeding; provided,  
30 however, that separate awards be made for each tract or parcel  
31 of land or property; and provided, further, that each of said tracts  
32 or parcels of land or property lies wholly in or has a substantial  
33 part of its value lying wholly within the same county.

34 (d) When the commission by resolution determines that it re-  
35 quires immediate possession or use of land or interest therein or  
36 other property, the commission shall file with the clerk of the county  
37 in which such property is located and also with the clerk of the  
38 Superior Court a declaration of taking, signed by the commission,  
39 declaring that possession of one or more of the tracts or parcels of  
40 land or property described in the declaration is thereby being taken  
41 by and for the use of the commission. The said declaration of taking  
42 shall set forth (1) a description of each tract or parcel of land or  
43 property to be so taken sufficient for the identification thereof to  
44 which a plan or map thereof may be attached, (2) a statement of  
45 the estate or interest in the land or property being taken, and (3) a



46 statement of the sum of money estimated by the commission by  
47 resolution to be just compensation for the taking of the estate or  
48 interest in each tract or parcel of land or property described in  
49 said declaration. Upon the filing by the commission of a declara-  
50 tion of taking of property as provided in this section, the commis-  
51 sion shall deposit with the clerk of the Superior Court the amount  
52 of the estimated compensation stated in said declaration.

53 (e) Upon the filing by the commission of a declaration of taking  
54 of property as provided in this act and the depositing with the  
55 clerk of the Superior Court of the amount of the estimated com-  
56 pensation stated in said declaration, the commission, without other  
57 process or proceedings, shall be entitled to the exclusive possession  
58 and use of each tract of land or property described in said decla-  
59 ration and may forthwith enter into and take possession of said  
60 land or property, it being the intent of this provision that an action  
61 to fix the compensation to be paid or any other proceedings re-  
62 lating to the taking of said land or interest thereon or other prop-  
63 erty shall not delay the taking of possession thereof and the use  
64 thereof by the commission for the purpose or purposes for which  
65 the commission is authorized by law to acquire or condemn such  
66 land or property or interest therein.

67 (f) The commission shall cause notice of the filing of a declara-  
68 tion of taking of property as provided in this section and of the  
69 making of the deposit required by this section with respect thereto  
70 to be served upon each party to the action to fix the compensation  
71 to be paid who resides in the State, either personally or by leaving  
72 a copy thereof at his residence if known, and upon each such party  
73 who resides out of the State, by mailing a copy thereof to him at  
74 his residence if known. In the event that the residence of any such  
75 party or the name of any such party is unknown, such notice shall  
76 be published at least once in a newspaper published or circulating  
77 in the county or counties in which the property is located. Such  
78 service, mailing or publication shall be made within 30 days after  
79 filing such declaration.

80 (g) Upon filing a declaration of taking as provided in this sec-  
81 tion and making the deposit required by this section the commis-  
82 sion shall commence an action to fix the compensation to be paid  
83 in the Superior Court. In such action the amount of compensation  
84 to be paid shall be determined by the judge or, at the request of  
85 any party, by a jury. In the case of trial by jury if any party so  
86 requests the jury shall view the premises. After commencement  
87 of such an action by the commission the court shall, at the request  
88 of any party to the proceeding, advance the same on its calendar



89 so that it may be heard and determined with as little delay as  
90 possible.

91 (h) Upon the application of any party in interest and after  
92 notice to other parties in interest, including the commission, the  
93 Superior Court may direct that the money deposited with the clerk  
94 of the Superior Court or any part thereof be paid forthwith to  
95 the person or persons entitled thereto for or on account of the just  
96 compensation to be awarded in such action, provided that each  
97 such person shall have filed with the clerk of the Superior Court  
98 a consent in writing that, in the event the award in said action  
99 shall be less than the amount deposited, the court, after such notice  
100 as the court prescribes and hearing, may determine liability, if  
101 any, for the return of the defference or any part thereof and enter  
102 judgment therefor. If the amount of the award as finally deter-  
103 mined shall exceed the amount so deposited, the person or persons  
104 to whom the award is payable shall be entitled to recover from the  
105 commission the difference between the amount of the deposit and  
106 the amount of the award, with interest at the rate of 6% per annum  
107 hereon from the date of making the deposit. If the amount of the  
108 award shall be less than the amount deposited, the clerk of the  
109 Superior Court shall return the remainder of the deposit to the  
110 authority unless the deposit or any part thereof shall have there-  
111 tofore been distributed, in which event the court, on application  
112 of the commission and notice to all persons interested in the award  
113 shall afford them an opportunity to be heard and shall enter judg-  
114 ment in favor of the commission for the difference against the  
115 party or parties liable for the return thereof.

116 (i) The commission shall not abandon any condemnation proceed-  
117 ings subsequent to the date upon which it has taken possession of  
118 the land or property as provided in this act.

1 36. In addition to the other powers conferred upon it by this act  
2 or by any other law and not in limitation thereof, the commission,  
3 in connection with construction or operation of any project, shall  
4 have power to make reasonable regulations for the installation, con-  
5 struction, maintenance, repair, renewal, relocation and removal of  
6 tracks, pipes, mains, conduits, cables, wires, towers, poles or any  
7 other equipment and appliances (in this section called "works") of  
8 any public utility as defined in section 48:2-13 of the Revised  
9 Statutes, in, on, along, over or under any project, public highway or  
10 real property, including public lands or waters. Whenever in con-  
11 nection with construction or operation of any project, the commis-  
12 sion shall determine that it is necessary that any such works, which



13 now are or hereafter may be located in, on, along, over or under any  
14 project, public highway or such real property, should be relocated  
15 in the project, public highway or such real property or should be  
16 removed therefrom, the public utility owning or operating such  
17 works shall relocate or remove the same in accordance with the  
18 order of the commission, provided, however, that the cost and  
19 expenses of such relocation or removal including the cost of in-  
20 stalling such works in a new location or new locations, and the  
21 cost of any lands or any rights or interest in lands or any other  
22 rights acquired to accomplish such relocation or removal, less the  
23 cost of any lands or any rights or interests in lands or any other  
24 rights of the public utility paid to the public utility in connection  
25 with the relocation or removal of such works, shall be paid by the  
26 commission and shall be included in the cost of such project. In  
27 case of any such relocation or removal of works as aforesaid, the  
28 public utility owning or operating the same, its successors or  
29 assigns, may maintain and operate such works, with the necessary  
30 appurtenances, in the new location or new locations for as long a  
31 period, and upon the same terms and conditions, as it had the right  
32 to maintain and operate such works in their former location.

33 In case of any such relocation or removal of works, as aforesaid,  
34 the commission shall own and maintain, repair and renew structures  
35 within the rights of way of railroad companies carrying any project  
36 or feeder road over railroads, and the commission shall bear the  
37 cost of maintenance, repair and renewal of structures within the  
38 rights of way of railroad companies carrying railroads over any  
39 project or feeder road, but this provision shall not relieve any rail-  
40 road company from responsibility for damage caused to any com-  
41 mission or railroad structure by the operation of its railroad. Such  
42 approaches, curbing, sidewalk paving, guard rails on approaches  
43 and surface paving on projects or feeder roads as shall be within  
44 the rights of way of a railroad company or companies shall be  
45 owned and maintained, repaired and renewed by the commission;  
46 rails, pipes and lines shall be owned and maintained, repaired and  
47 renewed by the railroad company or companies.

1 37. Land tax exempt.

2 Since the exercise of the powers granted by this act will be in all  
3 respects for the benefit of the people of the State, all projects, lands  
4 and other property of the commission are hereby declared to be  
5 public property of a political subdivision of the State and devoted  
6 to an essential public and governmental function and purpose and  
7 shall be exempt from all taxes and special assessments of the State  
8 or any subdivision thereof; provided, however, that when property



9 or land of the commission exempt from taxation is leased or licensed  
10 to another whose property is not exempt, and the licensing or leas-  
11 ing of which does not make the real estate taxable, the estate created  
12 by the lease or license and the appurtenances thereto shall be listed  
13 as the property of the lessee or licensee thereof, or his assignee,  
14 and be assessed and taxed as real estate.

1 38. Land exempt from execution.

2 All projects and property of the commission shall be exempt from  
3 levy and sale by virtue of an execution and no execution or other  
4 judicial process shall issue against the same nor shall any judgment  
5 against the commission be a charge or lien upon its property; pro-  
6 vided, that nothing herein contained shall apply to or limit the  
7 rights of the holders of any bonds or notes to pursue any remedy  
8 for the enforcement of any pledge or lien given by the commission  
9 on its revenues or other moneys.

1 39. Payments in lieu of taxes.

2 (a) To the end that municipalities may not suffer undue loss of  
3 tax revenue by reason of the acquisition and ownership of prop-  
4 erty therein by the commission, the commission is hereby author-  
5 ized, empowered and directed to enter into an agreement or agree-  
6 ments with any municipality, whereby it will undertake to pay a  
7 fair and reasonable sum or sums to compensate the said munici-  
8 pality for any loss of tax revenue in connection with any property  
9 acquired and owned by the commission in carrying out the pro-  
10 visions of this act and to compensate the said municipality for any  
11 municipal services supplied to said property. Any such payment  
12 or payments which the commission is hereby authorized, em-  
13 powered and directed to make may be made on an annual basis, in  
14 which case the payment or payments shall not be less than the  
15 amount of the taxes upon the property when last assessed prior  
16 to its acquisition by the commission. Every municipality wherein  
17 the property shall be acquired by the commission is empowered to  
18 enter into such agreement or agreements with the commission to  
19 accept the payment or payments which the commission is herein  
20 authorized, empowered and directed to make.

21 (b) To the end that municipalities may not suffer undue loss of  
22 tax revenue by reason of the construction of any project or facility  
23 pursuant to the master plan, which project or facility may be nec-  
24 essary and within the powers of the commission to require, but  
25 which may, due to its nature, produce little or no tax revenue for  
26 the municipality in which it is located, and may require the pro-  
27 vision of services by the municipality which otherwise would not be  
28 necessary, the commission is hereby authorized, empowered and



29 directed to prepare a formula whereby each constituent municipi-  
30 pality will be guaranteed tax revenue in any year from the lands  
31 of that municipality within the district equal to the tax revenue of  
32 that municipality, based upon the aggregate true value of all tax-  
33 able real property of the municipality located within the boundaries  
34 of the district, for the tax year 1967, as such tax revenue and aggre-  
35 gate true value shall be certified to the commission by the county  
36 boards of taxation of the counties of Bergen and Hudson.

37 The formula shall also provide that all tax revenues resulting  
38 from the development and improvement of any meadowlands  
39 within the district after the effective date of this act and as a result  
40 of any development pursuant to this act, shall be distributed equit-  
41 ably to each constituent municipality.

42 The completed formula shall be submitted to each constituent  
43 municipality in the same way, and shall be adopted by the com-  
44 mission in the same manner and subject to the same procedure as  
45 the master plan, any portion thereof or amendment thereto shall  
46 be submitted and adopted pursuant to article 6 of this act. The  
47 formula may be submitted either together with, but not part of, the  
48 master plan, or separately, in the discretion of the commission;  
49 provided, however, that if the formula is submitted together with  
50 the master plan each shall be considered separately and approved  
51 or rejected by each constituent municipality separately, pursuant  
52 to the provisions of article 6 of this act; provided further, that  
53 nothing shall prevent the adoption and implementation of the master  
54 plan prior to the adoption and implementation of the formula pro-  
55 vided, further, that the constituent municipalities may prepare and  
56 approve their own formula and the commission shall adopt such  
57 formula in the same manner and subject to the same procedure as  
58 provided in article 6 for the adoption of the master plan.

1 40. Assessments for reclamation costs.  
2 (a) Upon the completion of any reclamation or development  
3 project or projects the commission shall immediately notify the  
4 assessor of the municipality or municipalities in which the land is  
5 situated, and shall certify to such assessor a statement showing  
6 in detail the cost of the project or projects, including therein the  
7 cost of advertising, financing and inspection and the engineering  
8 expense, and also the cost of any real estate or interest therein  
9 purchased or condemned for such project or projects. Such state-  
10 ment shall also show the proportion or amount of the whole cost  
11 of the project or projects to be assessed against the lands in each  
12 municipality. The total amount of the assessment levied upon the



13 real estate benefited by the improvement shall not exceed the cost  
14 of the improvement.

15 (b) The assessor shall thereupon make a just and equitable  
16 assessment of the benefits conferred upon any real estate by reason  
17 of such reclamation or development project or projects having due  
18 regard to the rights and interests of all persons concerned, as well  
19 as to the value of the real estate benefited. All assessments shall  
20 in each case be as nearly as may be in proportion to and not in  
21 excess of the peculiar benefit, advantage or increase in value which  
22 the respective lots and parcels or real estate shall be deemed to  
23 receive by reason of such project or projects. In addition to the  
24 making of assessments for benefits, the assessor shall also at the  
25 same time fix and determine the amount, if any, that any property  
26 is damaged incidentally to the making of the improvement, but  
27 exclusive of damages for real estate taken, and the amount of  
28 such incidental damages accruing to any real estate shall be de-  
29 ducted from the amount of any benefits thereon. The assessor  
30 shall adopt the procedures set forth in sections 25, 26 and 30 of  
31 chapter 56 of Title 40 of the Revised Statutes.

32 (c) Every such assessment together with interest thereon and  
33 all costs and charges connected therewith shall be a first lien  
34 upon the real estate described in the assessment, paramount to all  
35 prior or subsequent alienations and descents of such real estate  
36 or encumbrances thereon.

37 (d) Either the commission or any person aggrieved by an assess-  
38 ment may appeal the amount assessed pursuant to section 54 of  
39 chapter 56 of Title 40 of the Revised Statutes.

40 (e) The governing body of a municipality may by resolution  
41 provide that the owner of any real estate upon which any assess-  
42 ments for a reclamation or development projects shall have been  
43 made may pay such assessments in such yearly installments, not  
44 exceeding 20, with legal interest thereon, but any person assessed  
45 may pay the whole assessment, or any balance of installments,  
46 with accrued interest thereon, at one time. If any such installments  
47 shall remain unpaid for 30 days after the time when the same  
48 shall have become due the whole assessment or balance due thereon  
49 shall become and be immediately due, shall draw interest at the  
50 rate of 10% and be collected in the manner provided in chapter 56  
51 of Title 40 of the Revised Statutes for the collection of past due  
52 assessments. Whenever any owner shall be given the privilege  
53 of paying any assessment in installments such assessment shall  
54 remain a lien upon the land described therein until the same with  
55 all installments and accrued interest thereon shall be paid.



56 (f) Where the total amount of the assessments within a mu-  
 57 nicipality does not equal the proportion or amount of the whole  
 58 cost of the project or projects attributable to the lands in such  
 59 municipality, the difference shall be paid by the municipality and  
 60 may be raised by taxation at large, or paid out of any funds of the  
 61 municipality available for the purpose. It shall not be necessary  
 62 to raise the whole amount of such difference in any one year but  
 63 the same may be raised in equal yearly installments, not exceeding  
 64 20, with legal interest thereon.

1 41. Contracts with municipalities.

2 (a) The commission may enter into, from time to time, contract  
 3 with one or more municipalities, counties or other public agencies  
 4 for the operation of public improvements, works, facilities, services,  
 5 or undertakings of such municipalities, counties, or agencies, or of  
 6 the commission.

7 (b) Such contracts shall specifically provide for the services or  
 8 improvements to be undertaken, the fee or fees to be charged for  
 9 such services or facilities, the method of apportionment of such  
 10 fees among the contracting parties, persons or officers or agencies  
 11 responsible for the performance of the contract and other ap-  
 12 propriate terms and conditions of participation.

13 (c) Such contracts shall be subject to approval by resolution  
 14 of the commission and of the governing body of each participating  
 15 municipality, county or other participating agency.

16 (d) The apportionment of costs and expenses may be based upon  
 17 property valuations, population, area, and such other factors as  
 18 may be provided in the contract.

1 42. Inspection of commission's books.

2 The State Auditor and his legally authorized representatives  
 3 are hereby authorized and empowered from time to time to examine  
 4 the accounts and books of the commission, including its receipts,  
 5 disbursements, contracts, sinking funds, investments and any other  
 6 matters relating to its financial standing.

1 43. Assistance of State employees.

2 The commission shall be entitled to call to its assistance and  
 3 avail itself of the services of such employees of any State depart-  
 4 ment or agency as it may require and as may be available to it for  
 5 said purpose.

1 44. Supplemental to other powers.

2 The foregoing sections of this act shall be deemed to provide an  
 3 additional and alternative method for the doing of the things  
 4 authorized thereby, and shall be regarded as supplemental and



5 additional to powers conferred by other laws, and shall not be  
6 regarded as in derogation of any powers now existing; provided,  
7 however, that the issuance of bonds or refunding bonds under the  
8 provisions of this act need not comply with the requirements of  
9 any other law applicable to the issuance of bonds.

1 45. Liberal construction.

2 This act, being necessary for the welfare of the State and its  
3 inhabitants, shall be liberally construed to effect the purposes  
4 thereof.

1 46. Severability of provisions.

2 If the provisions of any article, section or clause of this act or  
3 the application thereof to any person shall be judged invalid by a  
4 court of competent jurisdiction, such order or judgment shall be  
5 confined in its operation to the controversy in which it was rendered,  
6 and shall not affect or invalidate the remainder of any provision  
7 of any article, section or clause of this act or the application of  
8 any part thereof to any other person or circumstance and, to this  
9 end, the provisions of each title, section and clause of this act are  
10 hereby declared to be severable.

1 47. Departmental approval unnecessary.

2 The powers granted to the commission by this act may be  
3 exercised without regard or reference to any department or agency  
4 of the State. All other general or special laws, or parts thereof,  
5 inconsistent with this act are hereby declared to be inapplicable  
6 to the provisions of this act.

1 48. Limitation of liability.

2 All expenses incurred in carrying out the provisions of this act  
3 shall be payable from funds provided the commission therefor, and  
4 no liability or obligation shall be incurred by the commission here-  
5 under beyond the extent to which moneys shall have been provided  
6 therefor.

1 49. State provision for expenses.

2 (a) The Legislature may advance or provide funds to the com-  
3 mission so as to provide funds sufficient with other revenues or  
4 moneys, if any:

5 (1) to pay the cost of maintaining, repairing and operating all  
6 finished development projects, including but not limited to dams,  
7 dikes, sluice gates, pumps, ponding areas, drainage ditches and  
8 sewers;

9 (2) to create and maintain reserves required or provided for in  
10 any resolution authorizing, or trust agreement securing, such bonds  
11 of the commission;



12 (3) to pay preliminary expenses, such as the expenses incurred  
13 in the preparation of detailed plans and estimates required for the  
14 financing of a project.

15 (b) The Legislature shall provide funds to the commission to  
16 undertake the studies directed in articles 3 and 6 of this act.

1 50. There is hereby appropriated to the Hackensack Meadow-  
2 lands Development Commission an initial sum of \$250,000.00 to  
3 carry out the purposes of this act.

#### ARTICLE 9. LAND TITLES COURT

1 51. A land titles court is hereby established as an inferior court  
2 of limited jurisdiction, pursuant to Article VI, Section I, paragraph  
3 1, of the New Jersey Constitution.

1 52. The Governor, with the advice and consent of the Senate shall  
2 appoint a chief judge and 2 associate judges of the land titles court  
3 who shall be counsellors at law, and who shall hold office for 5 years  
4 from the date of their appointment and until their successors are  
5 appointed and have qualified. Such judges shall be retired upon  
6 attaining the age of 70 years.

1 53. The judges of the land titles court shall be subject to impeach-  
2 ment, and any judicial officer impeached shall not exercise his office  
3 until acquitted. They shall also be subject to removal from office  
4 by the Supreme Court for such causes and in such manner as shall  
5 be provided by law.

1 54. Whenever the Supreme Court shall certify to the Governor  
2 that it appears that any judge of the land titles court is so in-  
3 capacitated as substantially to prevent him from performing his  
4 judicial duties, the Governor shall appoint a commission of 3 per-  
5 sons to inquire into the circumstances and, on their recommenda-  
6 tion, the Governor may retire the judge from office, on pension, as  
7 may be required by law.

1 55. Each judge of the land titles court shall receive for his  
2 services such salary as shall be prescribed by law; which shall not  
3 be diminished during the term of his appointment. No judge, while  
4 in office shall engage in the practice of law or other gainful pursuit.

1 56. The judges of the land titles court shall hold no other office or  
2 position of profit under this State or the United States. Any such  
3 judge who shall become a candidate for an elective public office shall  
4 thereby forfeit his judicial office.

1 57. The Chief Justice of the Supreme Court may from time to  
2 time assign judges of the Superior Court to the land titles court, as  
3 need appears, and may from time to time assign judges of the land  
4 titles court to the Superior Court or to any other court as the need



51 appears, and any judge so assigned shall have all the powers and  
 52 jurisdiction vested in or exercised by a judge of the court to which  
 53 he is assigned.

54 58. The land titles court may compel obedience to its process,  
 55 orders, judgments and sentences in contempt as fully and amply  
 56 as the Superior Court.

57 59. The chief judge of the land titles court may appoint a clerk  
 58 of the court, and such referees and other employees as shall be  
 59 found necessary for the proper performance of the court's duties.

60 60. The land titles court shall have exclusive jurisdiction over  
 61 any proceeding in which the ownership of riparian lands is in  
 62 dispute. Such proceedings shall include, but not be limited to, any  
 63 proceeding in which a claimant of riparian lands seeks to prove his  
 64 title superior to that of the State. For the purposes of this act a  
 65 "claimant" of riparian lands is a person holding or occupying such  
 66 lands, under claim of title.

67 61. (a) Any claimant of riparian lands over which the State  
 68 asserts ownership or which are designated as State owned, pur-  
 69 suant to the provisions of any law heretofore or hereafter enacted,  
 70 may commence an action before the land titles court to challenge  
 71 such assertion or designation. To commence such an action, the  
 72 claimant shall file with the clerk of the court a complaint which shall  
 73 set forth substantially:

- 74 1. The full name and residence of the claimant;
- 75 2. A correct description of the land;
- 76 3. The estate or interest claimed in the land;
- 77 4. The names of all persons, except the claimant and the State,  
 78 who appear of record, or who are known to the claimant to have or  
 79 to claim any estate or interest in the land;
- 80 5. Whether the land is occupied or unoccupied; if occupied by  
 81 any other person than the claimant, it shall state the full name and  
 82 address of each occupant and the nature of the estate, interest, lien,  
 83 or charge which such occupant or occupants have, or claim to have,  
 84 in the land;
- 85 6. Whether the land is subject to any lien or encumbrance,  
 86 recorded or unrecorded, together with the character of the same,  
 87 and the name and address of each holder thereof; if recorded, it  
 88 shall state the place, book and page of record.

89 The claimant shall also file an abstract which shall set forth the  
 90 chain of title upon which his claim is based.

91 (b) In an action brought under this section, the State, all persons  
 92 in possession, and all persons who appear of record, or who are



27 known to the claimant to have or to claim any estate, interest, lien  
28 or encumbrance in the land shall be made a party. Where it appears  
29 to the court that a person not a party to the action may have an  
30 estate, interest, lien or encumbrance in the land which may in any  
31 manner be affected by the judgment, the court, upon application of  
32 such person, or of any party to the action, or on its own motion,  
33 may direct that such person be made a party.

34 (c) Upon receipt of the complaint and abstract of title, the court,  
35 by its order, shall direct that a summons be issued. This order shall  
36 contain the name and address, so far as known, of every person  
37 who is to be joined as a party to the action.

38 (d) In an action brought under this section, the service of process  
39 and the filings of pleadings shall be governed by the provisions for  
40 civil actions generally. Insofar as it is practicable, one judge shall  
41 be assigned to hear and decide all matters relating to the action.

42 (e) In any proceeding before the court, all parties shall be  
43 accorded the right to be accompanied, advised and represented by  
44 counsel. The interest of the State shall be represented by the  
45 Attorney General of the State. All parties shall be afforded an  
46 opportunity to present evidence and argument with respect thereto.  
47 The court may, on its own motion or on the motion of any party,  
48 view the land. The court shall prepare an official record in each  
49 proceeding which shall include all testimony and exhibits.

50 (f) The judge of the court, before whom the proceeding is held,  
51 may refer the proceeding, or any part thereof, to a referee in  
52 accordance with the rules of civil procedure now or hereafter  
53 promulgated by the Supreme Court, to hear the parties and their  
54 evidence, and make report thereon to the court. After the filing  
55 of such report, the court may order such other or further hearing  
56 before him, or before the referee and may require such other or  
57 further proof by any of the parties to the proceedings as he shall  
58 deem proper.

59 (g) Upon finding superior title in the claimant the court shall  
60 issue a decree negating the State's claim. If the court finds the  
61 lands at issue to be State-owned it shall issue a decree vesting title  
62 thereto in the State and cause the decree to be recorded in the  
63 county or counties wherein the lands are situated. The court shall  
64 dismiss the proceedings as to any claimant if it determines that  
65 some other person has a superior claim of private title to the parcel  
66 at issue, but as to such other person, if the court shall find that he  
67 has an interest superior to that of the State, the court shall issue a  
68 decree negating the State's claim.



69 (h) Every decision and decree rendered by the court shall be in  
 70 writing or stated in the record and, where appropriate, shall be  
 71 accompanied by findings of fact and conclusions of law. Parties to  
 72 the proceeding shall be notified of the final decision and decree in  
 73 person or by mail. A copy of the decision and decree shall be  
 74 delivered or mailed upon request to each party or his attorney of  
 75 record.

76 (i) Within 60 days after the court has issued its final decision and  
 77 decree any aggrieved party may appeal to the Appellate Division  
 78 of the Superior Court.

79 (j) Nothing herein contained shall be construed as limiting the  
 80 jurisdiction of the court to claims against the State; and it is hereby  
 81 declared to be the intention of the Legislature that the land titles  
 82 court shall have exclusive jurisdiction over any proceeding in which  
 83 a claimant of riparian lands seeks to prove his title superior to that  
 84 of any other party. All procedures for actions in which the State is  
 85 a party shall be followed, where applicable, for actions in which the  
 86 State is not a party.

1 62. This act shall take effect immediately.

#### STATEMENT

The purpose of this bill is to provide for the comprehensive planning, reclamation, development and redevelopment of the Hackensack Meadowlands by a State agency with the powers to finance and construct projects in co-operation with municipalities with lands in the district.

The provisions of this bill differ in several significant respects from previous proposals contemplating meadowlands development. Firstly, the Hackensack Meadowlands Development Commission established herein will contain 9 members, representative of the 18 municipalities with lands in the Hackensack Meadowlands District, of the counties of Bergen and Hudson, of the State as a whole, of the State Government (in the person of the Commissioner of the State Department of Community Affairs).

Secondly, the commission has power not only to plan the comprehensive development of the meadowlands, but to construct and contract for the construction of projects and improvements pursuant to a master plan for the area, which it is directed to prepare, adopt and implement.

Thirdly, the 18 "Hackensack municipalities" are accorded the recognition their interests in the meadowlands merit by virtue of the powers they are granted to reject the master plan prepared by the commission, and to initiate their own.



Fourthly, the commission is specifically directed to make "payments in lieu of taxes" to the Hackensack municipalities for the property it acquires and the projects it constructs in the meadowlands.

Fifthly, the commission is specifically directed to prepare a formula which will guarantee each constituent municipality the assessment value of its meadowlands property in the 1967 tax year; will compensate municipalities for any increases in service costs, such as fire and police protection, which it might incur due to the development of meadowlands property; and will distribute equitably to all constituent municipalities any new tax revenues resulting from the development and improvement of the entire district. In addition, neither the commission nor the constituent municipalities are restricted as to the particulars of the formula, and the commission is directed to submit any formula it prepares to the constituent municipalities for their approval.

Sixthly, the apparatus and procedure for determining ownership is separated from the provisions for planning, reclamation, development and redevelopment, and placed, where they properly belong, in a land titles court, established as an integral part of the judiciary pursuant to article 9 of this act.

STATEMENT

The purpose of this bill is to provide for the comprehensive planning, reclamation, development and redevelopment of the Hackensack meadowlands by a State agency with the powers to acquire and construct projects in cooperation with municipalities with lands in the district. The provisions of this bill differ in several significant respects from previous proposals concerning meadowlands development. First, the Hackensack Meadowlands Development Commission established herein will contain 9 members, representative of the municipalities with lands in the Hackensack Meadowlands District of the counties of Bergen and Hudson, of the State as a whole. It shall be created in the person of the Commissioner of the State Department of Community Affairs. Secondly, the commission has power not only to plan the comprehensive development of the meadowlands, but to construct and contract for the construction of projects and improvements. It shall have the authority to acquire and construct projects and improvements in a master plan for the area, which it is directed to prepare and implement. Thirdly, the Hackensack municipalities are accorded the recognition their interests in the meadowlands merit by virtue of the powers they are granted to reject the master plan prepared by the commission, and to initiate their own.



ASSEMBLY, No. 982

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1968

By Assemblymen HOLLENBECK and CRANE

Referred to Committee on Agriculture, Conservation and  
Natural Resources

AN ACT to amend and supplement "An act to provide for the reclamation, planning, development and redevelopment of the Hackensack Meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the 'Department of Conservation and Economic Development Act of 1948,' approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act," now pending in the Legislature as Senate Bill No. 477.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 3 of the act of which this act is amendatory and sup-  
2 plementary is amended to read as follows:

3 3. As used in this act, the following words and terms shall have  
4 the following meanings, unless the context indicates or requires  
5 another or different meaning or intent:

6 (a) "Commission" means the Hackensack Meadowlands De-  
7 velopment Commission created by this act or any board, body,  
8 commission, department or officer succeeding to the principal  
9 functions thereof or to whom the powers and duties conferred  
10 upon the commission by this act shall be given by law;

11 (b) "Bonds" means any bonds, notes, interim certificates, deben-  
12 tures, or other obligations, issued by the commission pursuant to  
13 this act;

14 (c) "Claimant" means a person holding or occupying riparian  
15 lands within meadowlands under color of title;

16 (d) "School fund" means the fund for the support of free public

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.



17 schools, as provided by the New Jersey Constitution, Article VIII,  
18 Section IV;

19 (e) "Riparian lands" are those lands now, formerly or hereafter  
20 flowed by mean high tide, except where such tidal flow is caused  
21 by artificially produced changes in land or water elevation;

22 (f) "Person" means and shall include all individuals, partner-  
23 ships, associations, private or municipal corporations and all  
24 political subdivisions of the State;

25 (g) "Owner" means and shall include all persons having any  
26 title or interest in any property, rights, easements and interests  
27 authorized to be acquired, assessed or regulated by this act;

28 (h) "Constituent municipality" means a municipality with lands  
29 in the district;

30 (i) "District" means the Hackensack Meadowlands District, the  
31 area within the jurisdiction of the commission described in section  
32 4 of this act;

33 (j) "Hackensack Meadowlands" means all those meadowlands  
34 lying within the municipalities of Carlstadt, East Rutherford,  
35 **[Fairview]** *Little Ferry*, Lyndhurst, **[Moonachie,]** North Arling-  
36 ton, Ridgefield, Rutherford, South Hackensack **[and Teterboro,]**  
37 all in Bergen County; and Jersey City, Kearny, North Bergen and  
38 Secaucus, all in Hudson county;

39 (k) "Master plan" means the comprehensive plan for the district  
40 prepared and adopted in accordance with article 5 of this act;

41 (l) "Renewal area" means an area designated by the commission  
42 pursuant to article 5 of this act whose redevelopment is necessary  
43 to effectuate the public purposes declared in this act. A renewal  
44 area may contain lands, buildings or improvements which of them-  
45 selves are not detrimental to the public health, safety or welfare,  
46 but whose inclusion is found necessary, with or without change in  
47 their condition, for the effective redevelopment of the area of which  
48 they are a part;

49 (m) "Project area" means all or a portion of a renewal area;

50 (n) "Project" means any plan, work or undertaking by the com-  
51 mission or by a redeveloper under contract to the commission,  
52 pursuant to the master plan or a redevelopment plan. Such under-  
53 taking may include the reclamation and improvement of meadow-  
54 lands, any buildings, land (including demolition, clearance or re-  
55 moval of buildings from land), equipment, facilities, or other real  
56 or personal properties, which are necessary, convenient or desirable  
57 appurtenances, including but not limited to, streets, water systems,  
58 sewer systems, utilities, parks, site preparation, landscaping, and



59 administrative, community, health, recreational, educational and  
60 welfare facilities, and buildings and structures in renewal areas  
61 for industrial, commercial or residential use;

62 (o) "Redeveloper" means any person, firm, corporation or  
63 public or private agency that shall enter into or propose to enter  
64 into a contract with the commission for the reclamation, develop-  
65 ment, redevelopment or improvement of an area or any part thereof  
66 under the provisions of this act, or for the construction of any  
67 project pursuant to the master plan or redevelopment plan;

68 (p) "Improvement" means (1) the laying out, opening, con-  
69 struction, widening, straightening, enlargement, extension, altera-  
70 tion, changing of location, grading, paving or otherwise improving,  
71 a street, alley or public highway; (2) curbing or guttering of a  
72 sidewalk along a street, alley or highway; (3) construction and  
73 improvement of bridges and viaducts; (4) construction, enlarge-  
74 ment or extension of a sewer or drain or of a sewerage or drainage  
75 system including, but not limited to, such systems under street,  
76 alleys, or public highways or systems for drainage of marshes and  
77 wet lowlands; or works for the sanitary disposal of sewerage or  
78 drainage; (5) the installation of service connections to water, and  
79 other utility works including the laying, construction, or placing  
80 of mains, conduits, or cables under or along a street, alley or high-  
81 way; (6) the construction, enlargement, or extension of water  
82 mains or water distribution works; (7) the construction, enlarge-  
83 ment or extension of sanitary landfills or incinerators or other  
84 facilities for the disposal of solid wastes; (8) the installation of  
85 lighting standards, appliances and appurtenances required for the  
86 illumination of streets; (9) widening, deepening, or improvement  
87 of, the removal of obstructions in, and the construction, enlarge-  
88 ment and extension of any waterway, or of enclosing walls, or of  
89 a pipe or conduit along a water course; (10) the reclaiming, filling  
90 and improving and bulkheading lands under tidal or other water  
91 and lands adjacent to such reclaimed or filled lands, and the dredg-  
92 ing of channels and improvement of harbor approaches in waters  
93 abounding the lands to be reclaimed, filled and improved, or bulk-  
94 headed and filled; (11) the development and improvement of parks  
95 and recreational facilities; and (12) the construction of buildings  
96 and other structures.

97 (q) "Redevelopment" means a program for renewal through  
98 reclamation, clearance, replanning, development and redevelop-  
99 ment; the rehabilitation of any improvements; conservation or  
100 rehabilitation work; the construction and provision for construction



101 of projects; and the grant or dedication of spaces as may be ap-  
102 propriate or necessary in the interest of the general welfare for  
103 such projects or other public purposes incidental or appurtenant  
104 thereto, in accordance with the master plan or any part thereof, or  
105 a redevelopment plan;

106 (r) "Redevelopment plan" means a plan as it exists from time  
107 to time for a redevelopment project or projects in all or any part  
108 of the district, which plan shall conform to the master plan and  
109 shall be sufficiently complete to indicate such land acquisition, demo-  
110-111 lition and removal of structures, improvements, conservation  
112 or rehabilitation work as may be proposed to be carried out in the  
113 area of the project, existing and proposed land uses, building  
114 requirements, maximum densities, zoning and planning changes,  
115 if any, public transportation and utilities, recreational and com-  
116 munity facilities and other public improvements, and to indicate  
117 the relationship of the plan to definite regional objectives;

118 (s) "Site plan" means a plan for an existing lot or plot or a  
119 subdivided lot on which is shown topography, location of all exist-  
120 ing or proposed buildings, structures, drainage facilities, roads,  
121 rights-of-way, easements, parking areas, together with any other  
122 information, and at such a scale as may be required by a commis-  
123 sion site plan review and approval resolution.

124 (t) "Subdivision" means the division of a lot, tract or parcel  
125 of land into 2 or more lots, sites or other divisions of land for the  
126 purpose, whether immediate or future, of sale or building develop-  
127 ment except that the following divisions shall not be considered  
128 subdivisions within the meaning of this act; provided, however,  
129 that no new streets or roads are involved; divisions of land for  
130 agricultural purposes where the resulting parcels are 3 acres or  
131 larger in size, divisions of property by testamentary or intestate  
132 provisions, or divisions of property pursuant to court order.

133 (u) "Cost," in addition to the usual meanings thereof, means  
134 the cost of acquisition or construction of all or any part of an  
135 improvement and all or any property, rights, easements, privi-  
136 leges, agreements and franchises deemed by the commission to be  
137 necessary or useful and convenient therefor or in connection  
138 therewith, including interest or discount on bonds, cost of issuance  
139 of bonds; engineering and inspection costs and legal expenses;  
140 cost of financial, professional and other estimates and advice;  
141 organization, administration, operation and other expenses of the  
142 commission prior to and during such acquisition or construction;  
143 and all such other expenses as may be necessary or incident to the



144 financing, acquisition, construction and completion of said improve-  
 145 ment or part thereof and the placing of same in operation; and  
 146 also such provision or reserves for working capital, operating or  
 147 maintenance or replacement expenses, or for payment or security  
 148 of principal of or interest on bonds during or after such acquisition  
 149 or construction; and also reimbursements to the commission or  
 150 any county, municipality or other person of any moneys thereto-  
 151 fore expended for the purpose of the commission or in connection  
 152 with such improvements;

153 (v) "Special assessment" means an assessment for benefits  
 154 accruing from the construction of improvements by or at the  
 155 direction of the commission;

156 (w) "Committee" means the Hackensack Meadowlands Municipi-  
 157 pal Committee established pursuant to article 4 of this act;

158 (x) "Solid waste" shall mean any refuse matter, trash or gar-  
 159 bage from residences, hotels, apartments or any other public or  
 160 private building, but shall not include water-carried wastes or the  
 161 kinds of wastes usually collected, carried away and disposed of by  
 162 a sewerage system;

163 (y) "Solid waste disposal facilities" shall mean the plants, struc-  
 164 tures and other real and personal property acquired, constructed  
 165 or operated, or to be acquired, constructed or operated by the com-  
 166 mission, as hereinafter provided, including incinerators, sanitary  
 167 landfills or other plants or facilities for the treatment and disposal  
 168 of solid waste.

1 2. Section 4 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 4. (a) Except as otherwise provided, the commission shall be  
 4 authorized to carry out the purposes of this act within the following  
 5 district:

6 All that certain area bounded as described therein, excepting  
 7 therefrom the area described in subsection (b) [and] (c) and (d)  
 8 of this section:

8A Beginning at a point on Hendricks Causeway at its junction with  
 9 the tracks of the Erie-Lackawanna Railroad—Northern Railroad  
 9A of New Jersey Branch in Ridgefield;

9B Thence southerly along the tracks of the Erie-Lackawanna Rail-  
 9C road—Northern Railroad of New Jersey Branch to its junction  
 9D with the Fairview-Ridgefield Municipal boundary;

9E Thence westerly along the Fairview-Ridgefield Municipal  
 9F boundary to its junction with the Fairview-North Bergen Municipal  
 9G boundary;



9H Thence easterly along the Fairview-North Bergen Municipal  
 9I boundary to its junction with the tracks of the Erie-Lackawanna  
 9J Railroad—Northern Railroad of New Jersey Branch;  
 10 Thence southerly along the tracks of the Erie-Lackawanna Rail-  
 11 road—Northern Railroad of New Jersey Branch to its junction with  
 12 Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;  
 13 Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9)  
 14 to its intersection with the Pulaski Skyway;  
 15 Thence westerly along a line formed by the Pulaski Skyway to  
 16 a point where the Port Authority Trans-Hudson tracks pass under  
 17 the Pulaski Skyway;  
 18 Thence westerly along the Port Authority Trans-Hudson tracks  
 19 to their intersection with the Harrison-Kearny Municipal  
 20 Boundary;  
 21 Thence northwesterly along the Harrison-Kearny Municipal  
 22 Boundary, as it jugs and curves, to its intersection with the Erie-  
 23 Lackawanna Railroad, Harrison-Kingsland connecting branch of  
 24 the Morris and Essex Division;  
 25 Thence northerly along the tracks of the Erie-Lackawanna Rail-  
 26 road, Harrison-Kingsland connecting branch of the Morris and  
 27 Essex Division to its [junction with Orient Way in Lyndhurst;]  
 28 *eastern intersection with the Boonton Branch of the Erie-Lack-*  
 29 *awanna Railroad;*  
 30 [Thence northerly along Orient Way to its junction with Valley  
 31 Brook Avenue-Smith Street;  
 32 Thence easterly along Smith Street to its junction with Madison  
 33 Street;  
 34 Thence northerly along Madison Street to its junction with Ever-  
 35 green Place;  
 36 Thence westerly along Evergreen Place to its junction with  
 37 Meadow Road;  
 38 Thence northerly along Meadow Road to its junction with  
 39 Rutherford Avenue;  
 40 Thence northerly along a straight line drawn between the inter-  
 41 section of Rutherford Avenue and Meadow Road and the junction  
 42 of Union Avenue and Erie-Lackawanna-New Jersey and New York  
 43 Railroad;  
 44 Thence northerly along the tracks of the Erie-Lackawanna-New  
 45 Jersey and New York Railroad to its intersection with the Wood-  
 46 Ridge-Carlstadt municipal boundary;  
 47 Thence easterly along the Wood-Ridge-Carlstadt municipal  
 48 boundary to its intersection with Moonachie-Wood-Ridge municipal  
 49 boundary;



50 Thence northerly and westerly along the Moonachie-Wood-Ridge  
 51 municipal boundary to its intersection with the Hasbrouck  
 52 Heights-Moonachie municipal boundary;  
 53 Thence easterly and northerly along Hasbrouck Heights-  
 54 Moonachie municipal boundary to its intersection with the  
 55 Moonachie-Teterboro municipal boundary;  
 56 Thence westerly and northerly along the Hasbrouck Heights-  
 57 Teterboro municipal boundary to its intersection with U. S.  
 58 Route 46;  
 59 Thence easterly along U. S. Route 46 to its intersection with the  
 60 Teterboro-Little Ferry municipal boundary;  
 61 Thence southerly along the Teterboro-Little Ferry municipal  
 62 boundary to its intersection with the Moonachie-Little Ferry  
 63 boundary;  
 64 Thence southerly along the Moonachie-Little Ferry Municipal  
 65 boundary to its intersection with Red Neck Road;  
 66 Thence southerly along Reck Neck Road to its junction with  
 67 Moonachie Avenue in Moonachie;  
 68 Thence easterly along Moonachie Avenue to its junction with  
 69 Moonachie Road; ]  
 70 *Thence northerly to the nearest point of intersection with Berry's*  
 71 *Creek;*  
 72 *Thence northerly following mid-stream of Berry's Creek to the*  
 73 *point where Berry's Creek intersects Woodridge-Carlstadt municip-*  
 74 *al boundary;*  
 75 *Thence easterly along the Woodridge-Carlstadt boundary to its*  
 76 *intersection with Washington Avenue and Moonachie Road;*  
 77 Thence northerly along Moonachie Road to its junction with  
 78 Maple Street;  
 79 Thence easterly along Maple Street approximately 930 feet to  
 80 its intersection with the Transcontinental gas pipeline;  
 81 Thence northeasterly along a straight line drawn between the  
 82 intersection of Maple Street and the Transcontinental gas pipeline  
 83 and the intersection of Bertolotto Avenue and the Moonachie-Little  
 84 Ferry Municipal boundary (Losen Slofe Creek);  
 85 Thence easterly along Bertolotto Avenue to its junction with  
 86 Eckel Road;  
 87 Thence northerly along Eckel Road to its junction with Columbus  
 88 Avenue;  
 89 Thence easterly along Columbus avenue to its junction with  
 90 Mehrhof Road;



91 Thence northerly along Mehrhof Road to its junction with Wash-  
 92 ington Avenue;  
 93 Thence easterly and northerly along Washington Avenue to its  
 94 junction with Main Street;  
 95 Thence easterly along Main Street extended to the Little Ferry-  
 96 Ridgefield Park Municipal boundary; (The middle of the Hacken-  
 97 sack River);  
 98 Thence southerly along the Little Ferry-Ridgefield Park Muni-  
 99 pal boundary (in the middle of the Hackensack River) to its inter-  
 100 section with the Ridgefield Park-Ridgefield Municipal boundary;  
 101 Thence easterly along the Ridgefield Park-Ridgefield Municipal  
 102 boundary (in the middle of Overpeck Creek) to its intersection with  
 103 Bergen Turnpike;  
 104 Thence southerly along Bergen Turnpike to its junction with  
 105 Hendricks Causeway;  
 106 Thence southeasterly along Hendricks Causeway to its junction  
 107 with the tracks of the Lackawanna Railroad—Northern Branch,  
 108 the point of beginning.  
 109 (b) Exception:  
 110 Beginning at a point on Old New Jersey Route 3 (New Jersey  
 111 Route 153) (Paterson Plank Road) at its junction with County  
 112 Avenue in Secaucus;  
 113 Thence southerly along County Avenue to its junction with  
 114 Secaucus Road;  
 115 Thence westerly along Secaucus Road a distance of 1,321 feet  
 116 more or less to its junction with Private Road;  
 117 Thence northerly along a straight line drawn between the inter-  
 118 section of Secaucus Road and the aforementioned Private Road and  
 119 the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;  
 120 Thence westerly along Pandolfi Avenue to its junction with 5th  
 121 Street;  
 122 Thence Southerly along 5th Street to its junction with Mansfield  
 123 Avenue;  
 124 Thence westerly along Mansfield Avenue to its junction with  
 125 Walter Place;  
 126 Thence northerly along Walter Place to its junction with Mans-  
 127 field Avenue;  
 128 Thence westerly along Mansfield Avenue to its junction with 9th  
 129 Street;  
 130 Thence northerly along 9th Street to its junction with Grace  
 131 Street;



132 Thence easterly along Grace Street to its junction with Eighth  
133 Street;

134 Thence northerly along Eighth Street to its junction with Old  
135 New Jersey Route 3 (Route 153);

136 Thence easterly along Old New Jersey Route 3 (Route 153) to  
137 its junction with Paterson Plank Road;

138 Thence easterly continuing along Old New Jersey Route 3 (Route  
139 153) (Paterson Plank Road) to its junction with County Avenue,  
140 the point of beginning.

141 (c) Exception:

142 Beginning at a point on Maple Avenue at its junction with 7th  
143 Street in Secaucus;

144 Thence northerly and easterly along 7th Street to its junction  
145 with Paterson Plank Road;

146 Thence northerly along Paterson Plank Road to its junction with  
147 Farm Road;

148 Thence northerly along Farm Road to its junction with Meadow  
149 Lane;

150 Thence easterly along Meadow Lane to its junction with Stone-  
151 wall Lane and Mill Ridge Road;

152 Thence easterly along Mill Ridge Road to its junction with Koelle  
153 Boulevard;

154 Thence southerly along Koelle Boulevard to its junction with  
155 Huber Street;

156 Thence westerly along Huber Street to its junction with Radio  
157 Avenue;

158 Thence southerly on Radio Avenue to its junction with Pikeview  
159 Terrace;

160 Thence westerly and northerly along Pikeview Terrace to its in-  
161 tersection with Lausecker Lane;

162 Thence westerly along Lausecker Lane to its junction with Pater-  
163 son Plank Road;

164 Thence southerly along Paterson Plank Road to its junction with  
165 Maple Street;

166 Thence westerly along Maple Street to its junction with 7th  
167 Street, the point of beginning.

168 (d) Exception:

168A *In the municipality of Secaucus the district shall be limited to  
169 lands which, by and large, are less than 4 feet above mean sea level  
170 in elevation.*

171 (e) *The Hackensack Meadowlands Development Commission  
172 hereinafter established shall, within 120 days of the effective date*



173 of this act, cause to be made, completed, and filed as hereinafter  
 174 provided a metes and bounds description of the above described  
 175 area which it shall designate as the district for the purposes of  
 176 this act.

177 The commission shall publish a map portraying its description  
 178 which shall clearly indicate those lands designated by the commis-  
 179 sion as within the district. Copies of such map and description  
 180 shall be filed with the Secretary of State and sent to the clerk of  
 181 each county and to the governing body of each municipality whose  
 182 political boundaries include lands shown on the map. Such maps  
 183 and descriptions shall be available for public inspection.

184 (f) If, in order to insure the approval and funding, in whole or  
 185 in part, of the Federal Government, or any agency or instrumen-  
 186 tality thereof, of any reclamation project in the Hackensack Mead-  
 187 owlands, it is necessary to include in any such reclamation project  
 188 riparian land which is not within the district designated herein,  
 189 the commission, upon certifying to the Governor and the Legisla-  
 190 ture the existence of the aforesaid necessity in order to insure  
 191 Federal Government approval and funding, shall be authorized to  
 192 include in the district, for the purpose of such reclamation project,  
 193 any riparian land in the Hackensack Meadowlands.

1 3. Section 5 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 5. (a) There is hereby established in, but not of, the Department  
 4 of Community Affairs a public body corporate and politic, with  
 5 corporate succession to be known as the "Hackensack Meadow-  
 6 lands Development Commission." The commission shall constitute  
 7 a political subdivision of the State established as an instrumentality  
 8 exercising public and essential governmental functions, and the  
 9 exercise by the commission of the powers conferred by this act  
 10 shall be deemed and held to be an essential governmental function  
 11 of the State.

11A (b) The commission shall consist of 7 members appointed and  
 12 qualified as follows:

13 (1) The Commissioner of the Department of Community Affairs,  
 14 ex officio; provided that he may appoint an alternate to act in  
 15 his place and stead, with the authority to attend, vote and perform  
 16 any duty or function assigned to the Commissioner of the Depart-  
 17 ment of Community Affairs in his absence. The alternate shall  
 18 serve during the term of the Commissioner of the Department of  
 19 Community Affairs, subject to removal at his pleasure. In the  
 20 event of a vacancy in the position of alternate, it shall be filled in



21 the same manner as an original appointment and only for the  
22 unexpired term.

23 (2) Six citizens of the State, appointed by the Governor, with  
24 the advice and consent of the Senate and no more than 3 of whom  
25 shall be of the same political party; 2 of whom shall be residents  
26 [of one] of the constituent municipalities of Bergen county and  
27 2 of whom shall be residents [of one] of the constituent munici-  
28 palities of Hudson county; provided, however, no more than one  
29 citizen shall be appointed from any one constituent municipality;  
30 one of whom shall be a resident of Bergen county and one of whom  
31 shall be a resident of Hudson county[;]. *The Commissioner of the*  
32 *State Department of Transportation, the Commissioner of the*  
33 *Department of Conservation and Economic Development, and a*  
34 *representative of the United States Army Corps of Engineers, may,*  
35 *within the limits of their respective responsibilities and at the re-*  
36 *quest of the commission, serve as nonvoting advisors to the com-*  
37 *mission. The members of the liaison-committee established, as here-*  
38 *inafter provided, by the Hackensack Meadowlands Municipal Com-*  
39 *mittee, shall also serve as nonvoting advisors to the commission;*

40 (c) The Commissioner of the Department of Community Affairs  
41 shall serve on the commission during his term of office and shall  
42 be succeeded by his successor in office. Each member appointed by  
43 the Governor shall serve for terms of 5 years; provided that of the  
44 first members appointed by the Governor one shall serve for a  
45 term of 1 year, one for a term of 2 years, one for a term of 3 years,  
46 one for a term of 4 years, and 2 for a term of 5 years. Each mem-  
47 ber shall serve for the term of his appointment and until his suc-  
48 cessor shall have been appointed and qualified. Any vacancy shall  
49 be filled in the same manner as the appointment for the unexpired  
50 term only.

51 (d) Any member of the commission may be removed by the  
52 Governor for a cause after a public hearing.

53 (e) Each member of the commission before entering upon his  
54 duties shall take and subscribe an oath to perform the duties of  
55 his office faithfully, impartially and justly to the best of his ability.  
56 A record of such oaths shall be filed in the office of the Secretary  
57 of State.

58 (f) The members of the commission shall serve without com-  
59 pensation, but the commission may reimburse its members for  
60 necessary expenses incurred in the discharge of their duties.

61 (g) The Governor shall designate one of the members of the  
62 commission as chairman. The commission shall select from its



63 members a vice-chairman and a treasurer, and shall employ an  
64 executive director, who shall be secretary, and a chief fiscal officer.  
65 The commission may also appoint, retain and employ, without re-  
66 gard to the provisions of Title 11, Civil Service, of the Revised  
67 Statutes, such officers, agents, employees and experts as it may  
68 require, and it shall determine their qualifications, terms of office,  
69 duties, services and compensation.

70 (h) The powers of the commission shall be vested in the members  
71 thereof in office from time to time and a majority of the total  
72 authorized membership of the commission shall constitute a quorum  
73 at any meeting thereof. Action may be taken and motions and  
74 resolutions adopted by the commission at any meeting thereof by  
75 the affirmative vote of a majority of the members, unless  
76 in any case the by-laws of the commission or any of the provisions  
77 of this act shall require a larger number; provided that the com-  
78 mission may designate one or more of its agents or employees to  
79 exercise such administrative functions, powers and duties at it may  
80 deem proper, under its supervision and control. No vacancy in the  
81 membership of the commission shall impair the right of a quorum  
82 to exercise all the rights and perform all the duties of the com-  
83 mission, except as provided by section 8.

84 (i) Before the issuance of any bonds under the provisions of this  
85 act, the members and the officer of the commission charged with  
86 the handling of the commission's moneys shall be covered by a  
87 surety bond or bonds in such sum as provided by the rules and  
88 regulations of the commission conditioned upon the faithful per-  
89 mance of the duties of their respective offices, and executed by  
90 a surety company authorized to transact business in the State of  
91 New Jersey as a surety. Each such surety bond shall be submitted  
92 to the Attorney General for his approval and upon his approval  
93 shall be filed in the office of the Secretary of State prior to the  
94 issuance of any bonds by the commission. At all times after the  
95 issuance of any bonds by the commission, the officer of the com-  
96 mission charged with the handling of the commission's moneys  
97 and each member shall maintain such surety bonds in full force  
98 and effect. All costs of such surety bonds shall be borne by the  
99 commission.

100 (j) On or before March 31 in each year the commission shall  
101 make an annual report of its activities for the preceding calendar  
102 year to the Governor and to the Legislature. Each such report  
103 shall set forth a complete operating and financial statement cover-  
104-105 ing its operations during the year.



106 (k) The commission shall cause an audit of its books and ac-  
 107 counts to be made at least once in each year and the cost thereof  
 108 shall be treated as one incurred by the commission in the admin-  
 109 istration of this act, and a copy thereof shall be filed with the State  
 110 Treasurer, all as more fully provided in section 76 of this act.

111 (l) (1) No member, officer, employee or agent of the commission  
 112 shall be financially interested, either directly or indirectly, in any  
 113 project or any part of a project area (other than a residence) or  
 114 in any contract, sale, purchase, lease or transfer of real or per-  
 115 sonal property to which the commission is a party;

116 (2) Any contract or agreement knowingly made in contraven-  
 117 tion of this section is voidable;

118 (3) Any person who shall willfully violate any of the provisions  
 119 of this section shall forfeit his office or employment and shall be  
 120 guilty of a misdemeanor.

121 4. Section 7 of the act of which this act is amendatory and sup-  
 122 plementary is amended to read as follows:

123 7 (a) There is hereby established a Hackensack Meadowlands  
 124 Municipal Committee, the membership of which shall consist of the  
 125 mayor or elected chief executive, or his designated alternate, of  
 126 each constituent municipality.

127 (b) A majority of the membership of the committee shall con-  
 128 stitute a quorum for the transaction of committee business. Action  
 129 may be taken and motions and resolutions adopted by the com-  
 130 mittee at any meeting thereof by the affirmative vote of a majority  
 131 of the full membership of the committee unless in any case the  
 132 by-laws of the committee or any of the provisions of this act shall  
 133 require a larger number[;]. *The committee shall elect from its*  
 134 *membership a liaison-committee consisting of 4 members, 2 of whom*  
 135 *shall be residents of Bergen county, and 2 of whom shall be resi-*  
 136 *dents of Hudson county. It shall be the purpose and duty of the*  
 137 *liaison-committee to act as liaison between the commission and*  
 138 *the committee.*

139 (c) The committee shall meet regularly as it may determine, and  
 140 may also meet at the call of the chairman of the commission.

141 (d) The committee shall appoint a chairman from among its  
 142 members and such other officers as may be necessary. *The com-*  
 143 *mittee may, within the limits of any funds appropriated or other-*  
 144 *wise made available to it for this purpose, also appoint, retain and*  
 145 *employ, without regard to the provisions of Title 11, Civil Service,*  
 146 *of the Revised Statutes, such officers, agents, employees and experts*  
 147 *as it may require, and it shall determine their qualifications, terms*



28 of office, duties, services and compensation.  
 29 (e) Members of the committee shall serve without compensation,  
 30 and each member shall serve only so long as he is the mayor or  
 31 elected chief executive of the municipality he represents. *The*  
 32 *committee may reimburse its members for necessary expenses in-*  
 33 *curred in the discharge of their duties.*

1 5. Section 9.1 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 9.1 (a) Within **[3]** 6 months of the effective date of this act the  
 4 commission shall undertake and complete a survey of the district  
 5 to determine the total amount of solid waste treated and disposed  
 6 on a daily basis in the district as of the effective date of this act  
 7 by persons in his State.

8 (b) The commission is hereby authorized, empowered and di-  
 9 rected to guarantee that solid waste disposal facilities sufficient to  
 10 treat and dispose of the total amount of solid waste determined  
 11 by its survey shall be available or be provided by the commission.

12 (c) In providing the solid waste disposal facilities which it is  
 13 hereby authorized, empowered and directed to provide, the com-  
 14 mission shall, prior to preparing any plans or specifications for  
 15 such facilities, consult with those persons utilizing the district for  
 16 the treatment and disposal of solid waste and, pursuant to the  
 17 provisions of section 78 of this act, contract with such persons or  
 18 any of such persons, who desire to utilize any solid waste disposal  
 19 facilities provided by the commission, and in the provision of such  
 20 facilities the commission may:

21 (1) Acquire or construct any such facilities as an improve-  
 22 ment, and may recover the cost of such acquisition or construc-  
 23 tion in the same manner and pursuant to the same procedure  
 24 provided for any other improvement undertaken by the com-  
 25 mission pursuant to this act;

26 (2) Operate and maintain any such facilities and generally  
 27 fix and collect rates, fees or other charges for any such facili-  
 28 ties in the same manner and pursuant to the same procedure  
 29 provided for any other facilities operated and maintained by  
 30 the commission; or lease as lessor or lessee any such facilities,  
 31 or provide by agreement or contract with any person for the  
 32 operation of any such facilities; provided, however, that prior  
 33 to the acquisition, construction, operation, lease as lessor or  
 34 lessee, contract or agreement by the commission for any such  
 35 solid waste disposal facilities in the district, the commission  
 36 shall submit to the Commissioner of the State Department of



37 Health for approval a plan or plans describing in detail the  
38 purpose of such acquisition, construction, operation, lease as  
39 leasor or leasee, contract or agreement. In reviewing the plans  
40 submitted in compliance with this section and in determining  
41 conditions under which such plans may be approved the com-  
42 missioner shall give due consideration to community develop-  
43 ment of comprehensive regional solid waste disposal facilities,  
44 in order to be assured insofar as is practicable that all pro-  
45 posed solid waste disposal facilities shall conform to reason-  
46 ably contemplated development of comprehensive community  
47 or regional solid waste disposal facilities. No solid waste dis-  
48 posal facility shall be acquired, constructed, operated, leased,  
49 contracted or agreed for in the district without approval of the  
50 Commissioner of the State Department of Health.

51 (3) Join and participate in any agency, instrumentality or  
52 authority created by the State, or by any political subdivision  
53 or subdivisions thereof, for the purpose of treating or dispos-  
54 ing of solid waste in which it may be authorized by law to join  
55 and participate, under any terms or conditions, subject to any  
56 duties and entitled to any rights and powers provided by such  
57 law.

58 (4) Permit, by contract or agreement, any agency, instru-  
59 mentality or authority created by the State, or by any political  
60 subdivision or subdivisions thereof, for the purpose of treating  
61 or disposing of solid waste to acquire, construct, or operate  
62 and maintain any solid waste disposal facilities which such  
63 agency, instrumentality or authority is authorized by law to  
64 acquire, construct, or operate and maintain. Any such facili-  
65 ties acquired, constructed, or operated and maintained by any  
66 such agency, instrumentality or authority may be located  
67 either within the district or without the district but within the  
68 jurisdiction of such agency, instrumentality or authority; pro-  
69 vided, however, that if any such facility is located within the  
70 district it shall be subject to the same procedure for approval  
71 by the Commissioner of the State Department of Health as  
72 any other such facility in the district.

73 (d) Nothing herein contained shall be interpreted as requiring  
74 any person to utilize any solid waste disposal facility provided by  
75 the commission; provided, however, that upon the completion of  
76 the survey undertaken by the commission pursuant to this section  
77 no solid waste may be treated or disposed in the district by any  
78 person without the express written consent of the commission.



79 (e) The commission, in its discretion, may provide solid waste  
 80 disposal facilities sufficient to treat and dispose of more than the  
 81 total amount of solid waste determined by its survey, and may make  
 82 such facilities available to persons other than those treating and  
 83 disposing of solid waste in the district as of the effective date of  
 84 this act.

85 (f) In order to acquire or construct any solid waste disposal  
 86 facility the commission is authorized to issue bonds and notes and  
 87 to pay or redeem said bonds and notes from revenue derived from  
 88 the fees and other charges collected for such facilities. Any cost  
 89 incurred by the commission in providing any solid waste disposal  
 90 facilities shall be charged by the commission to the persons utilizing  
 91 such facilities, and nothing herein contained shall be interpreted  
 92 as requiring the commission to bear the cost of any solid waste dis-  
 93 posal facility provided by the commission pursuant to this act.

1 6. Section 59 of the act of which this act is amendatory and sup-  
 2 plementary is amended to read as follows:

3 59. As used in this article, unless the context indicates another  
 4 meaning or intent:

5 (a) "Adjustment year" means the year in which the respective  
 6 obligations of the intermunicipal account and the constituent mu-  
 7 nicipalities of the district are due and payable.

8 (b) "Intermunicipal account" means the administrative device  
 9 established and administered by the commission to record all the  
 10 transactions made pursuant to this article for the purpose of cal-  
 11 culating the meadowlands adjustment payment for each constituent  
 12 municipality, and to act as the clearing-house for the transfer of  
 13 the meadowlands adjustment payments among the constituent  
 14 municipalities as required by this article.

15 (c) "Meadowlands adjustment payment" means the amount that  
 16 is payable by each constituent municipality to the intermunicipal  
 17 account, or the amount that is payable by the intermunicipal ac-  
 18 count to each municipality, as the commission shall determine the  
 19 case to be pursuant to the provisions of this article.

20 (d) "Resident enrollment" means the number of full-time pupils  
 21 who are residents of the school district and who are enrolled in day  
 22 schools on the last day of September during the school year in which  
 23 calculation of aid is made and are attending the public school  
 24 of the school district or a school district or State teachers college  
 25 demonstration school in which the school district of residence pays  
 26 tuition; school district may count in its enrollment any pupil regu-  
 27 larly attending on a full-time basis a county vocational school in  
 28 the same county for which the school district pays tuition.



29 (e) "Unimproved lands" means lands which are vacant and on  
 30 which there are no buildings or structures and which are not clas-  
 31 sified as land undergoing construction in the year [1968] *as de-*  
 32 *finied in subsection (f) below*, as shall be determined by a survey  
 33 by the commission.

34 (f) "Land undergoing construction" means land so designated  
 35 by the Commission. Land [may] *shall* be designated by the com-  
 36 mission as land undergoing construction if on or before [Septem-  
 37 ber 1, 1968] *the final adoption of the full master plan for the devel-*  
 38 *opment of the district and final approval of same by the United*  
 39 *States Army Corps of Engineers, but in no event later than Janu-*  
 40 *uary 1, 1971*, the governing body of a constituent municipality files  
 41 with the commission, a description of any building or structure,  
 42 undergoing construction as of the effective date of this act within  
 43 said municipality and the commission is satisfied that the plans,  
 44 specifications and actual construction work thereon warrants that  
 45 the property not be [conclusive] *classified* as unimproved land.

46 (g) "Redeveloped Lands" means lands other than unimproved  
 47 lands, the use of which has been substantially changed pursuant  
 48 to the master plan or any redevelopment plan, as defined in this  
 49 act.

1 7. Section 62 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 62. (a) The commission shall prepare a survey in [1968] 1969  
 4 showing the area of the unimproved lands and redeveloped lands  
 5 in each municipality located within the district. The results of the  
 6 survey shall be published upon completion, and shall serve as the  
 7 basis for payments to be made pursuant to section 70 and 71 of this  
 8 act. A survey of redeveloped lands shall be prepared annually  
 9 thereafter.

10 (b) The commission shall also cause a census of population to  
 11 be taken showing the total number of inhabitants of each constit-  
 12 uent municipality in [1968] 1969 residing within the district. A  
 13 similar census, using comparable techniques and procedures, shall  
 14 be taken annually thereafter.

15 (c) The Division of Employment Security in the Department of  
 16 Labor and Industry shall certify to the commission the amount  
 17 of employment, as defined in section 43:21-19 of the Revised Stat-  
 18 utes, in that part of each constituent municipality which is located  
 19 within the district in [1968] 1969. A similar certification shall be  
 20 made annually thereafter.



1 8. Section 64 of the act of which this act is amendatory and sup-  
2 plementary is amended to read as follows:

3 64. In the adjustment year **[1970]** 1971, and in each adjustment  
4 year thereafter, the commission shall establish an intermunicipal  
5 account and shall compute the amount payable to said account by  
6 each of the constituent municipalities and the amount due to each  
7 constituent municipality from said account for that year pursuant  
8 to this article.

1 9. Section 65 of the act of which this act is amendatory and  
2 supplementary is amended to read as follows:

3 65. (a) As used in this section, except as otherwise specifically  
4 provided:

5 (1) The increase or decrease in aggregate true value of taxable  
6 real property for any adjustment year shall be the difference  
7 between

8 (I) The aggregate true value of that portion of taxable real  
9 property, exclusive of Class II railroad property, in the mu-  
10 nicipality located within the district as of October 1 of the  
11 year preceding the adjustment year, less

12 (II) The aggregate true value of said property as of Oc-  
13 tober 1, **[1968]** 1969 plus a true value of **[any]** *the real estate*  
14 *designated by the commission as land undergoing construction*  
14A *as defined by this act. The true value of said land undergoing*  
15 *construction as determined annually shall be used as a true*  
16 *value until a certificate of occupancy is issued and then the*  
17 *value shall be fixed as of the date of said certificate.*

18 (2) Aggregate true value of all taxable real property shall be  
19 determined by aggregating the assessed value of all real property  
20 within the district boundaries in each constituent municipality,  
21 **[except Class II railroad property]** *as the same may be modified*  
22 *by the county board of taxation upon appeal*, and dividing said  
23 total by the average assessment ratio as promulgated by the Direc-  
24 tor of the Division of Taxation in the Department of the Treasury  
25 for State school aid purposes on October 1 of the respective years  
26 for which aggregate true value is to be determined, pursuant to  
27 P. L. 1954, chapter 86, as amended, as the same may have been  
28 modified by the Division of Tax Appeals.

29 (3) The apportionment rate for any adjustment year shall be  
30 determined, as follows:

31 (I) The total property taxes levied for local, school, county,  
32 veteran and senior citizens purposes, on which the general tax  
33 rates are computed, as certified pursuant to Revised Statutes



34 54:4-52, of all constituent municipalities, in the year preced-  
 35 ing the adjustment year, divided by

36 (II) The aggregate true value of all taxable real property,  
 37 exclusive of Class II railroad property, located in all consti-  
 38 tuent municipalities, both within and without the district, in the  
 39 year preceding the adjustment year, as determined by the  
 40 Director of the Division of Taxation on October 1 of the year  
 41 preceding the adjustment year, pursuant to P. L. 1954, chapter  
 42 86, as amended, as the same may have been modified by the  
 43 Division of Tax Appeals.

44 (b) The amount payable to the intermunicipal account by each  
 45 constituent municipality in any adjustment year shall be determined  
 46 in the following manner: the apportionment rate shall be multi-  
 47 plied by the increase, if any, in aggregate true value of taxable  
 48 real property.

49 (c) The amount payable to the intermunicipal account by any  
 50 constituent municipality in any adjustment year shall also include  
 51 any payments made to any such constituent municipality in the  
 52 year preceding the adjustment year in lieu of real estate taxes  
 53 located within the district.

1 10. Section 68 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 68. For school district services, the service payment payable by  
 4 the intermunicipal account to any constituent municipality in any  
 5 adjustment year shall be found by dividing:

6 (a) The total local school tax levy, as shown on the Table of  
 7 Aggregates pursuant to Revised Statutes 54:4-52 for the year  
 8 preceding the adjustment year, by the

9 (b) School resident enrollment on September 30 of such year  
 10 preceding the adjustment year, as certified pursuant to section  
 11 63 of this act, and multiplying the result by the increase, if any,  
 12 in resident enrollment within the district boundaries of that consti-  
 13 tuent municipality between September 30, [1968] 1969, and Sep-  
 14 tember 30 of the year preceding the adjustment year.

1 11. Section 69 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 69. When the development of the district requires a municipal  
 4 capital improvement for which the municipality would not be suffi-  
 5 ciently reimbursed by service payments as provided by this article,  
 6 the commission, in its discretion, if it finds that such improvement  
 7 is consistent with its master plan and provides for a desirable com-  
 8 munity or regional benefit, may reimburse the municipality by



9 means of a project payment from the intermunicipal account in an  
 10 amount equivalent to the cost of the project determined in accord-  
 11 ance with the rules and regulations of the commission. *If requested*  
 12 *by the governing body of a constituent municipality, the commission*  
 13 *may also reimburse said municipality by means of a project pay-*  
 14 *ment from the intermunicipal account an apportioned amount of*  
 15 *any capital construction project instituted by said municipality, or*  
 16 *an agency or instrumentality thereof, before the effective date of*  
 17 *this act which is consistent with the master plan and provides essen-*  
 18 *tial services to properties which are subject to the tax sharing pro-*  
 19 *visions of this article, to the extent that said services are not paid*  
 20 *for by the individual users.*

1 12. Section 70 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 70. (a) If, in any adjustment year, the amount payable to the  
 4 constituent municipalities by the intermunicipal account for guar-  
 5 antee payments, service payments, and project payments, plus any  
 6 payment to the reserve fund as provided in subsection (b) and the  
 7 payment for the cost of administration of the intermunicipal ac-  
 8 count as provided by subsection (c) is less than the amount payable  
 9 to the intermunicipal account pursuant to section 65 of this act,  
 10 the balance, if any, shall be apportioned among the constituent  
 11 municipalities in the same ratio as the area of their unimproved  
 12 and redeveloped lands within the district of each constituent mu-  
 13 nicipality bears to the total of such unimproved and redeveloped  
 14 lands in the district, and shall be known as an apportionment pay-  
 15 ment.

16 (b) The commission shall establish a reserve fund and in the  
 17 event that in any adjustment year, the amount payable by the con-  
 18 stituent municipalities to the intermunicipal account, pursuant to  
 19 section 65 of this act less the cost of administering the account,  
 20 exceeds the amount payable to the constituent municipalities for  
 21 guarantee payments, service payments and project payment from  
 22 the account, an amount equal to 1/2 of 1% of such excess shall be  
 23 set aside and placed in the reserve fund until there is **[\$10]** \$5  
 24 million in said fund; thereafter, no further payments shall be made  
 25 into said fund unless the balance is less than **[\$10]** \$5 million.

26 (c) *The commission shall not be able to receive any funds from*  
 27 *the intermunicipal account or the reserve fund provided for in sub-*  
 28 *section (b) of this section for any purpose except that the commis-*  
 29 *sion shall be reimbursed annually from the intermunicipal account*  
 30 *the cost of administering and determining the payments due to or*  
 31 *payable from account. The cost of administering the intermunicipal*



32 account shall be transferred from said account to the commission  
 33 and shall be shown on the operating budget of the commission as a  
 34 line item.

1 13. Section 71 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 71. If, in any adjustment year, the amount payable to the con-  
 4 stituent municipalities by the intermunicipal account for guarantee  
 5 payments, service payments, and project payments, plus the cost  
 6 of administering the intermunicipal account exceeds the amount  
 7 payable to said account pursuant to section 65 of this act, the re-  
 8 serve fund shall be drawn upon to make up the deficit. In the event  
 9 there is an insufficient amount in the reserve fund, [the amount of  
 10 the deficit shall be apportioned among the constituent municipalities  
 11 in the same ratio as the area of their unimproved and redeveloped  
 12 lands within the district of each constituent municipality bears to  
 13 the total of such unimproved and redeveloped lands in the district.]  
 14 *the total service payments payable to all constituent municipalities*  
 15 *shall be reduced by the amount of the deficit and the service pay-*  
 16 *ment payable to each constituent municipality shall be reduced by*  
 17 *the same ratio as the total service payment to all constituent muni-*  
 18 *cipalities was reduced.*

1 14. Section 72 of the act of which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 72. (a) On or before February 1 of [1970] 1971 and on or before  
 4 February 1 of each year thereafter, the commission shall certify to  
 5 the chief financial officer of each constituent municipality an  
 6 amount, known as the meadowlands adjustment payment. The  
 7 meadowlands adjustment payment for each constituent municipal-  
 8 ity shall be determined by adding all the payments payable to that  
 9 municipality from the intermunicipal account for service payments,  
 10 guarantee payments, project payments, and apportionment pay-  
 11 ments, if any, and by subtracting therefrom the obligations of that  
 12 municipality to the intermunicipal account, as calculated pursuant  
 13 to sections 65 and 71 of this act.

14 (b) If the meadowlands adjustment payment for any constituent  
 15 municipality in any adjustment year is payable to the constituent  
 16 municipality, the amount of said payment shall be identified in the  
 17 municipal budget of that municipality for that year as "meadow-  
 18 lands adjustment" within the category "miscellaneous revenues  
 19 anticipated," and shall be due and payable in 3 equal installments  
 20 to be made by the intermunicipal account to that municipality on  
 21 May 15, August 15, and November 15 of that year.



(c) If the meadowlands adjustment payment for any constituent municipality in any adjustment year is payable to the intermunicipal account, the amount of said payment shall be entered as a special line item appropriation in the budget of the municipality for that year and shall be payable in 3 equal installments to be made by the municipality to the account on May 15, August 15, and November 15 of that year. No transfers may be made from said appropriation except as is herein provided.

15. Section 85 of the act of which this act is amendatory and supplementary is amended to read as follows:

85. There is hereby appropriated to the Hackensack Meadowlands Development Commission an initial sum of \$250,000.00 to carry out the purposes of this act and to the Hackensack Meadowlands Municipal Committee a sum of \$50,000.00 for office and staff expenses necessary to carry out the provisions of this act.

16. (a) The Legislature hereby finds and declares that a vital component of any comprehensive plan for the development of the Meadowland district, is a program whereby the financial benefits and liabilities of each constituent municipality, are clearly established and equitably distributed. Article 9 of the act of which this act is amendatory and supplementary provides for such a program, by the creation of an intermunicipal account, and specifically provides that each constituent municipality will be guaranteed, in perpetuity, its present existing tax ratable values within the meadowland district and will equitably share in the new financial benefits and new costs resulting from the development of the meadowland district as a whole. This article further provides that the Hackensack Meadowlands Development Commission shall not be able to receive any funds from the intermunicipal account or its reserve fund, for any purpose except that the commission shall be reimbursed for the cost of administering said account.

(b) The Hackensack Meadowlands Development Commission shall, in 1972, and every year thereafter, submit a report to the Hackensack Meadowlands Municipal Committee and the Legislature, relating to the operation of the intermunicipal account in the prior year, and shall recommend, when it deems necessary, such amendments to Article 9 of the act of which this act is amendatory and supplementary as it may deem necessary, to carry out the legislative intent herein stated.

17. This act shall take effect immediately.



ASSEMBLY, No. 989

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1968

By Assemblymen VOLK and COSTA

(Without Reference)

AN ACT to amend "An act to provide for the reclamation, planning, development and redevelopment of the Hackensack Meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the 'Department of Conservation and Economic Development Act of 1948,' approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act," now pending in the Legislature as Senate No. 477 of 1968.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 4 of the act of which this act is amendatory is amended to read as follows:

4. (a) Except as otherwise provided, the commission shall be authorized to carry out the purposes of this act within the following district:

All that certain area bounded as described therein, excepting therefrom the area described in subsection (b) [and], (c) and (d) of this section:

[Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgefield Municipal boundary;]

Beginning at the junction of the Fairview-Ridgefield Municipal boundary and the Fairview-North Bergen Municipal boundary.

Thence westerly along the Fairview-Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



20 Thence easterly along the Fairview-North Bergen Municipal  
 21 boundary to its junction with the tracks of the Erie-Lackawanna  
 22 Railroad—Northern Railroad of New Jersey Branch;  
 23 Thence southerly along the tracks of the Erie-Lackawanna Rail-  
 24 road—Northern Railroad of New Jersey Branch to its junction  
 25 with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;  
 26 Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9)  
 27 to its intersection with the Pulaski Skyway;  
 28 Thence westerly along a line formed by the Pulaski Skyway to  
 29 a point where the Port Authority Trans-Hudson tracks pass under  
 30 the Pulaski Skyway;  
 31 Thence westerly along the Port Authority Trans-Hudson tracks  
 32 to their intersection with the Harrison-Kearny Municipal  
 33 Boundary;  
 34 Thence northwesterly along the Harrison-Kearny Municipal  
 35 Boundary, as it jugs and curves, to its intersection with the Erie-  
 36 Lackawanna Railroad, Harrison-Kingsland connecting branch of  
 37 the Morris and Essex Division;  
 38 Thence northerly along the tracks of the Erie-Lackawanna Rail-  
 39 road, Harrison-Kingsland connecting branch of the Morris and  
 40 Essex Division to its [junction with Orient Way in Lyndhurst;]  
 41 *eastern intersection with the Boonton Branch of the Erie-*  
 42 *Lackawanna Railroad;*  
 43 [Thence northerly along Orient Way to its junction with Valley  
 44 Brook Avenue-Smith Street;  
 45 Thence easterly along Smith Street to its junction with Madison  
 46 Street;  
 47 Thence northerly along Madison Street to its junction with Ever-  
 48 green Place;  
 49 Thence westerly along Evergreen Place to its junction with  
 50 Meadow Road;  
 51 Thence northerly along Meadow Road to its junction with  
 52 Rutherford Avenue;  
 53 Thence northerly along a straight line drawn between the inter-  
 54 section of Rutherford Avenue and Meadow Road and the junction  
 55 of Union Avenue and Erie-Lackawanna-New Jersey and New York  
 56 Railroad;  
 57 Thence northerly along the tracks of the Erie-Lackawanna-New  
 58 Jersey and New York Railroad to its intersection with the Wood-  
 59 Ridge-Carlstadt municipal boundary;  
 60 Thence easterly along the Wood-Ridge-Carlstadt municipal  
 61 boundary to its intersection with Moonachie-Wood-Ridge municipal  
 62 boundary;



- 63 Thence northerly and westerly along the Moonachie-Wood-Ridge  
64 municipal boundary to its intersection with the Hasbrouck  
65 Heights-Moonachie municipal boundary;
- 66 Thence easterly and northerly along Hasbrouck Heights-  
67 Moonachie municipal boundary to its intersection with the  
68 Moonachie-Teterboro municipal boundary;
- 69 Thence westerly and northerly along the Hasbrouck Heights-  
70 Teterboro municipal boundary to its intersection with U. S.  
71 Route 46;
- 72 Thence easterly along U. S. Route 46 to its intersection with the  
73 Teterboro-Little Ferry municipal boundary;
- 74 Thence southerly along the Teterboro-Little Ferry municipal  
75 boundary to its intersection with the Moonachie-Little Ferry  
76 boundary;
- 77 Thence southerly along the Moonachie-Little Ferry Municipal  
78 boundary to its intersection with Red Neck Road;
- 79 Thence southerly along Reck Neck Road to its junction with  
80 Moonachie Avenue in Moonachie;
- 81 Thence easterly along Moonachie Avenue to its junction with  
82 Moonachie Road; ]
- 83 *Thence northerly to the nearest point of intersection with Berry's*  
84 *Creek;*
- 85 *Thence northerly following mid-stream of Berry's Creek to the*  
86 *point where Berry's Creek intersects Woodridge-Carlstadt*  
87 *municipal boundary;*
- 88 *Thence easterly along the Woodridge-Carlstadt Boundary to its*  
89 *intersection with Washington Avenue and Moonachie Road;*
- 90 Thence northerly along Moonachie Road to its junction with  
91 Maple Street;
- 92 Thence easterly along Maple Street approximately 930 feet to  
93 its intersection with the Transcontinental gas pipeline;
- 94 Thence northeasterly along a straight line drawn between the  
95 intersection of Maple Street and the Transcontinental gas pipeline  
96 and the intersection of Bertolotto Avenue and the Moonachie-Little  
97 Ferry Municipal boundary (Losen Slofe Creek);
- 98 Thence easterly along Bertolotto Avenue to its junction with  
99 Eckel Road;
- 100 Thence northerly along Eckel Road to its junction with Columbus  
101 Avenue;
- 102 Thence easterly along Columbus avenue to its junction with  
103 Mehrhof Road;
- 104 Thence northerly along Mehrhof Road to its junction with  
105 Washington Avenue;



106 Thence easterly and northerly along Washington Avenue to its  
107 junction with Main Street;

108 Thence easterly along Main Street extended to the Little Ferry-  
109 Ridgefield Park Municipal boundary; (The middle of the Hacken-  
110 sack River);

111 Thence southerly along the Little Ferry-Ridgefield Park Muni-  
112 cipal boundary (in the middle of the Hackensack River) to its inter-  
113 section with the Ridgefield Park-Ridgefield Municipal boundary;

114 Thence easterly along the Ridgefield Park-Ridgefield Municipal  
115 boundary (in the middle of Overpeck Creek) to its intersection with  
116 **[Bergen Turnpike;] the N. Y. Central-Susquehanna Railroad;**

117 **[Thence southerly along Bergen Turnpike to its junction with**  
118 **Hendricks Causeway;**

119 Thence southeasterly along Hendricks Causeway to its junction  
120 with the tracks of the Lackawanna Railroad—Northern Branch,  
121 the point of beginning.]

122 *Thence southeasterly along N. Y. Central Susquehanna Railroad*  
123 *to its intersection with Bellman Creek;*

124 *Thence northeasterly along Bellman Creek to its junction with*  
125 *the Fairview-Ridgefield municipal boundary and the Fairview-*  
126 *North Bergen municipal boundary, the point of beginning.*

127 (b) Exception:

128 Beginning at a point on Old New Jersey Route 3 (New Jersey  
129 Route 153) (Paterson Plank Road) at its junction with County  
130 Avenue in Secaucus;

131 Thence southerly along County Avenue to its junction with  
132 Secaucus Road;

133 Thence westerly along Secaucus Road a distance of 1,321 feet  
134 more or less to its junction with Private Road;

135 Thence northerly along a straight line drawn between the inter-  
136 section of Secaucus Road and the aforementioned Private Road and  
137 the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

138 Thence westerly along Pandolfi Avenue to its junction with 5th  
139 Street;

140 Thence Southerly along 5th Street to its junction with Mansfield  
141 Avenue;

142 Thence westerly along Mansfield Avenue to its junction with  
143 Walter Place;

144 Thence northerly along Walter Place to its junction with Mans-  
145 field Avenue;

146 Thence westerly along Mansfield Avenue to its junction with 9th  
147 Street;



148 Thence northerly along 9th Street to its junction with Grace  
149 Street;

150 Thence easterly along Grace Street to its junction with Eighth  
151 Street;

152 Thence northerly along Eighth Street to its junction with Old  
153 New Jersey Route 3 (Route 153);

154 Thence easterly along Old New Jersey Route 3 (Route 153) to  
155 its junction with Paterson Plank Road;

156 Thence easterly continuing along Old New Jersey Route 3 (Route  
157 153) (Paterson Plank Road) to its junction with County Avenue,  
158 the point of beginning.

159 (c) Exception:

160 Beginning at a point on Maple Avenue at its junction with 7th  
161 Street in Secaucus;

162 Thence northerly and easterly along 7th Street to its junction  
163 with Paterson Plank Road;

164 Thence northerly along Paterson Plank Road to its junction with  
165 Farm Road;

166 Thence northerly along Farm Road to its junction with Meadow  
167 Lane;

168 Thence easterly along Meadow Lane to its junction with Stone-  
169 wall Lane and Mill Ridge Road;

170 Thence easterly along Mill Ridge Road to its junction with Koelle  
171 Boulevard;

172 Thence southerly along Koelle Boulevard to its junction with  
173 Huber Street;

174 Thence westerly along Huber Street to its junction with Radio  
175 Avenue;

176 Thence southerly on Radio Avenue to its junction with Pikeview  
177 Terrace;

178 Thence westerly and northerly along Pikeview Terrace to its in-  
179 tersection with Lausecker Lane;

180 Thence westerly along Lausecker Lane to its junction with Pater-  
181 son Plank Road;

182 Thence southerly along Paterson Plank Road to its junction with  
183 Maple Street;

184 Thence westerly along Maple Street to its junction with 7th  
185 Street, the point of beginning.

186 (d) Exception:

187 *In the municipality of Secaucus the district shall be limited to*  
188 *lands which, by and large, are less than 4 feet above mean sea level*  
189 *in elevation.*



190 (e) The Hackensack Meadowlands Development Commission  
191 hereinafter established shall, within 120 days of the effective date  
192 of this act, cause to be made, completed, and filed as hereinafter  
193 provided a metes and bounds description of the above described  
194 area which it shall designate as the district for the purposes of  
195 this act.

196 The commission shall publish a map portraying its description  
197 which shall clearly indicate those lands designated by the commis-  
198 sion as within the district. Copies of such map and description  
199 shall be filed with the Secretary of State and sent to the clerk of  
200 each county and to the governing body of each municipality whose  
201 political boundaries include lands shown on the map. Such maps  
202 and descriptions shall be available for public inspection.

203 (f) If, in order to insure the approval and funding, in whole or  
204 in part, of the Federal government, or any agency or instru-  
205 mentality thereof, of any reclamation project in the Hackensack  
206 Meadowlands, it is necessary to include in any such reclamation  
207 project riparian land which is not within the district designated  
208 herein, the commission, upon certifying to the Governor and the  
209 Legislature the existence of the aforesaid necessity in order to  
210 insure Federal government approval and funding, shall be author-  
211 ized to include in the district, for the purpose of such reclamation  
212 project, any riparian land in the Hackensack Meadowlands.

1 2. This act shall take effect immediately.



CORRECTED COPY

SENATE, No. 295

STATE OF NEW JERSEY

INTRODUCED JANUARY 22, 1968

By Senators CRABIEL and LYNCH

Referred to Committee on Judiciary

AN ACT relating to riparian lands, creating a Riparian Lands Commission to undertake title surveys of meadowlands and other riparian lands and to designate and certify State-owned riparian lands, to make licenses, leases and grants on behalf of the State as to State-owned riparian lands, creating a land titles court in which claimants may contest such determinations, and making appropriations therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of the New Jersey:*

3 ARTICLE I

4 1. This act shall be known and may be cited as the "Riparian  
5 Lands Act of 1968."

6 2. As used in this act:

7 a. "Riparian lands" means those lands now, or formerly, or  
8 hereafter flowed by mean high tide, except where such tidal flow  
9 is caused by artificially produced changes in land or water  
10 elevation;

11 b. "Meadowlands" means those lands, now or formerly consist-  
12 ing chiefly of salt water swamps, meadows, or marshes;

13 c. "Hackensack meadowlands" means those meadowlands lying  
14 within the following municipalities: Carlstadt, East Rutherford,  
15 Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield,  
16 Rutherford, South Hackensack, and Teterboro, all in Bergen  
17 county, and Jersey City, Kearny, North Bergen, and Secaucus, all  
18 in Hudson county;

19 d. "Commission" means the Riparian Lands Commission  
20 created by this act.

21 e. "Court" means the land titles court created by this act.

22 f. "School fund" means the fund for the support of free public  
23 schools as provided by the Constitution, Article VIII, sec. IV;

24 g. "Unimproved riparian lands" are those riparian lands, lying



1 within meadowlands, that are substantially unreclaimed and on  
2 which no site or building improvements have been attached;

3 h. "Reclaimed riparian lands" are those riparian lands, lying  
4 within meadowlands, that have been reclaimed under claim of  
5 private title;

6 i. "Improved riparian lands" are those reclaimed riparian lands  
7 to which building improvements have been attached;

8 j. A "claimant" of riparian lands is a person holding or occupy-  
9 ing such lands lying within meadowlands, under claim of title;

10 ARTICLE II

11 3. There is hereby created in the Department of Conservation  
12 and Economic Development a Riparian Lands Commission to con-  
13 sist of 3 members, citizens of the State, to be appointed by the  
14 Governor with the advice and consent of the Senate for terms of 5  
15 years, except that of the members first appointed one shall be  
16 appointed for a term of 5 years, one for 4 years and one for 3 years.  
17 Members shall continue in office until the appointment and qualifica-  
18 tion of their successors. Members shall be eligible for reappoint-  
19 ment. Any vacancy on the commission shall be filled in the same  
20 manner for the unexpired term.

21 Any member of the commission may be removed from office by  
22 the Governor for cause after a public hearing. Each member of the  
23 commission before entering upon his duties shall take and sub-  
24 scribe an oath to perform the duties of his office faithfully, im-  
25 partially and justly to the best of his ability. A record of such  
26 oaths shall be filed in the office of the Secretary of State. The  
27 members of the commission shall serve without compensation, but  
28 shall be reimbursed for necessary expenses incurred in the dis-  
29 charge of their duties.

30 The commission, upon appointment of its members, and annually  
31 thereafter, shall elect from among its members a chairman and a  
32 vice-chairman. The commission may also appoint, retain and  
33 employ, without regard to the provisions of Title 11, Civil Service,  
34 of the Revised Statutes, such officers, agents, employees and experts  
35 as it may require, and it shall determine their qualifications, terms  
36 of office, duties, services and compensation. Notwithstanding the  
37 provisions of section 4 of P. L. 1944, chapter 20, the commission  
38 shall be entitled to its own counsel and may appoint and fix the  
39 compensation of a general counsel and such other attorneys and  
40 legal assistants as it shall deem necessary.

41 The powers of the commission shall be vested in the members  
42 thereof in office from time to time and 2 members shall constitute  
43 a quorum at any meeting thereof. Action may be taken and motions



1 and resolutions adopted by the commission at any meeting thereof  
2 by the affirmative vote of 2 members.

3 4. The commission on behalf of the State and in the exercise of  
4 governmental powers of the State is authorized to execute, deliver  
5 and enforce the terms of leases, licenses and grants made pursuant  
6 to the terms of Articles IV and V of this act and is directed to  
7 undertake studies and title surveys of meadowlands and other  
8 riparian lands throughout the State and to determine and certify  
9 those lands which it finds are State-owned riparian lands.

10 In making a thorough study of all such lands to determine which  
11 are State-owned riparian lands and in making its determination  
12 the commission shall take into account the mean high water level,  
13 the elevation of the lands, the nature of the vegetation thereon,  
14 artificial changes in land or water elevation, and such other  
15 historical or scientific data which, in the opinion of the commission,  
16 are relevant in determining whether a parcel of land is now or  
17 was formerly flowed by mean high tide, and the commission shall  
18 also take into account all valid conveyances of State interests which,  
19 in the opinion of the commission, are relevant in determining which  
20 of said parcels remain State-owned.

21 5. In undertaking its studies and surveys the commission shall  
22 divide its work into such number of areas and projects as it shall  
23 determine and it shall establish the priority in which such projects  
24 shall be undertaken. First priority shall be accorded to an im-  
25 mediate study and survey of the area commonly known as the  
26 Hackensack meadowlands with every effort to complete the same  
27 within 6 months of undertaking it.

28 6. Upon completion of each separate study and survey, the com-  
29 mission shall publish a map portraying the results of its study and  
30 clearly indicating those lands designated by the commission as  
31 State-owned riparian lands. Copies of the map and of each such  
32 study shall be filed with the Secretary of State and sent to the clerk  
33 of each county and to the governing body of each municipality  
34 whose political boundaries include lands shown on the map. Such  
35 maps and studies shall be available for public inspection.

36 7. Upon completion of each study, the commission shall mail  
37 to the record holder of title of each parcel of land designated as  
38 State-owned riparian land notice to that effect. The commission  
39 shall also cause to be published at least once in a newspaper  
40 circulating in each county whose political boundaries include lands  
41 designated as State-owned riparian lands a list of those parcels  
42 designated in whole or in part as State-owned riparian lands along  
43 with the names of the holders of record title when available.



1 Thirty days after the mailing and publication of notice, the com-  
2 mission shall by resolution formally designate and certify to the  
3 Secretary of State as State-owned riparian lands those lands so  
4 determined.

5 8. Any person aggrieved by a designation and certification by  
6 the commission that certain lands are State-owned riparian lands  
7 may obtain judicial review thereof by commencing an action in the  
8 land titles court.

9 9. The commission shall make progress reports to the Governor  
10 and Legislature at least annually and shall complete its studies and  
11 title surveys and make its determinations and certifications as to  
12 State-owned meadowlands and other riparian lands on or before  
13 December 31, 1972.

#### 14 ARTICLE III

15 10. There is hereby established in the judicial branch of the State  
16 Government a court to be called the land titles court, which shall be  
17 a court of record and have the right to use a seal. The Governor,  
18 with the advice and consent of the Senate, shall appoint a chief  
19 judge and 2 associate judges, who shall be attorneys at law, and  
20 who shall hold office for 5 years from the date of their appointment  
21 and until their successors are appointed and qualified. The annual  
22 salaries of the chief judge and the associate judges shall be as  
23 prescribed by law. The chief judge may appoint a clerk of the  
24 court, and such referees and other employees as shall be found  
25 necessary for the proper performance of the court's duties.  
26 Vacancies occurring for any cause shall be filled by appointment  
27 for the unexpired term only.

28 11. The court shall have exclusive jurisdiction over any proceed-  
29 ing in which a claimant of riparian lands designated by the Riparian  
30 Lands Commission as State-owned pursuant to the provisions of  
31 this act, seeks to prove his title superior to that of the State. Any  
32 such action shall be commenced within 2 years of the designation  
33 by the commission of a parcel as State-owned riparian land.

34 12. Any claimant of riparian lands may commence an action  
35 before the land titles court to settle the title thereto. To commence  
36 such an action, a complaint filed with the court shall set forth  
37 substantially:

- 38 (a) The full name and residence of the plaintiff;
- 39 (b) A correct description of the land;
- 40 (c) The estate or interest claimed in the land;
- 41 (d) The names of all persons, except the plaintiff and the State,  
42 who appear of record, or who are known to the plaintiff to have or  
43 to claim any estate or interest in the land;



1 (e) Whether the land is occupied or unoccupied; if occupied by  
2 any other person than the plaintiff, it shall state the full name and  
3 address of each occupant and the nature of the estate, interest, lien,  
4 or change which such occupant or occupants have, or claim to have,  
5 in the land;

6 (f) Whether the land is subject to any lien or encumbrance,  
7 recorded or unrecorded, together with the character of the same,  
8 and the name and address of each holder thereof; if recorded, it  
9 shall state the place, book and page of record.

10 The plaintiff shall also file an abstract which shall set forth the  
11 chain of title upon which his claim is based.

12 13. In an action brought under this act, the State, all persons in  
13 possession, and all persons who appear of record, or who are known  
14 to the plaintiff to have or to claim any estate, interest, lien or  
15 encumbrance in the land shall be made parties. Where it appears  
16 to the court that a person not a party to the action may have an  
17 estate, interest, lien or encumbrance in the land which may in any  
18 manner be affected by the judgment, the court upon application  
19 of such person, or of any party to the action, or on its own motion,  
20 may direct that such person be made a party.

21 14. Upon receipt of the complaint and abstract of title, the court,  
22 by its order, shall direct that a summons be issued. This order shall  
23 contain the name and address, so far as known, of every person  
24 who is to be joined as a party to the action.

25 15. In an action brought under this act, the service of process  
26 and the filings of pleadings shall be governed by the provisions  
27 for civil actions generally. In so far as it is practicable, one judge  
28 shall be assigned to hear and decide all matters relating to the  
29 action.

30 16. In any proceeding before the court, all parties shall be ac-  
31 corded the right to be accompanied, advised and represented by  
32 counsel. The interest of the commission shall be represented by  
33 its counsel and the interest of any other department or agency of  
34 the State shall be represented by the Attorney General of the State.  
35 All parties shall be afforded an opportunity to present evidence  
36 and argument with respect thereto. All evidence, including records  
37 and documents in the possession of the authority of which any  
38 party desires to avail itself, shall be offered and made a part of  
39 the record in the proceeding, and no other factual information or  
40 evidence shall be considered in the determination of proceeding,  
41 except that the court may, on its own motion or on the motion  
42 of any party, view the land. The court shall prepare an official  
43 record in each proceeding which shall include all testimony and  
44 exhibits.



1 17. The judge of the court, before whom the proceeding is held,  
2 may refer the proceeding, or any part thereof, to a referee, in  
3 accordance with the rules of civil procedure now or hereafter  
4 promulgated by the Supreme Court, to hear the parties and their  
5 evidence, and make report thereon to the court. After the filing  
6 of such report, the court may order such other or further hearing  
7 before him, or before the referee, and may require such other or  
8 further proof by any of the parties to the proceeding as he shall  
9 deem proper.

10 18. The court may find the plaintiff's title to be superior to  
11 that of the State only if the plaintiff shows either that the lands  
12 at issue are not riparian lands and that he is the record owner or  
13 that the lands have previously been conveyed to the plaintiff or  
14 to those he claims under by a valid riparian grant issued by the  
15 State. Upon finding superior title in the plaintiff as aforesaid the  
16 court shall issue a judgment negating the State's claim. If the  
17 court finds the lands at issue to be State-owned it shall issue a  
18 judgment vesting title thereto in the State and cause the judgment  
19 to be recorded in the county or counties wherein the lands are  
20 situated. The court shall dismiss the proceeding as to any plaintiff  
21 if it determines that some other person has a superior claim of  
22 private title to the parcel at issue, but as to such other person, if  
23 the court shall find that he has an interest superior to that of the  
24 State, the court shall issue a judgment negating the State's claim.

25 19. Every decision and judgment rendered by the court shall be  
26 in writing or stated in the record and, where appropriate, shall  
27 be accompanied by findings of fact and conclusions of law. Parties  
28 to the proceeding shall be notified of the final decision and judgment  
29 in person or by mail. A copy of the decision and judgment shall  
30 be filed and docketed in the office of the Clerk of the Superior Court  
31 and delivered or mailed upon request to each party or his attorney  
32 of record.

33 20. Within 60 days after the court has issued its final decision  
34 and judgment any aggrieved party may appeal to the appellate  
35 division of the Superior Court.

#### 36 ARTICLE IV

37 21. (a) Any claimant of unimproved riparian lands may apply  
38 to the commission for a license to continue his present activity.  
39 Such application may be made after the claimant has failed to  
40 establish the primacy of his title in an action brought in the land  
41 titles court. Any claimant who does not presently wish to challenge  
42 the State's assertion of paramount title may also apply for a license  
43 under this section; provided, however, that application for or



1 acceptance of a license shall not be deemed recognition of the State's  
2 claim of paramount title in any action brought by the claimant  
3 under Article III of this act, nor shall the claimant be deemed to  
4 have waived his right to bring any such action.

5 (b) Upon application under this section, and if satisfied that  
6 no other person has a superior claim of private title, the commis-  
7 sion shall issue to the applicant a license for a term not exceeding  
8 5 years, which term shall reflect the nature of the applicant's  
9 activity on the parcel. The license fee shall be computed at an  
10 annual rate of 6% of the fair value of the parcel determined as  
11 of the date of issuance of the license. Upon the expiration of the  
12 license, the licensee must cease his activity and vacate the parcel.

13 (c) A claimant of unimproved riparian land must cease his  
14 activity thereon and vacate the land within 6 months after the  
15 formal designation of State ownership, pursuant to this act, unless  
16 within that time he had (1) commenced an action pursuant to  
17 Article III of this act, or (2) obtained a lease or grant pursuant  
18 to Article V of this act, or (3) obtained a license pursuant to this  
19 section. Such claimant shall be given 90 days after an adverse  
20 judgment in an action pursuant to Article III of this act to apply  
21 for a lease or grant pursuant to Article V of this act or license  
22 pursuant to this section.

23 (d) Any vacation may be stayed pending the final determination  
24 of an action pursuant to Article III of this act or of an application  
25 for a lease or grant pursuant to Article V of this act or a license  
26 pursuant to this section.

27 (e) A claimant of unimproved riparian land may apply simul-  
28 taneously and in the alternative for a lease or grant pursuant to  
29 Article V of this act or a license pursuant to this section.

30 22. (a) Any claimant of reclaimed riparian lands or improved  
31 riparian lands may apply to the commission for a lease. Such  
32 application may be made after the claimant has failed to establish  
33 the primacy of his title in an action pursuant to Article III of this  
34 act. Any claimant who does not presently wish to challenge the  
35 State's assertion of paramount title may also apply for a lease  
36 under this section, provided, however, that application for or  
37 acceptance of a lease shall not be deemed recognition of the State's  
38 claim of paramount title in any action brought by the claimant  
39 under Article III of this act, nor shall the claimant be deemed to  
40 have waived his right to bring any such action.

41 (b) Upon application under this section, and if satisfied that  
42 no other person has a superior claim of private title, the commis-  
43 sion shall issue to the applicant a lease of such lands upon such



1 terms and conditions not inconsistent with the provisions herein  
2 as it shall deem appropriate. The leasehold rent shall be computed  
3 at an annual rate of 6% of the fair value of the land, such fair  
4 value to be determined as of the date of execution of the lease,  
5 and at 10-year intervals thereafter. In determining the fair value  
6 of the land pursuant to this subsection, the commission shall give  
7 applicant a credit for the provable original cost of any land rec-  
8 lamation performed by him or his predecessor in record title  
9 prior to the effective date of this act. The leasehold term for a  
10 parcel of improved riparian land shall be 50 years or such shorter  
11 term as the lessee requests. The leasehold term for a parcel of  
12 reclaimed riparian land shall be for a term reflecting the nature  
13 of the applicant's activity on the parcel and the projected date on  
14 which the parcel is likely to be included in a reclamation project,  
15 but in no event shall the term be less than 5 nor more than 10 years  
16 unless the applicant requests a shorter term.

17 (c) Upon the expiration of the lease, the lessee must cease his  
18 activity and vacate the parcel; provided, however, that he shall  
19 be entitled to reimbursement by the commission for the provable  
20 original cost of any reclamation that is suitable for incorporation  
21 into a finished reclamation project provided that it was performed  
22 on the parcel prior to the effective date of this act. If, before the  
23 expiration of the lease, the commission shall take the parcel in  
24 the exercise of its powers, the lessee shall be entitled to reim-  
25 bursement by the commission for the provable original cost of any  
26 reclamation that is suitable for incorporation into a finished  
27 reclamation project provided that it was performed on the parcel  
28 prior to the effective date of this act, and he shall also be entitled  
29 to reimbursement for the value of any permanent structures erected  
30 on the parcel prior to the effective date of this act. The amount of  
31 reimbursement for permanent structures shall be based on the  
32 provable original cost unamortized at the time of premature expira-  
33 tion, provided, however, that the leasehold term, or the remaining  
34 useful life of the improvements, whichever is shorter, shall be used  
35 in computing the amortization.

36 (d) A claimant of reclaimed or improved riparian land must  
37 cease his activity thereon and vacate the land within 6 months  
38 after the formal designation of State ownership, pursuant to this  
39 act, unless within that time he has (1) commenced an action  
40 pursuant to Article III of this act, or (2) obtained a lease or grant  
41 pursuant to Article V of this act, or (3) obtained a lease pursuant  
42 to this section. Such claimant shall be given 90 days after an  
43 adverse judgment in an action pursuant to Article III of this act



1 to apply for a lease or grant pursuant to Article V of this act or a  
2 lease pursuant to this section.

3 (e) Any vacation may be stayed pending the final determination  
4 of an action pursuant to Article III of this act or of an application  
5 for a lease or grant pursuant to Article V of this act or a lease  
6 pursuant to this section.

7 (f) A claimant of reclaimed or improved riparian land may  
8 apply simultaneously and in the alternative for a lease or grant  
9 pursuant to Article V of this act or a lease pursuant to this section.

10 ARTICLE V

11 23. (a) The commission is hereby given exclusive power to  
12 transfer the State's interest in any riparian lands.

13 (b) Any person wishing a grant or lease of the State's interest  
14 in riparian lands shall apply to the commission. The application  
15 shall set forth the exact boundaries of the parcel applied for, the  
16 manner in which the applicant intends to develop the parcel, the  
17 names and addresses of any claimant of the parcel applied for  
18 if the applicant is not himself the claimant, and in such event an  
19 affidavit stating that notice of the application has been mailed to  
20 the claimants named. The commission may issue a grant or lease  
21 of all or part of the parcel applied for if, in its opinion, the purposes  
22 of this act would be served thereby; provided, however, that no  
23 lease or grant shall be issued during the unexpired term of a  
24 riparian lease issued in accordance with the provisions of Article  
25 IV herein, except to the holder of such riparian lease; nor shall  
26 any lease or grant be issued until any claimant to all or part of  
27 the parcel applied for has been given notice of the application  
28 and 3 months thereafter in which to apply for a grant or lease of  
29 the lands he claims. In deciding whether to issue a grant or lease  
30 pursuant to this subsection the commission shall consider whether  
31 the development proposed by the applicant is in accord with the  
32 master plan of any State, county or municipal planning agency  
33 having jurisdiction over the area; whether, if the land is unre-  
34 claimed it would be in the better interest of the State and the  
35 commission not to issue a grant or lease until after reclamation;  
36 and whether, if a grant is applied for, a lease would better serve  
37 the purposes of this act. An applicant who is a claimant to  
38 riparian lands is to be preferred over an applicant who has no  
39 interest in those lands.

40 (c) No grant shall be issued except upon payment of that amount  
41 of compensation determined by the commission to represent the  
42 fair value of the land as of the date of the grant.

43 (d) The rent to be paid under a lease issued by the commission



1 pursuant to subsection (b) herein shall be computed at the annual  
2 rate of 6% of the fair value of the land, such fair value to be  
3 determined as of the date of execution of the lease, and at 10-year  
4 intervals thereafter. If at the beginning date of the leasehold term  
5 the land is unreclaimed and during the term of the lease is reclaimed  
6 as part of a reclamation project of the authority, or if at the  
7 beginning date of the leasehold term the land is reclaimed or  
8 improved and during the term of the lease its peculiar benefit,  
9 advantage or value is increased as part of a reclamation project  
10 of the authority, then the amount for which the land would be  
11 specifically assessed pursuant to section 41 of this act were it  
12 privately owned shall be added to the fair value of the land upon  
13 which the annual rent is computed commencing with the year after  
14 such reclamation project is completed and for each subsequent  
15 year of the leasehold term.

16 (e) In determining the fair value of the land, pursuant to  
17 subsections (c) and (d) above, the commission shall give applicant  
18 a credit for the provable original cost of any land reclamation that  
19 is suitable for incorporation into a finished reclamation project  
20 provided that it was performed prior to the effective date of this  
21 act.

22 (f) The commission may attach to any grant or lease of riparian  
23 lands issued under subsection (b) herein such covenants and condi-  
24 tions as it deems necessary to effectuate the purposes of this act.  
25 The leasehold term of any lease issued by the authority pursuant  
26 to subsection (b) herein shall be for such term of years as it deems  
27 appropriate, but no lease shall be issued for a term of more than  
28 99 years.

29 (g) The net proceeds from the sale or lease, pursuant to this  
30 section, of the State's interest in any riparian lands, or from the  
31 license or lease, pursuant to Article 7, of the State's interest in  
32 any riparian lands lying within meadowlands, shall be paid to the  
33 school fund.

#### 34 ARTICLE VI

35 24. The following sums are appropriated for the purposes of  
36 this act:

- 37 a. To the Department of Conservation and Economic Develop-  
38 ment, for the Riparian Lands Commission the sum of \$250,000.00;  
39 b. To the Judiciary, for the land titles court, the sum of  
40 \$100,000.00.

41 25. All acts and parts of acts inconsistent with this act are  
42 superseded.

43 26. This act shall take effect immediately.



REFERENCE USE ONLY

SENATE, No. 477

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators DICKINSON, GUARINI, SCHIAFFO,  
KNOWLTON, HAGEDORN, WOODCOCK, CRABIEL  
and WALLWORK

Referred to Committee on Agriculture, Conservation and Natural  
Resources

AN ACT to provide for the reclamation, planning, development and redevelopment of the Hackensack meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

A. HACKENSACK MEADOWLAND RECLAMATION AND DEVELOPMENT ACT

ARTICLE I. PURPOSE, SHORT TITLE, DEFINITIONS

1 1. It is hereby declared that there are approximately 21,000  
2 acres of salt water swamps, meadows and marshes which are com-  
3 monly known as meadowlands, in the lower Hackensack river  
4 basin; that extensive portions of this area have so far resisted  
5 comprehensive development because of their low elevation, expo-  
6 sure to tidal waters, unfavorable soil composition, and, in some  
7 instances, their distribution among many municipalities; that this  
8 land acreage is a land resource of incalculable opportunity for new  
9 jobs, homes and recreational sites, which may be lost to the State  
10 through piecemeal reclamation and unplanned development; that  
11 much of this acreage may be subject to redevelopment under section  
12 3, Article VIII, of the State Constitution; that the orderly, com-  
13 prehensive development of these areas, due to their strategic loca-  
14 tion in the heart of a vast metropolitan area with urgent needs  
15 for more space for industrial, commercial, residential, and public  
16 recreational and other uses, can no longer be deferred; that insofar



17 as meadowlands are State-owned lands they are an asset of the  
 18 fund for the support of free public schools whose integrity may  
 19 not be impaired; that these areas need special protection from air  
 20 and water pollution and special arrangements for the provision  
 21 of facilities for the disposal of solid waste; that it is the purpose  
 22 of this act to meet the aforementioned needs and accomplish the  
 23 aforementioned objectives by providing for a commission tran-  
 24 scending municipal boundaries and a committee representing mu-  
 25 nicipal interests which will act in concert to reclaim, plan, develop  
 26 and redevelop the Hackensack meadowlands; and to safeguard  
 27 fully the interests of the fund for the support of free public schools,  
 28 all to the extent and manner provided herein.

1 2. Sections 1 through 84, inclusive, of this act shall be known  
 2 and may be cited as the "Hackensack Meadowlands Reclamation  
 3 and Development Act."

1 3. As used in this act, the following words and terms shall have  
 2 the following meanings, unless the context indicates or requires  
 3 another or different meaning or intent:

4 (a) "Commission" means the Hackensack Meadowlands De-  
 5 velopment Commission created by this act or any board, body,  
 6 commission, department or officer succeeding to the principal  
 7 functions thereof or to whom the powers and duties conferred  
 8 upon the commission by this act shall be given by law;

9 (b) "Bonds" means any bonds, notes, interim certificates, deben-  
 10 tures, or other obligations, issued by the commission pursuant to  
 11 this act;

12 (c) "Claimant" means a person holding or occupying riparian  
 13 lands within meadowlands under color of title;

14 (d) "School fund" means the fund for the support of free public  
 15 schools, as provided by the New Jersey Constitution, Article VIII,  
 16 Section IV;

17 (e) "Riparian lands" are those lands now, formerly or hereafter  
 18 flowed by mean high tide, except where such tidal flow is caused  
 19 by artificially produced changes in land or water elevation;

20 (f) "Person" means and shall include all individuals, partner-  
 21 ships, associations, private or municipal corporations and all  
 22 political subdivisions of the State;

23 (g) "Owner" means and shall include all persons having any  
 24 title or interest in any property, rights, easements and interests  
 25 authorized to be acquired, assessed or regulated by this act;

26 (h) "Constituent municipality" means a municipality with lands  
 27 in the district;



28 (i) "District" means the Hackensack Meadowlands District, the  
 29 area within the jurisdiction of the commission described in section  
 30 4 of this act;

31 (j) "Hackensack meadowlands" means all those meadowlands  
 32 lying within the municipalities of Carlstadt, East Rutherford,  
 33 Fairview, Hasbrouck Heights, Little Ferry, Lyndhurst, Moonachie,  
 34 North Arlington, Ridgefield, Ridgefield Park, Rutherford, South  
 35 Hackensack, Teterboro and Wood-Ridge, all in Bergen county; and  
 36 Jersey City, Kearny, North Bergen and Secaucus, all in Hudson  
 37 county;

38 (k) "Master plan" means the comprehensive plan for the district  
 39 prepared and adopted in accordance with article 5 of this act;

40 (l) "Renewal area" means an area designated by the commission  
 41 pursuant to article 5 of this act whose redevelopment is necessary  
 42 to effectuate the public purposes declared in this act. A renewal  
 43 area may contain lands, buildings or improvements which of them-  
 44 selves are not detrimental to the public health, safety or welfare,  
 45 but whose inclusion is found necessary, with or without change in  
 46 their condition, for the effective redevelopment of the area of which  
 47 they are a part;

48 (m) "Project area" means all or a portion of a renewal area;

49 (n) "Project" means any plan, work or undertaking by the com-  
 50 mission or by a redeveloper under contract to the commission,  
 51 pursuant to the master plan or a redevelopment plan. Such under-  
 52 taking may include the reclamation and improvement of meadow-  
 53 lands, any buildings, land (including demolition, clearance or re-  
 54 moval of buildings from land), equipment, facilities, or other real  
 55 or personal properties, which are necessary, convenient or desirable  
 56 appurtenances, including but not limited to, streets, water systems,  
 57 sewer systems, utilities, parks, site preparation, landscaping, and  
 58 administrative, community, health, recreational, educational and  
 59 welfare facilities, and buildings and structures in renewal areas  
 60 for industrial, commercial or residential use;

61 (o) "Redeveloper" means any person, firm, corporation or  
 62 public or private agency that shall enter into or propose to enter  
 63 into a contract with the commission for the reclamation, develop-  
 64 ment, redevelopment or improvement of an area or any part thereof  
 65 under the provisions of this act, or for the construction of any  
 66 project pursuant to the master plan or redevelopment plan;

67 (p) "Improvement" means (1) the laying out, opening, con-  
 68 struction, widening, straightening, enlargement, extension, altera-  
 69 tion, changing of location, grading, paving or otherwise improving,  
 70 a street, alley or public highway; (2) curbing or guttering of a



71 sidewalk along a street, alley or highway; (3) construction and  
72 improvement of bridges and viaducts; (4) construction, enlarge-  
73 ment or extension of a sewer or drain or of a sewerage or drainage  
74 system including, but not limited to, such systems under street,  
75 alleys, or public highways or systems for drainage of marshes and  
76 wet lowlands; or works for the sanitary disposal of sewerage or  
77 drainage; (5) the installation of service connections to water, and  
78 other utility works including the laying, construction, or placing  
79 of mains, conduits, or cables under or along a street, alley or high-  
80 way; (6) the construction, enlargement, or extension of water  
81 mains or water distribution works; (7) the construction, enlarge-  
82 ment, or extension of sanitary landfills for the disposal of solid  
83 wastes; (8) the installation of lighting standards, appliances and  
84 appurtenances required for the illumination of streets; (9) widen-  
85 ing, deepening, or improvement of, the removal of obstructions  
86 in, and the construction, enlargement and extension of any water-  
87 way, or of enclosing walls, or of a pipe or conduit along a water  
88 course; (10) the reclaiming, filling and improving and bulkheading  
89 lands under tidal or other water and lands adjacent to such re-  
90 claimed or filled lands, and the dredging of channels and improve-  
91 ment of harbor approaches in waters abounding the lands to be  
92 reclaimed, filled and improved, or bulkheaded and filled; and (11)  
93 the development and improvement of parks and recreational  
94 facilities.

95 (q) "Redevelopment" means a program for renewal through  
96 reclamation, clearance, replanning, development and redevelop-  
97 ment; the rehabilitation of any improvements; conservation or  
98 rehabilitation work; the construction and provision for construction  
99 of projects; and the grant or dedication of spaces as may be ap-  
100 propriate or necessary in the interest of the general welfare for  
101 such projects or other public purposes incidental or appurtenant  
102 thereto, in accordance with the master plan or any part thereof, or  
103 a redevelopment plan;

104 (r) "Redevelopment plan" means a plan as it exists from time  
105 to time for a redevelopment project or projects in all or any part  
106 of the district, which plan shall conform to the master plan and  
107 shall be sufficiently complete to indicate such land acquisition,  
108 demolition and removal of structures, improvements, conservation  
109 or rehabilitation work as may be proposed to be carried out in the  
110 area of the project, existing and proposed land uses, building  
111 requirements, maximum densities, zoning and planning changes,  
112 if any, public transportation and utilities, recreational and com-



113 munity facilities and other public improvements, and to indicate  
114 the relationship of the plan to definite regional objectives;

115 (s) "Site plan" means a plan for an existing lot or plot or a  
116 subdivided lot on which is shown topography, location of all exist-  
117 ing or proposed buildings, structures, drainage facilities, roads,  
118 rights-of-way, easements, parking areas, together with any other  
119 information, and at such a scale as may be required by a commis-  
120 sion site plan review and approval resolution.

121 (t) "Subdivision" means the division of a lot, tract or parcel  
122 of land into 2 or more lots, sites or other divisions of land for the  
123 purpose, whether immediate or future, of sale or building develop-  
124 ment except that the following divisions shall not be considered  
125 subdivisions within the meaning of this act; provided, however,  
126 that no new streets or roads are involved; divisions of land for  
127 agricultural purposes where the resulting parcels are 3 acres or  
128 larger in size, divisions of property by testamentary or intestate  
129 provisions, or divisions of property pursuant to court order.

130 (u) "Cost," in addition to the usual meanings thereof, means  
131 the cost of acquisition or construction of all or any part of an  
132 improvement and of all or any property, rights, easements, privi-  
133 leges, agreements and franchises deemed by the commission to be  
134 necessary or useful and convenient therefor or in connection  
135 therewith, including interest or discount on bonds, cost of issuance  
136 of bonds; engineering and inspection costs and legal expenses;  
137 cost of financial, professional and other estimates and advice;  
138 organization, administration, operation and other expenses of the  
139 commission prior to and during such acquisition or construction;  
140 and all such other expenses as may be necessary or incident to the  
141 financing, acquisition, construction and completion of said improve-  
142 ment or part thereof and the placing of same in operation; and  
143 also such provision or reserves for working capital, operating or  
144 maintenance or replacement expenses, or for payment or security  
145 of principal of or interest on bonds during or after such acquisition  
146 or construction; and also reimbursements to the commission or  
147 any county, municipality or other person of any moneys thereto-  
148 fore expended for the purpose of the commission or in connection  
149 with such improvements;

150 (v) "Special assessment" means an assessment for benefits  
151 accruing from the construction of improvements by or at the  
152 direction of the commission;

153 (w) "Committee" means the Hackensack Meadowlands Muni-  
154 pal Committee established pursuant to article 4 of this act.



## ARTICLE 2. HACKENSACK MEADOWLAND DISTRICT

1 4. Except as otherwise provided, the commission shall be author-  
 2 ized to carry out the purposes of this act within the following dis-  
 3 trict:

4 All that certain area: beginning at a point on U. S. Route 46 at  
 5 its junction with State Route 17 at Teterboro Airport;

6 Thence along U. S. Route 46 to its junction with State Route 93  
 7 (Grand Avenue) at the Ridgefield-Palisades Park Municipal  
 8 Boundary;

9 Thence southerly along U. S. Route 1 and 9 to its intersection  
 10 with the Pulaski Skyway in Jersey City;

11 Thence southwesterly along a line formed by the Pulaski Skyway  
 12 to a point where the Port Authority Trans-Hudson tracks pass  
 13 under the Pulaski Skyway;

14 Thence along the PATH track to their intersection with Har-  
 15 rison's municipal boundary;

16 Thence northwesterly along the Harrison-Kearny municipal  
 17 boundary to its junction with Harrison Avenue;

18 Thence easterly along Harrison Avenue (the easterly municipal  
 19 boundary of Harrison) to its junction with Schuyler Avenue;

20 Thence northerly along Schuyler Avenue to Brisbin Avenue  
 21 (County Route 507);

22 Thence westerly along Schuyler Avenue to Orient Way;

23 Thence northerly along Orient Way to State Route 3;

24 Thence easterly along Route 3 to its junction with Route 17;

25 Thence northerly along State Route 17 to its junction with U. S.  
 26 Route 46, the place of beginning, provided, however, that any  
 27 riparian lands to the west of State Route 17 from the junction of  
 28 Routes 3 and 17 to the Paterson Plank road in East Rutherford  
 29 and thence easterly to route 17 shall be considered to lie within  
 30 the district.

## ARTICLE 3. HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

1 5. (a) There is hereby established in, but not of, the Department  
 2 of Community Affairs a public body corporate and politic, with  
 3 corporate succession, to be known as the "Hackensack Meadow-  
 4 lands Development Commission." The commission shall constitute  
 5 a political subdivision of the State established as an instrumentality  
 6 exercising public and essential governmental functions, and the  
 7 exercise by the commission of the powers conferred by this act  
 8 shall be deemed and held to be an essential governmental function  
 9 of the State.



10 (b) The commission shall consist of 5 members appointed and  
11 qualified as follows:

12 (1) The Commissioner of the Department of Community Affairs,  
13 ex officio; provided that he may appoint an alternate to act in  
14 his place and stead, with the authority to attend, vote and perform  
15 any duty or function assigned to the Commissioner of the Depart-  
16 ment of Community Affairs in his absence. The alternate shall  
17 serve during the term of the Commissioner of the Department of  
18 Community Affairs, subject to removal at his pleasure. In the  
19 event of a vacancy in the position of alternate, it shall be filled in  
20 the same manner as an original appointment and only for the  
21 unexpired term.

22 (2) Four citizens of the State, appointed by the Governor, with  
23 the advice and consent of the Senate and no more than 2 of whom  
24 shall be of the same political party; one of whom shall be a resident  
25 of one of the constituent municipalities of Bergen county and one  
26 of whom shall be a resident of one of the constituent municipalities  
27 of Hudson county;

28 (c) The Commissioner of Community Affairs shall serve on the  
29 commission during his term of office and shall be succeeded by  
30 his successor in office. Each member appointed by the Governor  
31 shall serve for terms of 5 years; provided that the first members  
32 appointed by the Governor shall serve for terms of 2, 3, 4 and 5  
33 years respectively. Each member shall serve for the term of his  
34 appointment and until his successor shall have been appointed and  
35 qualified. Any vacancy shall be filled in the same manner as the  
36 appointment for the unexpired term only.

37 (d) Any member of the commission may be removed by the  
38 Governor for cause after a public hearing.

39 (e) Each member of the commission before entering upon his  
40 duties shall take and subscribe an oath to perform the duties of  
41 his office faithfully, impartially and justly to the best of his ability.  
42 A record of such oaths shall be filed in the office of the Secretary  
43 of State.

44 (f) The members of the commission shall serve without com-  
45 pensation, but the commission may reimburse its members for  
46 necessary expenses incurred in the discharge of their duties.

47 (g) The Governor shall designate one of the members of the  
48 commission as chairman. The commission shall select from its  
49 members a vice-chairman and a treasurer, and shall employ an  
50 executive director, who shall be secretary, and a chief fiscal officer.  
51 The commission may also appoint, retain and employ, without re-



52 gard to the provisions of Title 11, Civil Service, of the Revised  
53 Statutes, such officers, agents, employees and experts as it may  
54 require, and it shall determine their qualifications, terms of office,  
55 duties, services and compensation.

56 (h) The powers of the commission shall be vested in the members  
57 thereof in office from time to time and a majority of the total  
58 authorized membership of the commission shall constitute a quorum  
59 at any meeting thereof. Action may be taken and motions and  
60 resolutions adopted by the commission at any meeting thereof by  
61 the affirmative vote of a majority of the members present, unless  
62 in any case the by-laws of the commission or any of the provisions  
63 of this act shall require a larger number; provided that the com-  
64 mission may designate one or more of its agents or employees to  
65 exercise such administrative functions, powers and duties as it may  
66 deem proper, under its supervision and control. No vacancy in the  
67 membership of the commission shall impair the right of a quorum  
68 to exercise all the rights and perform all the duties of the com-  
68A mission, except as provided by section 8.

69 (i) Before the issuance of any bonds under the provisions of this  
70 act, the members and the officer of the commission charged with  
71 the handling of the commission's moneys shall be covered by a  
72 surety bond or bonds in such sum as provided by the rules and  
73 regulations of the commission conditioned upon the faithful per-  
74 formance of the duties of their respective offices, and executed by  
75 a surety company authorized to transact business in the State of  
76 New Jersey as a surety. Each such surety bond shall be submitted  
77 to the Attorney General for his approval and upon his approval  
78 shall be filed in the office of the Secretary of State prior to the  
79 issuance of any bonds by the commission. At all times after the  
80 issuance of any bonds by the commission the officer of the com-  
81 mission charged with the handling of the commission's moneys  
82 and each member shall maintain such surety bonds in full force  
83 and effect. All costs of such surety bonds shall be borne by the  
84 commission.

85 (j) On or before March 31 in each year the commission shall  
86 make an annual report of its activities for the preceding calendar  
87 year to the Governor and to the Legislature. Each such report  
88 shall set forth a complete operating and financial statement cover-  
89 ing its operations during the year.

90 (k) The commission shall cause an audit of its books and ac-  
91 counts to be made at least once in each year and the cost thereof  
92 shall be treated as one incurred by the commission in the admin-



93 istration of this act, and a copy thereof shall be filed with the State  
94 Treasurer, all as more fully provided in section 76 of this act.

95 (1) (1) No member, officer, employee or agent of the commission  
96 shall be financially interested, either directly or indirectly, in any  
97 project or any part of a project area (other than a residence) or  
98 in any contract, sale, purchase, lease or transfer of real or per-  
99 sonal property to which the commission is a party;

100 (2) Any contract or agreement knowingly made in contraven-  
101 tion of this section is void;

102 (3) Any person who shall willfully violate any of the provisions  
103 of this section shall forfeit his office or employment and shall be  
104 guilty of a misdemeanor.

1 6. The commission shall have perpetual succession and shall have  
2 the following powers:

3 (a) To adopt and from time to time amend and repeal suitable  
4 by-laws for the management of its affairs;

5 (b) To adopt and use an official seal and alter the same at its  
6 pleasure;

7 (c) To maintain an office at such place or places within the State  
8 as it may designate;

9 (d) To sue and be sued in its own name;

10 (e) To issue bonds or notes of the commission and to provide  
11 for the rights of the holders thereof as provided in this act;

12 (f) To enter upon any building or property in order to conduct  
13 investigations, examinations, surveys, soundings, or test borings  
14 necessary to carry out the purposes of this act, all in accordance  
15 with due process of law.

16 (g) To acquire in the name of the commission by purchase, lease  
17 as lessee, or otherwise, on such terms and conditions and in such  
18 manner as it may deem proper, or by the exercise of the power of  
19 eminent domain, any land or interest therein and other property,  
20 including land under water and riparian lands, land or highways  
21 held by any municipality or other governmental subdivision of the  
22 State, or any fee simple absolute in, easements upon, or the benefit  
23 of restrictions upon abutting property, that it may determine is  
24 reasonably necessary for the performance of any of its duties under  
25 this act; provided that the power of eminent domain shall not be  
26 exercised by the commission to acquire any property owned or  
27 used by a public utility, as defined in section 48:2-13 of the Revised  
28 Statutes, in furnishing any commodity or service which by law it  
29 is authorized to furnish;

30 (h) To receive and accept, from any Federal or other public  
31 agency or governmental entity, grants or loans for or in aid of the



32 planning or construction of any project or improvement, or the  
33 acquisition of any property, and to receive and accept aid or con-  
34 tributions from any other source, of either money, property, labor  
35 or other things of value, to be held, used and applied only for the  
36 purposes for which such grants, loans and contributions may be  
37 made;

38 (i) To prepare, adopt and implement a master plan for the  
39 physical development of all lands lying within the district; and to  
40 adopt and enforce codes and standards for the effectuation of such  
41 plan;

42 (j) By contract or contracts with a redeveloper or by its own  
43 employees to undertake any development or other project or im-  
44 provement as it finds necessary to reclaim, develop, redevelop and  
45 improve the land within the district;

46 (k) To establish engineering standards for land reclamation,  
47 including the type of fill, drainage and grading, and to promulgate  
48 a building code specifying the maximum weight, size and density  
49 of all buildings and structures to be placed on any land within its  
50 jurisdiction according to the method of reclamation employed and  
51 the load-bearing quality of the reclaimed land;

52 (l) To recover by special assessments the cost of improvements  
53 from the increase of property values attributable to such improve-  
54 ments;

55 (m) Generally to fix and revise from time to time and to charge  
56 and collect rates, fees and other charges for the use of any facili-  
57 ties operated and maintained by the commission;

58 (n) To make such legal arrangements for the use of the property  
59 of the school fund so as to increase the capital of such fund as may  
60 be necessary or desirable for the purposes of the commission;

61 (o) To enter into any and all agreements or contracts, execute  
62 any and all instruments, and do and perform any and all acts or  
63 things necessary, convenient or desirable for the purposes of the  
64 commission or to carry out any power expressly given in this act;

65 (p) To conduct examinations and investigations, hear testimony  
66 and take proof under oath at public or private hearings, of any  
67 material matter, require attendance of witnesses and the produc-  
68 tion of books and papers and issue commissions for the examination  
69 of witnesses who are out of State, unable to attend, or excused  
70 from attendance;

71 (q) To publish and disseminate information and to make known  
72 to potential users, by advertisement, solicitation or other means,  
73 the availability for development of lands in the district;



74 (r) To review and regulate plans for any subdivision or develop-  
75 ment within the district;

76 (s) To subordinate, waive, sell, assign, or release any right, title,  
77 claim, lien, or demand however acquired, including any equity or  
78 right or redemption; to foreclose, sell, or assign any mortgage  
79 held by it, or any interest in real or personal property; and to  
80 purchase at any sale upon such terms and at such prices as it de-  
81 termines to be reasonable and to take title to property, real, per-  
82 sonal, or mixed, so acquired, and to sell, exchange, assign, convey,  
83 or otherwise dispose of any such property, subject to such condi-  
84 tions and restrictions as it deems necessary to carry out the pur-  
85 poses of this act;

86 (t) To cause to be prepared plans, specifications, designs and  
87 estimates of costs for the construction of projects and improve-  
88 ments under the provisions of this act, and from time to time to  
89 modify such plans, specifications, designs or estimates;

90 (u) To determine the existence of renewal areas, and to under-  
91 take redevelopment projects therein;

92 (v) To exercise all authorized powers of the commission which  
93 shall be deemed to be for a public purpose and to acquire any prop-  
94 erty which shall be deemed for public use, which use shall be deemed  
95 superior to the public use of any municipality, county, school dis-  
96 trict, or other local or regional district, authority or agency.

ARTICLE 4. HACKENSACK MEADOWLANDS MUNICIPAL COMMITTEE;  
ORGANIZATION AND POWERS

1 7. (a) There is hereby established a Hackensack Meadowlands  
2 Municipal Committee, the membership of which shall consist of the  
3 mayor or elected chief executive of each constituent municipality.

4 (b) A majority of the membership of the committee shall con-  
5 stitute a quorum for the transaction of committee business. Action  
6 may be taken and motions and resolutions adopted by the com-  
7 mittee at any meeting thereof by the affirmative vote of a majority  
8 of the full membership of the committee unless in any case the  
9 by-laws of the committee or any of the provisions of this act shall  
10 require a larger number;

11 (c) The committee shall meet regularly as it may determine, and  
12 may also meet at the call of the chairman of the commission.

13 (d) The committee shall appoint a chairman from among its  
14 members and such other officers as may be necessary.

15 (e) Members of the committee shall serve without compensation,  
16 and each member shall serve only so long as he is the mayor or  
17 elected chief executive of the municipality he represents.



1 8. (a) The commission shall submit to the committee for review,  
2 prior to final action thereon, codes and standards formulated by  
3 the commission, the district master plan and amendments thereto,  
4 development and redevelopment plans, and improvement plans.  
5 The commission may also submit to the committee any other matter  
6 which the commission deems advisable.

7 (b) The committee shall review matters submitted to it by the  
8 commission pursuant to this section and shall indicate its position  
9 in writing to the commission. Failure of the committee to state  
10 its position within 45 days of the receipt of any matter so referred  
11 to the committee shall be deemed to constitute approval of the  
12 proposed action of the commission. Except that, the committee  
13 shall have 120 days after receipt of the master plan to state its  
14 position, in writing, to the commission.

15 (c) The commission shall not take any final action on any matter  
16 required to be submitted to the committee pursuant to this section,  
17 which matter has been formally rejected by the committee, except  
18 by a vote of  $\frac{2}{3}$  of the full membership of the commission.

19 (d) The committee may make recommendations to the commis-  
20 sion on any matter it deems advisable whether or not such matter  
21 was submitted to said committee by said commission.

#### ARTICLE 5. HACKENSACK MEADOWLANDS DEVELOPMENT

1 9. (a) The commission shall prepare, or cause to be prepared,  
2 and, after public hearing and pursuant to the procedures herein-  
3 after provided, shall adopt a master plan or portion thereof for  
4 the physical development of all lands lying within the district,  
5 which plan may include proposals for various stages in the future  
6 development of the district. The commission may from time to  
7 time, pursuant to the procedures hereinafter provided, and after  
8 public hearing, amend said master plan. The master plan shall  
9 include a report presenting the objectives, assumptions, standards  
10 and principles which are embodied in the various interlocking  
11 portions of the master plan. The master plan shall be a com-  
12 posite of the one or more mapped and written proposals recom-  
13 mending the physical development of the lands within its juris-  
14 diction either in its entirety or a portion thereof which the  
15 commission shall prepare after meetings with the governing bodies  
16 of the constituent municipalities and affected counties, and any  
17 agencies and instrumentalities thereof, meetings with other public  
18 agencies, and with private developers and other interested parties.

19 (b) The commission shall prepare or cause to be prepared an  
20 annual survey to determine the extent to which land in the district  
21 is utilized for the treatment or disposal of solid waste and the



22 needs of the municipalities, in and without the district, which use  
23 land in the district for this purpose. In preparing the master  
24 plan or any portion thereof or amendment thereto the commission  
25 shall give due consideration to the necessity to provide in the  
26 district sanitary landfills and other facilities for the disposal of  
27 solid waste which may be utilized by municipalities within the dis-  
28 trict and municipalities throughout the State. In preparing the  
29 master plan or any portion thereof or amendment thereto the com-  
30 mission shall give due consideration to the existing patterns of  
31 the development in the constituent municipalities and to any master  
32 plan or other plan of development adopted by any constituent  
33 municipality prior to the effective date of this act or prior to the  
34 preparation of the master plan by the commission.

35 (c) In preparing the master plan or any portion thereof or  
36 amendment thereto, the commission shall consult with any Federal  
37 or State agency having an interest in the district. At least 60 days  
38 prior to taking any action relating to the district such Federal and  
39 State agency shall file with the commission their proposed plans  
40 for the commission's review and recommendation.

1 10. (a) The master plan shall include provisions for the location  
2 and use of buildings, structures, facilities, and land for solid waste  
3 disposal, and may include provisions for: (1) the use of land and  
4 buildings, residential, commercial, industrial, mining, agricultural,  
5 park and other like purposes; (2) service-water supply, utilities,  
6 sewerage, and other like matters; (3) transportation, streets, park-  
7 ing, public transit lines and stations both above and below ground  
8 level, freight facilities, airports, harbors, channels, docks and  
9 wharves, and other like matters; (4) housing, residential standards,  
10 clearance, redevelopment, rehabilitation, conservation, and other  
11 like matters; (5) water, forest, soil conservation, flood control, and  
12 other like matters; (6) public and semipublic facilities including  
13 but not limited to civic centers, schools, libraries, parks, play-  
14 grounds, fire houses, police buildings, hospitals, and other like  
15 matters; (7) the distribution and density of population; (8)  
16 planned unit development; (9) community appearance; (10)  
17 financing and programming capital improvements; (11) and other  
18 related elements of growth and development, including the social  
19 implications of any proposed development, and advances in  
20 technology related to any subject included in the plan.

21 (b) The plan may also include codes and standards covering  
22 land use, comprehensive zoning, subdivisions, building construction  
23 and design, housing, control of air and water pollution and solid  
24 waste disposal, and other subjects necessary to carry out the plan



25 or to undertake a workable program of community improvement.  
26 No municipality shall enact or enforce any code which is incon-  
27 sistent with the code contained in the master plan insofar as such  
28 code applies to property within the district; provided, however,  
29 that the governing body or other appropriate body of each con-  
30 stituent municipality may enact zoning ordinances and any other  
31 codes or standards, which it is authorized by the laws of this State  
32 to enact, for lands within the boundaries of said municipality which  
33 are subject to the jurisdiction of the commission and which will  
34 effectuate the purposes of the commission's master plan.

1 11. (a) No building or structure may be constructed or altered  
2 within the area shown on the master plan unless the commission  
3 shall first issue a permit approving the plans and specifications  
4 for the proposed construction or alteration as being in conformity  
5 with the master plan. No permit may be issued without a certificate  
6 from the chief engineer or equivalent official of the commission  
7 that the proposed construction or alteration meets the engineering  
8 standards adopted by the commission.

9 (b) Whenever the commission shall have adopted a master plan  
10 or any portion thereof, the governing body of any constituent mu-  
11 nicipality or affected county agency, or instrumentality thereof,  
12 before taking action necessitating the expenditure of any public  
13 funds incidental to the location, character, or extent of one or more  
14 projects of said municipality or affected county, or any agency  
15 or instrumentality thereof, shall refer action involving such specific  
16 project to the commission for review and approval, and shall not  
17 act thereon until the commission has indicated its approval by a  
18 majority vote of said commission within 45 days of reference to  
19 the commission or by the failure of the commission to disapprove  
20 by a majority vote of said commission within said 45 days.

1 12. The commission shall review and regulate subdivisions and  
2 land development within the district, in accordance with pro-  
3 cedures and engineering and planning standards adopted by reso-  
4 lution, which shall require that:

5 (a) All subdivisions, site plans, buildings and other develop-  
6 ment be in accordance with the master plan and any applicable re-  
7 development plan;

8 (b) Adequate drainage facilities and easements be provided;

9 (c) Road improvements be provided for subdivisions or sites  
10 where necessary to protect the safety and convenience of the travel-  
11 ing public, such improvements to include, but not be limited to,  
12 additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design



14 features necessitated by increased traffic, potential safety hazards  
15 or traffic flow impediments caused by the subdivision or develop-  
16 ment;

17 (d) Public water and sewer systems be provided where neces-  
18 sary to protect public health and to insure an adequate supply of  
19 water;

20 (e) Performance guarantees, maintenance bonds and agree-  
21 ments be provided specifying minimum standards of construction  
22 for required improvements by the commission and not to exceed  
23 the full cost of the facility and installation thereof or the de-  
24 veloper's proportionate share thereof. Any bonds, moneys or  
25 guarantees received by the commission under this paragraph shall  
26 not duplicate bonds, moneys or guarantees required by municipal-  
27 ities for municipal purposes.

1 13. (a) Each application for a subdivision, site plan or building  
2 permit shall be submitted to the commission for review and, where  
3 required, approval prior to approval by the local constituent  
4 municipal approving authority. Commission approval of any sub-  
5 division application shall be limited by and based upon the rules,  
6 regulations and standards established by and duly set forth in a  
7 resolution adopted by the commission. The constituent municipal  
8 approval authority shall defer taking final action on a subdivision  
9 application until receipt of the commission report thereon. The  
10 commission shall report to the municipal authority within 45 days  
11 from the date of receipt of the application. If the commission fails  
12 to report to the municipal approving authority within the 45-day  
13 period, said subdivision application shall be deemed to have been  
14 approved by the commission unless, by mutual agreement between  
15 the commission and municipal approving authority, with approval  
16 of the applicant, the 45-day period shall be extended for an addi-  
17 tional 45-day period, and any such extension shall so extend the  
18 time within which a municipal approving authority shall be re-  
19 quired by law to act thereon.

20 (b) The commission shall review each subdivision plan and  
21 building permit application and withhold approval if said appli-  
22 cation does not meet the approval standards previously adopted  
23 by the commission, in accordance with this section. In the event  
24 of the withholding of approval, or the disapproval of, any such  
25 application, the reasons for such action shall be set forth in writing  
26 and a copy thereof shall be transmitted to the applicant.

1 14. The county clerk or registrar of deeds and mortgages shall  
2 not accept for filing any subdivision plat for lands in the district  
3 unless it bears the certification of approval of the commission in



4 addition to all other requirements for filing a subdivision plat.  
 5 If the commission shall have taken no action to approve or disap-  
 6 prove a subdivision within the period required by section 13 of  
 7 this act it shall, at the request of the developer, certify such fact  
 8 upon the plat. Such certification shall be sufficient authorization  
 9 for further action by the municipal approving authority and filing  
 10 with the appropriate county recording officer.

1 15. (a) Whenever a hearing upon notice is required in any con-  
 2 stituent municipality or affected county with respect to the adop-  
 3 tion or amendment of a master plan, official map, zoning or sub-  
 4 division regulations, or to the granting of variances or special  
 5 exceptions, involving property within the district or within 200  
 6 feet of its borders, the person required to give such notice shall  
 7 also, at least 45 days prior to the hearing, give written notice of  
 8 the hearing to the commission by registered or certified mail. Said  
 9 notice of hearing shall contain a brief description of the property  
 10 involved, its location, a concise statement of the matters to be heard,  
 11 and a copy of any plan, code, regulations or standards to be ap-  
 12 proved.

13 (b) The commission shall be considered a party in interest at  
 14 such hearing, and no action involving a municipal master plan,  
 15 zoning ordinance, subdivision, building, or site plan approval, the  
 16 official map, or the grant or variance or special exception shall be  
 17 taken by a public body of a constituent municipality, or affected  
 18 county which shall be inconsistent with the master plan.

1 16. (a) If portions of the master plan contain proposals for  
 2 drainage rights-of-way, roads or streets, schools, colleges, parks,  
 3 playgrounds, or for any project as defined in this act, before ap-  
 4 proving any subdivision or site plan, the commission may require  
 5 that such project sites be shown in locations and of sizes suitable  
 6 to their intended uses. The commission shall be permitted to re-  
 7 serve the location and extent of such project sites shown on the  
 8 master plan or any part thereof for a period of 1 year after the  
 9 approval of the subdivision or site plan or within such further  
 10 time as agreed to by the applying party. Unless during each 1 year  
 11 period or extension thereof the commission shall have entered into  
 12 a contract to purchase or institute condemnation proceedings ac-  
 13 cording to law for said project site, the developer shall not be  
 14 bound by the proposals for such areas shown on the plan. This  
 15 provision shall not apply to streets and roads and drainage rights-  
 16 of-way required for approval of any subdivision or site plan and  
 17 deemed essential to the public welfare.



18 (b) Whenever one or more parcels of land on which is located  
 19 such a project site cannot yield a reasonable return to the owner  
 20 unless a building permit is granted or a subdivision or site plan  
 21 is approved, the commission may, in a specific case, by a majority  
 22 vote, grant a permit for a building on such project site, which will  
 23 as little as practicable diminish the area and use of the project  
 24 site for its intended purposes, or may pay over to the developer  
 25 the amount of damages found by the commission to have been  
 26 caused by the delay in approval or acquisition.

1 17. Provision may be made by the commission for the waiver,  
 2 according to definite criteria, of strict compliance with the stand-  
 3 ards promulgated, where necessary to alleviate hardship. The  
 4 commission may exempt subdivisions of less than a designated  
 5 number of lots or site plans involving single-family residences  
 6 from its regulations where no new streets are involved.

1 18. (a) If, before approval by the commission, any person, as  
 2 owner or agent, transfers, sells, or rents, or agrees to sell or rent  
 3 any land or building or other structure within the district which  
 4 forms part of a subdivision, site or building for which a plan must  
 5 be filed with the commission prior to such transfer, sale, or rental,  
 6 such person shall be subject to a fine not to exceed \$200.00 or to  
 7 imprisonment for not more than 30 days and each parcel, lot, plot,  
 8 building, or rental unit so disposed of shall be deemed a separate  
 9 violation.

10 (b) In addition to the foregoing, the commission may in the case  
 11 of any such violation or threat of such violation, institute civil  
 12 action:

13 (1) For injunctive relief;

14 (2) To set aside and invalidate any conveyance or lease made  
 15 pursuant to contract for sale or otherwise in violation of this  
 16 section;

17 (3) To prevent such unlawful sale, rental, erection, construction,  
 18 reconstruction, alterations, repair, conversion, maintenance or use;

19 (4) To restrain, correct, or abate such violation;

20 (5) To prevent the occupancy of said dwelling structure or  
 21 land; or

22 (6) To prevent any illegal act, conduct, business or use in or  
 23 about such premises.

1 19. (a) Pursuant to the procedure hereinafter provided, the com-  
 2 mission shall have the exclusive power to declare the district or  
 3 any portion thereof to be a renewal area; provided, that the com-  
 4 mission shall find prior to such declaration that there exist in the  
 5 district or portion thereof the conditions of "blight" as said



6 conditions are defined in section 3 of chapter 306 of laws of 1949  
7 (P. L. 1949, c. 306). It is hereby determined by the Legislature  
8 that such conditions contained in section 3 of chapter 306 of laws  
9 of 1949 (P. L. 1949, c. 306) are a social and economic liability to  
10 the district.

11 (b) Prior to declaring any portion of the district a renewal area  
12 the commission by resolution shall provide for a preliminary in-  
13 vestigation. Upon the adoption of such a resolution, the commission  
14 shall prepare a map showing the boundaries of the area to be  
15 investigated and the location of the various parcels of property  
16 located therein, and shall append thereto a statement setting forth  
17 the reasons for the investigation.

18 (c) The commission shall thereupon cause a hearing to be held  
19 at an appointed time and place for the purpose of hearing persons  
20 interested in, or who would be affected by, a determination that  
21 the area is a renewal area as defined in this act and who are in  
22 favor of or are opposed to such determination.

23 (d) A notice of such hearing shall be given setting forth the  
24 general boundaries of the area to be investigated and stating that a  
25 map has been prepared and can be inspected at the office of the  
26 commission. A copy of such notice shall be published in a news-  
27 paper of general circulation in the district once each week for 2  
28 consecutive weeks and the last publication shall be not less than  
29 10 days prior to the date set for the hearing. A copy of the notice  
30 shall be mailed at least 10 days prior to the date set for the hearing  
31 to the last owner, if any, of each parcel of property within the  
32 area according to the assessment records of the municipality where  
33 the parcel is located. Such notice shall be sent to the last known  
34 postal address of such owners. A notice shall also be sent to any  
35 and all persons at his, or their last known address, if any, whose  
36 names are noted on said assessment records as claimants of an  
37 interest in any such parcel. The assessor of such municipality  
38 shall make such a notation upon the said records when requested  
39 so to do by any person claiming to have an interest in any parcel  
40 of property in such municipality. Failure to mail any such notice  
41 shall not invalidate the investigation or determination thereon.

42 (e) At the hearing, which may be adjourned from time to time  
43 the commission shall hear all persons interested in the investigation  
44 and shall consider any, and all, written objections that may be filed  
45 and any evidence which may be introduced in support of the objec-  
46 tions, or any opposition to a determination that the area is a re-  
47 newal area. After the hearing the commission shall, by resolution,  
48 determine that the area or any part thereof is, or is not, a renewal



49 area, as defined in this act. A determination that the area or any  
50 part hereof is a renewal area, if supported by substantial evidence,  
51 shall be binding and conclusive upon all persons affected by the  
52 determination. If the determination is that the area or any part  
53 thereof is a renewal area, the commission within 10 days after  
54 such determination, shall cause to be served a copy of the resolu-  
55 tion upon each person who filed a written objection at or prior to  
56 the hearing; provided, the address of the objector was stated in,  
57 or upon, the written objection.

58 Such service may be made (1) by delivering a copy of the resolu-  
59 tion personally to the objector, (2) by mailing such copy addressed  
60 to the objector according to his said stated address, or (3) by  
61 leaving such copy at said stated address for the objector with a  
62 person of suitable age and discretion.

63 (f) Any person who shall have filed such a written objection with  
64 the commission, may have a determination that an area is a re-  
65 newal area reviewed by the Superior Court of New Jersey by  
66 procedure in lieu of prerogative writs. An action for any such  
67 review shall be commenced within 30 days after the determination  
68 by the commission. In any such action, the said court may make  
69 any incidental order that shall be deemed by the court to be proper.

70 (g) If the determination is that an area is a renewal area, the  
71 commission may, but shall not be required to, acquire the real  
72 property within the area by purchase, or by eminent domain pro-  
73 ceedings, and may proceed with the clearance, replanning, develop-  
74 ment or redevelopment of the area as a public purpose and for  
75 public use, or the commission may, by resolution, agree that a re-  
76 developer may undertake such clearance, replanning, development  
77 or redevelopment in accordance with statutory authority and sub-  
78 ject to the provisions of paragraph 1, Section III, Article VII, of  
79 the New Jersey Constitution.

1 20. (a) The commission is authorized to prepare and adopt re-  
2 development plans for areas in the district determined by the com-  
3 mission to be renewal areas;

4 (b) In undertaking projects pursuant to any redevelopment plan,  
5 the commission may:

6 (1) Acquire, by condemnation or otherwise, real or personal  
7 property, or any interest therein, including such property as  
8 it may deem necessary or proper, although temporarily not  
9 required for such purposes, in a renewal area and in any area  
10 within the district designated by it as necessary for relocation  
11 of residents, industry or commerce displaced from a renewal  
12 area;



13 (2) Clear or reclaim any area so acquired and install, con-  
14 struct or reconstruct projects therein necessary to prepare  
15 such area for development;

16 (3) Relocate or arrange or contract with public or private  
17 agencies for the relocation of residents; industry or commerce  
18 displaced from the renewal area;

19 (4) Dispose of real property so acquired by sale, lease or  
20 exchange for the uses and purposes specified in the redevelop-  
21 ment plan, to any person or public agency;

22 (5) Study the recommendations of any planning board for  
23 redevelopment of any area and make its own investigations  
24 as to current trends and blighting factors in the district, or  
25 any area thereof;

26 (6) By contract or contracts with public agencies or redevelop-  
27 ers or by its own employees or consultants plan, replan,  
28 construct, reconstruct, operate, maintain and repair any  
29 redevelopment or other project or any part thereof;

30 (7) Make and adopt plans for carrying out a program of  
31 voluntary repair and rehabilitation of buildings and improve-  
32 ments, and for the enforcement of codes and laws relating to  
33 the use of land, the use and occupancy of buildings and im-  
34 provements and to the control over the pollution of water and  
35 air and the disposal of solid waste;

36 (8) Prepare and adopt from time to time a workable pro-  
37 gram, representing an official plan of action for effectively  
38 dealing with the problem of urban renewal areas within the  
39 district and for the establishment and preservation of well-  
40 planned communities with well-organized residential neighbor-  
41 hoods of decent homes and suitable living environment for  
42 adequate family life; for utilizing appropriate private and  
43 public resources to eliminate and prevent the development or  
44 spread of blight and deterioration; to encourage needed con-  
45 servation or rehabilitation; to provide for the redevelopment  
46 of renewal areas; or to undertake such of the aforesaid activ-  
47 ities or other feasible activities as may be suitably employed  
48 to achieve the objectives of such a program.

1 21. All agreements, leases, deeds and other instruments from or  
2 between the commission and to or with a redeveloper shall contain,  
3 without being limited to, the following provisions: (a) a covenant  
4 running with the land to the effect that the land, and any buildings  
5 or improvements thereon, shall only be used for the purposes des-  
6 ignated in the redevelopment plan; (b) a provision that the redevelop-



7 oper shall be without power to sell, lease or otherwise transfer the  
 8 redevelopment area or project or any part thereof without the prior  
 9 written consent of the commission; (c) any lease to a redeveloper  
 10 may provide that all improvements shall become the property of  
 11 the commission. The execution of such a lease shall not impose  
 12 upon the commission any liability for the financing, construction,  
 13 management or operation of any development project, or any part  
 14 thereof; (d) such other covenants, provisions and continuing con-  
 15 trols as may be deemed necessary to effectuate the purposes of  
 16 this act.

#### ARTICLE 6. CAPITAL FINANCING

1 22. The commission is authorized from time to time to issue its  
 2 negotiable notes for any corporate purpose and to renew from time  
 3 to time any notes by the issuance of new notes, whether the notes  
 4 to be renewed have or have not matured. The commission may  
 5 issue notes partly to renew notes or to discharge other obligations  
 6 then outstanding and partly for any other purpose. The notes  
 7 may be authorized, sold, executed and delivered in the same manner  
 8 as bonds. Any resolution or resolutions authorizing notes of the  
 9 commission or any issue thereof may contain the following pro-  
 10 visions:

11 (a) A covenant against pledging all or any part of its charges  
 12 or revenues, or against mortgaging all or any part of its real or  
 13 personal property then owned or thereafter acquired or against  
 14 permitting or suffering any lien on such charges, revenues or  
 15 property;

16 (b) A covenant with respect to limitations on any right to sell,  
 17 lease or otherwise dispose of any project or any part thereof or any  
 18 property of any kind;

19 (c) A covenant as to the issuance of additional bonds or notes  
 20 or as to limitations on the insurance of additional bonds or notes  
 21 and on the incurring of other debts by the commission;

22 (d) A covenant against extending the time for the payment of  
 23 bonds or notes or interest thereon;

24 (e) A covenant as to the rates of fees and other charges to be  
 25 established and charged, the amount to be raised each year or other  
 26 period of time by fees, charges or other revenues and as to the  
 27 use and disposition to be made thereof;

28 (f) A covenant to create or authorize the creation of special  
 29 funds or moneys to be held in pledge or otherwise for construction  
 30 operating expenses, payment or redemption of bonds or notes,  
 31 reserves or other purposes and as to the use and disposition of the  
 32 moneys held in such funds;



33 (g) A provision for the establishment of a procedure, by which  
 34 the terms of any contract or covenant with or for the benefit of the  
 35 holders of bonds or notes may be amended or abrogated, the amount  
 36 of bonds or notes the holders of which must consent thereto, and  
 37 the manner in which such consent may be given;

38 (h) A provision for the rights and liabilities, powers and duties  
 39 arising upon the breach of any covenant, condition or obligation  
 40 and to prescribe the events of default and the terms and conditions  
 41 upon which any or all bonds, notes or other obligations of the  
 42 commission shall become or may be declared due and payable before  
 43 maturity and the terms and conditions upon which any such  
 44 declaration and its consequences may be waived;

45 (i) A provision for the payment of the costs or expenses incident  
 46 to the enforcement of such bonds or notes or of the provisions of  
 47 such resolution or of any covenant or agreement of the commission  
 48 with the holders of its bonds or notes;

49 (j) A limit on the powers of the commission to construct, ac-  
 50 quire or operate any structures, facilities or properties which may  
 51 compete or tend to compete with any of its projects;

52 (k) A limit on the rights of the holders of any bonds or notes to  
 53 enforce any pledge or covenant securing bonds or notes; and

54 (l) Any other covenant or provision, in addition to those herein  
 55 expressly authorized, which the commission deems may be neces-  
 56 sary, convenient or desirable in order to better secure the bond or  
 57 notes, or which in the opinion of the commission will tend to make  
 58 the bonds or notes more marketable.

59 All such notes shall be payable from the revenues or other  
 60 moneys of the commission, subject only to any contractual rights  
 61 of the holders of any of its notes or other obligations then out-  
 62 standing.

1 23. (a) The commission is authorized from time to time to issue  
 2 its negotiable bonds for any corporate purpose. In anticipation  
 3 of the sale of such bonds the commission may issue negotiable bond  
 4 anticipation notes and may renew the same from time to time, but  
 5 the maximum maturity of any such note, including renewals  
 6 thereof, shall not exceed 5 years from the date of the issuance of  
 7 the original note. Such notes shall be paid from any revenues or  
 8 other moneys of the commission available therefor and not other-  
 9 wise pledged, or from the proceeds of the sale of the bonds of the  
 10 commission in anticipation of which they were issued. The notes  
 11 shall be issued in the same manner as the bonds. Such notes and  
 12 the resolution or resolutions authorizing the same may contain any



13 provisions, conditions, or limitations which a bond resolution of  
14 the commission may contain.

15 (b) Except as may otherwise be expressly provided by the com-  
16 mission, every issue of its bonds or notes shall be general obliga-  
17 tions of the commission payable from any revenues or moneys of  
18 the commission, subject only to any agreements with the holders of  
19 particular bonds or notes pledging any particular revenues or  
20 moneys. Notwithstanding that bonds and notes may be payable  
21 from a special fund, they shall be fully negotiable within the mean-  
22 ing of the Uniform Commercial Code, subject only to the provisions  
23 of the bonds and notes for registration.

24 (c) The bonds may be issued in one or more series as serial  
25 bonds or as term bonds, or the commission, in its discretion, may  
26 issue bonds of both types. The bonds shall be authorized by resolu-  
27 tion of the members of the commission and shall bear such date or  
28 dates, mature at such time or times, not exceeding 50 years from  
29 their respective dates, bear interest at such rate or rates, not ex-  
30 ceeding 6% per annum, be payable at such time or times, be in such  
31 denomination or denominations, be in such form, either coupon  
32 or registered, carry such conversion or registration privileges,  
33 have such rank or priority, be executed in such manner, be payable  
34 from such sources in lawful money of the United States of America  
35 at such place or places, and be subject to such terms of redemption  
36 (with or without premium) as such resolution or resolutions may  
37 provide. The bonds or notes may be sold at public or private sale  
38 for such price or prices as the commission shall determine, but  
39 which shall not at the time of sale yield more than 6% per annum  
40 computed according to standard tables of bond values. Pending  
41 preparation of the definitive bonds, the commission may issue  
42 interim receipts of certificates which shall be exchanged for such  
43 definitive bonds.

44 (d) Neither the members of the commission nor any person  
45 executing the bonds or notes shall be liable personally on the bonds  
46 or notes or be subject to any personal liability or accountability by  
47 reason of the issuance thereof.

48 (e) The commission shall have the power out of any funds avail-  
49 able therefor to purchase its bonds or notes. The commission may  
50 hold, pledge, cancel or resell such bonds, subject to and in accord-  
51 ance with agreements with bondholders.

1 24. (a) In the discretion of the commission, any bonds issued un-  
2 der the provisions of this act may be secured by a trust agreement  
3 by and between the commission and a corporate trustee or trustees  
4 which may be any trust company or bank having the powers of a



5 trust company within or without the State. Such trust agreement,  
6 or the resolution providing for the issuance of such bonds, may  
7 pledge or assign the revenues or other moneys to be received or  
8 the proceeds of any contract or contracts pledged, but the commis-  
9 sion shall not convey or mortgage any of its lands or any project  
10 or part thereof as a security for such bonds or notes. Such trust  
11 agreement or resolution providing for the issuance of such bonds  
12 may contain such provisions for protecting and enforcing the rights  
13 and remedies of the bondholders as may be reasonable and proper  
14 and not in violation of law, including covenants setting forth the  
15 duties of the commission in relation to the acquisition of property,  
16 and the construction, improvement, maintenance, repair, operation  
17 and insurance of the project or projects, the amount of assessments  
18 or other charges to be levied upon holders of lands affected by the  
19 project or projects, the payment, security or redemption of bonds,  
20 and the custody, safeguarding and application of all moneys. Any  
21 bank or trust company incorporated under the laws of this State  
22 which may act as depository of the proceeds of bonds or of rev-  
23 enues or other moneys may furnish such indemnifying bonds or  
24 pledge such securities as may be required by the commission. Any  
25 such trust agreement or resolution may set forth the rights and  
26 remedies of the bondholders and of the trustee, or trustees, and  
27 may restrict the individual right of action by bondholders. In ad-  
28 dition to the foregoing, any such trust agreement or resolution  
29 may contain such other provisions as the commission may deem  
30 reasonable and proper for the security of the bondholders. All  
31 expenses incurred in carrying out the provisions of such trust  
32 agreement or resolution may be treated as a part of the cost of  
33 construction or of a reclamation project or projects.

34 (b) Any pledge or assignment made pursuant to this section  
35 shall be valid and binding from the time when the pledge or assign-  
36 ment is made; the revenues or moneys so pledged or assigned and  
37 thereafter received by the commission shall immediately be subject  
38 to the lien of such pledge without any physical delivery thereof  
39 or further act, and the lien of any such pledge shall be valid and  
40 binding as against all parties having claims of any kind in tort,  
41 contract or otherwise against the commission, irrespective of  
42 whether such parties have notice thereof. Neither the resolution  
43 nor any trust agreement by which a pledge or assignment is created  
44 need be filed or recorded except in the records of the commission.

1 25. Except as otherwise provided by or pursuant to Section II  
2 of Article VIII of the State Constitution and approved by a ma-  
3 jority of the legally constituted voters of the State voting thereon



4 or except when any county or municipality shall have guaranteed  
5 principal or interest thereon, bonds and notes issued by the com-  
6 mission under the provisions of this act shall not be deemed to  
7 constitute a debt or liability of the State or of any political sub-  
8 division thereof or a pledge of the faith and credit of the State or  
9 of any political subdivision except the commission and all such  
10 bonds or notes shall contain on the face thereof a statement to that  
11 effect.

1 26. The State does pledge to and agree with the holders of the  
2 bonds or notes issued pursuant to the provisions of this act that the  
3 State will not, without the commission's prior consent enlarge,  
4 limit or restrict any of the rights and powers hereby vested in the  
5 commission to maintain, acquire, construct, improve, reconstruct,  
6 repair and operate any project as defined in this act, nor will the  
7 State limit or restrict the fixing, establishment and collection by  
8 the commission of such fees, assessments and charges as may be  
9 convenient or necessary to produce sufficient revenues to meet the  
10 expenses of the commission and to fulfill the terms of any agree-  
11 ments made with the holders of bonds or notes authorized by this  
12 act, nor will the State in any way impair the rights or remedies  
13 of the holders of such notes or bonds, or modify in any way the  
14 exemption from taxation provided in this act until the notes and  
15 bonds, together with interest thereon, with interest on any unpaid  
16 installments of interest, and all costs in connection with any action  
17 or proceeding in behalf of such bondholders are fully paid and  
18 discharged or provided for.

1 27. All bonds or notes issued by the commission pursuant to this  
2 act are hereby declared to be issued by a political subdivision of  
3 this State and for an essential public and governmental purpose,  
4 and such bonds and notes, their transfer and the interest thereon  
5 and the income therefrom, including any profit made on the sale  
6 thereof, and all assessments, charges, funds, revenues, income and  
7 other moneys pledged or available to pay or secure the payment  
8 of such bonds or notes, or interest thereon, shall at all times be  
9 exempt from taxation of every kind by the State and by the munici-  
10 palities and other political subdivisions in the State, except trans-  
11 fer, inheritance and estate taxes.

1 28. All moneys received pursuant to the authority of this act  
2 whether as proceeds from the sale of bonds or as revenues, shall  
3 be deemed to be trust funds to be held and applied solely as pro-  
4 vided in this act. Any officer with whom, or any bank or trust  
5 company with which, such moneys shall be deposited shall act as  
6 trustee of such moneys and shall hold and apply the same for the



7 purpose hereof, subject to such regulations as this act and the reso-  
8 lution authorizing the bonds of any issue or the trust agreement  
9 securing such bonds may provide.

1 29. Any holder of bonds issued under the provisions of this act,  
2 or of any of the coupons appertaining thereto; and the trustee or  
3 trustees under any trust agreement, except to the extent the rights  
4 herein given may be restricted by any resolution authorizing the  
5 issuance of, or any such trust agreement securing, such bonds,  
6 may, either at law or in equity, by suit, action, mandamus or other  
7 proceedings, protect and enforce any and all rights under the laws  
8 of the State or granted hereunder or under such resolution or trust  
9 agreement, and may enforce and compel the performance of all  
10 duties required by this act or by such resolution or trust agreement  
11 to be performed by the commission or by any officer, employee or  
12 agent thereof, including the fixing, charging and collecting of the  
13 rates, rents, fees and charges herein authorized and required by  
14 the provisions of such resolution or trust agreement to be fixed,  
15 established and collected.

1 30. (a) The commission is hereby authorized to provide for  
2 the issuance of bonds of the commission for the purpose of refund-  
3 ing any bonds of the commission then outstanding, including the  
4 payment of any redemption premium thereon and any interest  
5 accrued or to accrue to the earliest or subsequent date of redemp-  
6 tion purchase or maturity, of such bonds, and, if deemed advisable  
7 by the commission for the additional purpose of paying all or any  
8 part of the cost of acquiring and constructing improvements, ex-  
9 tensions, additions or enlargements of project or projects or any  
10 portion thereof.

11 (b) The proceeds of any such bonds issued for the purpose of  
12 refunding outstanding bonds may, in the discretion of the com-  
13 mission be applied to the purchase or retirement at maturity or  
14 redemption of such outstanding bonds either on their earliest or  
15 any subsequent redemption date or upon the purchase or at the  
16 maturity thereof and may, pending such application, be placed in  
17 escrow to be applied to such purchase or retirement at maturity  
18 or redemption on such date as may be determined by the com-  
19 mission.

20 (c) Any such escrowed proceeds, pending such use, may be  
21 invested and reinvested in obligations of or guaranteed by the  
22 United States of America, or in certificates of deposit or time  
23 deposits secured by obligations of or guaranteed by the United  
24 States of America, maturing at such time or times as shall be  
25 appropriate to assure the prompt payment, as to principal, interest



26 and redemption premium, if any, of the outstanding bonds to be  
27 so refunded. The interest, income and profits, if any, earned or  
28 realized on any such investment may also be applied to the pay-  
29 ment of the outstanding bonds to be so refunded. After the terms  
30 of the escrow have been fully satisfied and carried out, any balance  
31 of such proceeds and interest, income and profits, if any, earned or  
32 realized on the investment thereof may be returned to the com-  
33 mission for use by it in any lawful manner.

34 (d) The portion of the proceeds of any such bonds issued for  
35 the additional purpose of paying all or any part of the cost of  
36 constructing and acquiring additions, improvements, extensions or  
37 enlargements of a project or projects, may be invested and re-  
38 invested in obligations of or guaranteed by the United States of  
39 America, or in certificates of deposit or time deposits secured by  
40 obligations of or guaranteed by the United States of America,  
41 maturing not later than the time or times when such proceeds will  
42 be needed for the purpose of paying all or any part of such cost.  
43 The interest, income and profits, if any, earned or realized on such  
44 investment may be applied to the payment of all or any part of such  
45 cost or may be used by the commission in any lawful manner.

46 (e) All such bonds shall be subject to the provisions of this act  
47 in the same manner and to the same extent as other bonds issued  
48 pursuant to this act.

1 31. Bonds and notes issued by the commission under the pro-  
2 visions of this act are hereby made securities in which the State  
3 and all political subdivisions of the State, their officers, boards,  
4 commissions, departments or other agencies, all banks, bankers,  
5 savings banks, trust companies, savings and loan associations, in-  
6 vestment companies and other persons carrying on a banking or  
7 investment business, all insurance companies, insurance associa-  
8 tions, and other persons carrying on an insurance business, and  
9 all administrators, executors, guardians, trustees and other  
10 fiduciaries, and all other persons whatsoever who now are or may  
11 hereafter be authorized to invest in bonds or other obligations of  
12 the State, may properly and legally invest any funds including  
13 capital belonging to them or within their control; and said bonds,  
14 notes or other securities or obligations are hereby made securities  
15 which may properly and legally be deposited with and received by  
16 any State or municipal officers or agency of the State for any pur-  
17 pose for which the deposit of bonds or other obligations of the  
18 State is now or may hereafter be authorized by law.

1 32. Bonds may be issued under the provisions of this act without  
2 obtaining the consent of any department, division, commission,



3 board, bureau, agency or officer of the State, and without any  
4 other proceedings or the happening of any other conditions or  
5 things than those proceedings, conditions and things which are  
6 specifically required by this act.

ARTICLE 7. PROPERTY ACQUIRED AND HELD BY THE COMMISSION

1 33. (a) If for any of its authorized purposes (including tempo-  
2 rary construction purposes) the commission shall find it necessary  
3 or convenient to acquire any real property within its jurisdiction,  
4 or if for any of its authorized purposes (including temporary con-  
5 struction purposes) the commission shall find it necessary to ac-  
6 quire any real property beyond its jurisdiction, whether for  
7 immediate or future use, the commission may find and determine  
8 that such property, whether a fee simple absolute or a lesser  
9 interest, is required for public use and, upon such determination,  
10 the said property shall be deemed to be required for a public use  
11 until otherwise determined by the commission; and the said de-  
12 termination shall not be affected by the fact that such property  
13 has heretofore been taken for, or is then devoted to, a public use,  
14 but the public use in the hands or under the control of the com-  
15 mission shall be deemed superior to the public use in the hands or  
16 under the control of any other person, association or corporation.

17 (b) If the commission is unable to agree with the owner or  
18 owners thereof upon terms for the acquisition of any such real  
19 property, for any reason whatsoever, then the commission may  
20 acquire, and is hereby authorized to acquire, such property,  
21 whether a fee simple absolute or a lesser interest, in the manner  
22 provided in chapter 1 of Title 20 of the Revised Statutes insofar  
23 as the provisions thereof are applicable and not inconsistent with  
24 the provisions contained in this section.

25 (c) The commission may join, in separate subdivisions of one  
26 petition or complaint, the descriptions of any number of tracts or  
27 parcels of land or property to be condemned, and the names of any  
28 number of owners and other parties who may have an interest  
29 therein and all such land or property included in said petition or  
30 complaint may be condemned in a single proceeding; provided,  
31 however, that separate awards be made for each tract or parcel  
32 of land or property; and provided, further, that each of said tracts  
33 or parcels of land or property lies wholly in or has a substantial  
34 part of its value lying wholly within the same county.

35 (d) When the commission by resolution determines that it re-  
36 quires immediate possession or use of land or interest therein or  
37 other property, the commission shall file with the clerk of the county  
38 in which such property is located and also with the Clerk of the



39 Superior Court a declaration of taking, signed by the commission,  
40 declaring that possession of one or more of the tracts or parcels  
41 of land or property described in the declaration is thereby being  
42 taken by and for the use of the commission. The said declaration  
43 of taking shall set forth (1) a description of each tract or parcel  
44 of land or property to be so taken sufficient for the identification  
45 thereof to which a plan or map thereof may be attached, (2) a  
46 statement of the estate or interest in the land or property being  
47 taken and (3) a statement of the sum of money estimated by the  
48 commission by resolution to be just compensation for the taking  
49 of the estate or interest in each tract or parcel of land or property  
50 described in said declaration. Upon the filing by the commission  
51 of a declaration of taking of property as provided in this section,  
52 the commission shall deposit with the Clerk of the Superior Court  
53 the amount of the estimated compensation stated in said  
54 declaration.

55 (e) Upon the filing by the commission of a declaration of taking  
56 of property as provided in this act and the depositing with the  
57 Clerk of the Superior Court of the amount of the estimated com-  
58 pensation stated in said declaration, the commission, without other  
59 process or proceedings, shall be entitled to the exclusive possession  
60 and use of each tract of land or property described in said declara-  
61 tion and may forthwith enter into and take possession of said land  
62 or property, it being the intent of this provision that an action to  
63 fix the compensation to be paid or any other proceeding relating  
64 to the taking of said land or interest thereon or other property  
65 shall not delay the taking of possession thereof and the use thereof  
66 by the commission for the purpose or purposes for which the com-  
67 mission is authorized by law to acquire or condemn such land or  
68 property or interest therein.

69 (f) The commission shall cause notice of the filing of a declara-  
70 tion of taking of property as provided in this section and of the  
71 making of the deposit required by this section with respect thereto  
72 to be served upon each party to the action to fix the compensation  
73 to be paid who resides in the State, either personally or by leaving  
74 a copy thereof at his residence if known, and upon each such party  
75 who resides out of the State, by mailing a copy thereof to him at  
76 his residence if known. In the event that the residence of any such  
77 party or the name of any such party is unknown, such notice shall  
78 be published at least once in a newspaper published or circulating  
79 in the county or counties in which the property is located. Such  
80 service, mailing or publication shall be made within 30 days after  
81 filing such declaration.



82 (g) Upon the application of any party in interest and after  
83 notice to other parties in interest, including the commission, the  
84 Superior Court may direct that the money deposited with the  
85 Clerk of the Superior Court or any part thereof be paid forthwith  
86 to the person or persons entitled thereto for or on account of the  
87 just compensation to be awarded in such action, provided that  
88 each such person shall have filed with the Clerk of the Superior  
89 Court a consent in writing that, in the event the award in said  
90 action shall be less than the amount deposited, the court, after  
91 such notice as the court prescribes and hearing, may determine  
92 liability, if any, for the return of the difference or any part thereof  
93 and enter judgement therefor. If the amount of the award as finally  
94 determined shall exceed the amount so deposited, the person or  
95 persons to whom the award is payable shall be entitled to recover  
96 from the commission the difference between the amount of the  
97 deposit and the amount of the award, with interest at the rate of  
98 6% per annum thereon from the date of making the deposit. If  
99 the amount of the award shall be less than the amount deposited,  
100 the Clerk of the Superior Court shall return the remainder of the  
101 deposit to the commission unless the deposit or any part thereof  
102 shall have theretofore been distributed, in which event the court,  
103 on application of the commission and notice to all persons interested  
104 in the award shall afford them an opportunity to be heard and shall  
105 enter judgment in favor of the commission for the difference  
106 against the party or parties liable for the return thereof.

107 (h) The commission shall not abandon any condemnation pro-  
108 ceedings subsequent to the date upon which it has taken possession  
109 of the land or property as provided in this act.

1 34. (a) In addition to the other powers conferred upon it by  
2 this act or by any other law and not in limitation thereof, the com-  
3 mission, in connection with construction or operation of any proj-  
4 ect, shall have power to make reasonable regulations for the in-  
5 stallation, construction, maintenance, repair, renewal, relocation  
6 and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
7 poles or any other equipment and appliances (in this section called  
8 "works") of any public utility as defined in section 48:2-13 of the  
9 Revised Statutes, in, on, along, over or under any project, public  
10 highway or real property, including public lands or water. When-  
11 ever in connection with construction or operation of any project,  
12 the commission shall determine that it is necessary that any such  
13 works, which now or hereafter may be located in, on, along, over  
14 or under any project, public highway or such real property, should  
15 be relocated in the project, public highway or such real property



16 or should be removed therefrom, the public utility owning or op-  
17 erating such works shall relocate or remove the same in accordance  
18 with the order of the commission, provided, however, that the cost  
19 and expense of such relocation or removal including the cost of  
20 installing such works in a new location or new locations, and the  
21 cost of any lands or any rights or interest in lands or any other  
22 rights acquired to accomplish such relocation or removal, less the  
23 cost of any lands or any rights or interest in lands or any other  
24 rights of the public utility paid to the public utility in connection  
25 with the relocation or removal of such works, shall be paid by the  
26 commission and shall be included in the cost of such project. In  
27 case of any such relocation or removal of works as aforesaid, the  
28 public utility owning or operating the same, its successors or as-  
29 signs, may maintain and operate such works, with the necessary  
30 appurtenances, in the new location or new locations for as long a  
31 period, and upon the same terms and conditions, as it had the right  
32 to maintain and operate such works in their former location.

33 (b) In the case of any such relocation or removal of works, as  
34 aforesaid, the commission shall own and maintain, repair and re-  
35 new structures within the rights-of-way of railroad companies  
36 carrying any project of feeder road over railroads, and the com-  
37 mission shall bear the cost of maintenance, repair and renewal of  
38 structures within the rights-of-way of railroad companies carrying  
39 railroads over any project or feeder road (but this provision shall  
40 not relieve any railroad company from responsibility for damage  
41 caused to any commission or railroad structure by the operation  
42 of its railroad. Such approaches, curbing, sidewalk paving, guard  
43 rails on approaches and surface paving on projects or feeder roads  
44 as shall be within the rights-of-way of a railroad company or com-  
45 panies shall be owned and maintained, repaired and renewed by  
46 the commission; rails, pipes and lines shall be owned and main-  
47 tained, repaired and renewed by the railroad company or com-  
48 panies.

1 35. Since the exercise of the powers granted by this act will be  
2 in all respects for the benefit of the people of the State, all projects,  
3 lands and other property of the commission are hereby declared  
4 to be public property of a political subdivision of the State and  
5 devoted to an essential public and governmental function and pur-  
6 pose and shall be exempt from all taxes and special assessments  
7 of the State or any subdivision thereof; provided, however, that  
8 when property or land of the commission exempt from taxation  
9 is leased or licensed to another whose property is not exempt, and  
10 the licensing or leasing of which does not make the real estate tax-



11 able, the estate created by the lease or license and the appurte-  
 12 nances thereto shall be listed as the property of the lessee or li-  
 13 censee thereof, or his assignee, and be assessed and taxed as real  
 14 estate.

1 36. All projects and property of the commission shall be exempt  
 2 from levy and sale by virtue of an execution and no execution or  
 3 other judicial process shall issue against the same nor shall any  
 4 judgment against the commission be a charge or lien upon its prop-  
 5 erty; provided, that nothing herein contained shall apply to or  
 6 limit the rights of the holders of any bonds or notes to pursue any  
 7 remedy for the enforcement of any pledge or lien given by the  
 8 commission on its revenues or other moneys.

1 37. To the end that municipalities and counties may not suffer  
 2 undue loss of tax revenue by reason of the acquisition and owner-  
 3 ship of property therein by the commission, the commission is  
 4 hereby authorized, empowered and directed to enter into an agree-  
 5 ment or agreements with any municipality or county, whereby said  
 6 commission will undertake to pay a fair and reasonable sum or  
 7 sums to compensate the said municipality or county for a loss of  
 8 revenue in connection with any property acquired and owned by  
 9 the commission in carrying out the provisions of this act. Any  
 10 such payment or payments which the commission is hereby author-  
 11 ized, empowered and directed to make may be made on an annual  
 12 basis, in which case the payment or payments shall not be less than  
 13 the amount of taxes upon the property when last assessed prior to  
 14 its acquisition by the commission. Every municipality and county  
 15 wherein the property shall be acquired by the commission is hereby  
 16 empowered to enter into such agreement or agreements with the  
 17 commission to accept the payment or payments which the commis-  
 18 sion is herein authorized, empowered and directed to make.

#### ARTICLE 8. SPECIAL ASSESSMENTS

1 38. The commission may form within the district, improvement  
 2 districts for any authorized purpose in order to levy special assess-  
 3 ments against land located within such districts for benefits  
 4 rendered.

5 All special assessments for improvements within the district  
 6 shall be made by the appropriate officer of the commission.

1 39. All land within the district shall be divided by the commis-  
 2 sion into 3 classes as follows:

3 Class 1—Land owned by the State of New Jersey, any of its  
 4 political subdivisions, or any other public agency or instrumentality  
 5 which enjoys the privilege of general property tax exemption  
 6 under the laws of the State, and which land is designated by the



7 owner as presently or ultimately intended for a public use.

8 Class 2—Land owned by the State of New Jersey, any of its  
9 political subdivisions, or any other public agency or instrumentality  
10 which enjoys the privilege of general property tax exemption under  
11 the laws of the State, and which land is designated by the owner  
12 as ultimately disposable to private ownership, or usable by private  
13 parties.

14 Class 3—All other land.

1 40. The owners of all public land in the district shall be required  
2 to certify to the commission, by a date established by the commis-  
3 sion, whether said public lands are in class 1 or class 2; and in  
4 the case of land being in class 1, the public owners shall indicate  
5 the nature of the present or ultimate use. The commission shall  
6 approve or modify the certifications by resolution. The commis-  
7 sion may also, by affirmative vote, reclassify lands, upon the request  
8 of any owner for such reclassification.

1 41. In the case that the title of lands designated to be in class 3  
2 passes to the State of New Jersey, the commission shall change  
3 the designation of the class of such land to reflect the use to which  
4 such land shall be put.

1 42. If in its judgment, public necessity or interest demands the  
2 construction of improvements which would benefit lands with an  
3 improvement district, the commission shall pass a resolution of its  
4 intention to undertake such improvement or improvements and  
5 shall give notice of such intention by advertising in one or more  
6 newspapers circulating in such district and such advertisement  
7 shall fix a time and place, not earlier than 2 weeks after notice, for  
8 a hearing on said proposed action and prior to said hearing, the  
9 commission shall prepare a tentative assessment which shall be  
10 presented at such hearing and shall be open to inspection. Any  
11 person desiring to be heard in regard thereto shall be given a  
12 hearing. After said hearing, if the commission shall decide to carry  
13 out said improvements, it shall pass a resolution declaring such  
14 determination and proceed to make such improvements.

1 43. Upon the completion of any improvement, the appropriate  
2 officer of the commission shall prepare a statement showing in  
3 detail the cost of the improvement. Such statement shall also show  
4 the proportion of the amount to the whole cost of improvement,  
5 if any, paid or contributed by any public body or by any person.  
6 The total amount of assessment levied upon the land benefited by  
7 the improvement shall not exceed the cost thereof.

1 44. The appropriate officer of the commission shall examine the  
2 work of any improvement and view all lands benefited thereby and



3 shall thereupon fix a time and place for hearing all persons in-  
4 terested. Notice of the time and place of the hearing shall be mailed  
5 to owners of land affected, directed to their last known post-office  
6 addresses, and shall be published at least 10 days before the hear-  
7 ing. Failure to mail any such notice shall not invalidate any pro-  
8 ceeding or assesment. Such officer of the commission shall attend  
9 at the time and place appointed and shall give all parties interested  
10 or affected by an improvement ample opportunity to be heard  
11 upon the subject of assessment. Thereafter, such officer shall make  
12 a just and equitable assessment of the benefits conferred upon any  
13 land by reason of such improvement, having due regard to the  
14 rights and interests of all persons concerned, and the increment in  
15 the value of the land benefited thereby.

1 45. All assessments levied under this article for any improve-  
2 ment shall in each case be as nearly as may be in proportion to and  
3 not in excess of the benefit, advantage or increase in value which  
4 respective lots and parcels of land shall be deemed to receive by  
5 reason of such improvement.

1 46. In addition to the making of assessments for benefits, the  
2 appropriate officer of the commission shall fix and determine the  
3 amount, if any, the property is damaged incidentally to the making  
4 of the improvement and deduct such amount from the amount of  
5 benefits assessed thereon. If the amount of any such damages as  
6 confirmed by the commission shall exceed the benefits assessed on  
7 the same property, if in case no benefits shall accrue thereto, or if  
8 such property is damaged subsequent to the levying and collection  
9 of an assessment which shall be confirmed by the commission to  
10 be a direct result of the making of the improvement, the balance or  
11 amount of such damages so fixed, may be raised from the general  
12 revenues of the commission, and shall be paid by the commission  
13 to the owner of the property so damaged. Any person aggrieved  
14 by such assessment or award of damages may after the same has  
15 been confirmed by the commission, appeal therefrom as provided  
16 in section 58 of this act.

1 47. When owners of any property have been or shall have been  
2 awarded damages as incidental to any improvement undertaken  
3 pursuant to this act, and such award has been or shall have been  
4 duly confirmed, the amount thereof shall be tendered to the person  
5 or persons entitled thereto. If there is uncertainty as to the person  
6 entitled to receive the award or if the party entitled to receive the  
7 amount awarded shall refuse upon tender thereof to receive the  
8 same, or shall be out of the State or under any legal disability, or  
9 if several parties interested in the fund shall not agree as to the dis-



10 tribution thereof, or the lands damaged are encumbered by any  
11 mortgage, judgment or other lien, or if for any other reason the  
12 commission cannot safely pay the amount awarded to any person,  
13 in all such cases the amount awarded may, with leave of the Su-  
14 perior Court, be paid into said court and shall there be distributed  
15 according to law, on the application of any person interested  
16 therein.

1 48. Assessments for benefits for any improvement together with  
2 any accompanying awards for incidental damages and all awards  
3 of damages for land or interests therein taken from any improve-  
4 ment, shall be certified by the officer making the same to the com-  
5 mission by a report in writing signed by the officer. The report  
6 shall be accompanied by a map showing the land taken, damaged  
7 or benefited by the improvement and for which damages or bene-  
8 fits have been assessed.

1 49. The report may be considered by the commission at any  
2 meeting, notice thereof shall be published in a newspaper circulat-  
3 ing in the district, once each week for 2 weeks prior to said meeting,  
4 and also by mailing a copy of the notice to the owners named in  
5 the report, directed to his or their last known post-office addresses,  
6 and the affidavit of the appropriate officer of the commission shall  
7 be conclusive as to such mailing. The notice shall briefly state the  
8 object of the meeting with reference to the assessment. At that or  
9 any subsequent meeting the commission, after considering the re-  
10 port and map, may adopt and confirm the same with or without  
11 alterations, as may seem proper, and may refer such matter to any  
12 committee of the commission, or to the officer making such assess-  
13 ment, for revision or correction before taking final action thereon.  
14 When the report shall be adopted and confirmed with or without  
15 alterations, it shall be final and conclusive and appeals may be  
16 taken as hereinafter provided. Failure to mail the notice in this  
17 section required shall not invalidate the proceedings.

1 50. Immediately after the confirmation of any assessment, a  
2 duplicate thereof duly certified by the commission shall be delivered  
3 to the appropriate officer of the commission, who shall immediately  
4 thereafter send out by mail or deliver to owners of such land, bills  
5 for such assessment. Such officer shall mail or deliver a bill for an  
6 assessment in the manner required in connection with local im-  
7 provements and shall keep a record and books of assessments in  
8 the same manner required for local improvements under Revised  
9 Statutes 40:56-31, at the expense of the commission. The com-  
10 mission may make additional requirements for recording, account-  
11 ing for, and collecting assessments.



1 51. (a) Special assessments levied against land in class 1 shall  
2 be considered to be of general benefit to the entire district and  
3 shall be included as a charge against general revenues of the  
4 commission or paid out of any funds of the commission which  
5 shall be available for such purpose.

6 (b) Special assessments made against land certified to be in  
7 class 2 shall be paid to the commission, immediately upon delivery  
8 of an assessment bill to the State Treasurer from the Hackensack  
9 Meadowland Revolving Fund.

10 (c) There is hereby established a Hackensack Meadowland Re-  
11 volving Fund which shall be administered by the State Treasurer.  
12 The Legislature may appropriate from time to time amounts to  
13 such fund. All money appropriated or otherwise made available  
14 to this fund, including the repayment of expenditures made under  
15 the provisions of subsection (b), shall be held for the purpose of  
16 paying special assessments made against class 2 property pur-  
17 suant to this article. Pending use, moneys in the Hackensack  
18 Meadowland Revolving Fund may be invested and reinvested as  
19 other trust funds in the custody of the State Treasurer in the  
20 manner provided by law. All earnings received from the invest-  
21 ment or deposit of such moneys shall be paid into and become a  
22 part of such fund.

23 (d) A statement of the amount of the special assessment against  
24 class 2 property paid for out of the fund shall be filed with the  
25 appropriate agency having title to the property and shall be in-  
26 cluded in the purchase price fixed for lands and made part of the  
27 payment for the grant or sale. The full amount of such assessment  
28 shall be repaid and deposited in the fund established by subsection

29 (c). In the case said lands are leased for a term of years, there  
30 shall be included in the annual rental, a charge for the assessment  
31 levied on the property. Such payments up to the full amount of  
32 such assessment shall be paid to and deposited in said fund.

33 (e) The assessment against land in class 3 shall be payable  
34 immediately upon delivery to the collecting officer of the commission.  
35 When any assessment shall not be paid within 2 months after  
36 the date of confirmation thereof, interest thereon from the date  
37 of confirmation shall be imposed at the rate of 6%.

1 52. Every assessment for any improvement together with interest  
2 thereon and all costs and charges connected therewith shall be  
3 upon confirmation by the commission, or by the court, a first lien  
4 on the land described in the assessment, paramount to all prior  
5 or subsequent alienations and descents of such land or encum-  
6 brances thereon, (except subsequent taxes or assessments) notwith-



7 standing any mistake in the name or names of any owner or owners,  
8 or any omission to name any owner or owners who are unknown,  
9 and notwithstanding any lack of form therein, or in any proceed-  
10 ing which does not impair the substantial rights of the owner or  
11 owners or person or persons having a lien upon or interest in any  
12 such land. All assessments for improvements shall be presumed  
13 to have been regularly assessed and confirmed and every assess-  
14 ment or proceeding preliminary thereto shall be presumed to have  
15 been regularly made or conducted until the contrary be shown.

1 53. In all cases in which any assessment incident to any improve-  
2 ment has been set aside by a court of competent jurisdiction, and  
3 the improvement shall have been actually made in the manner pro-  
4 vided by law, the officer charged with the duty of making assess-  
5 ments for benefits for improvements shall make a new assessment  
6 of benefits upon the property benefited by the improvement, in the  
7 manner and by the proceeding herein provided. All such new as-  
8 sessments shall become a lien upon the land so assessed in the same  
9 manner and with like effect and be enforceable in the same way  
10 as an original assessment for like improvements.

1 54. When any court of competent jurisdiction shall decide that  
2 any assessment has been illegally made, the commission shall re-  
3 fund the amount thereof, if the same has been paid, and if a new  
4 assessment of less amount is to be made, then the difference be-  
5 tween the new assessment and the amount paid shall be refunded.

1 55. The commission may by resolution provide that the owner  
2 of any land upon which any assessments for any improvement  
3 shall have been made may pay such assessments in such equal  
4 yearly installments, not exceeding 10, with legal interest thereon,  
5 and at such time and in each year as the commission shall determine  
6 under the requirements and conditions for local improvements pur-  
7 suant to Revised Statutes 40:56-35, provided that any person as-  
8 sessed may pay the whole of any assessment, or any balance of  
9 installments, with accrued interest thereon, at one time. If any  
10 such installment becomes due the whole assessment or balance due  
11 thereon shall become and be immediately due, shall draw interest  
12 at the rate of 6% and be collected in the same manner as is pro-  
13 vided in this act for other past due assessments.

1 56. When any unpaid assessment, interest thereon or other  
2 charges for collection thereof, remains in arrears on July 1 of the  
3 calendar year following the calendar year when the same became  
4 in arrears, the appropriate officer of the commission shall enforce  
5 the lien by selling the property in the manner set forth in sections  
6 54:5-19 to 54:5-129 of the Revised Statutes.



1 57. All assessments as collected shall be immediately placed in an  
 2 account to be known as "improvement assessment account." Such  
 3 moneys shall be used only to pay the cost of such improvements or  
 4 indebtedness incurred for such improvements or interest thereon.

1 58. The owner of any property assessed for benefits or awarded  
 2 damages incident to any improvement under this act may, within  
 3 30 days after confirmation of such assessment or award, appeal  
 4 from the same to the Appellate Division of the Superior Court by  
 5 serving written notice of such appeal upon the tax collector and  
 6 a duplicate upon the appropriate officer of the commission, either  
 7 personally or by leaving the same at his office or place of abode.  
 8 The court shall determine whether or not the record contains sub-  
 9 stantial evidence that the assessment or award appealed from is  
 10 just and fair, and if not shall make an order correcting the same,  
 11 or, if the assessment or award is sustained shall so order. The  
 12 determination shall be by order or judgment for the amount de-  
 13 termined and shall be enforced in an appropriate manner pursuant  
 14 to procedures set forth in Revised Statutes 40:56-57, as amended.  
 15 The commission may proceed with the prosecution and completion  
 16 of the improvement notwithstanding any such appeal.

#### ARTICLE 9. INTERMUNICIPAL TAX-SHARING

1 59. As used in this article, unless the context indicates another  
 2 meaning or intent:

3 (a) "Adjustment year" means the year in which the respective  
 4 obligations of the intermunicipal account and the constituent mu-  
 5 nicipalities of the district are due and payable.

6 (b) "Intermunicipal account" means the administrative device  
 7 established and administered by the commission to record all the  
 8 transactions made pursuant to this article for the purpose of cal-  
 9 culating the meadowlands adjustment payment for each constituent  
 10 municipality, and to act as the clearing-house for the transfer of  
 11 the meadowlands adjustment payments among the constituent  
 12 municipalities as required by this article.

13 (c) "Meadowlands adjustment payment" means the amount that  
 14 is payable by each constituent municipality to the intermunicipal  
 15 account, or the amount that is payable by the intermunicipal ac-  
 16 count to each municipality, as the commission shall determine the  
 17 case to be pursuant to the provisions of this article.

18 (d) "Resident enrollment" means the number of full-time pupils  
 19 who are residents of the school district and who are enrolled in day  
 20 schools on the last day of September during the school year in which  
 21 which calculation of aid is made and are attending the public school  
 22 of the school district or a school district or State teachers college



23 demonstration school in which the school district of residence pays  
 24 tuition; school district may count in its enrollment any pupil regu-  
 25 larly attending on a full-time basis a county vocational school in  
 26 the same county for which the school district pays tuition.

27 (e) "Unimproved lands" means lands which are vacant and on  
 28 which there are no buildings or structures.

29 (f) "Redeveloped lands" means lands other than unimproved  
 30 lands, the use of which has been substantially changed pursuant  
 31 to the master plan or any redevelopment plan, as defined in this act.

1 60. The laws relating to the assessment and taxation of real and  
 2 personal property shall apply to all constituent municipalities  
 3 unless otherwise specifically provided in this act.

1 61. (a) In preparing the list of owners of taxable property pur-  
 2 suant to Revised Statutes 54:4-24, the assessor of each constituent  
 3 municipality shall indicate in the list for each parcel of property  
 4 whether or not it is located within the district boundaries, in accord-  
 5 ance with regulations prescribed by the Director of the Division  
 6 of Taxation.

7 (b) When the boundary of the district divides a lot of land, the  
 8 entire lot shall be included within the district.

1 62. (a) The commission shall prepare a survey in 1968 showing  
 2 the area of the unimproved lands and redeveloped lands in each  
 3 municipality located within the district. The results of the survey  
 4 shall be published upon completion, and shall serve as the basis for  
 5 payments to be made pursuant to section 70 and 71 of this act. A  
 6 similar survey shall be prepared annually thereafter.

7 (b) The commission shall also cause a census of population to  
 8 be taken showing the total number of inhabitants of each con-  
 9 stituent municipality in 1968 residing within the district. A similar  
 10 census, using comparable techniques and procedures, shall be taken  
 11 annually thereafter.

12 (c) The Division of Employment Security in the Department of  
 13 of Labor and Industry shall certify to the commission the amount  
 14 of employment, as defined in section 43:21-19 of the Revised Stat-  
 15 utes, in that part of each constituent municipality which is located  
 16 within the district in 1968. A similar certification shall be made  
 17 annually thereafter.

1 63. On or before November 15, 1969, and on or before November  
 2 15 of each year thereafter, the secretary, superintendent or a per-  
 3 son designated by the school board of each school district of each  
 4 constituent municipality shall certify to the commission the res-  
 5 ident enrollment as of September 30 of that year. The certification



6 shall show the number of such pupils who reside within the district  
7 and the number who reside outside, in a manner to be prescribed  
8 by the Commissioner of the Department of Education.

1 64. In the adjustment year 1970, and in each adjustment year  
2 thereafter, the commission shall establish an intermunicipal account  
3 and shall compute the amount payable to said account by each of  
4 the constituent municipalities and the amount due to each consti-  
5 uent municipality from said account for that year pursuant to this  
6 article.

1 65. (a) As used in this section, except as otherwise specifically  
2 provided:

3 (1) The increase or decrease in aggregate true value of taxable  
4 real property for any adjustment year shall be the difference  
5 between

6 (I) The aggregate true value of that portion of taxable real  
7 property, exclusive of Class II railroad property, in the mu-  
8 nicipality located within the district as of October 1 of the  
9 year preceding the adjustment year, less

10 (II) The aggregate true value of said property as of  
11 October 1, 1968.

12 (2) Aggregate true value of all taxable real property shall be  
13 determined by aggregating the assessed value of all real property  
14 within the district boundaries in each constituent municipality,  
15 except Class II railroad property, and dividing said total by the  
16 average assessment ratio as promulgated by the Director of the  
17 Division of Taxation in the Department of the Treasury for State  
18 school aid purposes on October 1 of the respective years for which  
19 aggregate true value is to be determined, pursuant to P. L. 1954,  
20 chapter 86, as amended, as the same may have been modified by the  
21 Division of Tax Appeals.

22 (3) The apportionment rate for any adjustment year shall be  
23 determined, as follows:

24 (I) The total property taxes levied for local, school, county,  
25 veteran and senior citizens purposes, on which the general tax  
26 rates are computed, as certified pursuant to Revised Statutes  
27 54:4-52, of all constituent municipalities, in the year pre-  
28 ceding the adjustment year, divided by

29 (II) The aggregate true value of all taxable real property,  
30 exclusive of Class II railroad property, located in all consti-  
31 uent municipalities, both within and without the district, in the  
32 year preceding the adjustment year, as determined by the  
33 Director of the Division of Taxation on October 1 of the year



34 preceding the adjustment year, pursuant to P. L. 1954, chap-  
 35 ter 86, as amended, as the same may have been modified by the  
 36 Division of Tax Appeals.

37 (b) The amount payable to the intermunicipal account by each  
 38 constituent municipality in any adjustment year shall be determined  
 39 in the following manner: the apportionment rate shall be multi-  
 40 plied by the increase, if any, in aggregate true value of taxable  
 41 real property.

42 (c) The amount payable to the intermunicipal account by any  
 43 constituent municipality in any adjustment year shall also include  
 44 any payments made to any such constituent municipality in the  
 45 year preceding the adjustment year in lieu of real estate taxes  
 46 located within the district.

1 66. The guarantee payment payable by the intermunicipal ac-  
 2 count to each constituent municipality in any adjustment year shall  
 3 be computed as follows: if there is a decrease in the aggregate  
 4 true value of taxable real property as determined pursuant to sub-  
 5 section (a) (1) of section 65 of this act, there shall be payable  
 6 as a guarantee payment from the intermunicipal account to such  
 7 municipality, an amount to be calculated by multiplying such de-  
 8 crease by the apportionment rate, as defined in subsection (a) (3)  
 9 of section 65 of this act.

1 67. The service payments payable to any constituent municipality  
 2 from the intermunicipal account in any year for municipal and  
 3 county services shall be found by dividing the sum of—

4 (a) Total municipal expenditures, less

5 (1) State aid revenues realized and

6 (2) Type I school debt service, plus

7 (b) County taxes and special district taxes, all as certified  
 8 or reported for the year preceding the adjustment year to the  
 9 Division of Local Finance in the Department of Community  
 10 Affairs.

11 by the sum of:

12 (a) The most recent estimate of the total resident popula-  
 13 tion of the municipality, as certified by the Department of Con-  
 14 servation and Economic Development to the commission, plus

15 (b) The total of employment as defined in section 43:21-19  
 16 of the Revised Statutes certified by the Division of Employ-  
 17 ment Security in the Department of Labor and Industry to  
 18 the commission,

19 and multiplying the result by the aggregate increase, if any, in  
 20 resident population and covered employment of that portion of



21 the municipality lying within the district boundaries, as shown by  
22 the initial census and the most recent census conducted by the com-  
23 mission, and the initial and most recent counts of said employment.

1 68. For school district services, the service payment payable by  
2 the intermunicipal account to any constituent municipality in any  
3 adjustment year shall be found by dividing:

4 (a) The total local school tax levy, as shown on the Table of  
5 Aggregates pursuant to Revised Statutes 54:4-52 for the year  
6 preceding the adjustment year, by the

7 (b) School resident enrollment on September 30 of such year  
8 preceding the adjustment year, as certified pursuant to section  
9 63 of this act, and multiplying the result by the increase, if any,  
10 in resident enrollment within the district boundaries of that consti-  
11 uent municipality between September 30, 1968, and September 30  
12 of the year preceding the adjustment year.

1 69. When the development of the district requires a municipal  
2 capital improvement for which the municipality would not be suf-  
3 ficiently reimbursed by service payments as provided by this article,  
4 the commission, in its discretion, if it finds that such improvement  
5 is consistent with its master plan and provides for a desirable  
6 community or regional benefit, may reimburse the municipality by  
7 means of a project payment from the intermunicipal account in  
8 an amount equivalent to the cost of the project determined in ac-  
9 cordance with the rules and regulations of the commission.

1 70. (a) If, in any adjustment year, the amount payable to the  
2 constituent municipalities by the intermunicipal account for guar-  
3 antee payments, service payments, and project payments, plus any  
4 payment to the reserve fund as provided in subsection (b) and the  
5 payment for the cost of administration of the intermunicipal ac-  
6 count as provided by subsection (c) is less than the amount payable  
7 to the intermunicipal account pursuant to section 65 of this act,  
8 the balance, if any, shall be apportioned among the constituent  
9 municipalities in the same ratio as the area of their unimproved  
10 and redeveloped lands within the district of each constituent mu-  
11 nicipality bears to the total of such unimproved and redeveloped  
12 lands in the district, and shall be known as an apportionment pay-  
13 ment.

14 (b) The commission shall establish a reserve fund and in the  
15 event that in any adjustment year, the amount payable by the con-  
16 stituent municipalities to the intermunicipal account, pursuant to  
17 section 65 of this act less the cost of administering the account,  
18 exceeds the amount payable to the constituent municipalities for  
19 guarantee payments, service payments and project payment from



20 the account, an amount equal to 1% of such excess shall be set  
 21 aside and placed in the reserve fund until there is \$10 million in  
 22 said fund; thereafter, no further payments shall be made into said  
 23 fund unless the balance is less than \$10 million.

24 (c) The commission shall be reimbursed annually from the inter-  
 25 municipal account the cost of administering and determining the  
 26 payments due to or payable from account. The cost of administer-  
 27 ing the intermunicipal account shall be transferred from said ac-  
 28 count to the commission and shall be shown on the operating budget  
 29 of the commission as a line item.

30 71. If, in any adjustment year, the amount payable to the con-  
 31 stituent municipalities by the intermunicipal account for guarantee  
 32 payments, service payments, and project payments, plus the cost  
 33 of administering the intermunicipal account exceeds the amount  
 34 payable to said account pursuant to section 65 of this act, the re-  
 35 serve fund shall be drawn upon to make up the deficit. In the event  
 36 there is an insufficient amount in the reserve fund, the amount of  
 37 the deficit shall be apportioned among the constituent municipali-  
 38 ties in the same ratio as the area of their unimproved and redevel-  
 39 oped lands within the district of each constituent municipality bears  
 40 to the total of such unimproved and redeveloped lands in the dis-  
 41 trict.

42 72. (a) On or before February 1 of 1970 and on or before Feb-  
 43 ruary 1 of each year thereafter, the commission shall certify to  
 44 the chief financial officer of each constituent municipality an  
 45 amount, known as the meadowlands adjustment payment. The  
 46 meadowlands adjustment payment for each constituent municipal-  
 47 ity shall be determined by adding all the payments payable to that  
 48 municipality from the intermunicipal account for service payments,  
 49 guarantee payments, project payments, and apportionment pay-  
 50 ments, if any, and by subtracting therefrom the obligations of that  
 51 municipality to the intermunicipal account, as calculated pursuant  
 52 to sections 65 and 71 of this act.

53 (b) If the meadowlands adjustment payment for any constituent  
 54 municipality in any adjustment year is payable to the constituent  
 55 municipality, the amount of said payment shall be identified in the  
 56 municipal budget of that municipality for that year as "meadow-  
 57 lands adjustment" within the category "miscellaneous revenues  
 58 anticipated," and shall be due and payable in 3 equal installments  
 59 to be made by the intermunicipal account to that municipality on  
 60 May 15, August 15, and November 15 of that year.

61 (c) If the meadowlands adjustment payment for any constituent  
 62 municipality in any adjustment year is payable to the intermunicipi-



22 pal account, the amount of said payment shall be entered as a  
 23 special line item appropriation in the budget of the municipality  
 24 for that year and shall be payable in 3 equal installments to be  
 25 made by the municipality to the account on May 15, August 15,  
 26 and November 15 of that year. No transfers may be made from  
 27 said appropriation except as is herein provided.

1 73. (a) Services provided in the district shall be comparable to  
 2 those provided elsewhere in each constituent municipality.

3 (b) If, after public hearing, the commission shall determine that  
 4 a constituent municipality or its school district is not complying  
 5 with this section, it shall have the authority to withhold all pay-  
 6 ments made pursuant to this article until such time as the commis-  
 7 sion is satisfied that the municipality and its school district are  
 8 performing such services in accordance with this section.

1 74. An appeal or review may be taken by any constituent munici-  
 2 pality regarding any alleged arithmetical or typographical error  
 3 in the calculation and payment of the meadowlands adjustment  
 4 payment.

#### ARTICLE 10. GENERAL PROVISIONS

1 75. On or before February 25 of each year the commission shall  
 2 adopt an annual budget for the year, which shall include the fol-  
 3 lowing items of expenditure:

4 (a) An operating budget covering administrative operating and  
 5 maintenance expenses of each office, activity or project of the com-  
 6 mission, plus contingent expenses of up to 5% of the amount stated;

7 (b) Capital budget, including deposits in any capital improve-  
 8 ment fund or capital reserve fund, down payments or expenditures  
 9 for capital projects, and interest payments, sinking fund deposits,  
 10 principal maturities, and redemption premiums payable in such  
 11 year on bond and notes of the commission;

12 (c) Deferred charges; and estimates of the following revenues;

13 (1) Cash balances and surplus;

14 (2) Federal, State and other grants-in-aid;

15 (3) Revenues from charges and fees for the use of the com-  
 16 mission's facilities;

17 (4) Receipts from special assessments; but not in excess of  
 18 the amount budgeted in such year for interest, principal ma-  
 19 turities, sinking fund deposits and redemption premiums on  
 20 bonds secured by such assessments, until all bonds so secured  
 21 are paid in full;

22 (5) Payments by municipalities or other governmental  
 23 bodies pursuant to contracts for services performed by the  
 24 commission; and

25 (6) Miscellaneous other revenues and receipts.



1 76. The commission shall cause an annual audit of its accounts  
2 to be made, and for this purpose it shall employ a registered mu-  
3 nicipal accountant of New Jersey or a certified public accountant  
4 of New Jersey. The audit shall be completed and filed with the  
5 commission within 4 months after the close of the fiscal year of the  
6 commission and a certified duplicate copy thereof shall be filed in  
7 the office of the Division of Local Finance in the Department of  
8 Community Affairs and in the office of the Division of Budget and  
9 Accounting in the Department of the Treasury in the office of the  
10 treasurer of the county of Bergen and in the office of the treasurer  
11 of the county of Hudson within 5 days after the original audit is  
12 filed with the commission.

13 77. For the purpose of aiding and co-operating with the commis-  
14 sion; the planning, undertaking construction or operation of its  
15 activities, any public body may upon such terms, with or without  
16 consideration, as it may determine:

17 (a) Dedicate, sell, convey or lease any of its property to the  
18 commission or the Federal Government;

19 (b) Cause parks, playgrounds, recreational, community, educa-  
20 tional, water sewer or any other works which it is otherwise em-  
21 powered to undertake, to be furnished adjacent to or in connection  
22 with projects of the commission;

23 (c) Furnish, dedicate, close, pave, install, grade, regrade, plan  
24 or replan streets, roads, roadways, alleys, sidewalks or other places  
25 which it is otherwise empowered to undertake;

26 (d) Plan or replan, zone or rezone any part of such public body;  
27 make exceptions from building regulations and ordinances and  
28 change its map;

29 (e) Enter into agreements (which may extend over any period,  
30 notwithstanding any provision or rule of law to the contrary) with  
31 the commission or the Federal Government respecting action to  
be taken by such public body pursuant to any of the powers granted  
by this act;

(f) Do any and all things necessary or convenient to aid and  
co-operate in planning undertakings, construction, or operations  
of the commission;

(g) Cause services to be furnished to the commission of the char-  
acter which such public body is otherwise empowered to furnish;

(h) Purchase or legally invest in any of the bonds of the com-  
mission and exercise all of the rights of any holder of such bonds;

(i) In connection with any public improvements made by a public  
body in exercising the powers herein granted, such public body  
may incur the entire expense thereof. Any law or statute to the



32 contrary notwithstanding, any grant, sale, conveyance, lease, or  
 33 agreement provided for in this section, may be made by a public  
 34 body without appraisal, public notice, advertisement or public bid-  
 35 ding;

36 (j) Upon such terms as it may deem advisable, with or without  
 37 consideration, grant, sell, convey or lease any of its property, in-  
 38 cluding real property already devoted to a public use, whether held  
 39 in a proprietary or governmental capacity to the commission, pro-  
 40 vided, that the public body making the grant or lease determines  
 41 that the premises are no longer required for the public purposes  
 42 to which the property is devoted, and that it is in the public interest  
 43 so to grant, sell, convey or lease said property.

1 78. (a) The commission may enter into, from time to time, con-  
 2 tract with one or more municipalities, counties or other public  
 3 agencies for the operation of public improvements, works, facilities,  
 4 services, or undertakings of such municipalities, counties, or agen-  
 5 cies, or of the commission.

6 (b) Such contracts shall specifically provide for the services or  
 7 improvements to be undertaken, the fee or fees to be charged for  
 8 such services or facilities, the method of apportionment of such  
 9 fees among the contracting parties, persons or officers or agencies  
 10 responsible for the performance of the contract and other appro-  
 11 priate terms and conditions of participation.

12 (c) Such contracts shall be subject to approval by resolution of  
 13 the commission and of the governing body of each participating  
 14 municipality, county or other participating agency.

15 (d) The apportionment of costs and expenses may be based upon  
 16 property valuations, population, area, and of such other factors  
 17 as may be provided in the contract.

1 79. The State Auditor and his legally authorized representatives  
 2 are hereby authorized and empowered from time to time to examine  
 3 the accounts and books of the commission, including its receipts,  
 4 disbursements, contracts, sinking funds, investments and any other  
 5 matters relating to its financial standing.

1 80. The commission shall be entitled to call to its assistance and  
 2 avail itself of the services of such employees of any State depart-  
 3 ment or agency as it may require and as may be available to it  
 4 for said purpose.

1 81. The foregoing sections of this act shall be deemed to provide  
 2 an additional and alternative method for the doing of the things au-  
 3 thorized thereby, and shall be regarded as supplemental and ad-  
 4 ditional to powers conferred by other laws, and shall not be re-  
 5 garded as in derogation of any powers now existing; provided,

(6) Miscellaneous other revenues and receipts.



6 however, that the issuance of bonds or refunding bonds under the  
7 provisions of this act need not comply with the requirements of  
8 any other law applicable to the issuance of bonds.

1 82. This act, being necessary for the welfare of the State and  
2 its inhabitants, shall be liberally construed to effect the purpose  
3 thereof.

1 83. If the provisions of any article, section or clause of this act  
2 or the application thereof to any person shall be judged invalid  
3 by a court of competent jurisdiction, such order or judgment shall  
4 be confined in its operation to the controversy in which it was  
5 rendered, and shall not affect or invalidate the remainder of any  
6 provision of any article, section or clause of this act or the appli-  
7 cation of any part thereof to any other person or circumstance and  
8 to this end, the provisions of each title, section and clause of this  
9 act are hereby declared to be severable.

1 84. All expenses incurred in carrying out the provisions of this  
2 act shall be payable from funds provided the commission therefor,  
3 and no liability or obligation shall be incurred by the commission  
4 hereunder beyond the extent to which moneys shall have been pro-  
5 vided therefor.

1 85. There is hereby appropriated to the Hackensack Meadow-  
2 lands Development Commission an initial sum of \$250,000.00 to  
3 carry out the purposes of this act.

#### B. MEADOWLAND RIPARIAN INSTRUMENTS

1 86. Section 13 of the act to which this act is amendatory and  
2 supplementary is amended to read as follows:

3 13. No riparian leases or grants shall hereafter be allowed except  
4 when approved by at least a majority of the Resource Development  
5 Council *and signed by the chairman of the council*; and no such  
6 leases or grants shall hereafter in any case be allowed except when  
7 approved and signed by the Governor and the Commissioner of  
8 Conservation and Economic Development.

1 87. As used in sections 86 through 102, inclusive, of this act.

2 (a) "Meadowlands" means those lands, now or formerly con-  
3 sisting chiefly of salt water swamps, meadows, or marshes;

4 (b) "Improved meadowlands" means such meadowlands as have  
5 been reclaimed by fill or other material thereon, and may include  
6 the erection of structure.

7 (c) "Virgin meadowlands" means such meadowlands that are  
8 still in their natural state and upon which no diking, fill or struc-  
9 tures have been placed.

10 (d) "Council" means the Resource Development Council of the  
11 Department of Conservation and Economic Development.



1 88. The council is hereby directed to undertake title studies and  
2 surveys of meadowlands throughout the State and to determine  
3 and certify those lands which it finds are State owned lands.

4 In undertaking its studies and surveys the council shall divide  
5 its work into such a number of projects as it shall determine is  
6 advisable and it shall establish the priority in which such projects  
7 shall be undertaken. As its first project, and within 6 months of  
8 the effective date of this act, the council shall undertake, and com-  
9 plete, a study of the Hackensack meadowlands. During the period  
10 of time between the initiation of a project and the publication of  
11 the map and study delineating the State-owned lands within the  
12 project area, the council shall make no conveyances, leases or  
13 transfers of any riparian land within the project area.

14 These studies and surveys shall be performed on behalf of the  
15 council by the Navigation Bureau of the Department of Conserva-  
16 tion and Economic Development.

1 89. In making a thorough study of all such lands to determine  
2 which are State-owned lands and in making its determination the  
3 council shall take into account the mean high water line as estab-  
4 lished by the United States Coast and Geodetic Survey, the nature  
5 of the vegetation thereon, artificial changes in land or water eleva-  
6 tion, and such other historical or scientific data which, in the  
7 opinion of the council, are relevant in determining whether a parcel  
8 of land is now or was formerly flowed by mean high tide.

1 90. Upon completion of each separate study and survey, the  
2 council shall publish a map portraying the results of its study  
3 and clearly indicating those lands designated by the council as  
4 State-owned lands. Copies of each such map and study shall be  
5 filed with the Secretary of State and sent to the clerk of each county  
6 and to the governing body of each municipality whose political  
7 boundaries include lands shown on the map. Such maps and studies  
8 shall be available for public inspection.

9 The council shall also cause to be published at least once in a  
10 newspaper circulating in each county whose political boundaries  
11 include lands designated as State-owned lands a list of those parcels  
12 designated in whole or in part as State-owned lands.

1 91. (a) Any person aggrieved by a designation by the council  
2 that certain parcels are State-owned lands may file with the council  
3 pertinent information, maps, studies or other matters documenting  
4 his claim of title. Within 90 days the council shall either issue a  
5 statement indicating that the State has no interest in the property  
6 or shall reaffirm that said property is State-owned.



7 (b) Any person aggrieved by a designation by the council that  
8 certain parcels are State-owned may, either initially or after re-  
9 questing the review as provided by subsection (a), start an action  
10 in the Superior Court to adjudicate the title dispute.

1 92. The council shall make progress reports to the Governor and  
2 Legislature at least annually and shall complete its studies and  
3 title surveys and make its determinations as to interest of the State  
4 in meadowlands throughout the State on or before December 31,  
5 1974.

1 93. (a) Any claimant of the meadowlands who shall desire to  
2 obtain a conveyance or lease of the State's interest in such land  
3 may apply to the council submitting with his application, a survey  
4 of the property showing its metes and bounds, an affidavit of title,  
5 a copy of the instrument of title under which he claims the land,  
6 a statement of the purpose for, and the manner in which, the  
7 claimant proposes to use or further improve the property and such  
8 other information as the council shall require.

9 (b) Any department, agency or instrumentality of the State,  
10 county, municipality, or any person, not a claimant, may apply to  
11 the council for a conveyance or lease of the State's interest in the  
12 meadowlands, said application shall contain a survey of the prop-  
13 erty showing its metes and bounds, a copy of the latest reported  
14 title which has been duly recorded in the county recording office  
15 in which the land is located, a statement of the purpose for, and  
16 the manner in which the applicant proposes to utilize or further  
17 improve the property, an affidavit of the applicant that he has sent  
18 notification of his application to the person or persons named in  
19 such instrument of title and to the person named as the owners  
20 in the tax records of the municipality in which the lands are located,  
21 and such other information as the council may require. No title  
22 or lease shall be issued pursuant to this subsection until any  
23 claimant to all, or part of, the property applied for has been given  
24 notice of the application and 3 months thereafter, in which to apply  
25 for a conveyance or lease of said lands.

1 94. (a) Within 10 days of receipt of any application for a con-  
2 veyance or lease, or any extension thereof, council shall send a  
3 copy of the application and all material submitted therewith to  
4 the Hackensack Meadowlands Development Commission, if said  
5 application pertains to lands within the district; the Department  
6 of Transportation; the Department of Community Affairs; and  
7 the Department of Conservation and Economic Development. The  
8 council shall take no action on such application until receipt of



9 the recommendations of said commission and departments regard-  
10 ing the application or for 45 days, whichever occurs first. Any such  
11 recommendation shall be considered by the council in determining  
12 the terms, conditions and consideration for the conveyance or lease,  
13 and a copy thereof shall be forwarded to the Governor.

14 (b) There is hereby established a Hackensack Meadowland  
15 Negotiation Board, consisting of 3 members, appointed as follows:  
16 one member appointed by the commission, one member appointed  
17 by the council, and a third member appointed by said 2 appointees.  
18 Each member of said board shall serve at the pleasure of the  
19 appointing authority and any vacancies shall be filled in the same  
20 manner as the original appointment. Members of said board shall  
21 receive no compensation.

22 (c) A copy of each application for conveyances or leases in the  
23 district shall be submitted to the Hackensack Meadowland  
24 Negotiation Board, which shall fix the consideration to be charged  
25 for said instruments. Said board shall certify to the council the  
26 consideration fixed by the board within 45 days of receipt of each  
27 application. Said certified consideration shall in all cases be binding  
28 upon the council.

1 95. The council shall approve an application for conveyance, if  
2 after investigation and a review of the recommendations submitted  
3 to it pursuant to section 94, it is satisfied that the conveyance will  
4 be in the public interest. The council shall further determine the  
5 fair market value of the property in its unimproved state at the  
6 time of the conveyance and shall fix the consideration to be charged  
7 for the conveyance, except as provided in section 94 of this act.  
8 Upon receipt of the payment of the consideration, the council shall  
9 convey the premises by deed of bargain and sale under the seal of  
10 of the council. The council shall require such terms and conditions  
11 in the conveyance instrument as may be necessary or appropriate  
12 for the uniform development of the meadowlands.

1 96. The council shall investigate any application for a lease in the  
2 meadowlands and if the council is satisfied that such a lease will be  
3 in the public interest, or if the council approves the giving of a  
4 lease in lieu of the conveyance applied for, the annual rental for  
5 the leasehold interest shall be fixed based upon the fair market  
6 value of the land in its unimproved state at the time of the lease,  
7 except as provided in section 94 of this act. The annual rental shall  
8 be payable to the council in yearly installments in advance. The  
9 term for any lease of virgin meadowlands may not exceed 10 years  
10 in duration. The term for any lease of improved meadowlands may



11 not exceed 50 years or the depreciated life of the building or im-  
12 provement on the property, whichever is longer in duration. The  
13 term for any lease of improved meadowlands held by a claimant  
14 under color of title which has been held by him or his predecessors  
15 in title since July 1, 1891, and which for the last 20 years imme-  
16 diately preceding has been assessed for taxes or owned by a mu-  
17 nicipality may not exceed 99 years or the depreciated life of the  
18 building or improvement on the property plus  $\frac{1}{2}$  of such depre-  
19 ciated life, whichever is shorter in duration, provided, however,  
20 the lessee in any case renew his lease for such additional years  
21 as may be approved by the council and that such leasehold interest  
22 shall not be assignable without the approval of the council. Any  
23 lease which extends for a period in excess of 25 years shall contain  
24 a provision requiring the review and readjustment of the rental  
25 charge at the lapse of the first 25 years based on the market value  
26 of the land in its improved state at that time.

27 The council shall require in said lease agreement such terms  
28 and conditions as it shall deem necessary for the uniform develop-  
29 ment of the meadowlands.

30 The lessee shall have the option of acquiring, if the council ap-  
31 proves, a conveyance of the State's interest at any time during the  
32 term of the lease or any extension. In fixing the consideration for  
33 said conveyance, the council shall determine the fair market value  
34 of the property in its unimproved state at the start of the lease  
35 and shall give a reasonable credit for the rental paid by the lessee  
36 during the term of the lease or any extension thereof.

1 97. The application for or acceptance of a lease shall not be  
2 deemed a recognition of the State's claim of paramount title by  
3 the claimant, nor shall the claimant be deemed to have waived  
4 his right to apply for an adjudication of title to the Superior Court.  
5 An application for any conveyance may also be made after the  
6 claimant has failed to establish the primacy of his title before the  
7 Superior Court.

1 98. Upon the expiration of the lease, or any renewal thereof,  
2 the lessee shall cease his activity and vacate the parcel; provided,  
3 however, that he shall be entitled to be reimbursed by the council  
4 for the provable original cost of any reclamation performed on  
5 the parcel prior to the effective date of this act or with the approval  
6 of the council, and also for the value of any permanent structures  
7 erected on the parcel prior to the effective date of this act or with  
8 the approval of the council. The amount of reimbursement for  
9 permanent structures shall be based on the provable original cost,  
10 unamortized, at the time of expiration of the lease.



1 99. The net proceeds from the sale, lease or transfer of the  
2 State's interest in the meadowlands shall be paid to the Fund for  
3 the Support of Free Public Schools established by the Constitu-  
4 tion, Article VIII, Section IV, after deducting from the net  
5 proceeds any expenditures of the Hackensack Meadowlands De-  
6 velopment Commission for reclaiming land within the district. The  
7 amount of said deduction for reclamation shall be paid to the  
8 Hackensack Meadowland Development Commission.

1 100. Except as provided by this act, the council shall execute  
2 conveyances, leases and transfer for meadowlands in the same  
3 manner and subject to the same provisions and conditions as  
4 presently applicable to all riparian instruments. Any instrument  
5 conveying or releasing the State's interest in the meadowlands  
6 executed by the council prior to this act is valid and binding not-  
7 withstanding any inconsistency with the provisions of this act.

1 101. Where a claimant of virgin meadowlands outside of the  
2 Hackensack meadowland alleges that because of natural accretion  
3 the State no longer has a riparian interest in said land, the claimant  
4 may apply to the council for an affidavit of noninterest. Attached  
5 to said application shall be a topographic survey by a licensed  
6 professional engineer or land surveyor based on the U. S. Coast  
7 and Geodetic Survey Monumentation as to current elevation of  
8 said property and such other information and data as the council  
9 shall require.

10 Upon receipt of said application, the council shall compare said  
11 survey with the records and maps of the State. If the council  
12 determines that because of natural accretion and the present ele-  
13 vation of the property, the State no longer has any interest in such  
14 parcel of virgin meadowlands outside of the Hackensack meadow-  
15 lands, the council shall execute an affidavit of noninterest. Said  
16 affidavit of noninterest shall be recordable in the office of the county  
17 recording officer of the county in which the lands are located. The  
18 council may charge a reasonable fee for the review and issuance  
19 of an affidavit of noninterest.

1 102. There is hereby appropriated to the Department of Con-  
2 servation and Economic Development for the use of the Resource  
3 Development Council in the performance of its powers and duties  
4 pursuant to this act the sum of \$100,000.00.

#### C. EFFECTIVE DATE

1 103. Except for article 9 which shall take effect on January 1,  
2 1969, this act shall take effect on July 1, 1968.



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SENATE COMMITTEE AMENDMENTS TO

**SENATE, No. 477**

**STATE OF NEW JERSEY**

ADOPTED APRIL 25, 1968

Amend page 2, section 1, line 19, after "impaired;," insert "that while the State, in the name of the people, has an obligation to assert its interests in meadowlands that are clearly State-owned, it has an equal obligation to establish a framework within which private owners may assert their interests and take title to meadowlands that are privately-owned;".

Amend page 2, section 1, line 21, after "waste;," insert "that the necessity to consider the ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature must be recognized to avoid any artificially imposed development that would adversely affect not only this area but the entire State;".

Amend page 3, section 3, line 33, delete "Hasbrouck Heights, Little Ferry,".

Amend page 3, section 3, line 34, delete "Ridgefield Park,".

Amend page 3, section 3, line 35, after the word "Hackensack", delete "," and insert in lieu thereof "and", delete "and Wood-Ridge".

Amend page 4, section 3, line 82, after "landfills", insert "or incinerators or other facilities".

Amend page 4, section 3, line 92, after the word "filled;," delete the word "and".

Amend page 4, section 3, line 94, after the word "facilities", add "; and (12) the construction of buildings and other structures".

Amend page 5, section 3, line 154, after "act", delete ".", and insert in lieu thereof ";", and add new subsections as follows:

"(x) 'Solid waste' shall mean any refuse matter, trash or garbage from residences, hotels, apartments or any other public or private building, but shall not include water-carried wastes or the kinds of wastes usually collected, carried away and disposed of by a sewerage system;

(y) 'Solid waste disposal facilities' shall mean the plants, structures and other real and personal property acquired, constructed or operated,



or to be acquired, constructed or operated by the commission, as hereinafter provided, including incinerators, sanitary landfills or other plants or facilities for the treatment and disposal of solid waste.”.

Amend page 6, section 4, lines 1-30, delete this section in its entirety and insert in lieu thereof:

“4. (a) Except as otherwise provided, the commission shall be authorized to carry out the purposes of this act within the following district:

All that certain area bounded as described therein, excepting therefrom the area described in subsection (b) and (c) of this section:

Beginning at a point on Hendricks Causeway at its junction with the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch in Ridgefield;

Thence southerly along the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch to its junction with the Fairview-Ridgefield Municipal boundary;

Thence westerly along the Fairview-Ridgefield Municipal boundary to its junction with the Fairview-North Bergen Municipal boundary;

Thence easterly along the Fairview-North Bergen Municipal boundary to its junction with the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch;

Thence southerly along the tracks of the Erie-Lackawanna Railroad—Northern Railroad of New Jersey Branch to its junction with Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;

Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9) to its intersection with the Pulaski Skyway;

Thence westerly along a line formed by the Pulaski Skyway to a point where the Port Authority Trans-Hudson tracks pass under the Pulaski Skyway;

Thence westerly along the Port-Authority Trans-Hudson tracks to their intersection with the Harrison-Kearny Municipal Boundary;

Thence northwesterly along the Harrison-Kearny Municipal Boundary, as it jugs and curves, to its intersection with the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division;

Thence northerly along the tracks of the Erie-Lackawanna Railroad, Harrison-Kingsland connecting branch of the Morris and Essex Division to its junction with Orient Way in Lyndhurst;

Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;



Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry Municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;

Thence northerly along Moonachie Road to its junction with Maple Street;

Thence easterly along Maple Street approximately 930 feet to its intersection with the Transcontinental gas pipeline;

Thence northeasterly along a straight line drawn between the intersection of Maple Street and the Transcontinental gas pipeline and the intersection of Bertolotto Avenue and the Moonachie-Little Ferry Municipal boundary (Losen Slofe Creek);

Thence easterly along Bertolotto Avenue to its junction with Eckel Road;



Thence northerly along Eckel Road to its junction with Columbus Avenue;

Thence easterly along Columbus Avenue to its junction with Mehrhof Road;

Thence northerly along Mehrhof Road to its junction with Washington Avenue;

Thence easterly and northerly along Washington Avenue to its junction with Main Street;

Thence easterly along Main Street extended to the Little Ferry-Ridgefield Park Municipal boundary; (The middle of the Hackensack River);

Thence southerly along the Little Ferry-Ridgefield Park Municipal boundary (in the middle of the Hackensack River) to its intersection with the Ridgefield Park-Ridgefield Municipal boundary;

Thence easterly along the Ridgefield Park-Ridgefield Municipal boundary (in the middle of Overpeck Creek) to its intersection with Bergen Turnpike;

Thence southerly along Bergen Turnpike to its junction with Hendricks Causeway;

Thence southeasterly along Hendricks Causeway to its junction with the tracks of the Lackawanna Railroad—Northern Branch, the point of beginning.

(b) Exception:

Beginning at a point on Old New Jersey Route 3 (New Jersey Route 153) (Paterson Plank Road) at its junction with County Avenue in Secaucus;

Thence southerly along County Avenue to its junction with Secaucus Road;

Thence westerly along Secaucus Road a distance of 1321 feet more or less to its junction with Private Road.

Thence northerly along a straight line drawn between the intersection of Secaucus Road and the aforementioned Private Road and the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;

Thence westerly along Pandolfi Avenue to its junction with 5th Street;

Thence Southerly along 5th Street to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with Walter Place;

Thence northerly along Walter Place to its junction with Mansfield Avenue;

Thence westerly along Mansfield Avenue to its junction with 9th Street;



Thence northerly along 9th Street to its junction with Grace Street;

Thence easterly along Grace Street to its junction with Eighth Street;

Thence northerly along Eighth Street to its junction with Old New Jersey Route 3 (Route 153);

Thence easterly along Old New Jersey Route 3 (Route 153) to its junction with Paterson Plank Road;

Thence easterly continuing along Old New Jersey Route 3 (Route 153) (Paterson Plank Road) to its junction with County Avenue, the point of beginning.

(c) Exception:

Beginning at a point on Maple Avenue at its junction with 7th Street in Secaucus;

Thence northerly and easterly along 7th Street to its junction with Paterson Plank Road;

Thence northerly along Paterson Plank Road to its junction with Farm Road;

Thence northerly along Farm Road to its junction with Meadow Lane;

Thence easterly along Meadow Lane to its junction with Stonewall Lane and Mill Ridge Road;

Thence easterly along Mill Ridge Road to its junction with Koelle Boulevard;

Thence southerly along Koelle Boulevard to its junction with Huber Street;

Thence westerly along Huber Street to its junction with Radio Avenue;

Thence southerly on Radio Avenue to its junction with Pikeview Terrace;

Thence westerly and northerly along Pikeview Terrace to its intersection with Lausecker Lane;

Thence westerly along Lausecker Lane to its junction with Paterson Plank Road;

Thence southerly along Paterson Plank Road to its junction with Maple Street;

Thence westerly along Maple Street to its junction with 7th Street, the point of beginning."

Amend page 7, section 5, line 10, delete "5", and insert in lieu thereof "7".

Amend page 7, section 5, line 22, delete "Four", and insert in lieu thereof "Six".

Amend page 7, section 5, line 23, delete "2", and insert in lieu thereof "3".



Amend page 7, section 5, line 24, delete "one", and insert in lieu thereof "2"; delete "a resident", and insert in lieu thereof "residents".

Amend page 7, section 5, line 25, after the word "and", delete the word "one", and insert in lieu thereof "2".

Amend page 7, section 5, line 26, delete "a resident", and insert in lieu thereof "residents".

Amend page 7, section 5, line 27, after the word "county", insert "; provided, however, no more than one citizen shall be appointed from any one constituent municipality; one of whom shall be a resident of Bergen county and one of whom shall be a resident of Hudson county;".

Amend page 7, section 5, line 28, before the words "Community Affairs", add the following words, "the Department of".

Amend page 7, section 5, line 31, after the word "that", add the word "of".

Amend page 7, section 5, lines 32-33, delete "shall serve for terms of 2, 3, 4 and 5 years respectively.", and insert in lieu thereof "one shall serve for a term of 1 year, one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and 2 for a term of 5 years."

Amend page 8, section 5, line 61, delete the word "present".

Amend page 9, section 5, line 101, delete the word "void", and insert in lieu thereof "voidable".

Amend page 9, section 6 (e), line 11, after "act;", insert "provided, however, that prior to the issuance of any bonds or notes and prior to incurring any financial obligation in excess of \$1,000,000.00, the commission shall employ a registered municipal accountant of New Jersey or a certified public accountant of New Jersey to inspect its accounts and certify to the State Treasurer that such bonds or such obligations may be issued or incurred by the commission without prejudice to any bonds or obligations of the commission outstanding, and that such bonds or obligations are, or may reasonably be expected to be, within the ability of the commission to meet."

Amend page 10, section 6, line 37, after the word "made", add ", and to enter into co-operative agreements with Federal Government or any other public or governmental agency for the performance of such acts as may be necessary and proper for the reclamation of the meadowlands and to comply with other requirements for such participation".

Amend page 10, section 6, line 39, after the word "lands", insert ", or a portion thereof,".

Amend page 10, section 6, line 60, delete "for the purposes of the commission".

Amend page 11, section 6, line 82, after the word "convey," add "lease, mortgage,".



Amend page 11, section 6, line 96, after "agency", delete "." and insert in lieu thereof ";" and add new subsection as follows:

"(w) To provide solid waste disposal facilities for the treatment and disposal of solid waste, as hereinafter provided."

Amend page 11, section 7, line 3, after the word "executive", add ", or his designated alternate,".

Amend page 12, section 8 (c), line 18, delete " $\frac{4}{5}$ ", and insert in lieu thereof " $\frac{5}{4}$ ".

Amend page 12, section 9, line 12, delete the words "mapped and".

Amend page 12, section 9, lines 17-18, delete ", meetings with other public agencies, and with private developers and other interested parties".

Amend pages 12-13, section 9, line 19-22, delete these lines in their entirety.

Amend page 13, section 9, line 23, delete "land in the district for this purpose.", and insert in lieu thereof "(b)".

Amend page 13, section 9, line 40, after the word "recommendation.", insert a new section as follows:

9.1 (a) Within 3 months of the effective date of this act the commission shall undertake and complete a survey of the district to determine the total amount of solid waste treated and disposed on a daily basis in the district as of the effective date of this act by persons in this State.

(b) The commission is hereby authorized, empowered and directed to guarantee that solid waste disposal facilities sufficient to treat and dispose of the total amount of solid waste determined by its survey shall be available or be provided by the commission.

(c) In providing the solid waste disposal facilities which it is hereby authorized, empowered and directed to provide, the commission shall, prior to preparing any plans or specifications for such facilities, consult with those persons utilizing the district for the treatment and disposal of solid waste and, pursuant to the provisions of section 78 of this act, contract with such persons or any of such persons, who desire to utilize any solid waste disposal facilities provided by the commission, and in the provision of such facilities the commission may:

(1) Acquire or construct any such facilities as an improvement, and may recover the cost of such acquisition or construction in the same manner and pursuant to the same procedure provided for any other improvement undertaken by the commission pursuant to this act;

(2) Operate and maintain any such facilities and generally fix and collect rates, fees or other charges for any such facilities in the same manner and pursuant to the same procedure provided



for any other facilities operated and maintained by the commission; or lease as lessor or lessee any such facilities, or provide by agreement or contract with any person for the operation of any such facilities; provided, however, that prior to the acquisition, construction, operation, lease as lessor or lessee, contract or agreement by the commission for any such solid waste disposal facilities in the district, the commission shall submit to the Commissioner of the State Department of Health for approval a plan or plans describing in detail the purpose of such acquisition, construction, operation, lease as lessor or lessee, contract or agreement. In reviewing the plans submitted in compliance with this section and in determining conditions under which such plans may be approved the commissioner shall give due consideration to community development of comprehensive regional solid waste disposal facilities, in order to be assured insofar as is practicable that all proposed solid waste disposal facilities shall conform to reasonably contemplated development of comprehensive community or regional solid waste disposal facilities. No solid waste disposal facility shall be acquired, constructed, operated, leased, contracted or agreed for in the district without approval of the Commissioner of the State Department of Health.

(3) Join and participate in any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste in which it may be authorized by law to join and participate, under any terms or conditions, subject to any duties and entitled to any rights and powers provided by such law.

(4) Permit, by contract or agreement, any agency, instrumentality or authority created by the State, or by any political subdivision or subdivisions thereof, for the purpose of treating or disposing of solid waste to acquire, construct, or operate and maintain any solid waste disposal facilities which such agency, instrumentality or authority is authorized by law to acquire, construct, or operate and maintain. Any such facilities acquired, constructed, or operated and maintained by any such agency, instrumentality or authority may be located either within the district or without the district but within the jurisdiction of such agency, instrumentality or authority; provided, however, that if any such facility is located within the district it shall be subject to the same procedure for approval by the Commissioner of the State Department of Health as any other such facility in the district.

(d) Nothing herein contained shall be interpreted as requiring any person to utilize any solid waste disposal facility provided by the com-



mission; provided, however, that upon the completion of the survey undertaken by the commission pursuant to this section no solid waste may be treated or disposed in the district by any person without the express written consent of the commission.

(e) The commission, in its discretion, may provide solid waste disposal facilities sufficient to treat and dispose of more than the total amount of solid waste determined by its survey, and may make such facilities available to persons other than those treating and disposing of solid waste in the district as of the effective date of this act.

(f) In order to acquire or construct any solid waste disposal facility the commission is authorized to issue bonds and notes and to pay or redeem said bonds and notes from revenue derived from the fees and other charges collected for such facilities. Any cost incurred by the commission in providing any solid waste disposal facilities shall be charged by the commission to the persons utilizing such facilities, and nothing herein contained shall be interpreted as requiring the commission to bear the cost of any solid waste disposal facility provided by the commission pursuant to this act.

Amend page 13, section 10, line 1, after the word "provisions", add "or criteria".

Amend page 13, section 10, line 23, after the word "housing", add "and the".

Amend page 13, section 10, line 24, after the word "disposal", add "which has been approved by the State Department of Health".

Amend page 14, section 10, line 25, after "improvement.", add new sentence as follows: "No codes or standards concerning building construction and design shall be promulgated without the certificate of the chief engineer or equivalent official of the commission that the proposed codes and standards meet the engineering standards adopted by the commission."

Amend page 14, section 11, line 11, after the word "county", insert ", or any", and after the word "agency" delete ",".

Amend page 14, section 11, line 17, delete "until", insert in lieu thereof "unless".

Amend page 16, section 16, line 15, delete the word "provision", and insert in lieu thereof "subsection".

Amend page 17, section 18, line 1, delete ", before approval by the commission,".

Amend page 17, section 18, line 3, after the word "structure", add "or constructs or alters any building or structure".

Amend page 17, section 18, lines 3-5, delete "which forms part of a subdivision, site or building for which a plan must be filed with the commission prior to such transfer, sale, or rental," and insert in lieu



thereof "without first obtaining the approval of the commission of any application for a subdivision, site plan or building permit as may be required by this act,".

Amend page 21, section 21, line 10, delete the word "omprovements", and insert in lieu thereof "improvements".

Amend page 21, section 21, lines 11-14, delete ". The execution of such a lease shall not impose upon the commission any liability for the financing, construction, management or operation of any development project, or any part thereof".

Amend page 21, section 22, line 2, after the word "negotiable", add "bonds and".

Amend page 21, section 22, line 3, before the word "notes", each time it appears on said line, add the words "bonds and".

Amend page 21, section 22, line 5, before the word "notes", each time it appears on said line, add the words "bonds and".

Amend page 21, section 22, line 8, after "bonds.", insert "The commission may issue bonds and notes on which the principal and interest are payable (1) exclusively from the income and revenues of the improvement or project financed with the proceeds of such bonds or notes; (2) exclusively from the income and revenue of certain designated improvement or projects whether or not they are financed in whole or in part with the proceeds of such bonds or notes; or (3) from its revenue generally. Any such bonds or notes may be additionally secured by a pledge of any grant or contribution from any department or agency of the United States or the State or person or a pledge of any money, income or revenues of the agency from any source whatsoever."

Amend page 21, section 22, line 8, after the word "authorizing", add "bonds and".

Amend page 22, section 22, line 59, after the word "such", add "bonds and".

Amend page 22, section 23, lines 1 and 2, after "(a)" delete the sentence in its entirety.

Amend page 24, section 24, lines 8-10, delete "but the commission shall not convey or mortgage any of its lands or any project or part thereof as a security for such bonds or notes".

Amend page 25, section 27, line 4, after the word "interest", add "and premium, if any".

Amend page 28, section 33, line 13, after "use", insert "of any municipality, county, school district, or other local or regional district, authority or agency".

Amend page 28, section 33, lines 15 and 16, delete "to the public use in the hands or under the control of any other person, associate or corporation".



Amend page 32, section 38, line 3, delete the word "land", and insert in lieu thereof "real estate".

Amend page 36, section 52, line 6, delete "(except subsequent taxes or assessments)", and insert in lieu thereof "shall constitute a lien in the same manner as taxes and assessments for State purposes,".

Amend page 37, section 55, line 4, delete "not exceeding 10", and insert in lieu thereof "for such number of years as may be provided by rules and regulations of the commission".

Amend page 37, section 55, line 10, after the word "due", add "and is not paid".

Amend page 38, section 57, line 4, after the word "interest", add "or premium, if any,".

Amend page 38, section 58, line 16, after the word "improvement", add "and the issuing of bonds and other indebtedness in connection with said improvements".

Amend page 39, section 59, line 28, after the word "structures", add "and which are not classified as land undergoing construction in the year 1968 as shall be determined by a survey by the commission".

Amend page 39, section 59, after line 28, add the following new sub-section:

"(f) 'Land undergoing construction' means land so designated by the commission. Land may be designated by the commission as land undergoing construction if on or before September 1, 1968 the governing body of a constituent municipality files with the commission, a description of any building or structure, undergoing construction as of the effective date of this act within said municipality and the commission is satisfied that the plans, specifications and actual construction work thereon warrants that the property not be conclusive as unimproved land."

Amend page 39, section 59, line 29, delete "(f)", and insert in lieu thereof "(g)".

Amend page 39, section 62, line 6, delete "similar"; after the word "survey", add "of redeveloped lands".

Amend page 40, section 65, line 11, after "1968", add "plus a true value of any land undergoing construction as defined by this act. The true value of said land undergoing construction as determined annually shall be used as a true value until a certificate of occupancy is issued and then the value shall be fixed as of the date of said certificate."

Amend page 41, section 67, line 4, delete the word "expenditures", and insert in lieu thereof "appropriations".

Amend page 41, section 67, line 5, delete the word "realized", and insert in lieu thereof "anticipated".



Amend page 41, section 67, line 8, delete the words "or reported", and insert in lieu thereof "in the budget".

Amend page 45, section 77, line 22, delete "Don", and insert in lieu thereof "Do".

Amend page 48, section 88, line 5, delete the word "projects", and insert in lieu thereof "surveys".

Amend page 48, section 88, line 6, delete the word "projects", and insert in lieu thereof "surveys".

Amend page 48, section 88, line 7, delete the word "project", and insert in lieu thereof "survey".

Amend page 48, section 88, line 12, delete the word "propect", and insert in lieu thereof "survey".

Amend page 48, section 88, line 13, delete the word "project", and insert in lieu thereof "survey".

Amend page 49, section 91, line 9, delete the word "start", and insert in lieu thereof "commence".

Amend page 49, section 93, line 13, delete "proported", and insert in lieu thereof "purported".

Amend page 51, section 96, line 26, delete the word "improved", and insert in lieu thereof "unimproved".

Amend page 52, section 103, lines 1 and 2, delete "Except for article 9 which shall take effect on January 1, 1969, this". Insert "This".



REFERENCE USE ONLY

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SENATE, No. 477

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators DICKINSON, GUARINI, SCHIAFFO,  
KNOWLTON, HAGEDORN, WOODCOCK, CRABIEL  
and WALLWORK

Referred to Committee on Agriculture, Conservation and Natural  
Resources

AN ACT to provide for the reclamation, planning, development and redevelopment of the Hackensack meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

A. HACKENSACK MEADOWLAND RECLAMATION AND DEVELOPMENT ACT

ARTICLE I. PURPOSE, SHORT TITLE, DEFINITIONS

1 1. It is hereby declared that there are approximately 21,000  
2 acres of salt water swamps, meadows and marshes which are com-  
3 monly known as meadowlands, in the lower Hackensack river  
4 basin; that extensive portions of this area have so far resisted  
5 comprehensive development because of their low elevation, expo-  
6 sure to tidal waters, unfavorable soil composition, and, in some  
7 instances, their distribution among many municipalities; that this  
8 land acreage is a land resource of incalculable opportunity for new  
9 jobs, homes and recreational sites, which may be lost to the State  
10 through piecemeal reclamation and unplanned development; that  
11 much of this acreage may be subject to redevelopment under section  
12 3, Article VIII, of the State Constitution; that the orderly, com-  
13 prehensive development of these areas, due to their strategic loca-  
14 tion in the heart of a vast metropolitan area with urgent needs  
15 for more space for industrial, commercial, residential, and public

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



16 recreational and other uses, can no longer be deferred; that insofar  
 17 as meadowlands are State-owned lands they are an asset of the  
 18 fund for the support of free public schools whose integrity may  
 19 not be impaired; *\*that while the State, in the name of the people,*  
 19A *has an obligation to assert its interests in meadowlands that are*  
 19B *clearly State-owned, it has an equal obligation to establish a frame-*  
 19C *work within which private owners may assert their interests*  
 19D *and take title to meadowlands that are privately-owned;\**  
 19E that these areas need special protection from air and  
 20 water pollution and special arrangements for the provision  
 21 of facilities for the disposal of solid waste; *\*that the necessity to*  
 22 *consider the ecological factors constituting the environment of the*  
 23 *meadowlands and the need to preserve the delicate balance of*  
 24 *nature must be recognized to avoid any artificially imposed de-*  
 25 *velopment that would adversely affect not only this area but the*  
 26 *entire State;\** that it is the purpose of this act to meet the afore-  
 27 mentioned needs and accomplish the aforementioned objectives by  
 28 providing for a commission transcending municipal boundaries and  
 29 a committee representing municipal interests which will act in  
 30 concert to reclaim, plan, develop and redevelop the Hackensack  
 31 meadowlands; and to safeguard fully the interests of the fund for  
 32 the support of free public schools, all to the extent and manner  
 33 provided herein.

1 2. Sections 1 through 84, inclusive, of this act shall be known  
 2 and may be cited as the "Hackensack Meadowlands Reclamation  
 3 and Development Act."

1 3. As used in this act, the following words and terms shall have  
 2 the following meanings, unless the context indicates or requires  
 3 another or different meaning or intent:

4 (a) "Commission" means the Hackensack Meadowlands De-  
 5 velopment Commission created by this act or any board, body,  
 6 commission, department or officer succeeding to the principal  
 7 functions thereof or to whom the powers and duties conferred  
 8 upon the commission by this act shall be given by law;

9 (b) "Bonds" means any bonds, notes, interim certificates, deben-  
 10 tures, or other obligations, issued by the commission pursuant to  
 11 this act;

12 (c) "Claimant" means a person holding or occupying riparian  
 13 lands within meadowlands under color of title;

14 (d) "School fund" means the fund for the support of free public  
 15 schools, as provided by the New Jersey Constitution, Article VIII,  
 16 Section IV;



17 (e) "Riparian lands" are those lands now, formerly or hereafter  
18 flowed by mean high tide, except where such tidal flow is caused  
19 by artificially produced changes in land or water elevation;

20 (f) "Person" means and shall include all individuals, partner-  
21 ships, associations, private or municipal corporations and all  
22 political subdivisions of the State;

23 (g) "Owner" means and shall include all persons having any  
24 title or interest in any property, rights, easements and interests  
25 authorized to be acquired, assessed or regulated by this act;

26 (h) "Constituent municipality" means a municipality with lands  
27 in the district;

28 (i) "District" means the Hackensack Meadowlands District, the  
29 area within the jurisdiction of the commission described in section  
30 4 of this act;

31 (j) "Hackensack meadowlands" means all those meadowlands  
32 lying within the municipalities of Carlstadt, East Rutherford,  
33 Fairview, \***[Hasbrouck Heights, Little Ferry,]**\* Lyndhurst,  
34 Moonachie, North Arlington, Ridgefield, \***[Ridgefield Park,]**\*  
35 Rutherford, South Hackensack**[,]**\* \*and\* Teterboro \***[and Wood-**  
36 **Ridge]**\*, all in Bergen county; and Jersey City, Kearny, North  
37 Bergen and Secaucus, all in Hudson county;

38 (k) "Master plan" means the comprehensive plan for the district  
39 prepared and adopted in accordance with article 5 of this act;

40 (l) "Renewal area" means an area designated by the commission  
41 pursuant to article 5 of this act whose redevelopment is necessary  
42 to effectuate the public purposes declared in this act. A renewal  
43 area may contain lands, buildings or improvements which of them-  
44 selves are not detrimental to the public health, safety or welfare,  
45 but whose inclusion is found necessary, with or without change in  
46 their condition, for the effective redevelopment of the area of which  
47 they are a part;

48 (m) "Project area" means all or a portion of a renewal area;

49 (n) "Project" means any plan, work or undertaking by the com-  
50 mission or by a redeveloper under contract to the commission,  
51 pursuant to the master plan or a redevelopment plan. Such under-  
52 taking may include the reclamation and improvement of meadow-  
53 lands, any buildings, land (including demolition, clearance or re-  
54 moval of buildings from land), equipment, facilities, or other real  
55 or personal properties, which are necessary, convenient or desirable  
56 appurtenances, including but not limited to, streets, water systems,  
57 sewer systems, utilities, parks, site preparation, landscaping, and  
58 administrative, community, health, recreational, educational and



59 welfare facilities, and buildings and structures in renewal areas  
60 for industrial, commercial or residential use;

61 (o) "Redeveloper" means any person, firm, corporation or  
62 public or private agency that shall enter into or propose to enter  
63 into a contract with the commission for the reclamation, develop-  
64 ment, redevelopment or improvement of an area or any part thereof  
65 under the provisions of this act, or for the construction of any  
66 project pursuant to the master plan or redevelopment plan;

67 (p) "Improvement" means (1) the laying out, opening, con-  
68 struction, widening, straightening, enlargement, extension, altera-  
69 tion, changing of location, grading, paving or otherwise improving,  
70 a street, alley or public highway; (2) curbing or guttering of a  
71 sidewalk along a street, alley or highway; (3) construction and  
72 improvement of bridges and viaducts; (4) construction, enlarge-  
73 ment or extension of a sewer or drain or of a sewerage or drainage  
74 system including, but not limited to, such systems under street,  
75 alleys, or public highways or systems for drainage of marshes and  
76 wet lowlands; or works for the sanitary disposal of sewerage or  
77 drainage; (5) the installation of service connections to water, and  
78 other utility works including the laying, construction, or placing  
79 of mains, conduits, or cables under or along a street, alley or high-  
80 way; (6) the construction, enlargement, or extension of water  
81 mains or water distribution works; (7) the construction, enlarge-  
82 ment, or extension of sanitary landfills *\*or incinerators or other*  
83 *facilities\** for the disposal of solid wastes; (8) the installation of  
84 lighting standards, appliances and appurtenances required for the  
85 illumination of streets; (9) widening, deepening, or improvement  
86 of, the removal of obstructions in, and the construction, enlarge-  
87 ment and extension of any waterway, or of enclosing walls, or of a  
88 pipe or conduit along a water course; (10) the reclaiming, filling  
89 and improving and bulkheading lands under tidal or other water  
90 and lands adjacent to such reclaimed or filled lands, and the  
91 dredging of channels and improvement of harbor approaches in  
92 waters abounding the lands to be reclaimed, filled and improved,  
93 or bulkheaded and filled; *\*[and]\** (11) the development and im-  
94 provement of parks and recreational facilities\*; *and (12) the con-*  
94A *struction of buildings and other structures\*.*

95 (q) "Redevelopment" means a program for renewal through  
96 reclamation, clearance, replanning, development and redevelop-  
97 ment; the rehabilitation of any improvements; conservation or  
98 rehabilitation work; the construction and provision for construction  
99 of projects; and the grant or dedication of spaces as may be ap-  
100 propriate or necessary in the interest of the general welfare for



101 such projects or other public purposes incidental or appurtenant  
102 thereto, in accordance with the master plan or any part thereof, or  
103 a redevelopment plan;

104 (r) "Redevelopment plan" means a plan as it exists from time  
105 to time for a redevelopment project or projects in all or any part  
106 of the district, which plan shall conform to the master plan and  
107 shall be sufficiently complete to indicate such land acquisition,  
108 demolition and removal of structures, improvements, conservation  
109 or rehabilitation work as may be proposed to be carried out in the  
110 area of the project, existing and proposed land uses, building  
111 requirements, maximum densities, zoning and planning changes,  
112 if any, public transportation and utilities, recreational and com-  
113 munity facilities and other public improvements, and to indicate  
114 the relationship of the plan to definite regional objectives;

115 (s) "Site plan" means a plan for an existing lot or plot or a  
116 subdivided lot on which is shown topography, location of all exist-  
117 ing or proposed buildings, structures, drainage facilities, roads,  
118 rights-of-way, easements, parking areas, together with any other  
119 information, and at such a scale as may be required by a commis-  
120 sion site plan review and approval resolution.

121 (t) "Subdivision" means the division of a lot, tract or parcel  
122 of land into 2 or more lots, sites or other divisions of land for the  
123 purpose, whether immediate or future, of sale or building develop-  
124 ment except that the following divisions shall not be considered  
125 subdivisions within the meaning of this act; provided, however,  
126 that no new streets or roads are involved; divisions of land for  
127 agricultural purposes where the resulting parcels are 3 acres or  
128 larger in size, divisions of property by testamentary or intestate  
129 provisions, or divisions of property pursuant to court order.

130 (u) "Cost," in addition to the usual meanings thereof, means  
131 the cost of acquisition or construction of all or any part of an  
132 improvement and of all or any property, rights, easements, privi-  
133 leges, agreements and franchises deemed by the commission to be  
134 necessary or useful and convenient therefor or in connection  
135 therewith, including interest or discount on bonds, cost of issuance  
136 of bonds; engineering and inspection costs and legal expenses;  
137 cost of financial, professional and other estimates and advice;  
138 organization, administration, operation and other expenses of the  
139 commission prior to and during such acquisition or construction;  
140 and all such other expenses as may be necessary or incident to the  
141 financing, acquisition, construction and completion of said improve-  
142 ment or part thereof and the placing of same in operation; and  
143 also such provision or reserves for working capital, operating or



144 maintenance or replacement expenses, or for payment or security  
 145 of principal of or interest on bonds during or after such acquisition  
 146 or construction; and also reimbursements to the commission or  
 147 any county, municipality or other person of any moneys thereto-  
 148 fore expended for the purpose of the commission or in connection  
 149 with such improvements;

150 (v) "Special assessment" means an assessment for benefits  
 151 accruing from the construction of improvements by or at the  
 152 direction of the commission;

153 (w) "Committee" means the Hackensack Meadowlands Municipi-  
 154 pal Committee established pursuant to article 4 of this act\*;

155 \*(x) "Solid waste" shall mean any refuse matter, trash or  
 156 garbage from residences, hotels, apartments or any other public  
 157 or private building, but shall not include water-carried wastes or  
 158 the kinds of wastes usually collected, carried away and disposed of  
 159 by a sewerage system;

160 (y) "Solid waste disposal facilities" shall mean the plants, struc-  
 161 tures and other real and personal property acquired, constructed  
 162 or operated, or to be acquired, constructed or operated by the com-  
 163 mission, as hereinafter provided, including incinerators, sanitary  
 164 landfills or other plants or facilities for the treatment and disposal  
 165 of solid waste.\*

#### ARTICLE 2. HACKENSACK MEADOWLAND DISTRICT

1 \*4. Except as otherwise provided, the commission shall be au-  
 2 thorized to carry out the purposes of this act within the following  
 3 district:

4 All that certain area: beginning at a point on U. S. Route 46 at  
 5 its junction with State Route 17 at Teterboro Airport;

6 Thence along U. S. Route 46 to its junction with State Route 93  
 7 (Grand Avenue) at the Ridgefield-Palisades Park Municipal  
 8 Boundary;

9 Thence southerly along U. S. Route 1 and 9 to its intersection  
 10 with the Pulaski Skyway in Jersey City;

11 Thence southwesterly along a line formed by the Pulaski Skyway  
 12 to a point where the Port Authority Trans-Hudson tracks pass  
 13 under the Pulaski Skyway;

14 Thence along the PATH track to their intersection with Har-  
 15 rison's municipal boundary;

16 Thence northwesterly along the Harrison-Kearny municipal  
 17 boundary to its junction with Harrison Avenue;

18 Thence easterly along Harrison Avenue (the easterly municipal  
 19 boundary of Harrison) to its junction with Schuyler Avenue;



20 Thence northerly along Schuyler Avenue to Brisbin Avenue  
21 (County Route 507);

22 Thence westerly along Schuyler Avenue to Orient Way;

23 Thence northerly along Orient Way to State Route 3;

24 Thence easterly along Route 3 to its junction with Route 17;

25 Thence northerly along State Route 17 to its junction with U. S.  
26 Route 46, the place of beginning, provided, however, that any  
27 riparian lands to the west of State Route 17 from the junction of  
28 Routes 3 and 17 to the Paterson Plank road in East Rutherford  
29 and thence easterly to route 17 shall be considered to lie within  
30 the district.]\*

31 \*4. (a) *Except as otherwise provided, the commission shall be*  
32 *authorized to carry out the purposes of this act within the following*  
33 *district:*

34 *All that certain area bounded as described therein, excepting*  
35 *therefrom the area described in subsection (b) and (c) of this*  
36 *section:*

37 *Beginning at a point on Hendricks Causeway at its junction with*  
38 *the tracks of the Erie-Lackawanna Railroad—Northern Railroad*  
39 *of New Jersey Branch in Ridgefield;*

40 *Thence southerly along the tracks of the Erie-Lackawanna Rail-*  
41 *road—Northern Railroad of New Jersey Branch to its junction*  
42 *with the Fairview-Ridgefield Municipal boundary;*

43 *Thence westerly along the Fairview-Ridgefield Municipal*  
44 *boundary to its junction with the Fairview-North Bergen Municipal*  
45 *boundary;*

46 *Thence easterly along the Fairview-North Bergen Municipal*  
47 *boundary to its junction with the tracks of the Erie-Lackawanna*  
48 *Railroad—Northern Railroad of New Jersey Branch;*

49 *Thence southerly along the tracks of the Erie-Lackawanna Rail-*  
50 *road—Northern Railroad of New Jersey Branch to its junction with*  
51 *Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;*

52 *Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9)*  
53 *to its intersection with the Pulaski Skyway;*

54 *Thence westerly along a line formed by the Pulaski Skyway to*  
55 *a point where the Port Authority Trans-Hudson tracks pass under*  
56 *the Pulaski Skyway;*

57 *Thence westerly along the Port Authority Trans-Hudson tracks*  
58 *to their intersection with the Harrison-Kearny Municipal*  
59 *Boundary;*

60 *Thence northwesterly along the Harrison-Kearny Municipal*  
61 *Boundary, as it jugs and curves, to its intersection with the Erie-*



- 62 *Lackawanna Railroad, Harrison-Kingsland connecting branch of*  
 63 *the Morris and Essex Division;*  
 64 *Thence northerly along the tracks of the Erie-Lackawanna Rail-*  
 65 *road, Harrison-Kingsland connecting branch of the Morris and*  
 66 *Essex Division to its junction with Orient Way in Lyndhurst;*  
 67 *Thence northerly along Orient Way to its junction with Valley*  
 68 *Brook Avenue-Smith Street;*  
 69 *Thence easterly along Smith Street to its junction with Madison*  
 70 *Street;*  
 71 *Thence northerly along Madison Street to its junction with Ever-*  
 72 *green Place;*  
 73 *Thence westerly along Evergreen Place to its junction with*  
 74 *Meadow Road;*  
 75 *Thence northerly along Meadow Road to its junction with*  
 76 *Rutherford Avenue;*  
 77 *Thence northerly along a straight line drawn between the inter-*  
 78 *section of Rutherford Avenue and Meadow Road and the junction*  
 79 *of Union Avenue and Erie-Lackawanna-New Jersey and New York*  
 80 *Railroad;*  
 81 *Thence northerly along the tracks of the Erie-Lackawanna-New*  
 82 *Jersey and New York Railroad to its intersection with the Wood-*  
 83 *Ridge-Carlstadt municipal boundary;*  
 84 *Thence easterly along the Wood-Ridge-Carlstadt municipal*  
 85 *boundary to its intersection with Moonachie-Wood-Ridge municipal*  
 86 *boundary;*  
 87 *Thence northerly and westerly along the Moonachie-Wood-Ridge*  
 88 *municipal boundary to its intersection with the Hasbrouck*  
 89 *Heights-Moonachie municipal boundary;*  
 90 *Thence easterly and northerly along Hasbrouck Heights-*  
 91 *Moonachie municipal boundary to its intersection with the*  
 92 *Moonachie-Teterboro municipal boundary;*  
 93 *Thence westerly and northerly along the Hasbrouck Heights-*  
 94 *Teterboro municipal boundary to its intersection with U. S.*  
 95 *Route 46;*  
 96 *Thence easterly along U. S. Route 46 to its intersection with the*  
 97 *Teterboro-Little Ferry municipal boundary;*  
 98 *Thence southerly along the Teterboro-Little Ferry municipal*  
 99 *boundary to its intersection with the Moonachie-Little Ferry*  
 100 *boundary;*  
 101 *Thence southerly along the Moonachie-Little Ferry Municipal*  
 102 *boundary to its intersection with Red Neck Road;*  
 103 *Thence southerly along Reck Neck Road to its junction with*  
 104 *Moonachie Avenue in Moonachie;*



- 105 Thence easterly along Moonachie Avenue to its junction with  
 106 Moonachie Road;
- 107 Thence northerly along Moonachie Road to its junction with  
 108 Maple Street;
- 109 Thence easterly along Maple Street approximately 930 feet to  
 110 its intersection with the Transcontinental gas pipeline;
- 111 Thence northeasterly along a straight line drawn between the  
 112 intersection of Maple Street and the Transcontinental gas pipeline  
 113 and the intersection of Bertolotto Avenue and the Moonachie-Little  
 114 Ferry Municipal boundary (Losen Slofe Creek);
- 115 Thence easterly along Bertolotto Avenue to its junction with  
 116 Eckel Road;
- 117 Thence northerly along Eckel Road to its junction with Columbus  
 118 Avenue;
- 119 Thence easterly along Columbus avenue to its junction with  
 120 Mehrhof Road;
- 121 Thence northerly along Mehrhof Road to its junction with Wash-  
 122 ington Avenue;
- 123 Thence easterly and northerly along Washington Avenue to its  
 124 junction with Main Street;
- 125 Thence easterly along Main Street extended to the Little Ferry-  
 126 Ridgefield Park Municipal boundary; (The middle of the Hacken-  
 127 sack River);
- 128 Thence southerly along the Little Ferry-Ridgefield Park Muni-  
 129 pal boundary (in the middle of the Hackensack River) to its inter-  
 130 section with the Ridgefield Park-Ridgefield Municipal boundary;
- 131 Thence easterly along the Ridgefield Park-Ridgefield Municipal  
 132 boundary (in the middle of Overpeck Creek) to its intersection with  
 133 Bergen Turnpike;
- 134 Thence southerly along Bergen Turnpike to its junction with  
 135 Hendricks Causeway;
- 136 Thence southeasterly along Hendricks Causeway to its junction  
 137 with the tracks of the Lackawanna Railroad—Northern Branch,  
 138 the point of beginning;
- 139 (b) Exception:
- 140 Beginning at a point on Old New Jersey Route 3 (New Jersey  
 141 Route 153) (Paterson Plank Road) at its junction with County  
 142 Avenue in Secaucus;
- 143 Thence southerly along County Avenue to its junction with  
 144 Secaucus Road;
- 145 Thence westerly along Secaucus Road a distance of 1,321 feet  
 146 more or less to its junction with Private Road;



- 147 Thence northerly along a straight line drawn between the inter-  
 148 section of Secaucus Road and the aforementioned Private Road and  
 149 the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;  
 150 Thence westerly along Pandolfi Avenue to its junction with 5th  
 151 Street;  
 152 Thence Southerly along 5th Street to its junction with Mansfield  
 153 Avenue;  
 154 Thence westerly along Mansfield Avenue to its junction with  
 155 Walter Place;  
 156 Thence northerly along Walter Place to its junction with Mans-  
 157 field Avenue;  
 158 Thence westerly along Mansfield Avenue to its junction with 9th  
 159 Street;  
 160 Thence northerly along 9th Street to its junction with Grace  
 161 Street;  
 162 Thence easterly along Grace Street to its junction with Eighth  
 163 Street;  
 164 Thence northerly along Eighth Street to its junction with Old  
 165 New Jersey Route 3 (Route 153);  
 166 Thence easterly along Old New Jersey Route 3 (Route 153) to  
 167 its junction with Paterson Plank Road;  
 168 Thence easterly continuing along Old New Jersey Route 3 (Route  
 169 153) (Paterson Plank Road) to its junction with County Avenue,  
 170 the point of beginning.  
 171 (c) Exception:  
 172 Beginning at a point on Maple Avenue at its junction with 7th  
 173 Street in Secaucus;  
 174 Thence northerly and easterly along 7th Street to its junction  
 175 with Paterson Plank Road;  
 176 Thence northerly along Paterson Plank Road to its junction with  
 177 Farm Road;  
 178 Thence northerly along Farm Road to its junction with Meadow  
 179 Lane;  
 180 Thence easterly along Meadow Lane to its junction with Stone-  
 181 wall Lane and Mill Ridge Road;  
 182 Thence easterly along Mill Ridge Road to its junction with Koelle  
 183 Boulevard;  
 184 Thence southerly along Koelle Boulevard to its junction with  
 185 Huber Street;  
 186 Thence westerly along Huber Street to its junction with Radio  
 187 Avenue;  
 188 Thence southerly on Radio Avenue to its junction with Pikeview  
 189 Terrace;



190 Thence westerly and northerly along Pikeview Terrace to its in-  
191 tersection with Lausecker Lane;

191A Thence westerly along Lausecker Lane to its junction with Pater-  
192 son Plank Road;

193 Thence southerly along Paterson Plank Road to its junction with  
194 Maple Street;

195 Thence westerly along Maple Street to its junction with 7th  
196 Street, the point of beginning.\*

ARTICLE 3. HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

1 5. (a) There is hereby established in, but not of, the Department  
2 of Community Affairs a public body corporate and politic, with  
3 corporate succession, to be known as the "Hackensack Meadow-  
4 lands Development Commission." The commission shall constitute  
5 a political subdivision of the State established as an instrumentality  
6 exercising public and essential governmental functions, and the  
7 exercise by the commission of the powers conferred by this act  
8 shall be deemed and held to be an essential governmental function  
9 of the State.

10 (b) The commission shall consist of **\*[5]\*** *\*7\** members ap-  
11 pointed and qualified as follows:

12 (1) The Commissioner of the Department of Community Affairs,  
13 ex officio; provided that he may appoint an alternate to act in  
14 his place and stead, with the authority to attend, vote and perform  
15 any duty or function assigned to the Commissioner of the Depart-  
16 ment of Community Affairs in his absence. The alternate shall  
17 serve during the term of the Commissioner of the Department of  
18 Community Affairs, subject to removal at his pleasure. In the  
19 event of a vacancy in the position of alternate, it shall be filled in  
20 the same manner as an original appointment and only for the  
21 unexpired term.

22 (2) **\*[Four]\*** *\*Six\** citizens of the State, appointed by the Gov-  
23 ernor, with the advice and consent of the Senate and no more than  
23A **\*[2]\*** *\*3\** of whom shall be of the same political party; **\*[one]\***  
24 *\*2\** of whom shall be **\*[a resident]\*** *\*residents\** of one of the con-  
25 stituent municipalities of Bergen county and **\*[one]\*** *\*2\** of whom  
26 shall be **\*[a resident]\*** *\*residents\** of one of the constituent munici-  
27 palities of Hudson county\*; *provided, however, no more than*  
27A *one citizen shall be appointed from any one constituent munici-*  
27B *palities; one of whom shall be a resident of Bergen county and one*  
27C *of whom shall be a resident of Hudson County;\**

28 (c) The Commissioner of *\*the Department of\** Community  
29 Affairs shall serve on the commission during his term of office and



30 shall be succeeded by his successor in office. Each member ap-  
31 pointed by the Governor shall serve for terms of 5 years; provided  
32 that *\*of\** the first members appointed by the Governor *\*[shall serve*  
33 *for terms of 2, 3, 4 and 5 years respectively]\** *\*one shall serve for*  
34 *a term of 1 year, one for a term of 2 years, one for a term of 3 years,*  
35 *one for a term of 4 years, and 2 for a term of 5 years\**. Each mem-  
36 ber shall serve for the term of his appointment and until his suc-  
36A cessor shall have been appointed and qualified. Any vacancy shall  
36B be filled in the same manner as the appointment for the unexpired  
36C term only.

37 (d) Any member of the commission may be removed by the  
38 Governor for cause after a public hearing.

39 (e) Each member of the commission before entering upon his  
40 duties shall take and subscribe an oath to perform the duties of  
41 his office faithfully, impartially and justly to the best of his ability.  
42 A record of such oaths shall be filed in the office of the Secretary  
43 of State.

44 (f) The members of the commission shall serve without com-  
45 pensation, but the commission may reimburse its members for  
46 necessary expenses incurred in the discharge of their duties.

47 (g) The Governor shall designate one of the members of the  
48 commission as chairman. The commission shall select from its  
49 members a vice-chairman and a treasurer, and shall employ an  
50 executive director, who shall be secretary, and a chief fiscal officer.  
51 The commission may also appoint, retain and employ, without re-  
52 gard to the provisions of Title 11, Civil Service, of the Revised  
53 Statutes, such officers, agents, employees and experts as it may  
54 require, and it shall determine their qualifications, terms of office,  
55 duties, services and compensation.

56 (h) The powers of the commission shall be vested in the members  
57 thereof in office from time to time and a majority of the total  
58 authorized membership of the commission shall constitute a quorum  
59 at any meeting thereof. Action may be taken and motions and  
60 resolutions adopted by the commission at any meeting thereof by  
61 the affirmative vote of a majority of the members *\*[present]\**, un-  
62 less in any case the by-laws of the commission or any of the provi-  
63 sions of this act shall require a larger number; provided that the  
64 commission may designate one or more of its agents or employees  
65 to exercise such administrative functions, powers and duties as it  
66 may deem proper, under its supervision and control. No vacancy in  
67 the membership of the commission shall impair the right of a  
68 quorum to exercise all the rights and perform all the duties of the  
68A commission, except as provided by section 8.



69 (i) Before the issuance of any bonds under the provisions of this  
 70 act, the members and the officer of the commission charged with  
 71 the handling of the commission's moneys shall be covered by a  
 72 surety bond or bonds in such sum as provided by the rules and  
 73 regulations of the commission conditioned upon the faithful per-  
 74 formance of the duties of their respective offices, and executed by  
 75 a surety company authorized to transact business in the State of  
 76 New Jersey as a surety. Each such surety bond shall be submitted  
 77 to the Attorney General for his approval and upon his approval  
 78 shall be filed in the office of the Secretary of State prior to the  
 79 issuance of any bonds by the commission. At all times after the  
 80 issuance of any bonds by the commission the officer of the com-  
 81 mission charged with the handling of the commission's moneys  
 82 and each member shall maintain such surety bonds in full force  
 83 and effect. All costs of such surety bonds shall be borne by the  
 84 commission.

85 (j) On or before March 31 in each year the commission shall  
 86 make an annual report of its activities for the preceding calendar  
 87 year to the Governor and to the Legislature. Each such report  
 88 shall set forth a complete operating and financial statement cover-  
 89 ing its operations during the year.

90 (k) The commission shall cause an audit of its books and ac-  
 91 counts to be made at least once in each year and the cost thereof  
 92 shall be treated as one incurred by the commission in the admin-  
 93 istration of this act, and a copy thereof shall be filed with the State  
 94 Treasurer, all as more fully provided in section 76 of this act.

95 (1) (1) No member, officer, employee or agent of the commission  
 96 shall be financially interested, either directly or indirectly, in any  
 97 project or any part of a project area (other than a residence) or  
 98 in any contract, sale, purchase, lease or transfer of real or per-  
 99 sonal property to which the commission is a party;

100 (2) Any contract or agreement knowingly made in contraven-  
 101 tion of this section is \***[void]**\* *voidable*;

102 (3) Any person who shall willfully violate any of the provisions  
 103 of this section shall forfeit his office or employment and shall be  
 104 guilty of a misdemeanor.

1 6. The commission shall have perpetual succession and shall have  
 2 the following powers:

3 (a) To adopt and from time to time amend and repeal suitable  
 4 by-laws for the management of its affairs;

5 (b) To adopt and use an official seal and alter the same at its  
 6 pleasure;



7 (c) To maintain an office at such place or places within the State  
8 as it may designate;

9 (d) To sue and be sued in its own name;

10 (e) To issue bonds or notes of the commission and to provide  
11 for the rights of the holders thereof as provided in this act; *\*pro-*  
11A *vided, however, that prior to the issuance of any bonds or notes*  
11B *and prior to incurring any financial obligation in excess of*  
11C *\$1,000,000.00, the commission shall employ a registered municipal*  
11D *accountant of New Jersey or a certified public accountant of New*  
11E *Jersey to inspect its accounts and certify to the State Treasurer*  
11F *that such bonds or such obligations may be issued or incurred by*  
11G *the commission without prejudice to any bonds or obligations of*  
11H *the commission outstanding, and that such bonds or obligations*  
11I *are, or may reasonably be expected to be, within the ability of the*  
11J *commission to meet.\**

12 (f) To enter upon any building or property in order to conduct  
13 investigations, examinations, surveys, soundings, or test borings  
14 necessary to carry out the purposes of this act, all in accordance  
15 with due process of law.

16 (g) To acquire in the name of the commission by purchase, lease  
17 as lessee, or otherwise, on such terms and conditions and in such  
18 manner as it may deem proper, or by the exercise of the power of  
19 eminent domain, any land or interest therein and other property,  
20 including land under water and riparian lands, land or highways  
21 held by any municipality or other governmental subdivision of the  
22 State, or any fee simple absolute in, easements upon, or the benefit  
23 of restrictions upon abutting property, that it may determine is  
24 reasonably necessary for the performance of any of its duties under  
25 this act; provided that the power of eminent domain shall not be  
26 exercised by the commission to acquire any property owned or  
27 used by a public utility, as defined in section 48:2-13 of the Revised  
28 Statutes, in furnishing any commodity or service which by law it  
29 is authorized to furnish;

30 (h) To receive and accept, from any Federal or other public  
31 agency or governmental entity, grants or loans for or in aid of the  
32 planning or construction of any project or improvement, or the  
33 acquisition of any property, and to receive and accept aid or con-  
34 tributions from any other source, of either money, property, labor  
35 or other things of value, to be held, used and applied only for the  
36 purposes for which such grants, loans and contributions may be  
37 made\*, *and to enter into co-operative agreements with the Federal*  
37A *Government or any other public or governmental agency for the*  
37B *performance of such acts as may be necessary and proper for the*



37c reclamation of the meadowlands and to comply with other require-  
37d ments for such participation\*;

38 (i) To prepare, adopt and implement a master plan for the  
39 physical development of all lands\*, or a portion thereof,\* lying  
40 within the district; and to adopt and enforce codes and standards  
41 for the effectuation of such plan;

42 (j) By contract or contracts with a redeveloper or by its own  
43 employees to undertake any development or other project or im-  
44 provement as it finds necessary to reclaim, develop, redevelop and  
45 improve the land within the district;

46 (k) To establish engineering standards for land reclamation,  
47 including the type of fill, drainage and grading, and to promulgate  
48 a building code specifying the maximum weight, size and density  
49 of all buildings and structures to be placed on any land within its  
50 jurisdiction according to the method of reclamation employed and  
51 the load-bearing quality of the reclaimed land;

52 (l) To recover by special assessments the cost of improvements  
53 from the increase of property values attributable to such improve-  
54 ments;

55 (m) Generally to fix and revise from time to time and to charge  
56 and collect rates, fees and other charges for the use of any facili-  
57 ties operated and maintained by the commission;

58 (n) To make such legal arrangements for the use of the property  
59 of the school fund so as to increase the capital of such fund as may  
60 be necessary or desirable \***[for the purposes of the commission]**\*;

61 (o) To enter into any and all agreements or contracts, execute  
62 any and all instruments, and do and perform any and all acts or  
63 things necessary, convenient or desirable for the purposes of the  
64 commission or to carry out any power expressly given in this act;

65 (p) To conduct examinations and investigations, hear testimony  
66 and take proof under oath at public or private hearings, of any  
67 material matter, require attendance of witnesses and the produc-  
68 tion of books and papers and issue commissions for the examination  
69 of witnesses who are out of State, unable to attend, or excused  
70 from attendance;

71 (q) To publish and disseminate information and to make known  
72 to potential users, by advertisement, solicitation or other means,  
73 the availability for development of lands in the district;

74 (r) To review and regulate plans for any subdivision or develop-  
75 ment within the district;

76 (s) To subordinate, waive, sell, assign, or release any right, title,  
77 claim, lien, or demand however acquired, including any equity or  
78 right or redemption; to foreclose, sell, or assign any mortgage



79 held by it, or any interest in real or personal property; and to  
 80 purchase at any sale upon such terms and at such prices as it de-  
 81 termines to be reasonable and to take title to property, real, per-  
 82 sonal, or mixed, so acquired, and to sell, exchange, assign, convey,  
 83 *\*lease, mortgage,\** or otherwise dispose of any such property, sub-  
 84 ject to such conditions and restrictions as it deems necessary to  
 85 carry out the purposes of this act;

86 (t) To cause to be prepared plans, specifications, designs and  
 87 estimates of costs for the construction of projects and improve-  
 88 ments under the provisions of this act, and from time to time to  
 89 modify such plans, specifications, designs or estimates;

90 (u) To determine the existence of renewal areas, and to under-  
 91 take redevelopment projects therein;

92 (v) To exercise all authorized powers of the commission which  
 93 shall be deemed to be for a public purpose and to acquire any prop-  
 94 erty which shall be deemed for public use, which use shall be deemed  
 95 superior to the public use of any municipality, county, school dis-  
 96 trict, or other local or regional district, authority or agency\*;

97 (w) *To provide solid waste disposal facilities for the treatment*  
 98 *and disposal of solid waste, as hereinafter provided.\**

#### ARTICLE 4. HACKENSACK MEADOWLANDS MUNICIPAL COMMITTEE;

##### ORGANIZATION AND POWERS

1 7. (a) There is hereby established a Hackensack Meadowlands  
 2 Municipal Committee, the membership of which shall consist of the  
 3 mayor or elected chief executive\*, *or his designated alternate,\** of  
 3A each constituent municipality.

4 (b) A majority of the membership of the committee shall con-  
 5 stitute a quorum for the transaction of committee business. Action  
 6 may be taken and motions and resolutions adopted by the com-  
 7 mittee at any meeting thereof by the affirmative vote of a majority  
 8 of the full membership of the committee unless in any case the  
 9 by-laws of the committee or any of the provisions of this act shall  
 10 require a larger number;

11 (c) The committee shall meet regularly as it may determine, and  
 12 may also meet at the call of the chairman of the commission.

13 (d) The committee shall appoint a chairman from among its  
 14 members and such other officers as may be necessary.

15 (e) Members of the committee shall serve without compensation,  
 16 and each member shall serve only so long as he is the mayor or  
 17 elected chief executive of the municipality he represents.

1 8. (a) The commission shall submit to the committee for review,  
 2 prior to final action thereon, codes and standards formulated by  
 3 the commission, the district master plan and amendments thereto,



004 development and redevelopment plans, and improvement plans.  
 005 The commission may also submit to the committee any other matter  
 006 which the commission deems advisable.

007 (b) The committee shall review matters submitted to it by the  
 008 commission pursuant to this section and shall indicate its position  
 009 in writing to the commission. Failure of the committee to state  
 010 its position within 45 days of the receipt of any matter so referred  
 011 to the committee shall be deemed to constitute approval of the  
 012 proposed action of the commission. Except that, the committee  
 013 shall have 120 days after receipt of the master plan to state its  
 014 position, in writing, to the commission.

015 (c) The commission shall not take any final action on any matter  
 016 required to be submitted to the committee pursuant to this section,  
 017 which matter has been formally rejected by the committee, except  
 018 by a vote of \* $\frac{4}{5}$ \* \*5/7\* of the full membership of the commission.

019 (d) The committee may make recommendations to the commis-  
 020 sion on any matter it deems advisable whether or not such matter  
 021 was submitted to said committee by said commission.

#### ARTICLE 5. HACKENSACK MEADOWLANDS DEVELOPMENT

1 9. (a) The commission shall prepare, or cause to be prepared,  
 2 and, after public hearing and pursuant to the procedures herein-  
 3 after provided, shall adopt a master plan or portion thereof for  
 4 the physical development of all lands lying within the district,  
 5 which plan may include proposals for various stages in the future  
 6 development of the district. The commission may from time to  
 7 time, pursuant to the procedures hereinafter provided, and after  
 8 public hearing, amend said master plan. The master plan shall  
 9 include a report presenting the objectives, assumptions, standards  
 10 and principles which are embodied in the various interlocking  
 11 portions of the master plan. The master plan shall be a com-  
 12 posite of the one or more \* $\text{[mapped and]}$ \* written proposals recom-  
 13 mending the physical development of the lands within its juris-  
 14 diction either in its entirety or a portion thereof which the  
 15 commission shall prepare after meetings with the governing bodies  
 16 of the constituent municipalities and affected counties, and any  
 17 agencies and instrumentalities thereof\* $\text{[, meetings with other pub-}$   
 18  $\text{lic agencies, and with private developers and other interested}$   
 18a  $\text{parties]}$ .\*

19 \* $\text{[}(b)$  The commission shall prepare or cause to be prepared an  
 20 annual survey to determine the extent to which land in the district  
 21 is utilized for the treatment or disposal of solid waste and the  
 22 needs of the municipalities, in and without the district, which use  
 23 land in the district for this purpose.]\*  $\text{*(}b)$ \* In preparing the master



24 plan or any portion thereof or amendment thereto the commission  
25 shall give due consideration to the necessity to provide in the  
26 district sanitary landfills and other facilities for the disposal of  
27 solid waste which may be utilized by municipalities within the dis-  
28 trict and municipalities throughout the State. In preparing the  
29 master plan or any portion thereof or amendment thereto the com-  
30 mission shall give due consideration to the existing patterns of  
31 the development in the constituent municipalities and to any master  
32 plan or other plan of development adopted by any constituent  
33 municipality prior to the effective date of this act or prior to the  
34 preparation of the master plan by the commission.

35 (c) In preparing the master plan or any portion thereof or  
36 amendment thereto, the commission shall consult with any Federal  
37 or State agency having an interest in the district. At least 60 days  
38 prior to taking any action relating to the district such Federal and  
39 State agency shall file with the commission their proposed plans  
40 for the commission's review and recommendation.

1 9.1 (a) *Within 3 months of the effective date of this act the*  
2 *commission shall undertake and complete a survey of the district*  
3 *to determine the total amount of solid waste treated and disposed*  
4 *on a daily basis in the district as of the effective date of this act*  
5 *by persons in this State.*

6 (b) *The commission is hereby authorized, empowered and di-*  
7 *rected to guarantee that solid waste disposal facilities sufficient to*  
8 *treat and dispose of the total amount of solid waste determined*  
9 *by its survey shall be available or be provided by the commission.*

10 (c) *In providing the solid waste disposal facilities which it is*  
11 *hereby authorized, empowered and directed to provide, the com-*  
12 *mission shall, prior to preparing any plans or specifications for*  
13 *such facilities, consult with those persons utilizing the district for*  
14 *the treatment and disposal of solid waste and, pursuant to the*  
15 *provisions of section 78 of this act, contract with such persons or*  
16 *any of such persons, who desire to utilize any solid waste disposal*  
17 *facilities provided by the commission, and in the provision of such*  
18 *facilities the commission may:*

19 (1) *Acquire or construct any such facilities as an improve-*  
20 *ment, and may recover the cost of such acquisition or construc-*  
21 *tion in the same manner and pursuant to the same procedure*  
22 *provided for any other improvement undertaken by the com-*  
23 *mission pursuant to this act;*

24 (2) *Operate and maintain any such facilities and generally*  
25 *fix and collect rates, fees or other charges for any such facili-*  
26 *ties in the same manner and pursuant to the same procedure*



27 provided for any other facilities operated and maintained by  
28 the commission; or lease as lessor or lessee any such facilities,  
29 or provide by agreement or contract with any person for the  
30 operation of any such facilities; provided, however, that prior  
31 to the acquisition, construction, operation, lease as lessor or  
32 lessee, contract or agreement by the commission for any such  
33 solid waste disposal facilities in the district, the commission  
34 shall submit to the Commissioner of the State Department of  
35 Health for approval a plan or plans describing in detail the  
36 purpose of such acquisition, construction, operation, lease as  
37 lessor or lessee, contract or agreement. In reviewing the plans  
38 submitted in compliance with this section and in determining  
39 conditions under which such plans may be approved the com-  
40 missioner shall give due consideration to community develop-  
41 ment of comprehensive regional solid waste disposal facilities,  
42 in order to be assured insofar as is practicable that all pro-  
43 posed solid waste disposal facilities shall conform to reason-  
44 ably contemplated development of comprehensive community  
45 or regional solid waste disposal facilities. No solid waste dis-  
46 posal facility shall be acquired, constructed, operated, leased,  
47 contracted or agreed for in the district without approval of the  
48 Commissioner of the State Department of Health.

49 (3) Join and participate in any agency, instrumentality or  
50 authority created by the State, or by any political subdivision  
51 or subdivisions thereof, for the purpose of treating or dispos-  
52 ing of solid waste in which it may be authorized by law to join  
53 and participate, under any terms or conditions, subject to any  
54 duties and entitled to any rights and powers provided by such  
55 law.

56 (4) Permit, by contract or agreement, any agency, instru-  
57 mentality or authority created by the State, or by any political  
58 subdivision or subdivisions thereof, for the purpose of treating  
59 or disposing of solid waste to acquire, construct, or operate  
60 and maintain any solid waste disposal facilities which such  
61 agency, instrumentality or authority is authorized by law to  
62 acquire, construct, or operate and maintain. Any such facili-  
63 ties acquired, constructed, or operated and maintained by any  
64 such agency, instrumentality or authority may be located  
65 either within the district or without the district but within the  
66 jurisdiction of such agency, instrumentality or authority; pro-  
67 vided, however, that if any such facility is located within the  
68 district it shall be subject to the same procedure for approval



69 by the Commissioner of the State Department of Health as  
70 any other such facility in the district.

71 (d) Nothing herein contained shall be interpreted as requiring  
72 any person to utilize any solid waste disposal facility provided by  
73 the commission; provided, however, that upon the completion of  
74 the survey undertaken by the commission pursuant to this section  
75 no solid waste may be treated or disposed in the district by any  
76 person without the express written consent of the commission.

77 (e) The commission, in its discretion, may provide solid waste  
78 disposal facilities sufficient to treat and dispose of more than the  
79 total amount of solid waste determined by its survey, and may make  
80 such facilities available to persons other than those treating and  
81 disposing of solid waste in the district as of the effective date of  
82 this act.

83 (f) In order to acquire or construct any solid waste disposal  
84 facility the commission is authorized to issue bonds and notes and  
85 to pay or redeem said bonds and notes from revenue derived from  
86 the fees and other charges collected for such facilities. Any cost  
87 incurred by the commission in providing any solid waste disposal  
88 facilities shall be charged by the commission to the persons utilizing  
89 such facilities, and nothing herein contained shall be interpreted  
90 as requiring the commission to bear the cost of any solid waste dis-  
91 posal facility provided by the commission pursuant to this act.

1 10. (a) The master plan shall include provisions \*or criteria\* for  
2 the location and use of buildings, structures, facilities, and land for  
3 solid waste disposal, and may include provisions for: (1) the use of  
4 land and buildings, residential, commercial, industrial, mining, agri-  
5 cultural, park and other like purposes; (2) service-water supply,  
6 utilities, sewerage, and other like matters; (3) transportation,  
7 streets, parking, public transit lines and stations both above and  
8 below ground level, freight facilities, airports, harbors, channels,  
9 docks and wharves, and other like matters; (4) housing, residential  
10 standards, clearance, redevelopment, rehabilitation, conservation,  
11 and other like matters; (5) water, forest, soil conservation, flood  
12 control, and other like matters; (6) public and semipublic facilities  
13 including but not limited to civic centers, schools, libraries, parks,  
14 playgrounds, fire houses, police buildings, hospitals, and other like  
15 matters; (7) the distribution and density of population; (8)  
16 planned unit development; (9) community appearance; (10)  
17 financing and programming capital improvements; (11) and other  
18 related elements of growth and development, including the social  
19 implications of any proposed development, and advances in  
20 technology related to any subject included in the plan.



21 (b) The plan may also include codes and standards covering  
 22 land use, comprehensive zoning, subdivisions, building construction  
 23 and design, housing, *\*and the\** control of air and water pollution  
 24 and solid waste disposal *\*which has been approved by the State*  
 25 *Department of Health\**, and other subjects necessary to carry out  
 26 the plan or to undertake a workable program of community im-  
 27 provement. *\*No codes or standards concerning building construc-*  
 28 *tion and design shall be promulgated without the certificate of the*  
 29 *chief engineer or equivalent official of the commission that the pro-*  
 30 *posed codes and standards meet the engineering standards adopted*  
 31 *by the commission.\** No municipality shall enact or enforce any  
 32 code which is inconsistent with the code contained in the master  
 33 plan insofar as such code applies to property within the district;  
 34 provided, however, that the governing body or other appropriate  
 35 body of each constituent municipality may enact zoning ordinances  
 36 and any other codes or standards, which it is authorized by the  
 37 laws of this State to enact, for lands within the boundaries of said  
 38 municipality which are subject to the jurisdiction of the commission  
 39 and which will effectuate the purposes of the commission's master  
 40 plan.

1 11. (a) No building or structure may be constructed or altered  
 2 within the area shown on the master plan unless the commission  
 3 shall first issue a permit approving the plans and specifications  
 4 for the proposed construction or alteration as being in conformity  
 5 with the master plan. No permit may be issued without a certificate  
 6 from the chief engineer or equivalent official of the commission  
 7 that the proposed construction or alteration meets the engineering  
 8 standards adopted by the commission.

9 (b) Whenever the commission shall have adopted a master plan  
 10 or any portion thereof, the governing body of any constituent mu-  
 11 nicipality or affected county\*, *or any\** agency\***[,]**\* or instrumental-  
 12 ity thereof, before taking action necessitating the expenditure of  
 13 any public funds incidental to the location, character, or extent of  
 14 one or more projects of said municipality or affected county, or any  
 15 agency or instrumentality thereof, shall refer action involving such  
 16 specific project to the commission for review and approval, and  
 17 shall not act thereon **[until]** *\*unless\** the commission has indi-  
 18 cated its approval by a majority vote of said commission within 45  
 19 days of reference to the commission or by the failure of the com-  
 20 mission to disapprove by a majority vote of said commission within  
 21 said 45 days.

1 12. The commission shall review and regulate subdivisions and  
 2 land development within the district, in accordance with pro-



3 cedures and engineering and planning standards adopted by reso-  
4 lution, which shall require that:

- 5 (a) All subdivisions, site plans, buildings and other develop-  
6 ment be in accordance with the master plan and any applicable re-  
7 development plan;
- 8 (b) Adequate drainage facilities and easements be provided;
- 9 (c) Road improvements be provided for subdivisions or sites  
10 where necessary to protect the safety and convenience of the travel-  
11 ing public, such improvements to include, but not be limited to,  
12 additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design  
14 features necessitated by increased traffic, potential safety hazards  
15 or traffic flow impediments caused by the subdivision or develop-  
16 ment;
- 17 (d) Public water and sewer systems be provided where neces-  
18 sary to protect public health and to insure an adequate supply of  
19 water;
- 20 (e) Performance guarantees, maintenance bonds and agree-  
21 ments be provided specifying minimum standards of construction  
22 for required improvements by the commission and not to exceed  
23 the full cost of the facility and installation thereof or the de-  
24 veloper's proportionate share thereof. Any bonds, moneys or  
25 guarantees received by the commission under this paragraph shall  
26 not duplicate bonds, moneys or guarantees required by municipal-  
27 ities for municipal purposes.

13. (a) Each application for a subdivision, site plan or building  
2 permit shall be submitted to the commission for review and, where  
3 required, approval prior to approval by the local constituent  
4 municipal approving authority. Commission approval of any sub-  
5 division application shall be limited by and based upon the rules,  
6 regulations and standards established by and duly set forth in a  
7 resolution adopted by the commission. The constituent municipal  
8 approval authority shall defer taking final action on a subdivision  
9 application until receipt of the commission report thereon. The  
10 commission shall report to the municipal authority within 45 days  
11 from the date of receipt of the application. If the commission fails  
12 to report to the municipal approving authority within the 45-day  
13 period, said subdivision application shall be deemed to have been  
14 approved by the commission unless, by mutual agreement between  
15 the commission and municipal approving authority, with approval  
16 of the applicant, the 45-day period shall be extended for an addi-  
17 tional 45-day period, and any such extension shall so extend the



18 time within which a municipal approving authority shall be re-  
19 quired by law to act thereon.

20 (b) The commission shall review each subdivision plan and  
21 building permit application and withhold approval if said appli-  
22 cation does not meet the approval standards previously adopted  
23 by the commission, in accordance with this section. In the event  
24 of the withholding of approval, or the disapproval of, any such  
25 application, the reasons for such action shall be set forth in writing  
26 and a copy thereof shall be transmitted to the applicant.

1 14. The county clerk or registrar of deeds and mortgages shall  
2 not accept for filing any subdivision plat for lands in the district  
3 unless it bears the certification of approval of the commission in  
4 addition to all other requirements for filing a subdivision plat.  
5 If the commission shall have taken no action to approve or disap-  
6 prove a subdivision within the period required by section 13 of  
7 this act it shall, at the request of the developer, certify such fact  
8 upon the plat. Such certification shall be sufficient authorization  
9 for further action by the municipal approving authority and filing  
10 with the appropriate county recording officer.

1 15. (a) Whenever a hearing upon notice is required in any con-  
2 stituent municipality or affected county with respect to the adop-  
3 tion or amendment of a master plan, official map, zoning or sub-  
4 division regulations, or to the granting of variances or special  
5 exceptions, involving property within the district or within 200  
6 feet of its borders, the person required to give such notice shall  
7 also, at least 45 days prior to the hearing, give written notice of  
8 the hearing to the commission by registered or certified mail. Said  
9 notice of hearing shall contain a brief description of the property  
10 involved, its location, a concise statement of the matters to be heard,  
11 and a copy of any plan, code, regulations or standards to be ap-  
12 proved.

13 (b) The commission shall be considered a party in interest at  
14 such hearing, and no action involving a municipal master plan,  
15 zoning ordinance, subdivision, building, or site plan approval, the  
16 official map, or the grant or variance or special exception shall be  
17 taken by a public body of a constituent municipality, or affected  
18 county which shall be inconsistent with the master plan.

1 16. (a) If portions of the master plan contain proposals for  
2 drainage rights-of-way, roads or streets, schools, colleges, parks,  
3 playgrounds, or for any project as defined in this act, before ap-  
4 proving any subdivision or site plan, the commission may require  
5 that such project sites be shown in locations and of sizes suitable  
6 to their intended uses. The commission shall be permitted to re-



7 serve the location and extent of such project sites shown on the  
 8 master plan or any part thereof for a period of 1 year after the  
 9 approval of the subdivision or site plan or within such further  
 10 time as agreed to by the applying party. Unless during each 1 year  
 11 period or extension thereof the commission shall have entered into  
 12 a contract to purchase or institute condemnation proceedings ac-  
 13 cording to law for said project site, the developer shall not be  
 14 bound by the proposals for such areas shown on the plan. This  
 15 \***[provision]**\* *subsection* shall not apply to streets and roads and  
 16 drainage rights-of-way required for approval of any subdivision  
 17 or site plan and deemed essential to the public welfare.

18 (b) Whenever one or more parcels of land on which is located  
 19 such a project site cannot yield a reasonable return to the owner  
 20 unless a building permit is granted or a subdivision or site plan  
 21 is approved, the commission may, in a specific case, by a majority  
 22 vote, grant a permit for a building on such project site, which will  
 23 as little as practicable diminish the area and use of the project  
 24 site for its intended purposes, or may pay over to the developer  
 25 the amount of damages found by the commission to have been  
 26 caused by the delay in approval or acquisition.

17. Provision may be made by the commission for the waiver,  
 2 according to definite criteria, of strict compliance with the stand-  
 3 ards promulgated, where necessary to alleviate hardship. The  
 4 commission may exempt subdivisions of less than a designated  
 5 number of lots or site plans involving single-family residences  
 6 from its regulations where no new streets are involved.

18. (a) If \***[**, before approval by the commission,**]**\* any person,  
 2 as owner or agent, transfers, sells, or rents, or agrees to sell or rent  
 3 any land or building or other structure *or constructs or alters any*  
 4 *building or structure*\* within the district \***[**which forms part of  
 5 a subdivision, site or building for which a plan must be filed with  
 6 the commission prior to such transfer, sale, or rental,**]**\* *without*  
 7 *first obtaining the approval of the commission of any application*  
 8 *for a subdivision, site plan or building permit as may be required*  
 9 *by this act,*\* such person shall be subject to a fine not to exceed  
 9A \$200.00 or to imprisonment for not more than 30 days and each  
 9B parcel, lot, plot, building, or rental unit so disposed of shall be  
 9C deemed a separate violation.

(b) In addition to the foregoing, the commission may in the case  
 11 of any such violation or threat of such violation, institute civil  
 12 action:

13 (1) For injunctive relief;



14 (2) To set aside and invalidate any conveyance or lease made  
15 pursuant to contract for sale or otherwise in violation of this  
16 section;

17 (3) To prevent such unlawful sale, rental, erection, construction,  
18 reconstruction, alterations, repair, conversion, maintenance or use;

19 (4) To restrain, correct, or abate such violation;

20 (5) To prevent the occupancy of said dwelling structure or  
21 land; or

22 (6) To prevent any illegal act, conduct, business or use in or  
23 about such premises.

1 19. (a) Pursuant to the procedure hereinafter provided, the com-  
2 mission shall have the exclusive power to declare the district or  
3 any portion thereof to be a renewal area; provided, that the com-  
4 mission shall find prior to such declaration that there exist in the  
5 district or portion thereof the conditions of "blight" as said  
6 conditions are defined in section 3 of chapter 306 of laws of 1949  
7 (P. L. 1949, c. 306). It is hereby determined by the Legislature  
8 that such conditions contained in section 3 of chapter 306 of laws  
9 of 1949 (P. L. 1949, c. 306) are a social and economic liability to  
10 the district.

11 (b) Prior to declaring any portion of the district a renewal area  
12 the commission by resolution shall provide for a preliminary in-  
13 vestigation. Upon the adoption of such a resolution, the commission  
14 shall prepare a map showing the boundaries of the area to be  
15 investigated and the location of the various parcels of property  
16 located therein, and shall append thereto a statement setting forth  
17 the reasons for the investigation.

18 (c) The commission shall thereupon cause a hearing to be held  
19 at an appointed time and place for the purpose of hearing persons  
20 interested in, or who would be affected by, a determination that  
21 the area is a renewal area as defined in this act and who are in  
22 favor of or are opposed to such determination.

23 (d) A notice of such hearing shall be given setting forth the  
24 general boundaries of the area to be investigated and stating that a  
25 map has been prepared and can be inspected at the office of the  
26 commission. A copy of such notice shall be published in a news-  
27 paper of general circulation in the district once each week for 2  
28 consecutive weeks and the last publication shall be not less than  
29 10 days prior to the date set for the hearing. A copy of the notice  
30 shall be mailed at least 10 days prior to the date set for the hearing  
31 to the last owner, if any, of each parcel of property within the  
32 area according to the assessment records of the municipality where  
33 the parcel is located. Such notice shall be sent to the last known



34 postal address of such owners. A notice shall also be sent to any  
35 and all persons at his, or their last known address, if any, whose  
36 names are noted on said assessment records as claimants of an  
37 interest in any such parcel. The assessor of such municipality  
38 shall make such a notation upon the said records when requested  
39 so to do by any person claiming to have an interest in any parcel  
40 of property in such municipality. Failure to mail any such notice  
41 shall not invalidate the investigation or determination thereon.

42 (e) At the hearing, which may be adjourned from time to time  
43 the commission shall hear all persons interested in the investigation  
44 and shall consider any, and all, written objections that may be filed  
45 and any evidence which may be introduced in support of the objec-  
46 tions, or any opposition to a determination that the area is a re-  
47 newal area. After the hearing the commission shall, by resolution,  
48 determine that the area or any part thereof is, or is not, a renewal  
49 area, as defined in this act. A determination that the area or any  
50 part hereof is a renewal area, if supported by substantial evidence,  
51 shall be binding and conclusive upon all persons affected by the  
52 determination. If the determination is that the area or any part  
53 thereof is a renewal area, the commission within 10 days after  
54 such determination, shall cause to be served a copy of the resolu-  
55 tion upon each person who filed a written objection at or prior to  
56 the hearing; provided, the address of the objector was stated in,  
57 or upon, the written objection.

58 Such service may be made (1) by delivering a copy of the resolu-  
59 tion personally to the objector, (2) by mailing such copy addressed  
60 to the objector according to his said stated address, or (3) by  
61 leaving such copy at said stated address for the objector with a  
62 person of suitable age and discretion.

63 (f) Any person who shall have filed such a written objection with  
64 the commission, may have a determination that an area is a re-  
65 newal area reviewed by the Superior Court of New Jersey by  
66 procedure in lieu of prerogative writs. An action for any such  
67 review shall be commenced within 30 days after the determination  
68 by the commission. In any such action, the said court may make  
69 any incidental order that shall be deemed by the court to be proper.

70 (g) If the determination is that an area is a renewal area, the  
71 commission may, but shall not be required to, acquire the real  
72 property within the area by purchase, or by eminent domain pro-  
73 ceedings, and may proceed with the clearance, replanning, develop-  
74 ment or redevelopment of the area as a public purpose and for  
75 public use, or the commission may, by resolution, agree that a re-  
76 developer may undertake such clearance, replanning, development



77 or redevelopment in accordance with statutory authority and sub-  
78 ject to the provisions of paragraph 1, Section III, Article VII, of  
79 the New Jersey Constitution.

1 20. (a) The commission is authorized to prepare and adopt re-  
2 development plans for areas in the district determined by the com-  
3 mission to be renewal areas;

4 (b) In undertaking projects pursuant to any redevelopment plan,  
5 the commission may:

6 (1) Acquire, by condemnation or otherwise, real or personal  
7 property, or any interest therein, including such property as  
8 it may deem necessary or proper, although temporarily not  
9 required for such purposes, in a renewal area and in any area  
10 within the district designated by it as necessary for relocation  
11 of residents, industry or commerce displaced from a renewal  
12 area;

13 (2) Clear or reclaim any area so acquired and install, con-  
14 struct or reconstruct projects therein necessary to prepare  
15 such area for development;

16 (3) Relocate or arrange or contract with public or private  
17 agencies for the relocation of residents; industry or commerce  
18 displaced from the renewal area;

19 (4) Dispose of real property so acquired by sale, lease or  
20 exchange for the uses and purposes specified in the redevelop-  
21 ment plan, to any person or public agency;

22 (5) Study the recommendations of any planning board for  
23 redevelopment of any area and make its own investigations  
24 as to current trends and blighting factors in the district, or  
25 any area thereof;

26 (6) By contract or contracts with public agencies or redevelop-  
27 ers or by its own employees or consultants plan, replan,  
28 construct, reconstruct, operate, maintain and repair any  
29 redevelopment or other project or any part thereof;

30 (7) Make and adopt plans for carrying out a program of  
31 voluntary repair and rehabilitation of buildings and improve-  
32 ments, and for the enforcement of codes and laws relating to  
33 the use of land, the use and occupancy of buildings and im-  
34 provements and to the control over the pollution of water and  
35 air and the disposal of solid waste;

36 (8) Prepare and adopt from time to time a workable pro-  
37 gram, representing an official plan of action for effectively  
38 dealing with the problem of urban renewal areas within the  
39 district and for the establishment and preservation of well-



40 planned communities with well-organized residential neighbor-  
 41 hoods of decent homes and suitable living environment for  
 42 adequate family life; for utilizing appropriate private and  
 43 public resources to eliminate and prevent the development or  
 44 spread of blight and deterioration; to encourage needed con-  
 45 servation or rehabilitation; to provide for the redevelopment  
 46 of renewal areas; or to undertake such of the aforesaid activ-  
 47 ities or other feasible activities as may be suitably employed  
 48 to achieve the objectives of such a program.

1 21. All agreements, leases, deeds and other instruments from or  
 2 between the commission and to or with a redeveloper shall contain,  
 3 without being limited to, the following provisions: (a) a covenant  
 4 running with the land to the effect that the land, and any buildings  
 5 or improvements thereon, shall only be used for the purposes des-  
 6 ignated in the redevelopment plan; (b) a provision that the redevel-  
 7 oper shall be without power to sell, lease or otherwise transfer the  
 8 redevelopment area or project or any part thereof without the prior  
 9 written consent of the commission; (c) any lease to a redeveloper  
 10 may provide that all **\*[omprovements]\*** *\*improvements\** shall  
 11 become the property of the commission\*. The execution of such  
 12 a lease shall not impose upon the commission any liability for the  
 13 financing, construction, management or operation of any develop-  
 14 ment project, or any part thereof];\* (d) such other covenants, pro-  
 15 visions and continuing controls as may be deemed necessary to  
 16 effectuate the purposes of this act.

#### ARTICLE 6. CAPITAL FINANCING

1 22. The commission is authorized from time to time to issue its  
 2 negotiable *\*bonds and\** notes for any corporate purpose and to  
 3 renew from time to time any *\*bonds and\** notes by the issuance  
 4 of new *\*bonds and\** notes, whether the *\*bonds and\** notes to be  
 5 renewed have or have not matured. The commission may issue  
 6 *\*bonds and\** notes partly to renew *\*bonds and\** notes or to dis-  
 7 charge other obligations then outstanding and partly for any other  
 8 purpose. The notes may be authorized, sold, executed and de-  
 9 livered in the same manner as bonds. *\*The commission may issue*  
 9A *bonds and notes on which the principal and interest are payable*  
 10 *(1) exclusively from the income and revenues of the improvement*  
 10A *or project financed with the proceeds of such bonds or notes; (2)*  
 10B *exclusively from the income and revenue of certain designated im-*  
 10C *provement or projects whether or not they are financed in whole*  
 10D *or in part with the proceeds of such bonds or notes; or (3) from its*  
 10E *revenue generally. Any such bonds or notes may be additionally*



10F secured by a pledge of any grant or contribution from any depart-  
 10G ment or agency of the United States or the State or person or a  
 10H pledge of any money, income or revenues of the agency from any  
 10I source whatsoever.\* Any resolution or resolutions authorizing  
 10J \*bonds and\* notes of the commission or any issue thereof may con-  
 10K tain the following provisions:

11 (a) A covenant against pledging all or any part of its charges  
 12 or revenues, or against mortgaging all or any part of its real or  
 13 personal property then owned or thereafter acquired or against  
 14 permitting or suffering any lien on such charges, revenues or  
 15 property;

16 (b) A covenant with respect to limitations on any right to sell,  
 17 lease or otherwise dispose of any project or any part thereof or any  
 18 property of any kind;

19 (c) A covenant as to the issuance of additional bonds or notes  
 20 or as to limitations on the insurance of additional bonds or notes  
 21 and on the incurring of other debts by the commission;

22 (d) A covenant against extending the time for the payment of  
 23 bonds or notes or interest thereon;

24 (e) A covenant as to the rates of fees and other charges to be  
 25 established and charged, the amount to be raised each year or other  
 26 period of time by fees, charges or other revenues and as to the  
 27 use and disposition to be made thereof;

28 (f) A covenant to create or authorize the creation of special  
 29 funds or moneys to be held in pledge or otherwise for construction  
 30 operating expenses, payment or redemption of bonds or notes,  
 31 reserves or other purposes and as to the use and disposition of the  
 32 moneys held in such funds;

33 (g) A provision for the establishment of a procedure, by which  
 34 the terms of any contract or covenant with or for the benefit of the  
 35 holders of bonds or notes may be amended or abrogated, the amount  
 36 of bonds or notes the holders of which must consent thereto, and  
 37 the manner in which such consent may be given;

38 (h) A provision for the rights and liabilities, powers and duties  
 39 arising upon the breach of any covenant, condition or obligation  
 40 and to prescribe the events of default and the terms and conditions  
 41 upon which any or all bonds, notes or other obligations of the  
 42 commission shall become or may be declared due and payable before  
 43 maturity and the terms and conditions upon which any such  
 44 declaration and its consequences may be waived;

45 (i) A provision for the payment of the costs or expenses incident  
 46 to the enforcement of such bonds or notes or of the provisions of



47 such resolution or of any covenant or agreement of the commission  
48 with the holders of its bonds or notes;

49 (j) A limit on the powers of the commission to construct, ac-  
50 quire or operate any structures, facilities or properties which may  
51 compete or tend to compete with any of its projects;

52 (k) A limit on the rights of the holders of any bonds or notes to  
53 enforce any pledge or covenant securing bonds or notes; and

54 (l) Any other covenant or provision, in addition to those herein  
55 expressly authorized, which the commission deems may be neces-  
56 sary, convenient or desirable in order to better secure the bond or  
57 notes, or which in the opinion of the commission will tend to make  
58 the bonds or notes more marketable.

59 All such *\*bonds and\** notes shall be payable from the revenues or  
60 other moneys of the commission, subject only to any contractual  
61 rights of the holders of any of its notes or other obligations then  
62 outstanding.

1 23. (a) \***[**The commission is authorized from time to time to issue  
2 its negotiable bonds for any corporate purpose.**]**\* In anticipation  
3 of the sale of such bonds the commission may issue negotiable bond  
4 anticipation notes and may renew the same from time to time, but  
5 the maximum maturity of any such note, including renewals  
6 thereof, shall not exceed 5 years from the date of the issuance of  
7 the original note. Such notes shall be paid from any revenues or  
8 other moneys of the commission available therefor and not other-  
9 wise pledged, or from the proceeds of the sale of the bonds of the  
10 commission in anticipation of which they were issued. The notes  
11 shall be issued in the same manner as the bonds. Such notes and  
12 the resolution or resolutions authorizing the same may contain any  
13 provisions, conditions, or limitations which a bond resolution of  
14 the commission may contain.

15 (b) Except as may otherwise be expressly provided by the com-  
16 mission, every issue of its bonds or notes shall be general obliga-  
17 tions of the commission payable from any revenues or moneys of  
18 the commission, subject only to any agreements with the holders of  
19 particular bonds or notes pledging any particular revenues or  
20 moneys. Notwithstanding that bonds and notes may be payable  
21 from a special fund, they shall be fully negotiable within the mean-  
22 ing of the Uniform Commercial Code, subject only to the provisions  
23 of the bonds and notes for registration.

24 (c) The bonds may be issued in one or more series as serial  
25 bonds or as term bonds, or the commission, in its discretion, may  
26 issue bonds of both types. The bonds shall be authorized by resolu-  
27 tion of the members of the commission and shall bear such date or



28 dates, mature at such time or times, not exceeding 50 years from  
29 their respective dates, bear interest at such rate or rates, not ex-  
30 ceeding 6% per annum, be payable at such time or times, be in such  
31 denomination or denominations, be in such form, either coupon  
32 or registered, carry such conversion or registration privileges,  
33 have such rank or priority, be executed in such manner, be payable  
34 from such sources in lawful money of the United States of America  
35 at such place or places, and be subject to such terms of redemption  
36 (with or without premium) as such resolution or resolutions may  
37 provide. The bonds or notes may be sold at public or private sale  
38 for such price or prices as the commission shall determine, but  
39 which shall not at the time of sale yield more than 6% per annum  
40 computed according to standard tables of bond values. Pending  
41 preparation of the definitive bonds, the commission may issue  
42 interim receipts of certificates which shall be exchanged for such  
43 definitive bonds.

44 (d) Neither the members of the commission nor any person  
45 executing the bonds or notes shall be liable personally on the bonds  
46 or notes or be subject to any personal liability or accountability by  
47 reason of the issuance thereof.

48 (e) The commission shall have the power out of any funds avail-  
49 able therefor to purchase its bonds or notes. The commission may  
50 hold, pledge, cancel or resell such bonds, subject to and in accord-  
51 ance with agreements with bondholders.

1 24. (a) In the discretion of the commission, any bonds issued un-  
2 der the provisions of this act may be secured by a trust agreement  
3 by and between the commission and a corporate trustee or trustees  
4 which may be any trust company or bank having the powers of a  
5 trust company within or without the State. Such trust agreement,  
6 or the resolution providing for the issuance of such bonds, may  
7 pledge or assign the revenues or other moneys to be received or  
8 the proceeds of any contract or contracts pledged, \***[**but the com-  
9 mission shall not convey or mortgage any of its lands or any project  
10 or part thereof as a security for such bonds or notes**]**\*. Such trust  
11 agreement or resolution providing for the issuance of such bonds  
12 may contain such provisions for protecting and enforcing the rights  
13 and remedies of the bondholders as may be reasonable and proper  
14 and not in violation of law, including covenants setting forth the  
15 duties of the commission in relation to the acquisition of property,  
16 and the construction, improvement, maintenance, repair, operation  
17 and insurance of the project or projects, the amount of assessments  
18 or other charges to be levied upon holders of lands affected by the  
19 project or projects, the payment, security or redemption of bonds,



20 and the custody, safeguarding and application of all moneys. Any  
21 bank or trust company incorporated under the laws of this State  
22 which may act as depository of the proceeds of bonds or of rev-  
23 enues or other moneys may furnish such indemnifying bonds or  
24 pledge such securities as may be required by the commission. Any  
25 such trust agreement or resolution may set forth the rights and  
26 remedies of the bondholders and of the trustee, or trustees, and  
27 may restrict the individual right of action by bondholders. In ad-  
28 dition to the foregoing, any such trust agreement or resolution  
29 may contain such other provisions as the commission may deem  
30 reasonable and proper for the security of the bondholders. All  
31 expenses incurred in carrying out the provisions of such trust  
32 agreement or resolution may be treated as a part of the cost of  
33 construction or of a reclamation project or projects.

34 (b) Any pledge or assignment made pursuant to this section  
35 shall be valid and binding from the time when the pledge or assign-  
36 ment is made; the revenues or moneys so pledged or assigned and  
37 thereafter received by the commission shall immediately be subject  
38 to the lien of such pledge without any physical delivery thereof  
39 or further act, and the lien of any such pledge shall be valid and  
40 binding as against all parties having claims of any kind in tort,  
41 contract or otherwise against the commission, irrespective of  
42 whether such parties have notice thereof. Neither the resolution  
43 nor any trust agreement by which a pledge or assignment is created  
44 need be filed or recorded except in the records of the commission.

1 25. Except as otherwise provided by or pursuant to Section II  
2 of Article VIII of the State Constitution and approved by a ma-  
3 jority of the legally constituted voters of the State voting thereon  
4 or except when any county or municipality shall have guaranteed  
5 principal or interest thereon, bonds and notes issued by the com-  
6 mission under the provisions of this act shall not be deemed to  
7 constitute a debt or liability of the State or of any political sub-  
8 division thereof or a pledge of the faith and credit of the State or  
9 of any political subdivision except the commission and all such  
10 bonds or notes shall contain on the face thereof a statement to that  
11 effect.

1 26. The State does pledge to and agree with the holders of the  
2 bonds or notes issued pursuant to the provisions of this act that the  
3 State will not, without the commission's prior consent enlarge,  
4 limit or restrict any of the rights and powers hereby vested in the  
5 commission to maintain, acquire, construct, improve, reconstruct,  
6 repair and operate any project as defined in this act, nor will the  
7 State limit or restrict the fixing, establishment and collection by



8 the commission of such fees, assessments and charges as may be  
9 convenient or necessary to produce sufficient revenues to meet the  
10 expenses of the commission and to fulfill the terms of any agree-  
11 ments made with the holders of bonds or notes authorized by this  
12 act, nor will the State in any way impair the rights or remedies  
13 of the holders of such notes or bonds, or modify in any way the  
14 exemption from taxation provided in this act until the notes and  
15 bonds, together with interest thereon, with interest on any unpaid  
16 installments of interest, and all costs in connection with any action  
17 or proceeding in behalf of such bondholders are fully paid and  
18 discharged or provided for.

1 27. All bonds or notes issued by the commission pursuant to this  
2 act are hereby declared to be issued by a political subdivision of  
3 this State and for an essential public and governmental purpose,  
4 and such bonds and notes, their transfer and the interest *\*and*  
5 *premium, if any\** thereon and the income therefrom, including any  
6 profit made on the sale thereof, and all assessments, charges, funds,  
7 revenues, income and other moneys pledged or available to pay  
8 or secure the payment of such bonds or notes, or interest thereon,  
9 shall at all times be exempt from taxation of every kind by the  
10 State and by the municipalities and other political subdivisions  
11 in the State, except transfer, inheritance and estate taxes.

1 28. All moneys received pursuant to the authority of this act  
2 whether as proceeds from the sale of bonds or as revenues, shall  
3 be deemed to be trust funds to be held and applied solely as pro-  
4 vided in this act. Any officer with whom, or any bank or trust  
5 company with which, such moneys shall be deposited shall act as  
6 trustee of such moneys and shall hold and apply the same for the  
7 purpose hereof, subject to such regulations as this act and the reso-  
8 lution authorizing the bonds of any issue or the trust agreement  
9 securing such bonds may provide.

1 29. Any holder of bonds issued under the provisions of this act,  
2 or of any of the coupons appertaining thereto; and the trustee or  
3 trustees under any trust agreement, except to the extent the rights  
4 herein given may be restricted by any resolution authorizing the  
5 issuance of, or any such trust agreement securing, such bonds,  
6 may, either at law or in equity, by suit, action, mandamus or other  
7 proceedings, protect and enforce any and all rights under the laws  
8 of the State or granted hereunder or under such resolution or trust  
9 agreement, and may enforce and compel the performance of all  
10 duties required by this act or by such resolution or trust agreement  
11 to be performed by the commission or by any officer, employee or  
12 agent thereof, including the fixing, charging and collecting of the



13 rates, rents, fees and charges herein authorized and required by  
14 the provisions of such resolution or trust agreement to be fixed,  
15 established and collected.

1 30. (a) The commission is hereby authorized to provide for  
2 the issuance of bonds of the commission for the purpose of refund-  
3 ing any bonds of the commission then outstanding, including the  
4 payment of any redemption premium thereon and any interest  
5 accrued or to accrue to the earliest or subsequent date of redemp-  
6 tion purchase or maturity, of such bonds, and, if deemed advisable  
7 by the commission for the additional purpose of paying all or any  
8 part of the cost of acquiring and constructing improvements, ex-  
9 tensions, additions or enlargements of project or projects or any  
10 portion thereof.

11 (b) The proceeds of any such bonds issued for the purpose of  
12 refunding outstanding bonds may, in the discretion of the com-  
13 mission be applied to the purchase or retirement at maturity or  
14 redemption of such outstanding bonds either on their earliest or  
15 any subsequent redemption date or upon the purchase or at the  
16 maturity thereof and may, pending such application, be placed in  
17 escrow to be applied to such purchase or retirement at maturity  
18 or redemption on such date as may be determined by the com-  
19 mission.

20 (c) Any such escrowed proceeds, pending such use, may be  
21 invested and reinvested in obligations of or guaranteed by the  
22 United States of America, or in certificates of deposit or time  
23 deposits secured by obligations of or guaranteed by the United  
24 States of America, maturing at such time or times as shall be  
25 appropriate to assure the prompt payment, as to principal, interest  
26 and redemption premium, if any, of the outstanding bonds to be  
27 so refunded. The interest, income and profits, if any, earned or  
28 realized on any such investment may also be applied to the pay-  
29 ment of the outstanding bonds to be so refunded. After the terms  
30 of the escrow have been fully satisfied and carried out, any balance  
31 of such proceeds and interest, income and profits, if any, earned or  
32 realized on the investment thereof may be returned to the com-  
33 mission for use by it in any lawful manner.

34 (d) The portion of the proceeds of any such bonds issued for  
35 the additional purpose of paying all or any part of the cost of  
36 constructing and acquiring additions, improvements, extensions or  
37 enlargements of a project or projects, may be invested and re-  
38 invested in obligations of or guaranteed by the United States of  
39 America, or in certificates of deposit or time deposits secured by  
40 obligations of or guaranteed by the United States of America,



41 maturing not later than the time or times when such proceeds will  
 42 be needed for the purpose of paying all or any part of such cost.  
 43 The interest, income and profits, if any, earned or realized on such  
 44 investment may be applied to the payment of all or any part of such  
 45 cost or may be used by the commission in any lawful manner.

46 (e) All such bonds shall be subject to the provisions of this act  
 47 in the same manner and to the same extent as other bonds issued  
 48 pursuant to this act.

1 31. Bonds and notes issued by the commission under the pro-  
 2 visions of this act are hereby made securities in which the State  
 3 and all political subdivisions of the State, their officers, boards,  
 4 commissions, departments or other agencies, all banks, bankers,  
 5 savings banks, trust companies, savings and loan associations, in-  
 6 vestment companies and other persons carrying on a banking or  
 7 investment business, all insurance companies, insurance associa-  
 8 tions, and other persons carrying on an insurance business, and  
 9 all administrators, executors, guardians, trustees and other  
 10 fiduciaries, and all other persons whatsoever who now are or may  
 11 hereafter be authorized to invest in bonds or other obligations of  
 12 the State, may properly and legally invest any funds including  
 13 capital belonging to them or within their control; and said bonds,  
 14 notes or other securities or obligations are hereby made securities  
 15 which may properly and legally be deposited with and received by  
 16 any State or municipal officers or agency of the State for any pur-  
 17 pose for which the deposit of bonds or other obligations of the  
 18 State is now or may hereafter be authorized by law.

1 32. Bonds may be issued under the provisions of this act without  
 2 obtaining the consent of any department, division, commission,  
 3 board, bureau, agency or officer of the State, and without any  
 4 other proceedings or the happening of any other conditions or  
 5 things than those proceedings, conditions and things which are  
 6 specifically required by this act.

#### ARTICLE 7. PROPERTY ACQUIRED AND HELD BY THE COMMISSION

1 33. (a) If for any of its authorized purposes (including tempo-  
 2 rary construction purposes) the commission shall find it necessary  
 3 or convenient to acquire any real property within its jurisdiction,  
 4 or if for any of its authorized purposes (including temporary con-  
 5 struction purposes) the commission shall find it necessary to ac-  
 6 quire any real property beyond its jurisdiction, whether for  
 7 immediate or future use, the commission may find and determine  
 8 that such property, whether a fee simple absolute or a lesser  
 9 interest, is required for public use and, upon such determination,  
 10 the said property shall be deemed to be required for a public use



11 until otherwise determined by the commission; and the said de-  
12 termination shall not be affected by the fact that such property  
13 has heretofore been taken for, or is then devoted to, a public use  
14 \*of any municipality, county, school district, or other local or  
15 regional district, authority or agency\*, but the public use in the  
16 hands or under the control of the commission shall be deemed  
16A superior \***[to the public use in the hands or under the control of**  
16B **any other person, association or corporation]**\*.

17 (b) If the commission is unable to agree with the owner or  
18 owners thereof upon terms for the acquisition of any such real  
19 property, for any reason whatsoever, then the commission may  
20 acquire, and is hereby authorized to acquire, such property,  
21 whether a fee simple absolute or a lesser interest, in the manner  
22 provided in chapter 1 of Title 20 of the Revised Statutes insofar  
23 as the provisions thereof are applicable and not inconsistent with  
24 the provisions contained in this section.

25 (c) The commission may join, in separate subdivisions of one  
26 petition or complaint, the descriptions of any number of tracts or  
27 parcels of land or property to be condemned, and the names of any  
28 number of owners and other parties who may have an interest  
29 therein and all such land or property included in said petition or  
30 complaint may be condemned in a single proceeding; provided,  
31 however, that separate awards be made for each tract or parcel  
32 of land or property; and provided, further, that each of said tracts  
33 or parcels of land or property lies wholly in or has a substantial  
34 part of its value lying wholly within the same county.

35 (d) When the commission by resolution determines that it re-  
36 quires immediate possession or use of land or interest therein or  
37 other property, the commission shall file with the clerk of the county  
38 in which such property is located and also with the Clerk of the  
39 Superior Court a declaration of taking, signed by the commission,  
40 declaring that possession of one or more of the tracts or parcels  
41 of land or property described in the declaration is thereby being  
42 taken by and for the use of the commission. The said declaration  
43 of taking shall set forth (1) a description of each tract or parcel  
44 of land or property to be so taken sufficient for the identification  
45 thereof to which a plan or map thereof may be attached, (2) a  
46 statement of the estate or interest in the land or property being  
47 taken and (3) a statement of the sum of money estimated by the  
48 commission by resolution to be just compensation for the taking  
49 of the estate or interest in each tract or parcel of land or property  
50 described in said declaration. Upon the filing by the commission  
51 of a declaration of taking of property as provided in this section,



52 the commission shall deposit with the Clerk of the Superior Court  
53 the amount of the estimated compensation stated in said  
54 declaration.

55 (e) Upon the filing by the commission of a declaration of taking  
56 of property as provided in this act and the depositing with the  
57 Clerk of the Superior Court of the amount of the estimated com-  
58 pensation stated in said declaration, the commission, without other  
59 process or proceedings, shall be entitled to the exclusive possession  
60 and use of each tract of land or property described in said declara-  
61 tion and may forthwith enter into and take possession of said land  
62 or property, it being the intent of this provision that an action to  
63 fix the compensation to be paid or any other proceeding relating  
64 to the taking of said land or interest thereon or other property  
65 shall not delay the taking of possession thereof and the use thereof  
66 by the commission for the purpose or purposes for which the com-  
67 mission is authorized by law to acquire or condemn such land or  
68 property or interest therein.

69 (f) The commission shall cause notice of the filing of a declara-  
70 tion of taking of property as provided in this section and of the  
71 making of the deposit required by this section with respect thereto  
72 to be served upon each party to the action to fix the compensation  
73 to be paid who resides in the State, either personally or by leaving  
74 a copy thereof at his residence if known, and upon each such party  
75 who resides out of the State, by mailing a copy thereof to him at  
76 his residence if known. In the event that the residence of any such  
77 party or the name of any such party is unknown, such notice shall  
78 be published at least once in a newspaper published or circulating  
79 in the county or counties in which the property is located. Such  
80 service, mailing or publication shall be made within 30 days after  
81 filing such declaration.

82 (g) Upon the application of any party in interest and after  
83 notice to other parties in interest, including the commission, the  
84 Superior Court may direct that the money deposited with the  
85 Clerk of the Superior Court or any part thereof be paid forthwith  
86 to the person or persons entitled thereto for or on account of the  
87 just compensation to be awarded in such action, provided that  
88 each such person shall have filed with the Clerk of the Superior  
89 Court a consent in writing that, in the event the award in said  
90 action shall be less than the amount deposited, the court, after  
91 such notice as the court prescribes and hearing, may determine  
92 liability, if any, for the return of the difference or any part thereof  
93 and enter judgement therefor. If the amount of the award as finally  
94 determined shall exceed the amount so deposited, the person or



95 persons to whom the award is payable shall be entitled to recover  
96 from the commission the difference between the amount of the  
97 deposit and the amount of the award, with interest at the rate of  
98 6% per annum thereon from the date of making the deposit. If  
99 the amount of the award shall be less than the amount deposited,  
100 the Clerk of the Superior Court shall return the remainder of the  
101 deposit to the commission unless the deposit or any part thereof  
102 shall have theretofore been distributed, in which event the court,  
103 on application of the commission and notice to all persons interested  
104 in the award shall afford them an opportunity to be heard and shall  
105 enter judgment in favor of the commission for the difference  
106 against the party or parties liable for the return thereof.

107 (h) The commission shall not abandon any condemnation pro-  
108 ceedings subsequent to the date upon which it has taken possession  
109 of the land or property as provided in this act.

1 34. (a) In addition to the other powers conferred upon it by  
2 this act or by any other law and not in limitation thereof, the com-  
3 mission, in connection with construction or operation of any proj-  
4 ect, shall have power to make reasonable regulations for the in-  
5 stallation, construction, maintenance, repair, renewal, relocation  
6 and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
7 poles or any other equipment and appliances (in this section called  
8 "works") of any public utility as defined in section 48:2-13 of the  
9 Revised Statutes, in, on, along, over or under any project, public  
10 highway or real property, including public lands or water. When-  
11 ever in connection with construction or operation of any project,  
12 the commission shall determine that it is necessary that any such  
13 works, which now or hereafter may be located in, on, along, over  
14 or under any project, public highway or such real property, should  
15 be relocated in the project, public highway or such real property  
16 or should be removed therefrom, the public utility owning or op-  
17 erating such works shall relocate or remove the same in accordance  
18 with the order of the commission, provided, however, that the cost  
19 and expense of such relocation or removal including the cost of  
20 installing such works in a new location or new locations, and the  
21 cost of any lands or any rights or interest in lands or any other  
22 rights acquired to accomplish such relocation or removal, less the  
23 cost of any lands or any rights or interest in lands or any other  
24 rights of the public utility paid to the public utility in connection  
25 with the relocation or removal of such works, shall be paid by the  
26 commission and shall be included in the cost of such project. In  
27 case of any such relocation or removal of works as aforesaid, the  
28 public utility owning or operating the same, its successors or as



29 signs, may maintain and operate such works, with the necessary  
30 appurtenances, in the new location or new locations for as long a  
31 period, and upon the same terms and conditions, as it had the right  
32 to maintain and operate such works in their former location.

33 (b) In the case of any such relocation or removal of works, as  
34 aforesaid, the commission shall own and maintain, repair and re-  
35 new structures within the rights-of-way of railroad companies  
36 carrying any project of feeder road over railroads, and the com-  
37 mission shall bear the cost of maintenance, repair and renewal of  
38 structures within the rights-of-way of railroad companies carrying  
39 railroads over any project or feeder road (but this provision shall  
40 not relieve any railroad company from responsibility for damage  
41 caused to any commission or railroad structure by the operation  
42 of its railroad. Such approaches, curbing, sidewalk paving, guard  
43 rails on approaches and surface paving on projects or feeder roads  
44 as shall be within the rights-of-way of a railroad company or com-  
45 panies shall be owned and maintained, repaired and renewed by  
46 the commission; rails, pipes and lines shall be owned and main-  
47 tained, repaired and renewed by the railroad company or com-  
48 panies.

1 35. Since the exercise of the powers granted by this act will be  
2 in all respects for the benefit of the people of the State, all projects,  
3 lands and other property of the commission are hereby declared  
4 to be public property of a political subdivision of the State and  
5 devoted to an essential public and governmental function and pur-  
6 pose and shall be exempt from all taxes and special assessments  
7 of the State or any subdivision thereof; provided, however, that  
8 when property or land of the commission exempt from taxation  
9 is leased or licensed to another whose property is not exempt, and  
10 the licensing or leasing of which does not make the real estate tax-  
11 able, the estate created by the lease or license and the appurte-  
12 nances thereto shall be listed as the property of the lessee or li-  
13 censee thereof, or his assignee, and be assessed and taxed as real  
14 estate.

1 36. All projects and property of the commission shall be exempt  
2 from levy and sale by virtue of an execution and no execution or  
3 other judicial process shall issue against the same nor shall any  
4 judgment against the commission be a charge or lien upon its prop-  
5 erty; provided, that nothing herein contained shall apply to or  
6 limit the rights of the holders of any bonds or notes to pursue any  
7 remedy for the enforcement of any pledge or lien given by the  
8 commission on its revenues or other moneys.



1 37. To the end that municipalities and counties may not suffer  
 2 undue loss of tax revenue by reason of the acquisition and owner-  
 3 ship of property therein by the commission, the commission is  
 4 hereby authorized, empowered and directed to enter into an agree-  
 5 ment or agreements with any municipality or county, whereby said  
 6 commission will undertake to pay a fair and reasonable sum or  
 7 sums to compensate the said municipality or county for a loss of  
 8 revenue in connection with any property acquired and owned by  
 9 the commission in carrying out the provisions of this act. Any  
 10 such payment or payments which the commission is hereby author-  
 11 ized, empowered and directed to make may be made on an annual  
 12 basis, in which case the payment or payments shall not be less than  
 13 the amount of taxes upon the property when last assessed prior to  
 14 its acquisition by the commission. Every municipality and county  
 15 wherein the property shall be acquired by the commission is hereby  
 16 empowered to enter into such agreement or agreements with the  
 17 commission to accept the payment or payments which the commis-  
 18 sion is herein authorized, empowered and directed to make.

#### ARTICLE 8. SPECIAL ASSESSMENTS

1 38. The commission may form within the district, improvement  
 2 districts for any authorized purpose in order to levy special assess-  
 3 ments against \***[land]**\* \**real estate*\* located within such districts  
 4 for benefits rendered.

5 All special assessments for improvements within the district  
 6 shall be made by the appropriate officer of the commission.

1 39. All land within the district shall be divided by the commis-  
 2 sion into 3 classes as follows:

3 Class 1—Land owned by the State of New Jersey, any of its  
 4 political subdivisions, or any other public agency or instrumentality  
 5 which enjoys the privilege of general property tax exemption  
 6 under the laws of the State, and which land is designated by the  
 7 owner as presently or ultimately intended for a public use.

8 Class 2—Land owned by the State of New Jersey, any of its  
 9 political subdivisions, or any other public agency or instrumentality  
 10 which enjoys the privilege of general property tax exemption under  
 11 the laws of the State, and which land is designated by the owner  
 12 as ultimately disposable to private ownership, or usable by private  
 13 parties.

14 Class 3—All other land.

1 40. The owners of all public land in the district shall be required  
 2 to certify to the commission, by a date established by the commis-  
 3 sion, whether said public lands are in class 1 or class 2; and in  
 4 the case of land being in class 1, the public owners shall indicate



5 the nature of the present or ultimate use. The commission shall  
6 approve or modify the certifications by resolution. The commis-  
7 sion may also, by affirmative vote, reclassify lands, upon the request  
8 of any owner for such reclassification.

1 41. In the case that the title of lands designated to be in class 3  
2 passes to the State of New Jersey, the commission shall change  
3 the designation of the class of such land to reflect the use to which  
4 such land shall be put.

1 42. If in its judgment, public necessity or interest demands the  
2 construction of improvements which would benefit lands with an  
3 improvement district, the commission shall pass a resolution of its  
4 intention to undertake such improvement or improvements and  
5 shall give notice of such intention by advertising in one or more  
6 newspapers circulating in such district and such advertisement  
7 shall fix a time and place, not earlier than 2 weeks after notice, for  
8 a hearing on said proposed action and prior to said hearing, the  
9 commission shall prepare a tentative assessment which shall be  
10 presented at such hearing and shall be open to inspection. Any  
11 person desiring to be heard in regard thereto shall be given a  
12 hearing. After said hearing, if the commission shall decide to carry  
13 out said improvements, it shall pass a resolution declaring such  
14 determination and proceed to make such improvements.

1 43. Upon the completion of any improvement, the appropriate  
2 officer of the commission shall prepare a statement showing in  
3 detail the cost of the improvement. Such statement shall also show  
4 the proportion of the amount to the whole cost of improvement,  
5 if any, paid or contributed by any public body or by any person.  
6 The total amount of assessment levied upon the land benefited by  
7 the improvement shall not exceed the cost thereof.

1 44. The appropriate officer of the commission shall examine the  
2 work of any improvement and view all lands benefited thereby and  
3 shall thereupon fix a time and place for hearing all persons in-  
4 terested. Notice of the time and place of the hearing shall be mailed  
5 to owners of land affected, directed to their last known post-office  
6 addresses, and shall be published at least 10 days before the hear-  
7 ing. Failure to mail any such notice shall not invalidate any pro-  
8 ceeding or assesment. Such officer of the commission shall attend  
9 at the time and place appointed and shall give all parties interested  
10 or affected by an improvement ample opportunity to be heard  
11 upon the subject of assessment. Thereafter, such officer shall make  
12 a just and equitable assessment of the benefits conferred upon any  
13 land by reason of such improvement, having due regard to the



14 rights and interests of all persons concerned, and the increment in  
15 the value of the land benefited thereby.

1 45. All assessments levied under this article for any improve-  
2 ment shall in each case be as nearly as may be in proportion to and  
3 not in excess of the benefit, advantage or increase in value which  
4 respective lots and parcels of land shall be deemed to receive by  
5 reason of such improvement.

1 46. In addition to the making of assessments for benefits, the  
2 appropriate officer of the commission shall fix and determine the  
3 amount, if any, the property is damaged incidentally to the making  
4 of the improvement and deduct such amount from the amount of  
5 benefits assessed thereon. If the amount of any such damages as  
6 confirmed by the commission shall exceed the benefits assessed on  
7 the same property, if in case no benefits shall accrue thereto, or if  
8 such property is damaged subsequent to the levying and collection  
9 of an assessment which shall be confirmed by the commission to  
10 be a direct result of the making of the improvement, the balance or  
11 amount of such damages so fixed, may be raised from the general  
12 revenues of the commission, and shall be paid by the commission  
13 to the owner of the property so damaged. Any person aggrieved  
14 by such assessment or award of damages may after the same has  
15 been confirmed by the commission, appeal therefrom as provided  
16 in section 58 of this act.

1 47. When owners of any property have been or shall have been  
2 awarded damages as incidental to any improvement undertaken  
3 pursuant to this act, and such award has been or shall have been  
4 duly confirmed, the amount thereof shall be tendered to the person  
5 or persons entitled thereto. If there is uncertainty as to the person  
6 entitled to receive the award or if the party entitled to receive the  
7 amount awarded shall refuse upon tender thereof to receive the  
8 same, or shall be out of the State or under any legal disability, or  
9 if several parties interested in the fund shall not agree as to the dis-  
10 tribution thereof, or the lands damaged are encumbered by any  
11 mortgage, judgment or other lien, or if for any other reason the  
12 commission cannot safely pay the amount awarded to any person,  
13 in all such cases the amount awarded may, with leave of the Su-  
14 perior Court, be paid into said court and shall there be distributed  
15 according to law, on the application of any person interested  
16 therein.

1 48. Assessments for benefits for any improvement together with  
2 any accompanying awards for incidental damages and all awards  
3 of damages for land or interests therein taken from any improve-  
4 ment, shall be certified by the officer making the same to the com-



5 mission by a report in writing signed by the officer. The report  
6 shall be accompanied by a map showing the land taken, damaged  
7 or benefited by the improvement and for which damages or bene-  
8 fits have been assessed.

1 49. The report may be considered by the commission at any  
2 meeting, notice thereof shall be published in a newspaper circulat-  
3 ing in the district, once each week for 2 weeks prior to said meeting,  
4 and also by mailing a copy of the notice to the owners named in  
5 the report, directed to his or their last known post-office addresses,  
6 and the affidavit of the appropriate officer of the commission shall  
7 be conclusive as to such mailing. The notice shall briefly state the  
8 object of the meeting with reference to the assessment. At that or  
9 any subsequent meeting the commission, after considering the re-  
10 port and map, may adopt and confirm the same with or without  
11 alterations, as may seem proper, and may refer such matter to any  
12 committee of the commission, or to the officer making such assess-  
13 ment, for revision or correction before taking final action thereon.  
14 When the report shall be adopted and confirmed with or without  
15 alterations, it shall be final and conclusive and appeals may be  
16 taken as hereinafter provided. Failure to mail the notice in this  
17 section required shall not invalidate the proceedings.

1 50. Immediately after the confirmation of any assessment, a  
2 duplicate thereof duly certified by the commission shall be delivered  
3 to the appropriate officer of the commission, who shall immediately  
4 thereafter send out by mail or deliver to owners of such land, bills  
5 for such assessment. Such officer shall mail or deliver a bill for an  
6 assessment in the manner required in connection with local im-  
7 provements and shall keep a record and books of assessments in  
8 the same manner required for local improvements under Revised  
9 Statutes 40:56-31, at the expense of the commission. The com-  
10 mission may make additional requirements for recording, account-  
11 ing for, and collecting assessments.

1 51. (a) Special assessments levied against land in class 1 shall  
2 be considered to be of general benefit to the entire district and  
3 shall be included as a charge against general revenues of the  
4 commission or paid out of any funds of the commission which  
5 shall be available for such purpose.

6 (b) Special assessments made against land certified to be in  
7 class 2 shall be paid to the commission, immediately upon delivery  
8 of an assessment bill to the State Treasurer from the Hackensack  
9 Meadowland Revolving Fund.

10 (c) There is hereby established a Hackensack Meadowland Re-  
11 volving Fund which shall be administered by the State Treasurer.



12 The Legislature may appropriate from time to time amounts to  
 13 such fund. All money appropriated or otherwise made available  
 14 to this fund, including the repayment of expenditures made under  
 15 the provisions of subsection (b), shall be held for the purpose of  
 16 paying special assessments made against class 2 property pur-  
 17 suant to this article. Pending use, moneys in the Hackensack  
 18 Meadowland Revolving Fund may be invested and reinvested as  
 19 other trust funds in the custody of the State Treasurer in the  
 20 manner provided by law. All earnings received from the invest-  
 21 ment or deposit of such moneys shall be paid into and become a  
 22 part of such fund.

23 (d) A statement of the amount of the special assessment against  
 24 class 2 property paid for out of the fund shall be filed with the  
 25 appropriate agency having title to the property and shall be in-  
 26 cluded in the purchase price fixed for lands and made part of the  
 27 payment for the grant or sale. The full amount of such assessment  
 28 shall be repaid and deposited in the fund established by subsection  
 29 (c). In the case said lands are leased for a term of years, there  
 30 shall be included in the annual rental, a charge for the assessment  
 31 levied on the property. Such payments up to the full amount of  
 32 such assessment shall be paid to and deposited in said fund.

33 (e) The assessment against land in class 3 shall be payable  
 34 immediately upon delivery to the collecting officer of the commission.  
 35 When any assessment shall not be paid within 2 months after  
 36 the date of confirmation thereof, interest thereon from the date  
 37 of confirmation shall be imposed at the rate of 6%.

1 52. Every assessment for any improvement together with interest  
 2 thereon and all costs and charges connected therewith shall be  
 3 upon confirmation by the commission, or by the court, a first lien  
 4 on the land described in the assessment, paramount to all prior  
 5 or subsequent alienations and descents of such land or encum-  
 6 brances thereon, \*[(except subsequent taxes or assessments)]\*  
 7 \*shall constitute a lien in the same manner as taxes and assess-  
 8 ments for State purposes\* notwithstanding any mistake in the  
 9 name or names of any owner or owners, or any omission to name  
 10 any owner or owners who are unknown, and notwithstanding any  
 11 lack of form therein, or in any proceeding which does not impair  
 12 the substantial rights of the owner or owners or person or persons  
 13 having a lien upon or interest in any such land. All assessments  
 14 for improvements shall be presumed to have been regularly assessed  
 15 and confirmed and every assessment or proceeding preliminary  
 16 thereto shall be presumed to have been regularly made or conducted  
 17 until the contrary be shown.



1 53. In all cases in which any assessment incident to any improve-  
2 ment has been set aside by a court of competent jurisdiction, and  
3 the improvement shall have been actually made in the manner pro-  
4 vided by law, the officer charged with the duty of making assess-  
5 ments for benefits for improvements shall make a new assessment  
6 of benefits upon the property benefited by the improvement, in the  
7 manner and by the proceeding herein provided. All such new as-  
8 sessments shall become a lien upon the land so assessed in the same  
9 manner and with like effect and be enforceable in the same way  
10 as an original assessment for like improvements.

1 54. When any court of competent jurisdiction shall decide that  
2 any assessment has been illegally made, the commission shall re-  
3 fund the amount thereof, if the same has been paid, and if a new  
4 assessment of less amount is to be made, then the difference be-  
5 tween the new assessment and the amount paid shall be refunded.

1 55. The commission may by resolution provide that the owner  
2 of any land upon which any assessments for any improvement  
3 shall have been made may pay such assessments in such equal  
4 yearly installments, \***[not exceeding 10]**\* *\*for such number of*  
5 *years as may be provided by rules and regulations of the com-*  
6 *mission\**, with legal interest thereon, and at such time and in each  
7 year as the commission shall determine under the requirements  
8 and conditions for local improvements pursuant to Revised Statutes  
9 40:56-35, provided that any person assessed may pay the whole  
10 of any assessment, or any balance of installments, with accrued  
11 interest thereon, at one time. If any such installment becomes  
12 due *\*and is not paid\** the whole assessment or balance due thereon  
13 shall become and be immediately due, shall draw interest at the  
14 rate of 6% and be collected in the same manner as is provided in  
15 this act for other past due assessments.

1 56. When any unpaid assessment, interest thereon or other  
2 charges for collection thereof, remains in arrears on July 1 of the  
3 calendar year following the calendar year when the same became  
4 in arrears, the appropriate officer of the commission shall enforce  
5 the lien by selling the property in the manner set forth in sections  
6 54:5-19 to 54:5-129 of the Revised Statutes.

1 57. All assessments as collected shall be immediately placed in an  
2 account to be known as "improvement assessment account." Such  
3 moneys shall be used only to pay the cost of such improvements or  
4 indebtedness incurred for such improvements or interest *\*or*  
5 *premium, if any\** thereon.

1 58. The owner of any property assessed for benefits or awarded  
2 damages incident to any improvement under this act may, within



3 30 days after confirmation of such assessment or award, appeal  
 4 from the same to the Appellate Division of the Superior Court by  
 5 serving written notice of such appeal upon the tax collector and  
 6 a duplicate upon the appropriate officer of the commission, either  
 7 personally or by leaving the same at his office or place of abode.  
 8 The court shall determine whether or not the record contains sub-  
 9 stantial evidence that the assessment or award appealed from is  
 10 just and fair, and if not shall make an order correcting the same,  
 11 or, if the assessment or award is sustained shall so order. The  
 12 determination shall be by order or judgment for the amount de-  
 13 termined and shall be enforced in an appropriate manner pursuant  
 14 to procedures set forth in Revised Statutes 40:56-57, as amended.  
 15 The commission may proceed with the prosecution and completion  
 16 of the improvement *\*and the issuing of bonds and other indebted-*  
 17 *ness in connection with said improvements\** notwithstanding any  
 18 such appeal.

#### ARTICLE 9. INTERMUNICIPAL TAX-SHARING

1 59. As used in this article, unless the context indicates another  
 2 meaning or intent:

3 (a) "Adjustment year" means the year in which the respective  
 4 obligations of the intermunicipal account and the constituent mu-  
 5 nicipalities of the district are due and payable.

6 (b) "Intermunicipal account" means the administrative device  
 7 established and administered by the commission to record all the  
 8 transactions made pursuant to this article for the purpose of cal-  
 9 culating the meadowlands adjustment payment for each constituent  
 10 municipality, and to act as the clearing-house for the transfer of  
 11 the meadowlands adjustment payments among the constituent  
 12 municipalities as required by this article.

13 (c) "Meadowlands adjustment payment" means the amount that  
 14 is payable by each constituent municipality to the intermunicipal  
 15 account, or the amount that is payable by the intermunicipal ac-  
 16 count to each municipality, as the commission shall determine the  
 17 case to be pursuant to the provisions of this article.

18 (d) "Resident enrollment" means the number of full-time pupils  
 19 who are residents of the school district and who are enrolled in day  
 20 schools on the last day of September during the school year in which  
 21 which calculation of aid is made and are attending the public school  
 22 of the school district or a school district or State teachers college  
 23 demonstration school in which the school district of residence pays  
 24 tuition; school district may count in its enrollment any pupil regu-  
 25 larly attending on a full-time basis a county vocational school in  
 26 the same county for which the school district pays tuition.



27 (e) "Unimproved lands" means lands which are vacant and on  
 28 which there are no buildings or structures *\*and which are not*  
 28A *classified as land undergoing construction in the year 1968 as shall*  
 28B *be determined by a survey by the commission\*.*

28C *\*(f) "Land undergoing construction" means land so designated*  
 28D *by the commission. Land may be designated by the commission as*  
 28E *land undergoing construction if on or before September 1, 1968 the*  
 28F *governing body of a constituent municipality files with the com-*  
 28G *mission, a description of any building or structure, undergoing con-*  
 28H *struction as of the effective date of this act within said munici-*  
 28I *pality and the commission is satisfied that the plans, specifications*  
 28J *and actual construction work thereon warrants that the property*  
 28K *not be conclusive as unimproved land\*.*

29 **\*[(f)]\*** *\*(g)\** "Redeveloped lands" means lands other than un-  
 30 improved lands, the use of which has been substantially changed  
 31 pursuant to the master plan or any redevelopment plan, as defined  
 32 in this act.

1 60. The laws relating to the assessment and taxation of real and  
 2 personal property shall apply to all constituent municipalities  
 3 unless otherwise specifically provided in this act.

1 61. (a) In preparing the list of owners of taxable property pur-  
 2 suant to Revised Statutes 54:4-24, the assessor of each constituent  
 3 municipality shall indicate in the list for each parcel of property  
 4 whether or not it is located within the district boundaries, in accord-  
 5 ance with regulations prescribed by the Director of the Division  
 6 of Taxation.

7 (b) When the boundary of the district divides a lot of land, the  
 8 entire lot shall be included within the district.

1 62. (a) The commission shall prepare a survey in 1968 showing  
 2 the area of the unimproved lands and redeveloped lands in each  
 3 municipality located within the district. The results of the survey  
 4 shall be published upon completion, and shall serve as the basis for  
 5 payments to be made pursuant to section 70 and 71 of this act. A  
 6 **\*[similar]\*** *survey of redeveloped lands\** shall be prepared an-  
 6A nually thereafter.

7 (b) The commission shall also cause a census of population to  
 8 be taken showing the total number of inhabitants of each con-  
 9 stituent municipality in 1968 residing within the district. A similar  
 10 census, using comparable techniques and procedures, shall be taken  
 11 annually thereafter.

12 (c) The Division of Employment Security in the Department of  
 13 of Labor and Industry shall certify to the commission the amount



14 of employment, as defined in section 43:21-19 of the Revised Stat-  
 15 utes, in that part of each constituent municipality which is located  
 16 within the district in 1968. A similar certification shall be made  
 17 annually thereafter.

1 63. On or before November 15, 1969, and on or before November  
 2 15 of each year thereafter, the secretary, superintendent or a per-  
 3 son designated by the school board of each school district of each  
 4 constituent municipality shall certify to the commission the res-  
 5 ident enrollment as of September 30 of that year. The certification  
 6 shall show the number of such pupils who reside within the district  
 7 and the number who reside outside, in a manner to be prescribed  
 8 by the Commissioner of the Department of Education.

1 64. In the adjustment year 1970, and in each adjustment year  
 2 thereafter, the commission shall establish an intermunicipal account  
 3 and shall compute the amount payable to said account by each of  
 4 the constituent municipalities and the amount due to each consti-  
 5 uent municipality from said account for that year pursuant to this  
 6 article.

1 65. (a) As used in this section, except as otherwise specifically  
 2 provided:

3 (1) The increase or decrease in aggregate true value of taxable  
 4 real property for any adjustment year shall be the difference  
 5 between

6 (I) The aggregate true value of that portion of taxable real  
 7 property, exclusive of Class II railroad property, in the mu-  
 8 nicipality located within the district as of October 1 of the  
 9 year preceding the adjustment year, less

10 (II) The aggregate true value of said property as of  
 11 October 1, 1968 *\*plus a true value of any land undergoing con-*  
 11A *struction as defined by this act. The true value of said land*  
 11B *undergoing construction as determined annually shall be used*  
 11C *as a true value until a certificate of occupancy is issued and*  
 11D *then the value shall be fixed as of the date of said certificate\*.*

12 (2) Aggregate true value of all taxable real property shall be  
 13 determined by aggregating the assessed value of all real property  
 14 within the district boundaries in each constituent municipality,  
 15 except Class II railroad property, and dividing said total by the  
 16 average assessment ratio as promulgated by the Director of the  
 17 Division of Taxation in the Department of the Treasury for State  
 18 school aid purposes on October 1 of the respective years for which  
 19 aggregate true value is to be determined, pursuant to P. L. 1954,



20 chapter 86, as amended, as the same may have been modified by the  
21 Division of Tax Appeals.

22 (3) The apportionment rate for any adjustment year shall be  
23 determined, as follows:

24 (I) The total property taxes levied for local, school, county,  
25 veteran and senior citizens purposes, on which the general tax  
26 rates are computed, as certified pursuant to Revised Statutes  
27 54:4-52, of all constituent municipalities, in the year pre-  
28 ceding the adjustment year, divided by

29 (II) The aggregate true value of all taxable real property,  
30 exclusive of Class II railroad property, located in all consti-  
31 tuent municipalities, both within and without the district, in the  
32 year preceding the adjustment year, as determined by the  
33 Director of the Division of Taxation on October 1 of the year  
34 preceding the adjustment year, pursuant to P. L. 1954, chap-  
35 ter 86, as amended, as the same may have been modified by the  
36 Division of Tax Appeals.

37 (b) The amount payable to the intermunicipal account by each  
38 constituent municipality in any adjustment year shall be determined  
39 in the following manner: the apportionment rate shall be multi-  
40 plied by the increase, if any, in aggregate true value of taxable  
41 real property.

42 (c) The amount payable to the intermunicipal account by any  
43 constituent municipality in any adjustment year shall also include  
44 any payments made to any such constituent municipality in the  
45 year preceding the adjustment year in lieu of real estate taxes  
46 located within the district.

1 66. The guarantee payment payable by the intermunicipal ac-  
2 count to each constituent municipality in any adjustment year shall  
3 be computed as follows: if there is a decrease in the aggregate  
4 true value of taxable real property as determined pursuant to sub-  
5 section (a) (1) of section 65 of this act, there shall be payable  
6 as a guarantee payment from the intermunicipal account to such  
7 municipality, an amount to be calculated by multiplying such de-  
8 crease by the apportionment rate, as defined in subsection (a) (3)  
9 of section 65 of this act.

1 67. The service payments payable to any constituent municipality  
2 from the intermunicipal account in any year for municipal and  
3 county services shall be found by dividing the sum of—

- 4 (a) Total municipal \***expenditures**\* \**appropriations*\*, less  
5 (1) State aid revenues \***realized**\* \**anticipated*\* and  
6 (2) Type I school debt service, plus



7 (b) County taxes and special district taxes, all as certified  
 8 \***[or reported]**\* *\*in the budget\** for the year preceding the  
 9 adjustment year to the Division of Local Finance in the  
 10 Department of Community Affairs.

11 by the sum of:

12 (a) The most recent estimate of the total resident popula-  
 13 tion of the municipality, as certified by the Department of Con-  
 14 servation and Economic Development to the commission, plus

15 (b) The total of employment as defined in section 43:21-19  
 16 of the Revised Statutes certified by the Division of Employ-  
 17 ment Security in the Department of Labor and Industry to  
 18 the commission,

19 and multiplying the result by the aggregate increase, if any, in  
 20 resident population and covered employment of that portion of  
 21 the municipality lying within the district boundaries, as shown by  
 22 the initial census and the most recent census conducted by the com-  
 23 mission, and the initial and most recent counts of said employment.

1 68. For school district services, the service payment payable by  
 2 the intermunicipal account to any constituent municipality in any  
 3 adjustment year shall be found by dividing:

4 (a) The total local school tax levy, as shown on the Table of  
 5 Aggregates pursuant to Revised Statutes 54:4-52 for the year  
 6 preceding the adjustment year, by the

7 (b) School resident enrollment on September 30 of such year  
 8 preceding the adjustment year, as certified pursuant to section  
 9 63 of this act, and multiplying the result by the increase, if any,  
 10 in resident enrollment within the district boundaries of that consti-  
 11 tuent municipality between September 30, 1968, and September 30  
 12 of the year preceding the adjustment year.

1 69. When the development of the district requires a municipal  
 2 capital improvement for which the municipality would not be suf-  
 3 ficiently reimbursed by service payments as provided by this article,  
 4 the commission, in its discretion, if it finds that such improvement  
 5 is consistent with its master plan and provides for a desirable  
 6 community or regional benefit, may reimburse the municipality by  
 7 means of a project payment from the intermunicipal account in  
 8 an amount equivalent to the cost of the project determined in ac-  
 9 cordance with the rules and regulations of the commission.

1 70. (a) If, in any adjustment year, the amount payable to the  
 2 constituent municipalities by the intermunicipal account for guar-  
 3 antée payments, service payments, and project payments, plus any  
 4 payment to the reserve fund as provided in subsection (b) and the



5 payment for the cost of administration of the intermunicipal ac-  
6 count as provided by subsection (c) is less than the amount payable  
7 to the intermunicipal account pursuant to section 65 of this act,  
8 the balance, if any, shall be apportioned among the constituent  
9 municipalities in the same ratio as the area of their unimproved  
10 and redeveloped lands within the district of each constituent mu-  
11 nicipality bears to the total of such unimproved and redeveloped  
12 lands in the district, and shall be known as an apportionment pay-  
13 ment.

14 (b) The commission shall establish a reserve fund and in the  
15 event that in any adjustment year, the amount payable by the con-  
16 stituent municipalities to the intermunicipal account, pursuant to  
17 section 65 of this act less the cost of administering the account,  
18 exceeds the amount payable to the constituent municipalities for  
19 guarantee payments, service payments and project payment from  
20 the account, an amount equal to 1% of such excess shall be set  
21 aside and placed in the reserve fund until there is \$10 million in  
22 said fund; thereafter, no further payments shall be made into said  
23 fund unless the balance is less than \$10 million.

24 (c) The commission shall be reimbursed annually from the inter-  
25 municipal account the cost of administering and determining the  
26 payments due to or payable from account. The cost of administer-  
27 ing the intermunicipal account shall be transferred from said ac-  
28 count to the commission and shall be shown on the operating budget  
29 of the commission as a line item.

1 71. If, in any adjustment year, the amount payable to the con-  
2 stituent municipalities by the intermunicipal account for guarantee  
3 payments, service payments, and project payments, plus the cost  
4 of administering the intermunicipal account exceeds the amount  
5 payable to said account pursuant to section 65 of this act, the re-  
6 serve fund shall be drawn upon to make up the deficit. In the event  
7 there is an insufficient amount in the reserve fund, the amount of  
8 the deficit shall be apportioned among the constituent municipali-  
9 ties in the same ratio as the area of their unimproved and redeveloped  
10 lands within the district of each constituent municipality bears  
11 to the total of such unimproved and redeveloped lands in the dis-  
12 trict.

1 72. (a) On or before February 1 of 1970 and on or before Feb-  
2 ruary 1 of each year thereafter, the commission shall certify to  
3 the chief financial officer of each constituent municipality an  
4 amount, known as the meadowlands adjustment payment. The  
5 meadowlands adjustment payment for each constituent municipal-  
6 ity shall be determined by adding all the payments payable to that



7 municipality from the intermunicipal account for service payments,  
8 guarantee payments, project payments, and apportionment pay-  
9 ments, if any, and by subtracting therefrom the obligations of that  
10 municipality to the intermunicipal account, as calculated pursuant  
11 to sections 65 and 71 of this act.

12 (b) If the meadowlands adjustment payment for any constituent  
13 municipality in any adjustment year is payable to the constituent  
14 municipality, the amount of said payment shall be identified in the  
15 municipal budget of that municipality for that year as "meadow-  
16 lands adjustment" within the category "miscellaneous revenues  
17 anticipated," and shall be due and payable in 3 equal installments  
18 to be made by the intermunicipal account to that municipality on  
19 May 15, August 15, and November 15 of that year.

20 (c) If the meadowlands adjustment payment for any constituent  
21 municipality in any adjustment year is payable to the intermuni-  
22 cipal account, the amount of said payment shall be entered as a  
23 special line item appropriation in the budget of the municipality  
24 for that year and shall be payable in 3 equal installments to be  
25 made by the municipality to the account on May 15, August 15,  
26 and November 15 of that year. No transfers may be made from  
27 said appropriation except as is herein provided.

1 73. (a) Services provided in the district shall be comparable to  
2 those provided elsewhere in each constituent municipality.

3 (b) If, after public hearing, the commission shall determine that  
4 a constituent municipality or its school district is not complying  
5 with this section, it shall have the authority to withhold all pay-  
6 ments made pursuant to this article until such time as the commis-  
7 sion is satisfied that the municipality and its school district are  
8 performing such services in accordance with this section.

1 74. An appeal or review may be taken by any constituent munici-  
2 pality regarding any alleged arithmetical or typographical error  
3 in the calculation and payment of the meadowlands adjustment  
4 payment.

#### ARTICLE 10. GENERAL PROVISIONS

1 75. On or before February 25 of each year the commission shall  
2 adopt an annual budget for the year, which shall include the fol-  
3 lowing items of expenditure:

4 (a) An operating budget covering administrative operating and  
5 maintenance expenses of each office, activity or project of the com-  
6 mission, plus contingent expenses of up to 5% of the amount stated;

7 (b) Capital budget, including deposits in any capital improve-  
8 ment fund or capital reserve fund, down payments or expenditures  
9 for capital projects, and interest payments, sinking fund deposits,



10 principal maturities, and redemption premiums payable in such  
11 year on bond and notes of the commission;

12 (c) Deferred charges; and estimates of the following revenues;

13 (1) Cash balances and surplus;

14 (2) Federal, State and other grants-in-aid;

15 (3) Revenues from charges and fees for the use of the com-  
16 mission's facilities;

17 (4) Receipts from special assessments; but not in excess of  
18 the amount budgeted in such year for interest, principal ma-  
19 turities, sinking fund deposits and redemption premiums on  
20 bonds secured by such assessments, until all bonds so secured  
21 are paid in full;

22 (5) Payments by municipalities or other governmental  
23 bodies pursuant to contracts for services performed by the  
24 commission; and

25 (6) Miscellaneous other revenues and receipts.

1 76. The commission shall cause an annual audit of its accounts  
2 to be made, and for this purpose it shall employ a registered mu-  
3 nicipal accountant of New Jersey or a certified public accountant  
4 of New Jersey. The audit shall be completed and filed with the  
5 commission within 4 months after the close of the fiscal year of the  
6 commission and a certified duplicate copy thereof shall be filed in  
7 the office of the Division of Local Finance in the Department of  
8 Community Affairs and in the office of the Division of Budget and  
9 Accounting in the Department of the Treasury in the office of the  
10 treasurer of the county of Bergen and in the office of the treasurer  
11 of the county of Hudson within 5 days after the original audit is  
12 filed with the commission.

1 77. For the purpose of aiding and co-operating with the commis-  
2 sion; the planning, undertaking construction or operation of its  
3 activities, any public body may upon such terms, with or without  
4 consideration, as it may determine:

5 (a) Dedicate, sell, convey or lease any of its property to the  
6 commission or the Federal Government;

7 (b) Cause parks, playgrounds, recreational, community, educa-  
8 tional, water sewer or any other works which it is otherwise em-  
9 powered to undertake, to be furnished adjacent to or in connection  
10 with projects of the commission;

11 (c) Furnish, dedicate, close, pave, install, grade, regrade, plan  
12 or replan streets, roads, roadways, alleys, sidewalks or other places  
13 which it is otherwise empowered to undertake;

14 (d) Plan or replan, zone or rezone any part of such public body;  
15 make exceptions from building regulations and ordinances and  
16 change its map;



17 (e) Enter into agreements (which may extend over any period,  
18 notwithstanding any provision or rule of law to the contrary) with  
19 the commission or the Federal Government respecting action to  
20 be taken by such public body pursuant to any of the powers granted  
21 by this act;

22 (f) \***[Don]**\* \*Do\* any and all things necessary or convenient  
23 to aid and co-operate in planning undertakings, construction, or  
24 operations of the commission;

25 (g) Cause services to be furnished to the commission of the char-  
26 acter which such public body is otherwise empowered to furnish;

27 (h) Purchase or legally invest in any of the bonds of the com-  
28 mission and exercise all of the rights of any holder of such bonds;

29 (i) In connection with any public improvements made by a public  
30 body in exercising the powers herein granted, such public body  
31 may incur the entire expense thereof. Any law or statute to the  
32 contrary notwithstanding, any grant, sale, conveyance, lease, or  
33 agreement provided for in this section, may be made by a public  
34 body without appraisal, public notice, advertisement or public bid-  
35 ding;

36 (j) Upon such terms as it may deem advisable, with or without  
37 consideration, grant, sell, convey or lease any of its property, in-  
38 cluding real property already devoted to a public use, whether held  
39 in a proprietary or governmental capacity to the commission, pro-  
40 vided, that the public body making the grant or lease determines  
41 that the premises are no longer required for the public purposes  
42 to which the property is devoted, and that it is in the public interest  
43 so to grant, sell, convey or lease said property.

1 78. (a) The commission may enter into, from time to time, con-  
2 tract with one or more municipalities, counties or other public  
3 agencies for the operation of public improvements, works, facilities,  
4 services, or undertakings of such municipalities, counties, or agen-  
5 cies, or of the commission.

6 (b) Such contracts shall specifically provide for the services or  
7 improvements to be undertaken, the fee or fees to be charged for  
8 such services or facilities, the method of apportionment of such  
9 fees among the contracting parties, persons or officers or agencies  
10 responsible for the performance of the contract and other appro-  
11 priate terms and conditions of participation.

12 (c) Such contracts shall be subject to approval by resolution of  
13 the commission and of the governing body of each participating  
14 municipality, county or other participating agency.

15 (d) The apportionment of costs and expenses may be based upon  
16 property valuations, population, area, and of such other factors  
17 as may be provided in the contract.



1 79. The State Auditor and his legally authorized representatives  
2 are hereby authorized and empowered from time to time to examine  
3 the accounts and books of the commission, including its receipts,  
4 disbursements, contracts, sinking funds, investments and any other  
5 matters relating to its financial standing.

1 80. The commission shall be entitled to call to its assistance and  
2 avail itself of the services of such employees of any State depart-  
3 ment or agency as it may require and as may be available to it  
4 for said purpose.

1 81. The foregoing sections of this act shall be deemed to provide  
2 an additional and alternative method for the doing of the things au-  
3 thorized thereby, and shall be regarded as supplemental and ad-  
4 ditional to powers conferred by other laws, and shall not be re-  
5 garded as in derogation of any powers now existing; provided,  
6 however, that the issuance of bonds or refunding bonds under the  
7 provisions of this act need not comply with the requirements of  
8 any other law applicable to the issuance of bonds.

1 82. This act, being necessary for the welfare of the State and  
2 its inhabitants, shall be liberally construed to effect the purpose  
3 thereof.

1 83. If the provisions of any article, section or clause of this act  
2 or the application thereof to any person shall be judged invalid  
3 by a court of competent jurisdiction, such order or judgment shall  
4 be confined in its operation to the controversy in which it was  
5 rendered, and shall not affect or invalidate the remainder of any  
6 provision of any article, section or clause of this act or the appli-  
7 cation of any part thereof to any other person or circumstance and  
8 to this end, the provisions of each title, section and clause of this  
9 act are hereby declared to be severable.

1 84. All expenses incurred in carrying out the provisions of this  
2 act shall be payable from funds provided the commission therefor,  
3 and no liability or obligation shall be incurred by the commission  
4 hereunder beyond the extent to which moneys shall have been pro-  
5 vided therefor.

1 85. There is hereby appropriated to the Hackensack Meadow-  
2 lands Development Commission an initial sum of \$250,000.00 to  
3 carry out the purposes of this act.

#### B. MEADOWLAND RIPARIAN INSTRUMENTS

1 86. Section 13 of the act to which this act is amendatory and  
2 supplementary is amended to read as follows:

3 13. No riparian leases or grants shall hereafter be allowed except  
4 when approved by at least a majority of the Resource Development  
5 Council *and signed by the chairman of the council*; and no such



6 leases or grants shall hereafter in any case be allowed except when  
7 approved and signed by the Governor and the Commissioner of  
8 Conservation and Economic Development.

1 87. As used in sections 86 through 102, inclusive, of this act.

2 (a) "Meadowlands" means those lands, now or formerly con-  
3 sisting chiefly of salt water swamps, meadows, or marshes;

4 (b) "Improved meadowlands" means such meadowlands as have  
5 been reclaimed by fill or other material thereon, and may include  
6 the erection of structure.

7 (c) "Virgin meadowlands" means such meadowlands that are  
8 still in their natural state and upon which no diking, fill or struc-  
9 tures have been placed.

10 (d) "Council" means the Resource Development Council of the  
11 Department of Conservation and Economic Development.

1 88. The council is hereby directed to undertake title studies and  
2 surveys of meadowlands throughout the State and to determine  
3 and certify those lands which it finds are State owned lands.

4 In undertaking its studies and surveys the council shall divide  
5 its work into such a number of **\*[projects]\*** *\*surveys\** as it shall  
6 determine is advisable and it shall establish the priority in which  
7 such **\*[projects]\*** *\*surveys\** shall be undertaken. As its first  
8 **\*[project]\*** *\*survey\**, and within 6 months of the effective date of  
9 this act, the council shall undertake, and complete, a study of the  
10 Hackensack meadowlands. During the period of time between the  
11 initiation of a project and the publication of the map and study  
12 delineating the State-owned lands within the **\*[project]\*** *\*survey\**  
13 area, the council shall make no conveyances, leases or transfers of  
13A any riparian land within the **\*[project]\*** *\*survey\** area.

14 These studies and surveys shall be performed on behalf of the  
15 council by the Navigation Bureau of the Department of Conserva-  
16 tion and Economic Development.

1 89. In making a thorough study of all such lands to determine  
2 which are State-owned lands and in making its determination the  
3 council shall take into account the mean high water line as estab-  
4 lished by the United States Coast and Geodetic Survey, the nature  
5 of the vegetation thereon, artificial changes in land or water eleva-  
6 tion, and such other historical or scientific data which, in the  
7 opinion of the council, are relevant in determining whether a parcel  
8 of land is now or was formerly flowed by mean high tide.

1 90. Upon completion of each separate study and survey, the  
2 council shall publish a map portraying the results of its study  
3 and clearly indicating those lands designated by the council as  
4 State-owned lands. Copies of each such map and study shall be



5 filed with the Secretary of State and sent to the clerk of each county  
6 and to the governing body of each municipality whose political  
7 boundaries include lands shown on the map. Such maps and studies  
8 shall be available for public inspection.

9 The council shall also cause to be published at least once in a  
10 newspaper circulating in each county whose political boundaries  
11 include lands designated as State-owned lands a list of those parcels  
12 designated in whole or in part as State-owned lands.

1 91. (a) Any person aggrieved by a designation by the council  
2 that certain parcels are State-owned lands may file with the council  
3 pertinent information, maps, studies or other matters documenting  
4 his claim of title. Within 90 days the council shall either issue a  
5 statement indicating that the State has no interest in the property  
6 or shall reaffirm that said property is State-owned.

7 (b) Any person aggrieved by a designation by the council that  
8 certain parcels are State-owned may, either initially or after re-  
9 questing the review as provided by subsection (a), **\*[start]\*** *\*com-*  
10 *mence\** an action in the Superior Court to adjudicate the title  
11 dispute.

1 92. The council shall make progress reports to the Governor and  
2 Legislature at least annually and shall complete its studies and  
3 title surveys and make its determinations as to interest of the State  
4 in meadowlands throughout the State on or before December 31,  
5 1974.

1 93. (a) Any claimant of the meadowlands who shall desire to  
2 obtain a conveyance or lease of the State's interest in such land  
3 may apply to the council submitting with his application, a survey  
4 of the property showing its metes and bounds, an affidavit of title,  
5 a copy of the instrument of title under which he claims the land,  
6 a statement of the purpose for, and the manner in which, the  
7 claimant proposes to use or further improve the property and such  
8 other information as the council shall require.

9 (b) Any department, agency or instrumentality of the State,  
10 county, municipality, or any person, not a claimant, may apply to  
11 the council for a conveyance or lease of the State's interest in the  
12 meadowlands, said application shall contain a survey of the property  
13 showing its metes and bounds, a copy of the latest **\*[purported]\***  
14 *\*purported\** title which has been duly recorded in the county record-  
15 ing office in which the land is located, a statement of the purpose for,  
16 and the manner in which the applicant proposes to utilize or further  
17 improve the property, an affidavit of the applicant that he has sent  
18 notification of his application to the person or persons named in  
19 such instrument of title and to the person named as the owners



20 in the tax records of the municipality in which the lands are located,  
21 and such other information as the council may require. No title  
22 or lease shall be issued pursuant to this subsection until any  
23 claimant to all, or part of, the property applied for has been given  
24 notice of the application and 3 months thereafter, in which to apply  
25 for a conveyance or lease of said lands.

1 94. (a) Within 10 days of receipt of any application for a con-  
2 veyance or lease, or any extension thereof, council shall send a  
3 copy of the application and all material submitted therewith to  
4 the Hackensack Meadowlands Development Commission, if said  
5 application pertains to lands within the district; the Department  
6 of Transportation; the Department of Community Affairs; and  
7 the Department of Conservation and Economic Development. The  
8 council shall take no action on such application until receipt of  
9 the recommendations of said commission and departments regard-  
10 ing the application or for 45 days, whichever occurs first. Any such  
11 recommendation shall be considered by the council in determining  
12 the terms, conditions and consideration for the conveyance or lease,  
13 and a copy thereof shall be forwarded to the Governor.

14 (b) There is hereby established a Hackensack Meadowland  
15 Negotiation Board, consisting of 3 members, appointed as follows:  
16 one member appointed by the commission, one member appointed  
17 by the council, and a third member appointed by said 2 appointees.  
18 Each member of said board shall serve at the pleasure of the  
19 appointing authority and any vacancies shall be filled in the same  
20 manner as the original appointment. Members of said board shall  
21 receive no compensation.

22 (c) A copy of each application for conveyances or leases in the  
23 district shall be submitted to the Hackensack Meadowland  
24 Negotiation Board, which shall fix the consideration to be charged  
25 for said instruments. Said board shall certify to the council the  
26 consideration fixed by the board within 45 days of receipt of each  
27 application. Said certified consideration shall in all cases be binding  
28 upon the council.

1 95. The council shall approve an application for conveyance, if  
2 after investigation and a review of the recommendations submitted  
3 to it pursuant to section 94, it is satisfied that the conveyance will  
4 be in the public interest. The council shall further determine the  
5 fair market value of the property in its unimproved state at the  
6 time of the conveyance and shall fix the consideration to be charged  
7 for the conveyance, except as provided in section 94 of this act.  
8 Upon receipt of the payment of the consideration, the council shall



9 convey the premises by deed of bargain and sale under the seal of  
10 of the council. The council shall require such terms and conditions  
11 in the conveyance instrument as may be necessary or appropriate  
12 for the uniform development of the meadowlands.

1 96. The council shall investigate any application for a lease in the  
2 meadowlands and if the council is satisfied that such a lease will be  
3 in the public interest, or if the council approves the giving of a  
4 lease in lieu of the conveyance applied for, the annual rental for  
5 the leasehold interest shall be fixed based upon the fair market  
6 value of the land in its unimproved state at the time of the lease,  
7 except as provided in section 94 of this act. The annual rental shall  
8 be payable to the council in yearly installments in advance. The  
9 term for any lease of virgin meadowlands may not exceed 10 years  
10 in duration. The term for any lease of improved meadowlands may  
11 not exceed 50 years or the depreciated life of the building or im-  
12 provement on the property, whichever is longer in duration. The  
13 term for any lease of improved meadowlands held by a claimant  
14 under color of title which has been held by him or his predecessors  
15 in title since July 1, 1891, and which for the last 20 years imme-  
16 diately preceding has been assessed for taxes or owned by a mu-  
17 nicipality may not exceed 99 years or the depreciated life of the  
18 building or improvement on the property plus  $\frac{1}{2}$  of such depre-  
19 ciated life, whichever is shorter in duration, provided, however,  
20 the lessee in any case renew his lease for such additional years  
21 as may be approved by the council and that such leasehold interest  
22 shall not be assignable without the approval of the council. Any  
23 lease which extends for a period in excess of 25 years shall contain  
24 a provision requiring the review and readjustment of the rental  
25 charge at the lapse of the first 25 years based on the market value  
26 of the land in its *\*[improved]\* \*unimproved\** state at that time.  
27 The council shall require in said lease agreement such terms  
28 and conditions as it shall deem necessary for the uniform develop-  
29 ment of the meadowlands.

30 The lessee shall have the option of acquiring, if the council ap-  
31 proves, a conveyance of the State's interest at any time during the  
32 term of the lease or any extension. In fixing the consideration for  
33 said conveyance, the council shall determine the fair market value  
34 of the property in its unimproved state at the start of the lease  
35 and shall give a reasonable credit for the rental paid by the lessee  
36 during the term of the lease or any extension thereof.

1 97. The application for or acceptance of a lease shall not be  
2 deemed a recognition of the State's claim of paramount title by



3 the claimant, nor shall the claimant be deemed to have waived  
4 his right to apply for an adjudication of title to the Superior Court.  
5 An application for any conveyance may also be made after the  
6 claimant has failed to establish the primacy of his title before the  
7 Superior Court.

1 98. Upon the expiration of the lease, or any renewal thereof,  
2 the lessee shall cease his activity and vacate the parcel; provided,  
3 however, that he shall be entitled to be reimbursed by the council  
4 for the provable original cost of any reclamation performed on  
5 the parcel prior to the effective date of this act or with the approval  
6 of the council, and also for the value of any permanent structures  
7 erected on the parcel prior to the effective date of this act or with  
8 the approval of the council. The amount of reimbursement for  
9 permanent structures shall be based on the provable original cost,  
10 unamortized, at the time of expiration of the lease.

1 99. The net proceeds from the sale, lease or transfer of the  
2 State's interest in the meadowlands shall be paid to the Fund for  
3 the Support of Free Public Schools established by the Constitu-  
4 tion, Article VIII, Section IV, after deducting from the net  
5 proceeds any expenditures of the Hackensack Meadowlands De-  
6 velopment Commission for reclaiming land within the district. The  
7 amount of said deduction for reclamation shall be paid to the  
8 Hackensack Meadowland Development Commission.

1 100. Except as provided by this act, the council shall execute  
2 conveyances, leases and transfer for meadowlands in the same  
3 manner and subject to the same provisions and conditions as  
4 presently applicable to all riparian instruments. Any instrument  
5 conveying or releasing the State's interest in the meadowlands  
6 executed by the council prior to this act is valid and binding not-  
7 withstanding any inconsistency with the provisions of this act.

1 101. Where a claimant of virgin meadowlands outside of the  
2 Hackensack meadowland alleges that because of natural accretion  
3 the State no longer has a riparian interest in said land, the claimant  
4 may apply to the council for an affidavit of noninterest. Attached  
5 to said application shall be a topographic survey by a licensed  
6 professional engineer or land surveyor based on the U. S. Coast  
7 and Geodetic Survey Monumentation as to current elevation of  
8 said property and such other information and data as the council  
9 shall require.

10 Upon receipt of said application, the council shall compare said  
11 survey with the records and maps of the State. If the council  
12 determines that because of natural accretion and the present ele-



13 vation of the property, the State no longer has any interest in such  
 14 parcel of virgin meadowlands outside of the Hackensack meadow-  
 15 lands, the council shall execute an affidavit of noninterest. Said  
 16 affidavit of noninterest shall be recordable in the office of the county  
 17 recording officer of the county in which the lands are located. The  
 18 council may charge a reasonable fee for the review and issuance  
 19 of an affidavit of noninterest.

1 102. There is hereby appropriated to the Department of Con-  
 2 servation and Economic Development for the use of the Resource  
 3 Development Council in the performance of its powers and duties  
 4 pursuant to this act the sum of \$100,000.00.

#### C. EFFECTIVE DATE

1 103. \***[**Except for article 9 which shall take effect on January 1,  
 2 1969, this] \**This*\* act shall take effect on July 1, 1968.

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#### C. EFFECTIVE DATE

- 103. Effective date of act.



ASSEMBLY AMENDMENTS TO

**SENATE, No. 477**

[OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 15, 1968

Amend page 3, section 3, line 33, delete "Fairview", insert "Little Ferry".

Amend page 3, section 3, line 35, delete "and Teterboro".

Amend page 8, section 4, line 66, delete "junction with Orient way in Lyndhurst", insert "eastern intersection with the Boonton branch of the Erie-Lackawanna Railroad".

Amend page 8, section 4, lines 67 to 104, delete in their entirety.

Amend page 9, section 4, lines 105 and 106, delete in their entirety and insert the following:

"Thence northerly to the nearest point of intersection with Berry's Creek;"

"Thence northerly following mid-stream of Berry's Creek to the point where Berry's Creek intersects Woodbridge-Carlstadt boundary line;"

"Thence easterly along the Woodbridge-Carlstadt boundary to its intersection with Washington Avenue and Moonachie Road;"

Amend page 11, section 4, line 196, after "beginning," add new subsections as follows:

"(d) Exception: In the municipality of Secaucus the district shall be limited to lands which, by and large, are less than 4 feet above mean sea level in elevation.

(e) The Hackensack Meadowlands Development Commission hereinafter established shall, within 120 days of the effective date of this act, cause to be made, completed, and filed as hereinafter provided a metes and bounds description of the above described area which it shall designate as the district for the purposes of this act.

The commission shall publish a map portraying its description which shall clearly indicate those lands designated by the commission as within the district. Copies of such map and description shall be filed with the Secretary of State and sent to the clerk of each county and to the governing body of each municipality whose political boundaries



include lands shown on the map. Such maps and descriptions shall be available for public inspection.

(f) If, in order to insure the approval and funding, in whole or in part, of the Federal government, or any agency or instrumentality thereof, of any reclamation project in the Hackensack Meadowlands, it is necessary to include in any such reclamation project riparian land which is not within the district designated herein, the commission, upon certifying to the Governor and the Legislature the existence of the aforesaid necessity in order to insure Federal government approval and funding, shall be authorized to include in the district, for the purpose of such reclamation project, any riparian land in the Hackensack Meadowlands.”.

Amend page 11, section 5, line 24, delete “of one”.

Amend page 11, section 5, line 26, delete “of one”.

Amend page 11, section 5, line 27c, after “County” delete “;” and insert: “. The Commissioner of the State Department of Transportation, the Commissioner of the Department of Conservation and Economic Development, and a representative of the United States Army Corps of Engineers, may, within the limits of their respective responsibilities and at the request of the commission, serve as non-voting advisors to the commission. The members of the liaison committee established, as hereinafter provided, by the Hackensack Meadowlands Municipal Committee, shall also serve as non-voting advisors to the commission;”.

Amend page 16, section 7, line 10, after “number” delete “;” and insert: “. The committee shall elect from its membership a liaison-committee consisting of 4 members, 2 of whom shall be residents of Bergen county and 2 of whom shall be residents of Hudson county. It shall be the purpose of the liaison-committee to act as liaison between the commission and the committee.”.

Amend page 16, section 7, line 14, after “necessary.” insert new sentence as follows: “The committee may, within the limits of any funds appropriated or otherwise made available to it for this purpose, also appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation.”.

Amend page 16, section 7, line 17, after “represents.” insert new sentence as follows: “The committee may reimburse its members for necessary expenses incurred in the discharge of their duties.”.

Amend page 18, section 9.1, line 1, delete “3” and insert in lieu thereof “6”.



Amend page 46, article 9, after "Article 9. Inter-municipal tax-sharing" insert new section as follows:

"59 (a) The Legislature hereby finds and declares that a vital component of any comprehensive plan for the development of the meadowland district, is a program whereby the financial benefits and liabilities of each constituent municipality, are clearly established and equitably distributed. Article 9 of this act provides for such a program, by the creation of an inter-municipal account, and specifically provides that each constituent municipality will be guaranteed, in perpetuity, its present existing tax ratable values within the meadowland district and will equitably share in the new financial benefits and new costs resulting from the development of the meadowland district as a whole. This article further provides that the Hackensack Meadowlands Development Commission shall not be able to receive any funds from the inter-municipal account or its reserve fund, for any purpose except that the commission shall be reimbursed for the cost of administering said account.

(b) The Hackensack Meadowlands Development Commission shall, in 1972, and every year thereafter, submit a report to the Meadowlands Municipal Committee and the Legislature, relating to the operation of the inter-municipal account in the prior year, and shall recommend, when it deems necessary, such amendments to this article as it may deem necessary, to carry out the legislative intent herein stated."

Amend page 46, section 59, line 1, delete "59" and insert "59.1".

Amend page 47, section 59, line 28a, delete "1968" and insert "as defined in subsection (f) below,".

Amend page 47, section 59, line 28d, delete "may" and insert "shall".

Amend page 47, section 59, line 28e, delete "September 1, 1968" and insert "the final adoption of the full master plan for the development of the district and final approval of same by the U. S. Army Corps of Engineers, but in no event later than January 1, 1971,".

Amend page 47, section 62, line 1, delete "1963" and insert in lieu thereof "1969".

Amend page 47, section 62, line 9, delete "1968" and insert in lieu thereof "1969".

Amend page 48, section 62, line 16, delete "1968" and insert in lieu thereof "1969".

Amend page 48, section 64, line 1, delete "1970" and insert in lieu thereof "1971".

Amend page 48, section 65, line 11, delete "1968" and insert in lieu thereof "1969".

Amend page 48, section 65, line 11, delete "any" and insert in lieu thereof "the real estate designated by the commission as".



Amend page 48, section 65, line 15, delete "except Class II railroad property" and insert "as the same may be modified by the county board of taxation upon appeal".

Amend page 50, section 68, line 11, delete "1968" and insert in lieu thereof "1969".

Amend page 50, section 69, line 9, after the word "commission." insert the following new sentence: "If requested by the governing body of a constituent municipality, the commission may also reimburse said municipality by means of a project payment from the inter-municipal account an apportioned amount of any capital construction project instituted by said municipality, or an agency or instrumentality thereof, before the effective date of this act which is consistent with the master plan and provides essential services to properties which are subject to the tax sharing provisions of this article, to the extent that said services are not paid for by the individual users."

Amend page 51, section 70, line 20, after "equal to" insert "one half of".

Amend page 51, section 70, line 21, delete "10" and insert in lieu thereof "5".

Amend page 51, section 70, line 23, delete "10" and insert in lieu thereof "5".

Amend page 51, section 70, line 24, after the word "The" insert "commission shall not be able to receive any funds from the inter-municipal account or the reserve fund provided for in subsection (b) of this section for any purpose except that the".

Amend page 51, section 71, line 7, delete "the amount of".

Amend page 51, section 71, lines 8 through 12, delete these lines in their entirety and insert in lieu thereof: "the total service payments payable to all constituent municipalities shall be reduced by the amount of the deficit and the service payment payable to each constituent municipality shall be reduced by the same ratio as the total service payment to all constituent municipalities was reduced."

Amend page 51, section 72, line 1, delete "1970" and insert in lieu thereof "1971".

Amend page 55, section 85, line 3, after the word "act" insert "and to the Hackensack Meadowlands Municipal Committee a sum of \$50,000 for office and staff expenses necessary to carry out the provisions of this act".



[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 477

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators DICKINSON, GUARINI, SCHIAFFO,  
KNOWLTON, HAGEDORN, WOODCOCK, CRABIEL  
and WALLWORK

Referred to Committee on Agriculture, Conservation and Natural  
Resources

AN ACT to provide for the reclamation, planning, development and redevelopment of the Hackensack meadowlands; creating the Hackensack Meadowlands Development Commission and the Hackensack Meadowlands Municipal Committee; amending and supplementing the "Department of Conservation and Economic Development Act of 1948," approved October 25, 1948 (P. L. 1948, c. 448); and making appropriations to carry out the purposes of this act.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

A. HACKENSACK MEADOWLAND RECLAMATION AND DEVELOPMENT ACT

ARTICLE I. PURPOSE, SHORT TITLE, DEFINITIONS

1 1. It is hereby declared that there are approximately 21,000  
2 acres of salt water swamps, meadows and marshes which are com-  
3 monly known as meadowlands, in the lower Hackensack river  
4 basin; that extensive portions of this area have so far resisted  
5 comprehensive development because of their low elevation, expo-  
6 sure to tidal waters, unfavorable soil composition, and, in some  
7 instances, their distribution among many municipalities; that this  
8 land acreage is a land resource of incalculable opportunity for new  
9 jobs, homes and recreational sites, which may be lost to the State  
10 through piecemeal reclamation and unplanned development; that  
11 much of this acreage may be subject to redevelopment under section  
12 3, Article VIII, of the State Constitution; that the orderly, com-  
13 prehensive development of these areas, due to their strategic loca-  
14 tion in the heart of a vast metropolitan area with urgent needs  
15 for more space for industrial, commercial, residential, and public

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.



16 recreational and other uses, can no longer be deferred; that insofar  
 17 as meadowlands are State-owned lands they are an asset of the  
 18 fund for the support of free public schools whose integrity may  
 19 not be impaired; *\*that while the State, in the name of the people,*  
 19A *has an obligation to assert its interests in meadowlands that are*  
 19B *clearly State-owned, it has an equal obligation to establish a frame-*  
 19C *work within which private owners may assert their interests*  
 19D *and take title to meadowlands that are privately-owned;\**  
 19E that these areas need special protection from air and  
 20 water pollution and special arrangements for the provision  
 21 of facilities for the disposal of solid waste; *\*that the necessity to*  
 22 *consider the ecological factors constituting the environment of the*  
 23 *meadowlands and the need to preserve the delicate balance of*  
 24 *nature must be recognized to avoid any artificially imposed de-*  
 25 *velopment that would adversely affect not only this area but the*  
 26 *entire State;\** that it is the purpose of this act to meet the afore-  
 27 mentioned needs and accomplish the aforementioned objectives by  
 28 providing for a commission transcending municipal boundaries and  
 29 a committee representing municipal interests which will act in  
 30 concert to reclaim, plan, develop and redevelop the Hackensack  
 31 meadowlands; and to safeguard fully the interests of the fund for  
 32 the support of free public schools, all to the extent and manner  
 33 provided herein.

1 2. Sections 1 through 84, inclusive, of this act shall be known  
 2 and may be cited as the "Hackensack Meadowlands Reclamation  
 3 and Development Act."

1 3. As used in this act, the following words and terms shall have  
 2 the following meanings, unless the context indicates or requires  
 3 another or different meaning or intent:

4 (a) "Commission" means the Hackensack Meadowlands De-  
 5 velopment Commission created by this act or any board, body,  
 6 commission, department or officer succeeding to the principal  
 7 functions thereof or to whom the powers and duties conferred  
 8 upon the commission by this act shall be given by law;

9 (b) "Bonds" means any bonds, notes, interim certificates, deben-  
 10 tures, or other obligations, issued by the commission pursuant to  
 11 this act;

12 (c) "Claimant" means a person holding or occupying riparian  
 13 lands within meadowlands under color of title;

14 (d) "School fund" means the fund for the support of free public  
 15 schools, as provided by the New Jersey Constitution, Article VIII,  
 16 Section IV;



17 (e) "Biparian lands" are those lands now, formerly or hereafter  
 18 flowed by mean high tide, except where such tidal flow is caused  
 19 by artificially produced changes in land or water elevation;

20 (f) "Person" means and shall include all individuals, partner-  
 21 ships, associations, private or municipal corporations and all  
 22 political subdivisions of the State;

23 (g) "Owner" means and shall include all persons having any  
 24 title or interest in any property, rights, easements and interests  
 25 authorized to be acquired, assessed or regulated by this act;

26 (h) "Constituent municipality" means a municipality with lands  
 27 in the district;

28 (i) "District" means the Hackensack Meadowlands District, the  
 29 area within the jurisdiction of the commission described in section  
 30 4 of this act;

31 (j) "Hackensack meadowlands" means all those meadowlands  
 32 lying within the municipalities of Carlstadt, East Rutherford,  
 33 **\*\*[Fairview]\*\*** **\*\*Little Ferry\*\***, **\*[Hasbrouck Heights, Little**  
 34 **Ferry,]** Lyndhurst, Moonachie, North Arlington, Ridgefield,  
 35 **\*[Ridgefield Park,]** Rutherford, South Hackensack **\*[,]**  
 36 **\*\*[\*and\* Teterboro]\*\*** **\*[and Wood-Ridge]\***, all in Bergen county;  
 37 and Jersey City, Kearny, North Bergen and Secaucus, all in Hudson  
 37A county;

38 (k) "Master plan" means the comprehensive plan for the district  
 39 prepared and adopted in accordance with article 5 of this act;

40 (l) "Renewal area" means an area designated by the commission  
 41 pursuant to article 5 of this act whose redevelopment is necessary  
 42 to effectuate the public purposes declared in this act. A renewal  
 43 area may contain lands, buildings or improvements which of them-  
 44 selves are not detrimental to the public health, safety or welfare,  
 45 but whose inclusion is found necessary, with or without change in  
 46 their condition, for the effective redevelopment of the area of which  
 47 they are a part;

48 (m) "Project area" means all or a portion of a renewal area;

49 (n) "Project" means any plan, work or undertaking by the com-  
 50 mission or by a redeveloper under contract to the commission,  
 51 pursuant to the master plan or a redevelopment plan. Such under-  
 52 taking may include the reclamation and improvement of meadow-  
 53 lands, any buildings, land (including demolition, clearance or re-  
 54 moval of buildings from land), equipment, facilities, or other real  
 55 or personal properties, which are necessary, convenient or desirable  
 56 appurtenances, including but not limited to, streets, water systems,  
 57 sewer systems, utilities, parks, site preparation, landscaping, and  
 58 administrative, community, health, recreational, educational and



59 welfare facilities, and buildings and structures in renewal areas  
60 for industrial, commercial or residential use;

61 (o) "Redeveloper" means any person, firm, corporation or  
62 public or private agency that shall enter into or propose to enter  
63 into a contract with the commission for the reclamation, develop-  
64 ment, redevelopment or improvement of an area or any part thereof  
65 under the provisions of this act, or for the construction of any  
66 project pursuant to the master plan or redevelopment plan;

67 (p) "Improvement" means (1) the laying out, opening, con-  
68 struction, widening, straightening, enlargement, extension, altera-  
69 tion, changing of location, grading, paving or otherwise improving,  
70 a street, alley or public highway; (2) curbing or guttering of a  
71 sidewalk along a street, alley or highway; (3) construction and  
72 improvement of bridges and viaducts; (4) construction, enlarge-  
73 ment or extension of a sewer or drain or of a sewerage or drainage  
74 system including, but not limited to, such systems under street,  
75 alleys, or public highways or systems for drainage of marshes and  
76 wet lowlands; or works for the sanitary disposal of sewerage or  
77 drainage; (5) the installation of service connections to water, and  
78 other utility works including the laying, construction, or placing  
79 of mains, conduits, or cables under or along a street, alley or high-  
80 way; (6) the construction, enlargement, or extension of water  
81 mains or water distribution works; (7) the construction, enlarge-  
82 ment, or extension of sanitary landfills *\*or incinerators or other*  
83 *facilities\** for the disposal of solid wastes; (8) the installation of  
84 lighting standards, appliances and appurtenances required for the  
85 illumination of streets; (9) widening, deepening, or improvement  
86 of, the removal of obstructions in, and the construction, enlarge-  
87 ment and extension of any waterway, or of enclosing walls, or of a  
88 pipe or conduit along a water course; (10) the reclaiming, filling  
89 and improving and bulkheading lands under tidal or other water  
90 and lands adjacent to such reclaimed or filled lands, and the  
91 dredging of channels and improvement of harbor approaches in  
92 waters abounding the lands to be reclaimed, filled and improved,  
93 or bulkheaded and filled; **\*[and]\*** (11) the development and im-  
94 provement of parks and recreational facilities\*; *and (12) the con-*  
94A *struction of buildings and other structures\*.*

95 (q) "Redevelopment" means a program for renewal through  
96 reclamation, clearance, replanning, development and redevelop-  
97 ment; the rehabilitation of any improvements; conservation or  
98 rehabilitation work; the construction and provision for construction  
99 of projects; and the grant or dedication of spaces as may be ap-  
100 propriate or necessary in the interest of the general welfare for



101 such projects or other public purposes incidental or appurtenant  
102 thereto, in accordance with the master plan or any part thereof, or  
103 a redevelopment plan;

104 (r) "Redevelopment plan" means a plan as it exists from time  
105 to time for a redevelopment project or projects in all or any part  
106 of the district, which plan shall conform to the master plan and  
107 shall be sufficiently complete to indicate such land acquisition,  
108 demolition and removal of structures, improvements, conservation  
109 or rehabilitation work as may be proposed to be carried out in the  
110 area of the project, existing and proposed land uses, building  
111 requirements, maximum densities, zoning and planning changes,  
112 if any, public transportation and utilities, recreational and com-  
113 munity facilities and other public improvements, and to indicate  
114 the relationship of the plan to definite regional objectives;

115 (s) "Site plan" means a plan for an existing lot or plot or a  
116 subdivided lot on which is shown topography, location of all exist-  
117 ing or proposed buildings, structures, drainage facilities, roads,  
118 rights-of-way, easements, parking areas, together with any other  
119 information, and at such a scale as may be required by a commis-  
120 sion site plan review and approval resolution.

121 (t) "Subdivision" means the division of a lot, tract or parcel  
122 of land into 2 or more lots, sites or other divisions of land for the  
123 purpose, whether immediate or future, of sale or building develop-  
124 ment except that the following divisions shall not be considered  
125 subdivisions within the meaning of this act; provided, however,  
126 that no new streets or roads are involved; divisions of land for  
127 agricultural purposes where the resulting parcels are 3 acres or  
128 larger in size, divisions of property by testamentary or intestate  
129 provisions, or divisions of property pursuant to court order.

130 (u) "Cost," in addition to the usual meanings thereof, means  
131 the cost of acquisition or construction of all or any part of an  
132 improvement and of all or any property, rights, easements, privi-  
133 leges, agreements and franchises deemed by the commission to be  
134 necessary or useful and convenient therefor or in connection  
135 therewith, including interest or discount on bonds, cost of issuance  
136 of bonds; engineering and inspection costs and legal expenses;  
137 cost of financial, professional and other estimates and advice;  
138 organization, administration, operation and other expenses of the  
139 commission prior to and during such acquisition or construction;  
140 and all such other expenses as may be necessary or incident to the  
141 financing, acquisition, construction and completion of said improve-  
142 ment or part thereof and the placing of same in operation; and  
143 also such provision or reserves for working capital, operating or



144 maintenance or replacement expenses, or for payment or security  
 145 of principal of or interest on bonds during or after such acquisition  
 146 or construction; and also reimbursements to the commission or  
 147 any county, municipality or other person of any moneys thereto-  
 148 fore expended for the purpose of the commission or in connection  
 149 with such improvements;

150 (v) "Special assessment" means an assessment for benefits  
 151 accruing from the construction of improvements by or at the  
 152 direction of the commission;

153 (w) "Committee" means the Hackensack Meadowlands Muni-  
 154 pal Committee established pursuant to article 4 of this act\*;

155 \*(x) "Solid waste" shall mean any refuse matter, trash or  
 156 garbage from residences, hotels, apartments or any other public  
 157 or private building, but shall not include water-carried wastes or  
 158 the kinds of wastes usually collected, carried away and disposed of  
 159 by a sewerage system;

160 (y) "Solid waste disposal facilities" shall mean the plants, struc-  
 161 tures and other real and personal property acquired, constructed  
 162 or operated, or to be acquired, constructed or operated by the com-  
 163 mission, as hereinafter provided, including incinerators, sanitary  
 164 landfills or other plants or facilities for the treatment and disposal  
 165 of solid waste.\*

#### ARTICLE 2. HACKENSACK MEADOWLAND DISTRICT

1 \*4. Except as otherwise provided, the commission shall be au-  
 2 thorized to carry out the purposes of this act within the following  
 3 district:

4 All that certain area: beginning at a point on U. S. Route 46 at  
 5 its junction with State Route 17 at Teterboro Airport;

6 Thence along U. S. Route 46 to its junction with State Route 93  
 7 (Grand Avenue) at the Ridgefield-Palisades Park Municipal  
 8 Boundary;

9 Thence southerly along U. S. Route 1 and 9 to its intersection  
 10 with the Pulaski Skyway in Jersey City;

11 Thence southwesterly along a line formed by the Pulaski Skyway  
 12 to a point where the Port Authority Trans-Hudson tracks pass  
 13 under the Pulaski Skyway;

14 Thence along the PATH track to their intersection with Har-  
 15 rison's municipal boundary;

16 Thence northwesterly along the Harrison-Kearny municipal  
 17 boundary to its junction with Harrison Avenue;

18 Thence easterly along Harrison Avenue (the easterly municipal  
 19 boundary of Harrison) to its junction with Schuyler Avenue;



20 Thence northerly along Schuyler Avenue to Brisbin Avenue  
21 (County Route 507);

22 Thence westerly along Schuyler Avenue to Orient Way;

23 Thence northerly along Orient Way to State Route 3;

24 Thence easterly along Route 3 to its junction with Route 17;

25 Thence northerly along State Route 17 to its junction with U. S.  
26 Route 46, the place of beginning, provided, however, that any  
27 riparian lands to the west of State Route 17 from the junction of  
28 Routes 3 and 17 to the Paterson Plank road in East Rutherford  
29 and thence easterly to route 17 shall be considered to lie within  
30 the district. ]\*

31 \*4. (a) *Except as otherwise provided, the commission shall be*  
32 *authorized to carry out the purposes of this act within the following*  
33 *district:*

34 *All that certain area bounded as described therein, excepting*  
35 *therefrom the area described in subsection (b) and (c) of this*  
36 *section:*

37 *Beginning at a point on Hendricks Causeway at its junction with*  
38 *the tracks of the Erie-Lackawanna Railroad—Northern Railroad*  
39 *of New Jersey Branch in Ridgefield;*

40 *Thence southerly along the tracks of the Erie-Lackawanna Rail-*  
41 *road—Northern Railroad of New Jersey Branch to its junction*  
42 *with the Fairview-Ridgefield Municipal boundary;*

43 *Thence westerly along the Fairview-Ridgefield Municipal*  
44 *boundary to its junction with the Fairview-North Bergen Municipal*  
45 *boundary;*

46 *Thence easterly along the Fairview-North Bergen Municipal*  
47 *boundary to its junction with the tracks of the Erie-Lackawanna*  
48 *Railroad—Northern Railroad of New Jersey Branch;*

49 *Thence southerly along the tracks of the Erie-Lackawanna Rail-*  
50 *road—Northern Railroad of New Jersey Branch to its junction with*  
51 *Tonnelle Avenue (U. S. Route 1 and 9) in Jersey City;*

52 *Thence southerly along Tonnelle Avenue (U. S. Route 1 and 9)*  
53 *to its intersection with the Pulaski Skyway;*

54 *Thence westerly along a line formed by the Pulaski Skyway to*  
55 *a point where the Port Authority Trans-Hudson tracks pass under*  
56 *the Pulaski Skyway;*

57 *Thence westerly along the Port Authority Trans-Hudson tracks*  
58 *to their intersection with the Harrison-Kearny Municipal*  
59 *Boundary;*

60 *Thence northwesterly along the Harrison-Kearny Municipal*  
61 *Boundary, as it jugs and curves, to its intersection with the Erie-*



62 Lackawanna Railroad, Harrison-Kingsland connecting branch of  
 63 the Morris and Essex Division;  
 64 Thence northerly along the tracks of the Erie-Lackawanna Rail-  
 65 road, Harrison-Kingsland connecting branch of the Morris and  
 66 Essex Division to its \*\*[junction with Orient Way in Lynd-  
 66A hurst]\*\* \*\* eastern intersection with the Boonton branch of the  
 66B Erie-Lackawanna Railroad\*\*;  
 67 \*\*[Thence northerly along Orient Way to its junction with Valley  
 68 Brook Avenue-Smith Street;  
 69 Thence easterly along Smith Street to its junction with Madison  
 70 Street;  
 71 Thence northerly along Madison Street to its junction with Ever-  
 72 green Place;  
 73 Thence westerly along Evergreen Place to its junction with  
 74 Meadow Road;  
 75 Thence northerly along Meadow Road to its junction with  
 76 Rutherford Avenue;  
 77 Thence northerly along a straight line drawn between the inter-  
 78 section of Rutherford Avenue and Meadow Road and the junction  
 79 of Union Avenue and Erie-Lackawanna-New Jersey and New York  
 80 Railroad;  
 81 Thence northerly along the tracks of the Erie-Lackawanna-New  
 82 Jersey and New York Railroad to its intersection with the Wood-  
 83 Ridge-Carlstadt municipal boundary;  
 84 Thence easterly along the Wood-Ridge-Carlstadt municipal  
 85 boundary to its intersection with Moonachie-Wood-Ridge municipal  
 86 boundary;  
 87 Thence northerly and westerly along the Moonachie-Wood-Ridge  
 88 municipal boundary to its intersection with the Hasbrouck  
 89 Heights-Moonachie municipal boundary;  
 90 Thence easterly and northerly along Hasbrouck Heights-  
 91 Moonachie municipal boundary to its intersection with the  
 92 Moonachie-Teterboro municipal boundary;  
 93 Thence westerly and northerly along the Hasbrouck Heights-  
 94 Teterboro municipal boundary to its intersection with U. S.  
 95 Route 46;  
 96 Thence easterly along U. S. Route 46 to its intersection with the  
 97 Teterboro-Little Ferry municipal boundary;  
 98 Thence southerly along the Teterboro-Little Ferry municipal  
 99 boundary to its intersection with the Moonachie-Little Ferry  
 100 boundary;  
 101 Thence southerly along the Moonachie-Little Ferry Municipal  
 102 boundary to its intersection with Red Neck Road;



- 103 Thence southerly along Reck Neck Road to its junction with  
 104 Moonachie Avenue in Moonachie;
- 105 Thence easterly along Moonachie Avenue to its junction with  
 106 Moonachie Road;]\*\*
- 106A \*\*\*Thence northerly to the nearest point of intersection with  
 106B Berry's Creek;
- 106C Thence northerly following mid-stream of Berry's Creek to the  
 106D point where Berry's Creek intersects Woodbridge-Carlstadt  
 106E boundary line;
- 106F Thence easterly along the Woodbridge-Carlstadt boundary to its  
 106G intersection with Washington Avenue and Moonachie Road;\*\*\*
- 107 Thence northerly along Moonachie Road to its junction with  
 108 Maple Street;
- 109 Thence easterly along Maple Street approximately 930 feet to  
 110 its intersection with the Transcontinental gas pipeline;
- 111 Thence northeasterly along a straight line drawn between the  
 112 intersection of Maple Street and the Transcontinental gas pipeline  
 113 and the intersection of Bertolotto Avenue and the Moonachie-Little  
 114 Ferry Municipal boundary (Losen Slofe Creek);
- 115 Thence easterly along Bertolotto Avenue to its junction with  
 116 Eckel Road;
- 117 Thence northerly along Eckel Road to its junction with Columbus  
 118 Avenue;
- 119 Thence easterly along Columbus avenue to its junction with  
 120 Mehrhof Road;
- 121 Thence northerly along Mehrhof Road to its junction with Wash-  
 122 ington Avenue;
- 123 Thence easterly and northerly along Washington Avenue to its  
 124 junction with Main Street;
- 125 Thence easterly along Main Street extended to the Little Ferry-  
 126 Ridgefield Park Municipal boundary; (The middle of the Hacken-  
 127 sack River);
- 128 Thence southerly along the Little Ferry-Ridgefield Park Muni-  
 129 cipal boundary (in the middle of the Hackensack River) to its inter-  
 130 section with the Ridgefield Park-Ridgefield Municipal boundary;
- 131 Thence easterly along the Ridgefield Park-Ridgefield Municipal  
 132 boundary (in the middle of Overpeck Creek) to its intersection with  
 133 Bergen Turnpike;
- 134 Thence southerly along Bergen Turnpike to its junction with  
 135 Hendricks Causeway;
- 136 Thence southeasterly along Hendricks Causeway to its junction  
 137 with the tracks of the Lackawanna Railroad—Northern Branch,  
 138 the point of beginning.



- 139 (b) *Exception:*
- 140 *Beginning at a point on Old New Jersey Route 3 (New Jersey*
- 141 *Route 153) (Paterson Plank Road) at its junction with County*
- 142 *Avenue in Secaucus;*
- 143 *Thence southerly along County Avenue to its junction with*
- 144 *Secaucus Road;*
- 145 *Thence westerly along Secaucus Road a distance of 1,321 feet*
- 146 *more or less to its junction with Private Road;*
- 147 *Thence northerly along a straight line drawn between the inter-*
- 148 *section of Secaucus Road and the aforementioned Private Road and*
- 149 *the intersection of Pandolfi Avenue-Golden Avenue in Secaucus;*
- 150 *Thence westerly along Pandolfi Avenue to its junction with 5th*
- 151 *Street;*
- 152 *Thence Southerly along 5th Street to its junction with Mansfield*
- 153 *Avenue;*
- 154 *Thence westerly along Mansfield Avenue to its junction with*
- 155 *Walter Place;*
- 156 *Thence northerly along Walter Place to its junction with Mans-*
- 157 *field Avenue;*
- 158 *Thence westerly along Mansfield Avenue to its junction with 9th*
- 159 *Street;*
- 160 *Thence northerly along 9th Street to its junction with Grace*
- 161 *Street;*
- 162 *Thence easterly along Grace Street to its junction with Eighth*
- 163 *Street;*
- 164 *Thence northerly along Eighth Street to its junction with Old*
- 165 *New Jersey Route 3 (Route 153);*
- 166 *Thence easterly along Old New Jersey Route 3 (Route 153) to*
- 167 *its junction with Paterson Plank Road;*
- 168 *Thence easterly continuing along Old New Jersey Route 3 (Route*
- 169 *153) (Paterson Plank Road) to its junction with County Avenue,*
- 170 *the point of beginning.*
- 171 (c) *Exception:*
- 172 *Beginning at a point on Maple Avenue at its junction with 7th*
- 173 *Street in Secaucus;*
- 174 *Thence northerly and easterly along 7th Street to its junction*
- 175 *with Paterson Plank Road;*
- 176 *Thence northerly along Paterson Plank Road to its junction with*
- 177 *Farm Road;*
- 178 *Thence northerly along Farm Road to its junction with Meadow*
- 179 *Lane;*
- 180 *Thence easterly along Meadow Lane to its junction with Stone-*
- 181 *wall Lane and Mill Ridge Road;*



- 182 Thence easterly along Mill Ridge Road to its junction with Koelle  
 183 Boulevard;
- 184 Thence southerly along Koelle Boulevard to its junction with  
 185 Huber Street;
- 186 Thence westerly along Huber Street to its junction with Radio  
 187 Avenue;
- 188 Thence southerly on Radio Avenue to its junction with Pikeview  
 189 Terrace;
- 190 Thence westerly and northerly along Pikeview Terrace to its in-  
 191 tersection with Lausecker Lane;
- 191A Thence westerly along Lausecker Lane to its junction with Pater-  
 192 son Plank Road;
- 193 Thence southerly along Paterson Plank Road to its junction with  
 194 Maple Street;
- 195 Thence westerly along Maple Street to its junction with 7th  
 196 Street, the point of beginning.\*
- 197 **\*\* (d) Exception: In the municipality of Secaucus the district**  
 198 **shall be limited to lands which, by and large, are less than 4 feet**  
 199 **above mean sea level in elevation.**
- 200 (e) The Hackensack Meadowlands Development Commission  
 201 hereinafter established shall, within 120 days of the effective date  
 202 of this act, cause to be made, completed, and filed as hereinafter  
 203 provided a metes and bounds description of the above described  
 204 area which it shall designate as the district for the purposes of this  
 205 act.
- 206 The commission shall publish a map portraying its description  
 207 which shall clearly indicate those lands designated by the commis-  
 208 sion as within the district. Copies of such map and description shall  
 209 be filed with the Secretary of State and sent to the clerk of each  
 210 county and to the governing body of each municipality whose polit-  
 211 ical boundaries include lands shown on the map. Such maps and  
 212 descriptions shall be available for public inspection.
- 213 (f) If, in order to insure the approval and funding, in whole or in  
 214 part, of the Federal government, or any agency or instrumentality  
 215 thereof, of any reclamation project in the Hackensack Meadow-  
 216 lands, it is necessary to include in any such reclamation project  
 217 riparian land which is not within the district designated herein, the  
 218 commission, upon certifying to the Governor and the Legislature  
 219 the existence of the aforesaid necessity in order to insure Federal  
 220 government approval and funding, shall be authorized to include  
 221 in the district, for the purpose of such reclamation project, any  
 222 riparian land in the Hackensack Meadowlands.\*\*



## ARTICLE 3. HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

1 5. (a) There is hereby established in, but not of, the Department  
 2 of Community Affairs a public body corporate and politic, with  
 3 corporate succession, to be known as the "Hackensack Meadow-  
 4 lands Development Commission." The commission shall constitute  
 5 a political subdivision of the State established as an instrumentality  
 6 exercising public and essential governmental functions, and the  
 7 exercise by the commission of the powers conferred by this act  
 8 shall be deemed and held to be an essential governmental function  
 9 of the State.

10 (b) The commission shall consist of ~~\*[5]\*~~ *\*7\** members ap-  
 11 pointed and qualified as follows:

12 (1) The Commissioner of the Department of Community Affairs,  
 13 ex officio; provided that he may appoint an alternate to act in  
 14 his place and stead, with the authority to attend, vote and perform  
 15 any duty or function assigned to the Commissioner of the Depart-  
 16 ment of Community Affairs in his absence. The alternate shall  
 17 serve during the term of the Commissioner of the Department of  
 18 Community Affairs, subject to removal at his pleasure. In the  
 19 event of a vacancy in the position of alternate, it shall be filled in  
 20 the same manner as an original appointment and only for the  
 21 unexpired term.

22 (2) ~~\*[Four]\*~~ *\*Six\** citizens of the State, appointed by the Gov-  
 23 ernor, with the advice and consent of the Senate and no more than  
 23A ~~\*[2]\*~~ *\*3\** of whom shall be of the same political party; ~~\*[one]\*~~  
 24 *\*2\** of whom shall be ~~\*[a resident]\*~~ *\*residents\** ~~\*\*[of one]\*\*~~  
 25 the constituent municipalities of Bergen county and ~~\*[one]\*~~ *\*2\** of  
 26 whom shall be ~~\*[a resident]\*~~ *\*residents\** ~~\*\*[of one]\*\*~~ of the con-  
 27 stituent municipalities of Hudson county\*; *provided, however, no*  
 27A *more than one citizen shall be appointed from any one constituent*  
 27B *municipality; one of whom shall be a resident of Bergen county and*  
 27C *one of whom shall be a resident of Hudson County\*\*[;]\* \*\*.*  
 27D *The Commissioner of the State Department of Transportation, the*  
 27E *Commissioner of the Department of Conservation and Economic*  
 27F *Development, and a representative of the United States Army*  
 27G *Corps of Engineers, may, within the limits of their respective*  
 27H *responsibilities and at the request of the commission, serve as non-*  
 27I *voting advisors to the commission. The members of the liaison*  
 27J *committee established, as hereinafter provided, by the Hackensack*  
 27K *Meadowlands Municipal Committee, shall also serve as non-voting*  
 27L *advisors to the commission;\**



28 (c) The Commissioner of *the Department of* Community  
29 Affairs shall serve on the commission during his term of office and  
30 shall be succeeded by his successor in office. Each member ap-  
31 pointed by the Governor shall serve for terms of 5 years; provided  
32 that *of* the first members appointed by the Governor *[shall serve*  
33 *for terms of 2, 3, 4 and 5 years respectively]* *one shall serve for*  
34 *a term of 1 year, one for a term of 2 years, one for a term of 3 years,*  
35 *one for a term of 4 years, and 2 for a term of 5 years*\*. Each mem-  
36 ber shall serve for the term of his appointment and until his suc-  
36A cessor shall have been appointed and qualified. Any vacancy shall  
36B be filled in the same manner as the appointment for the unexpired  
36C term only.

37 (d) Any member of the commission may be removed by the  
38 Governor for cause after a public hearing.

39 (e) Each member of the commission before entering upon his  
40 duties shall take and subscribe an oath to perform the duties of  
41 his office faithfully, impartially and justly to the best of his ability.  
42 A record of such oaths shall be filed in the office of the Secretary  
43 of State.

44 (f) The members of the commission shall serve without com-  
45 pensation, but the commission may reimburse its members for  
46 necessary expenses incurred in the discharge of their duties.

47 (g) The Governor shall designate one of the members of the  
48 commission as chairman. The commission shall select from its  
49 members a vice-chairman and a treasurer, and shall employ an  
50 executive director, who shall be secretary, and a chief fiscal officer.  
51 The commission may also appoint, retain and employ, without re-  
52 gard to the provisions of Title 11, Civil Service, of the Revised  
53 Statutes, such officers, agents, employees and experts as it may  
54 require, and it shall determine their qualifications, terms of office,  
55 duties, services and compensation.

56 (h) The powers of the commission shall be vested in the members  
57 thereof in office from time to time and a majority of the total  
58 authorized membership of the commission shall constitute a quorum  
59 at any meeting thereof. Action may be taken and motions and  
60 resolutions adopted by the commission at any meeting thereof by  
61 the affirmative vote of a majority of the members *[present]*\*, un-  
62 less in any case the by-laws of the commission or any of the provi-  
63 sions of this act shall require a larger number; provided that the  
64 commission may designate one or more of its agents or employees  
65 to exercise such administrative functions, powers and duties as it  
66 may deem proper, under its supervision and control. No vacancy in



67 the membership of the commission shall impair the right of a  
68 quorum to exercise all the rights and perform all the duties of the  
68A commission, except as provided by section 8.

69 (i) Before the issuance of any bonds under the provisions of this  
70 act, the members and the officer of the commission charged with  
71 the handling of the commission's moneys shall be covered by a  
72 surety bond or bonds in such sum as provided by the rules and  
73 regulations of the commission conditioned upon the faithful per-  
74 formance of the duties of their respective offices, and executed by  
75 a surety company authorized to transact business in the State of  
76 New Jersey as a surety. Each such surety bond shall be submitted  
77 to the Attorney General for his approval and upon his approval  
78 shall be filed in the office of the Secretary of State prior to the  
79 issuance of any bonds by the commission. At all times after the  
80 issuance of any bonds by the commission the officer of the com-  
81 mission charged with the handling of the commission's moneys  
82 and each member shall maintain such surety bonds in full force  
83 and effect. All costs of such surety bonds shall be borne by the  
84 commission.

85 (j) On or before March 31 in each year the commission shall  
86 make an annual report of its activities for the preceding calendar  
87 year to the Governor and to the Legislature. Each such report  
88 shall set forth a complete operating and financial statement cover-  
89 ing its operations during the year.

90 (k) The commission shall cause an audit of its books and ac-  
91 counts to be made at least once in each year and the cost thereof  
92 shall be treated as one incurred by the commission in the admin-  
93 istration of this act, and a copy thereof shall be filed with the State  
94 Treasurer, all as more fully provided in section 76 of this act.

95 (1) (1) No member, officer, employee or agent of the commission  
96 shall be financially interested, either directly or indirectly, in any  
97 project or any part of a project area (other than a residence) or  
98 in any contract, sale, purchase, lease or transfer of real or per-  
99 sonal property to which the commission is a party;

100 (2) Any contract or agreement knowingly made in contraven-  
101 tion of this section is \***[void]**\* \*voidable\*;

102 (3) Any person who shall willfully violate any of the provisions  
103 of this section shall forfeit his office or employment and shall be  
104 guilty of a misdemeanor.

1 6. The commission shall have perpetual succession and shall have  
2 the following powers:



- 3 (a) To adopt and from time to time amend and repeal suitable  
4 by-laws for the management of its affairs;
- 5 (b) To adopt and use an official seal and alter the same at its  
6 pleasure;
- 7 (c) To maintain an office at such place or places within the State  
8 as it may designate;
- 9 (d) To sue and be sued in its own name;
- 10 (e) To issue bonds or notes of the commission and to provide  
11 for the rights of the holders thereof as provided in this act; *\*pro-*  
11A *vided, however, that prior to the issuance of any bonds or notes*  
11B *and prior to incurring any financial obligation in excess of*  
11C *\$1,000,000.00, the commission shall employ a registered municipal*  
11D *accountant of New Jersey or a certified public accountant of New*  
11E *Jersey to inspect its accounts and certify to the State Treasurer*  
11F *that such bonds or such obligations may be issued or incurred by*  
11G *the commission without prejudice to any bonds or obligations of*  
11H *the commission outstanding, and that such bonds or obligations*  
11I *are, or may reasonably be expected to be, within the ability of the*  
11J *commission to meet.\**
- 12 (f) To enter upon any building or property in order to conduct  
13 investigations, examinations, surveys, soundings, or test borings  
14 necessary to carry out the purposes of this act, all in accordance  
15 with due process of law.
- 16 (g) To acquire in the name of the commission by purchase, lease  
17 as lessee, or otherwise, on such terms and conditions and in such  
18 manner as it may deem proper, or by the exercise of the power of  
19 eminent domain, any land or interest therein and other property,  
20 including land under water and riparian lands, land or highways  
21 held by any municipality or other governmental subdivision of the  
22 State, or any fee simple absolute in, easements upon, or the benefit  
23 of restrictions upon abutting property, that it may determine is  
24 reasonably necessary for the performance of any of its duties under  
25 this act; provided that the power of eminent domain shall not be  
26 exercised by the commission to acquire any property owned or  
27 used by a public utility, as defined in section 48:2-13 of the Revised  
28 Statutes, in furnishing any commodity or service which by law it  
29 is authorized to furnish;
- 30 (h) To receive and accept, from any Federal or other public  
31 agency or governmental entity, grants or loans for or in aid of the  
32 planning or construction of any project or improvement, or the  
33 acquisition of any property, and to receive and accept aid or con-  
34 tributions from any other source, of either money, property, labor  
35 or other things of value, to be held, used and applied only for the



36 purposes for which such grants, loans and contributions may be  
37 made\*, and to enter into co-operative agreements with the Federal  
37A Government or any other public or governmental agency for the  
37B performance of such acts as may be necessary and proper for the  
37C reclamation of the meadowlands and to comply with other require-  
37D ments for such participation\*;

38 (i) To prepare, adopt and implement a master plan for the  
39 physical development of all lands\*, or a portion thereof,\* lying  
40 within the district; and to adopt and enforce codes and standards  
41 for the effectuation of such plan;

42 (j) By contract or contracts with a redeveloper or by its own  
43 employees to undertake any development or other project or im-  
44 provement as it finds necessary to reclaim, develop, redevelop and  
45 improve the land within the district;

46 (k) To establish engineering standards for land reclamation,  
47 including the type of fill, drainage and grading, and to promulgate  
48 a building code specifying the maximum weight, size and density  
49 of all buildings and structures to be placed on any land within its  
50 jurisdiction according to the method of reclamation employed and  
51 the load-bearing quality of the reclaimed land;

52 (l) To recover by special assessments the cost of improvements  
53 from the increase of property values attributable to such improve-  
54 ments;

55 (m) Generally to fix and revise from time to time and to charge  
56 and collect rates, fees and other charges for the use of any facili-  
57 ties operated and maintained by the commission;

58 (n) To make such legal arrangements for the use of the property  
59 of the school fund so as to increase the capital of such fund as may  
60 be necessary or desirable \***[for the purposes of the commission]**\*;

61 (o) To enter into any and all agreements or contracts, execute  
62 any and all instruments, and do and perform any and all acts or  
63 things necessary, convenient or desirable for the purposes of the  
64 commission or to carry out any power expressly given in this act;

65 (p) To conduct examinations and investigations, hear testimony  
66 and take proof under oath at public or private hearings, of any  
67 material matter, require attendance of witnesses and the produc-  
68 tion of books and papers and issue commissions for the examination  
69 of witnesses who are out of State, unable to attend, or excused  
70 from attendance;

71 (q) To publish and disseminate information and to make known  
72 to potential users, by advertisement, solicitation or other means,  
73 the availability for development of lands in the district;



- 74 (r) To review and regulate plans for any subdivision or develop-  
 75 ment within the district;
- 76 (s) To subordinate, waive, sell, assign, or release any right, title,  
 77 claim, lien, or demand however acquired, including any equity or  
 78 right or redemption; to foreclose, sell, or assign any mortgage  
 79 held by it, or any interest in real or personal property; and to  
 80 purchase at any sale upon such terms and at such prices as it de-  
 81 termines to be reasonable and to take title to property, real, per-  
 82 sonal, or mixed, so acquired, and to sell, exchange, assign, convey,  
 83 \*lease, mortgage,\* or otherwise dispose of any such property, sub-  
 84 ject to such conditions and restrictions as it deems necessary to  
 85 carry out the purposes of this act;
- 86 (t) To cause to be prepared plans, specifications, designs and  
 87 estimates of costs for the construction of projects and improve-  
 88 ments under the provisions of this act, and from time to time to  
 89 modify such plans, specifications, designs or estimates;
- 90 (u) To determine the existence of renewal areas, and to under-  
 91 take redevelopment projects therein;
- 92 (v) To exercise all authorized powers of the commission which  
 93 shall be deemed to be for a public purpose and to acquire any prop-  
 94 erty which shall be deemed for public use, which use shall be deemed  
 95 superior to the public use of any municipality, county, school dis-  
 96 trict, or other local or regional district, authority or agency\*;
- 97 (w) To provide solid waste disposal facilities for the treatment  
 98 and disposal of solid waste, as hereinafter provided.\*

ARTICLE 4. HACKENSACK MEADOWLANDS MUNICIPAL COMMITTEE;  
 ORGANIZATION AND POWERS

- 1 7. (a) There is hereby established a Hackensack Meadowlands  
 2 Municipal Committee, the membership of which shall consist of the  
 3 mayor or elected chief executive\*, or his designated alternate,\* of  
 3A each constituent municipality.
- 4 (b) A majority of the membership of the committee shall con-  
 5 stitute a quorum for the transaction of committee business. Action  
 6 may be taken and motions and resolutions adopted by the com-  
 7 mittee at any meeting thereof by the affirmative vote of a majority  
 8 of the full membership of the committee unless in any case the  
 9 by-laws of the committee or any of the provisions of this act shall  
 10 require a larger number\*\*[;]\*\* \*\*. The committee shall elect from  
 10A its membership a liaison-committee consisting of 4 members, 2 of  
 10B whom shall be residents of Bergen county and 2 of whom shall be  
 10C residents of Hudson county. It shall be the purpose of the liaison-  
 10D committee to act as liaison between the commission and the com-  
 10E mittee.\*\*



11 (c) The committee shall meet regularly as it may determine, and  
12 may also meet at the call of the chairman of the commission.

13 (d) The committee shall appoint a chairman from among its  
14 members and such other officers as may be necessary. *\*\*The com-  
14A mittee may, within the limits of any funds appropriated or other-  
14B wise made available to it for this purpose, also appoint, retain and  
14C employ, without regard to the provisions of Title 11, Civil Service,  
14D of the Revised Statutes, such officers, agents, employees and experts  
14E as it may require, and it shall determine their qualifications, terms  
14F of office, duties, services and compensation.\*\**

15 (e) Members of the committee shall serve without compensation,  
16 and each member shall serve only so long as he is the mayor or  
17 elected chief executive of the municipality he represents. *\*\*The  
18 committee may reimburse its members for necessary expenses in-  
19 curred in the discharge of their duties.\*\**

1 8. (a) The commission shall submit to the committee for review,  
2 prior to final action thereon, codes and standards formulated by  
3 the commission, the district master plan and amendments thereto,  
4 development and redevelopment plans, and improvement plans.  
5 The commission may also submit to the committee any other matter  
6 which the commission deems advisable.

7 (b) The committee shall review matters submitted to it by the  
8 commission pursuant to this section and shall indicate its position  
9 in writing to the commission. Failure of the committee to state  
10 its position within 45 days of the receipt of any matter so referred  
11 to the committee shall be deemed to constitute approval of the  
12 proposed action of the commission. Except that, the committee  
13 shall have 120 days after receipt of the master plan to state its  
14 position, in writing, to the commission.

15 (c) The commission shall not take any final action on any matter  
16 required to be submitted to the committee pursuant to this section,  
17 which matter has been formally rejected by the committee, except  
18 by a vote of *\*[4/5]\* \*5/7\** of the full membership of the commission.

19 (d) The committee may make recommendations to the commis-  
20 sion on any matter it deems advisable whether or not such matter  
21 was submitted to said committee by said commission.

#### ARTICLE 5. HACKENSACK MEADOWLANDS DEVELOPMENT

1 9. (a) The commission shall prepare, or cause to be prepared,  
2 and, after public hearing and pursuant to the procedures herein-  
3 after provided, shall adopt a master plan or portion thereof for  
4 the physical development of all lands lying within the district,  
5 which plan may include proposals for various stages in the future  
6 development of the district. The commission may from time to  
7 time, pursuant to the procedures hereinafter provided, and after



8 public hearing, amend said master plan. The master plan shall  
 9 include a report presenting the objectives, assumptions, standards  
 10 and principles which are embodied in the various interlocking  
 11 portions of the master plan. The master plan shall be a com-  
 12 posite of the one or more \***[mapped and]**\* written proposals recom-  
 13 mending the physical development of the lands within its juris-  
 14 diction either in its entirety or a portion thereof which the  
 15 commission shall prepare after meetings with the governing bodies  
 16 of the constituent municipalities and affected counties, and any  
 17 agencies and instrumentalities thereof\***[, meetings with other pub-**  
 18 **lic agencies, and with private developers and other interested**  
 18A **parties]**\*

19 **\*[(b) The commission shall prepare or cause to be prepared an**  
 20 **annual survey to determine the extent to which land in the district**  
 21 **is utilized for the treatment or disposal of solid waste and the**  
 22 **needs of the municipalities, in and without the district, which use**  
 23 **land in the district for this purpose.] \*(b)\*** In preparing the master  
 24 plan or any portion thereof or amendment thereto the commission  
 25 shall give due consideration to the necessity to provide in the  
 26 district sanitary landfills and other facilities for the disposal of  
 27 solid waste which may be utilized by municipalities within the dis-  
 28 trict and municipalities throughout the State. In preparing the  
 29 master plan or any portion thereof or amendment thereto the com-  
 30 mission shall give due consideration to the existing patterns of  
 31 the development in the constituent municipalities and to any master  
 32 plan or other plan of development adopted by any constituent  
 33 municipality prior to the effective date of this act or prior to the  
 34 preparation of the master plan by the commission.

35 (c) In preparing the master plan or any portion thereof or  
 36 amendment thereto, the commission shall consult with any Federal  
 37 or State agency having an interest in the district. At least 60 days  
 38 prior to taking any action relating to the district such Federal and  
 39 State agency shall file with the commission their proposed plans  
 40 for the commission's review and recommendation.

1 9.1 (a) *Within **\*\*[3]\*\* \*\*6\*\*** months of the effective date of this*  
 2 *act the commission shall undertake and complete a survey of the*  
 3 *district to determine the total amount of solid waste treated and*  
 4 *disposed on a daily basis in the district as of the effective date of*  
 5 *this act by persons in this State.*

6 (b) *The commission is hereby authorized, empowered and di-*  
 7 *rected to guarantee that solid waste disposal facilities sufficient to*  
 8 *treat and dispose of the total amount of solid waste determined*



9 by its survey shall be available or be provided by the commission.  
10 (c) In providing the solid waste disposal facilities which it is  
11 hereby authorized, empowered and directed to provide, the com-  
12 mission shall, prior to preparing any plans or specifications for  
13 such facilities, consult with those persons utilizing the district for  
14 the treatment and disposal of solid waste and, pursuant to the  
15 provisions of section 78 of this act, contract with such persons or  
16 any of such persons, who desire to utilize any solid waste disposal  
17 facilities provided by the commission, and in the provision of such  
18 facilities the commission may:

19 (1) Acquire or construct any such facilities as an improve-  
20 ment, and may recover the cost of such acquisition or construc-  
21 tion in the same manner and pursuant to the same procedure  
22 provided for any other improvement undertaken by the com-  
23 mission pursuant to this act;

24 (2) Operate and maintain any such facilities and generally  
25 fix and collect rates, fees or other charges for any such facili-  
26 ties in the same manner and pursuant to the same procedure  
27 provided for any other facilities operated and maintained by  
28 the commission; or lease as lessor or lessee any such facilities,  
29 or provide by agreement or contract with any person for the  
30 operation of any such facilities; provided, however, that prior  
31 to the acquisition, construction, operation, lease as lessor or  
32 lessee, contract or agreement by the commission for any such  
33 solid waste disposal facilities in the district, the commission  
34 shall submit to the Commissioner of the State Department of  
35 Health for approval a plan or plans describing in detail the  
36 purpose of such acquisition, construction, operation, lease as  
37 lessor or lessee, contract or agreement. In reviewing the plans  
38 submitted in compliance with this section and in determining  
39 conditions under which such plans may be approved the com-  
40 missioner shall give due consideration to community develop-  
41 ment of comprehensive regional solid waste disposal facilities,  
42 in order to be assured insofar as is practicable that all pro-  
43 posed solid waste disposal facilities shall conform to reason-  
44 ably contemplated development of comprehensive community  
45 or regional solid waste disposal facilities. No solid waste dis-  
46 posal facility shall be acquired, constructed, operated, leased,  
47 contracted or agreed for in the district without approval of the  
48 Commissioner of the State Department of Health.

49 (3) Join and participate in any agency, instrumentality or  
50 authority created by the State, or by any political subdivision  
51 or subdivisions thereof, for the purpose of treating or dispos-



52        *ing of solid waste in which it may be authorized by law to join*  
 53        *and participate, under any terms or conditions, subject to any*  
 54        *duties and entitled to any rights and powers provided by such*  
 55        *law.*

56        (4) *Permit, by contract or agreement, any agency, instru-*  
 57        *mentality or authority created by the State, or by any political*  
 58        *subdivision or subdivisions thereof, for the purpose of treating*  
 59        *or disposing of solid waste to acquire, construct, or operate*  
 60        *and maintain any solid waste disposal facilities which such*  
 61        *agency, instrumentality or authority is authorized by law to*  
 62        *acquire, construct, or operate and maintain. Any such facili-*  
 63        *ties acquired, constructed, or operated and maintained by any*  
 64        *such agency, instrumentality or authority may be located*  
 65        *either within the district or without the district but within the*  
 66        *jurisdiction of such agency, instrumentality or authority; pro-*  
 67        *vided, however, that if any such facility is located within the*  
 68        *district it shall be subject to the same procedure for approval*  
 69        *by the Commissioner of the State Department of Health as*  
 70        *any other such facility in the district.*

71        (d) *Nothing herein contained shall be interpreted as requiring*  
 72        *any person to utilize any solid waste disposal facility provided by*  
 73        *the commission; provided, however, that upon the completion of*  
 74        *the survey undertaken by the commission pursuant to this section*  
 75        *no solid waste may be treated or disposed in the district by any*  
 76        *person without the express written consent of the commission.*

77        (e) *The commission, in its discretion, may provide solid waste*  
 78        *disposal facilities sufficient to treat and dispose of more than the*  
 79        *total amount of solid waste determined by its survey, and may make*  
 80        *such facilities available to persons other than those treating and*  
 81        *disposing of solid waste in the district as of the effective date of*  
 82        *this act.*

83        (f) *In order to acquire or construct any solid waste disposal*  
 84        *facility the commission is authorized to issue bonds and notes and*  
 85        *to pay or redeem said bonds and notes from revenue derived from*  
 86        *the fees and other charges collected for such facilities. Any cost*  
 87        *incurred by the commission in providing any solid waste disposal*  
 88        *facilities shall be charged by the commission to the persons utilizing*  
 89        *such facilities, and nothing herein contained shall be interpreted*  
 90        *as requiring the commission to bear the cost of any solid waste dis-*  
 91        *posal facility provided by the commission pursuant to this act.*

10. (a) *The master plan shall include provisions \*or criteria\* for*  
 2        *the location and use of buildings, structures, facilities, and land for*  
 3        *solid waste disposal, and may include provisions for: (1) the use of*



4 land and buildings, residential, commercial, industrial, mining, agri-  
5 cultural, park and other like purposes; (2) service-water supply,  
6 utilities, sewerage, and other like matters; (3) transportation,  
7 streets, parking, public transit lines and stations both above and  
8 below ground level, freight facilities, airports, harbors, channels,  
9 docks and wharves, and other like matters; (4) housing, residential  
10 standards, clearance, redevelopment, rehabilitation, conservation,  
11 and other like matters; (5) water, forest, soil conservation, flood  
12 control, and other like matters; (6) public and semipublic facilities  
13 including but not limited to civic centers, schools, libraries, parks,  
14 playgrounds, fire houses, police buildings, hospitals, and other like  
15 matters; (7) the distribution and density of population; (8)  
16 planned unit development; (9) community appearance; (10)  
17 financing and programming capital improvements; (11) and other  
18 related elements of growth and development, including the social  
19 implications of any proposed development, and advances in  
20 technology related to any subject included in the plan.

21 (b) The plan may also include codes and standards covering  
22 land use, comprehensive zoning, subdivisions, building construction  
23 and design, housing, *\*and the\** control of air and water pollution  
24 and solid waste disposal *\*which has been approved by the State*  
25 *Department of Health\**, and other subjects necessary to carry out  
26 the plan or to undertake a workable program of community im-  
27 provement. *\*No codes or standards concerning building construc-*  
28 *tion and design shall be promulgated without the certificate of the*  
29 *chief engineer or equivalent official of the commission that the pro-*  
30 *posed codes and standards meet the engineering standards adopted*  
31 *by the commission.\** No municipality shall enact or enforce any  
32 code which is inconsistent with the code contained in the master  
33 plan insofar as such code applies to property within the district;  
34 provided, however, that the governing body or other appropriate  
35 body of each constituent municipality may enact zoning ordinances  
36 and any other codes or standards, which it is authorized by the  
37 laws of this State to enact, for lands within the boundaries of said  
38 municipality which are subject to the jurisdiction of the commission  
39 and which will effectuate the purposes of the commission's master  
40 plan.

1 11. (a) No building or structure may be constructed or altered  
2 within the area shown on the master plan unless the commission  
3 shall first issue a permit approving the plans and specifications  
4 for the proposed construction or alteration as being in conformity  
5 with the master plan. No permit may be issued without a certificate  
6 from the chief engineer or equivalent official of the commission



7 that the proposed construction or alteration meets the engineering  
8 standards adopted by the commission.

9 (b) Whenever the commission shall have adopted a master plan  
10 or any portion thereof, the governing body of any constituent mu-  
11 nicipality or affected county\*, or any\* agency\***[,]**\* or instrumental-  
12 ity thereof, before taking action necessitating the expenditure of  
13 any public funds incidental to the location, character, or extent of  
14 one or more projects of said municipality or affected county, or any  
15 agency or instrumentality thereof, shall refer action involving such  
16 specific project to the commission for review and approval, and  
17 shall not act thereon **\*[until]\*** *\*unless\** the commission has indi-  
18 cated its approval by a majority vote of said commission within 45  
19 days of reference to the commission or by the failure of the com-  
20 mission to disapprove by a majority vote of said commission within  
21 said 45 days.

1 12. The commission shall review and regulate subdivisions and  
2 land development within the district, in accordance with pro-  
3 cedures and engineering and planning standards adopted by reso-  
4 lution, which shall require that:

5 (a) All subdivisions, site plans, buildings and other develop-  
6 ment be in accordance with the master plan and any applicable re-  
7 development plan;

8 (b) Adequate drainage facilities and easements be provided;

9 (c) Road improvements be provided for subdivisions or sites  
10 where necessary to protect the safety and convenience of the travel-  
11 ing public, such improvements to include, but not be limited to,  
12 additional rights-of-way or pavement widths, marginal access  
13 streets, reverse frontage and highway and traffic design  
14 features necessitated by increased traffic, potential safety hazards  
15 or traffic flow impediments caused by the subdivision or develop-  
16 ment;

17 (d) Public water and sewer systems be provided where neces-  
18 sary to protect public health and to insure an adequate supply of  
19 water;

20 (e) Performance guarantees, maintenance bonds and agree-  
21 ments be provided specifying minimum standards of construction  
22 for required improvements by the commission and not to exceed  
23 the full cost of the facility and installation thereof or the de-  
24 veloper's proportionate share thereof. Any bonds, moneys or  
25 guarantees received by the commission under this paragraph shall  
26 not duplicate bonds, moneys or guarantees required by municipal-  
27 ities for municipal purposes.



1 13. (a) Each application for a subdivision, site plan or building  
2 permit shall be submitted to the commission for review and, where  
3 required, approval prior to approval by the local constituent  
4 municipal approving authority. Commission approval of any sub-  
5 division application shall be limited by and based upon the rules,  
6 regulations and standards established by and duly set forth in a  
7 resolution adopted by the commission. The constituent municipal  
8 approval authority shall defer taking final action on a subdivision  
9 application until receipt of the commission report thereon. The  
10 commission shall report to the municipal authority within 45 days  
11 from the date of receipt of the application. If the commission fails  
12 to report to the municipal approving authority within the 45-day  
13 period, said subdivision application shall be deemed to have been  
14 approved by the commission unless, by mutual agreement between  
15 the commission and municipal approving authority, with approval  
16 of the applicant, the 45-day period shall be extended for an addi-  
17 tional 45-day period, and any such extension shall so extend the  
18 time within which a municipal approving authority shall be re-  
19 quired by law to act thereon.

20 (b) The commission shall review each subdivision plan and  
21 building permit application and withhold approval if said appli-  
22 cation does not meet the approval standards previously adopted  
23 by the commission, in accordance with this section. In the event  
24 of the withholding of approval, or the disapproval of, any such  
25 application, the reasons for such action shall be set forth in writing  
26 and a copy thereof shall be transmitted to the applicant.

1 14. The county clerk or registrar of deeds and mortgages shall  
2 not accept for filing any subdivision plat for lands in the district  
3 unless it bears the certification of approval of the commission in  
4 addition to all other requirements for filing a subdivision plat.  
5 If the commission shall have taken no action to approve or disap-  
6 prove a subdivision within the period required by section 13 of  
7 this act it shall, at the request of the developer, certify such fact  
8 upon the plat. Such certification shall be sufficient authorization  
9 for further action by the municipal approving authority and filing  
10 with the appropriate county recording officer.

1 15. (a) Whenever a hearing upon notice is required in any con-  
2 stituent municipality or affected county with respect to the adop-  
3 tion or amendment of a master plan, official map, zoning or sub-  
4 division regulations, or to the granting of variances or special  
5 exceptions, involving property within the district or within 200  
6 feet of its borders, the person required to give such notice shall  
7 also, at least 45 days prior to the hearing, give written notice of



8 the hearing to the commission by registered or certified mail. Said  
9 notice of hearing shall contain a brief description of the property  
10 involved, its location, a concise statement of the matters to be heard,  
11 and a copy of any plan, code, regulations or standards to be ap-  
12 proved.

13 (b) The commission shall be considered a party in interest at  
14 such hearing, and no action involving a municipal master plan,  
15 zoning ordinance, subdivision, building, or site plan approval, the  
16 official map, or the grant or variance or special exception shall be  
17 taken by a public body of a constituent municipality, or affected  
18 county which shall be inconsistent with the master plan.

1 16. (a) If portions of the master plan contain proposals for  
2 drainage rights-of-way, roads or streets, schools, colleges, parks,  
3 playgrounds, or for any project as defined in this act, before ap-  
4 proving any subdivision or site plan, the commission may require  
5 that such project sites be shown in locations and of sizes suitable  
6 to their intended uses. The commission shall be permitted to re-  
7 serve the location and extent of such project sites shown on the  
8 master plan or any part thereof for a period of 1 year after the  
9 approval of the subdivision or site plan or within such further  
10 time as agreed to by the applying party. Unless during each 1 year  
11 period or extension thereof the commission shall have entered into  
12 a contract to purchase or institute condemnation proceedings ac-  
13 cording to law for said project site, the developer shall not be  
14 bound by the proposals for such areas shown on the plan. This  
15 \***[provision]**\* *\*subsection\** shall not apply to streets and roads and  
16 drainage rights-of-way required for approval of any subdivision  
17 or site plan and deemed essential to the public welfare.

18 (b) Whenever one or more parcels of land on which is located  
19 such a project site cannot yield a reasonable return to the owner  
20 unless a building permit is granted or a subdivision or site plan  
21 is approved, the commission may, in a specific case, by a majority  
22 vote, grant a permit for a building on such project site, which will  
23 as little as practicable diminish the area and use of the project  
24 site for its intended purposes, or may pay over to the developer  
25 the amount of damages found by the commission to have been  
26 caused by the delay in approval or acquisition.

1 17. Provision may be made by the commission for the waiver,  
2 according to definite criteria, of strict compliance with the stand-  
3 ards promulgated, where necessary to alleviate hardship. The  
4 commission may exempt subdivisions of less than a designated  
5 number of lots or site plans involving single-family residences  
6 from its regulations where no new streets are involved.



1 18. (a) If \***[**, before approval by the commission,**]**\* any person,  
 2 as owner or agent, transfers, sells, or rents, or agrees to sell or rent  
 3 any land or building or other structure \*or constructs or alters any  
 4 building or structure\* within the district \***[**which forms part of  
 5 a subdivision, site or building for which a plan must be filed with  
 6 the commission prior to such transfer, sale, or rental,**]**\* \*without  
 7 first obtaining the approval of the commission of any application  
 8 for a subdivision, site plan or building permit as may be required  
 9 by this act,\* such person shall be subject to a fine not to exceed  
 9A \$200.00 or to imprisonment for not more than 30 days and each  
 9B parcel, lot, plot, building, or rental unit so disposed of shall be  
 9C deemed a separate violation.

10 (b) In addition to the foregoing, the commission may in the case  
 11 of any such violation or threat of such violation, institute civil  
 12 action:

- 13 (1) For injunctive relief;
- 14 (2) To set aside and invalidate any conveyance or lease made  
 15 pursuant to contract for sale or otherwise in violation of this  
 16 section;
- 17 (3) To prevent such unlawful sale, rental, erection, construction,  
 18 reconstruction, alterations, repair, conversion, maintenance or use;
- 19 (4) To restrain, correct, or abate such violation;
- 20 (5) To prevent the occupancy of said dwelling structure or  
 21 land; or
- 22 (6) To prevent any illegal act, conduct, business or use in or  
 23 about such premises.

1 19. (a) Pursuant to the procedure hereinafter provided, the com-  
 2 mission shall have the exclusive power to declare the district or  
 3 any portion thereof to be a renewal area; provided, that the com-  
 4 mission shall find prior to such declaration that there exist in the  
 5 district or portion thereof the conditions of "blight" as said  
 6 conditions are defined in section 3 of chapter 306 of laws of 1949  
 7 (P. L. 1949, c. 306). It is hereby determined by the Legislature  
 8 that such conditions contained in section 3 of chapter 306 of laws  
 9 of 1949 (P. L. 1949, c. 306) are a social and economic liability to  
 10 the district.

11 (b) Prior to declaring any portion of the district a renewal area  
 12 the commission by resolution shall provide for a preliminary in-  
 13 vestigation. Upon the adoption of such a resolution, the commission  
 14 shall prepare a map showing the boundaries of the area to be  
 15 investigated and the location of the various parcels of property  
 16 located therein, and shall append thereto a statement setting forth  
 17 the reasons for the investigation.



18 (c) The commission shall thereupon cause a hearing to be held  
19 at an appointed time and place for the purpose of hearing persons  
20 interested in, or who would be affected by, a determination that  
21 the area is a renewal area as defined in this act and who are in  
22 favor of or are opposed to such determination.

23 (d) A notice of such hearing shall be given setting forth the  
24 general boundaries of the area to be investigated and stating that a  
25 map has been prepared and can be inspected at the office of the  
26 commission. A copy of such notice shall be published in a news-  
27 paper of general circulation in the district once each week for 2  
28 consecutive weeks and the last publication shall be not less than  
29 10 days prior to the date set for the hearing. A copy of the notice  
30 shall be mailed at least 10 days prior to the date set for the hearing  
31 to the last owner, if any, of each parcel of property within the  
32 area according to the assessment records of the municipality where  
33 the parcel is located. Such notice shall be sent to the last known  
34 postal address of such owners. A notice shall also be sent to any  
35 and all persons at his, or their last known address, if any, whose  
36 names are noted on said assessment records as claimants of an  
37 interest in any such parcel. The assessor of such municipality  
38 shall make such a notation upon the said records when requested  
39 so to do by any person claiming to have an interest in any parcel  
40 of property in such municipality. Failure to mail any such notice  
41 shall not invalidate the investigation or determination thereon.

42 (e) At the hearing, which may be adjourned from time to time  
43 the commission shall hear all persons interested in the investigation  
44 and shall consider any, and all, written objections that may be filed  
45 and any evidence which may be introduced in support of the objec-  
46 tions, or any opposition to a determination that the area is a re-  
47 newal area. After the hearing the commission shall, by resolution,  
48 determine that the area or any part thereof is, or is not, a renewal  
49 area, as defined in this act. A determination that the area or any  
50 part hereof is a renewal area, if supported by substantial evidence,  
51 shall be binding and conclusive upon all persons affected by the  
52 determination. If the determination is that the area or any part  
53 thereof is a renewal area, the commission within 10 days after  
54 such determination, shall cause to be served a copy of the resolu-  
55 tion upon each person who filed a written objection at or prior to  
56 the hearing; provided, the address of the objector was stated in,  
57 or upon, the written objection.

58 Such service may be made (1) by delivering a copy of the resolu-  
59 tion personally to the objector, (2) by mailing such copy addressed  
60 to the objector according to his said stated address, or (3) by



61 leaving such copy at said stated address for the objector with a  
62 person of suitable age and discretion.

63 (f) Any person who shall have filed such a written objection with  
64 the commission, may have a determination that an area is a re-  
65 newal area reviewed by the Superior Court of New Jersey by  
66 procedure in lieu of prerogative writs. An action for any such  
67 review shall be commenced within 30 days after the determination  
68 by the commission. In any such action, the said court may make  
69 any incidental order that shall be deemed by the court to be proper.

70 (g) If the determination is that an area is a renewal area, the  
71 commission may, but shall not be required to, acquire the real  
72 property within the area by purchase, or by eminent domain pro-  
73 ceedings, and may proceed with the clearance, replanning, develop-  
74 ment or redevelopment of the area as a public purpose and for  
75 public use, or the commission may, by resolution, agree that a re-  
76 developer may undertake such clearance, replanning, development  
77 or redevelopment in accordance with statutory authority and sub-  
78 ject to the provisions of paragraph 1, Section III, Article VII, of  
79 the New Jersey Constitution.

1 20. (a) The commission is authorized to prepare and adopt re-  
2 development plans for areas in the district determined by the com-  
3 mission to be renewal areas;

4 (b) In undertaking projects pursuant to any redevelopment plan,  
5 the commission may:

6 (1) Acquire, by condemnation or otherwise, real or personal  
7 property, or any interest therein, including such property as  
8 it may deem necessary or proper, although temporarily not  
9 required for such purposes, in a renewal area and in any area  
10 within the district designated by it as necessary for relocation  
11 of residents, industry or commerce displaced from a renewal  
12 area;

13 (2) Clear or reclaim any area so acquired and install, con-  
14 struct or reconstruct projects therein necessary to prepare  
15 such area for development;

16 (3) Relocate or arrange or contract with public or private  
17 agencies for the relocation of residents; industry or commerce  
18 displaced from the renewal area;

19 (4) Dispose of real property so acquired by sale, lease or  
20 exchange for the uses and purposes specified in the redevelop-  
21 ment plan, to any person or public agency;

22 (5) Study the recommendations of any planning board for  
23 redevelopment of any area and make its own investigations



24 as to current trends and blighting factors in the district, or  
25 any area thereof;

26 (6) By contract or contracts with public agencies or redevelop-  
27 ers or by its own employees or consultants plan, replan,  
28 construct, reconstruct, operate, maintain and repair any  
29 redevelopment or other project or any part thereof;

30 (7) Make and adopt plans for carrying out a program of  
31 voluntary repair and rehabilitation of buildings and improve-  
32 ments, and for the enforcement of codes and laws relating to  
33 the use of land, the use and occupancy of buildings and im-  
34 provements and to the control over the pollution of water and  
35 air and the disposal of solid waste;

36 (8) Prepare and adopt from time to time a workable pro-  
37 gram, representing an official plan of action for effectively  
38 dealing with the problem of urban renewal areas within the  
39 district and for the establishment and preservation of well-  
40 planned communities with well-organized residential neighbor-  
41 hoods of decent homes and suitable living environment for  
42 adequate family life; for utilizing appropriate private and  
43 public resources to eliminate and prevent the development or  
44 spread of blight and deterioration; to encourage needed con-  
45 servation or rehabilitation; to provide for the redevelopment  
46 of renewal areas; or to undertake such of the aforesaid activ-  
47 ities or other feasible activities as may be suitably employed  
48 to achieve the objectives of such a program.

1 21. All agreements, leases, deeds and other instruments from or  
2 between the commission and to or with a redeveloper shall contain,  
3 without being limited to, the following provisions: (a) a covenant  
4 running with the land to the effect that the land, and any buildings  
5 or improvements thereon, shall only be used for the purposes des-  
6 ignated in the redevelopment plan; (b) a provision that the redevelop-  
7 er shall be without power to sell, lease or otherwise transfer the  
8 redevelopment area or project or any part thereof without the prior  
9 written consent of the commission; (c) any lease to a redeveloper  
10 may provide that all \***[omprovements]**\* *improvements*\* shall  
11 become the property of the commission\***[.** The execution of such  
12 a lease shall not impose upon the commission any liability for the  
13 financing, construction, management or operation of any develop-  
14 ment project, or any part thereof\***];**\* (d) such other covenants, pro-  
15 visions and continuing controls as may be deemed necessary to  
16 effectuate the purposes of this act.



## ARTICLE 6. CAPITAL FINANCING

1 22. The commission is authorized from time to time to issue its  
2 negotiable *\*bonds and\** notes for any corporate purpose and to  
3 renew from time to time any *\*bonds and\** notes by the issuance  
4 of new *\*bonds and\** notes, whether the *\*bonds and\** notes to be  
5 renewed have or have not matured. The commission may issue  
6 *\*bonds and\** notes partly to renew *\*bonds and\** notes or to dis-  
7 charge other obligations then outstanding and partly for any other  
8 purpose. The notes may be authorized, sold, executed and de-  
9 livered in the same manner as bonds. *\*The commission may issue*  
9A *bonds and notes on which the principal and interest are payable*  
10 *(1) exclusively from the income and revenues of the improvement*  
10A *or project financed with the proceeds of such bonds or notes; (2)*  
10B *exclusively from the income and revenue of certain designated im-*  
10C *provement or projects whether or not they are financed in whole*  
10D *or in part with the proceeds of such bonds or notes; or (3) from its*  
10E *revenue generally. Any such bonds or notes may be additionally*  
10F *secured by a pledge of any grant or contribution from any depart-*  
10G *ment or agency of the United States or the State or person or a*  
10H *pledge of any money, income or revenues of the agency from any*  
10I *source whatsoever.\** Any resolution or resolutions authorizing  
10J *\*bonds and\** notes of the commission or any issue thereof may con-  
10K tain the following provisions:

11 (a) A covenant against pledging all or any part of its charges  
12 or revenues, or against mortgaging all or any part of its real or  
13 personal property then owned or thereafter acquired or against  
14 permitting or suffering any lien on such charges, revenues or  
15 property;

16 (b) A covenant with respect to limitations on any right to sell,  
17 lease or otherwise dispose of any project or any part thereof or any  
18 property of any kind;

19 (c) A covenant as to the issuance of additional bonds or notes  
20 or as to limitations on the insurance of additional bonds or notes  
21 and on the incurring of other debts by the commission;

22 (d) A covenant against extending the time for the payment of  
23 bonds or notes or interest thereon;

24 (e) A covenant as to the rates of fees and other charges to be  
25 established and charged, the amount to be raised each year or other  
26 period of time by fees, charges or other revenues and as to the  
27 use and disposition to be made thereof;

28 (f) A covenant to create or authorize the creation of special  
29 funds or moneys to be held in pledge or otherwise for construction



30 operating expenses, payment or redemption of bonds or notes,  
 31 reserves or other purposes and as to the use and disposition of the  
 32 moneys held in such funds;

33 (g) A provision for the establishment of a procedure, by which  
 34 the terms of any contract or covenant with or for the benefit of the  
 35 holders of bonds or notes may be amended or abrogated, the amount  
 36 of bonds or notes the holders of which must consent thereto, and  
 37 the manner in which such consent may be given;

38 (h) A provision for the rights and liabilities, powers and duties  
 39 arising upon the breach of any covenant, condition or obligation  
 40 and to prescribe the events of default and the terms and conditions  
 41 upon which any or all bonds, notes or other obligations of the  
 42 commission shall become or may be declared due and payable before  
 43 maturity and the terms and conditions upon which any such  
 44 declaration and its consequences may be waived;

45 (i) A provision for the payment of the costs or expenses incident  
 46 to the enforcement of such bonds or notes or of the provisions of  
 47 such resolution or of any covenant or agreement of the commission  
 48 with the holders of its bonds or notes;

49 (j) A limit on the powers of the commission to construct, ac-  
 50 quire or operate any structures, facilities or properties which may  
 51 compete or tend to compete with any of its projects;

52 (k) A limit on the rights of the holders of any bonds or notes to  
 53 enforce any pledge or covenant securing bonds or notes; and

54 (l) Any other covenant or provision, in addition to those herein  
 55 expressly authorized, which the commission deems may be neces-  
 56 sary, convenient or desirable in order to better secure the bond or  
 57 notes, or which in the opinion of the commission will tend to make  
 58 the bonds or notes more marketable.

59 All such *\*bonds and\** notes shall be payable from the revenues or  
 60 other moneys of the commission, subject only to any contractual  
 61 rights of the holders of any of its notes or other obligations then  
 62 outstanding.

1 23. (a) \***[The commission is authorized from time to time to issue**  
 2 **its negotiable bonds for any corporate purpose.]\*** In anticipation  
 3 of the sale of such bonds the commission may issue negotiable bond  
 4 anticipation notes and may renew the same from time to time, but  
 5 the maximum maturity of any such note, including renewals  
 6 thereof, shall not exceed 5 years from the date of the issuance of  
 7 the original note. Such notes shall be paid from any revenues or  
 8 other moneys of the commission available therefor and not other-  
 9 wise pledged, or from the proceeds of the sale of the bonds of the  
 10 commission in anticipation of which they were issued. The notes



11 shall be issued in the same manner as the bonds. Such notes and  
12 the resolution or resolutions authorizing the same may contain any  
13 provisions, conditions, or limitations which a bond resolution of  
14 the commission may contain.

15 (b) Except as may otherwise be expressly provided by the com-  
16 mission, every issue of its bonds or notes shall be general obliga-  
17 tions of the commission payable from any revenues or moneys of  
18 the commission, subject only to any agreements with the holders of  
19 particular bonds or notes pledging any particular revenues or  
20 moneys. Notwithstanding that bonds and notes may be payable  
21 from a special fund, they shall be fully negotiable within the mean-  
22 ing of the Uniform Commercial Code, subject only to the provisions  
23 of the bonds and notes for registration.

24 (c) The bonds may be issued in one or more series as serial  
25 bonds or as term bonds, or the commission, in its discretion, may  
26 issue bonds of both types. The bonds shall be authorized by resolu-  
27 tion of the members of the commission and shall bear such date or  
28 dates, mature at such time or times, not exceeding 50 years from  
29 their respective dates, bear interest at such rate or rates, not ex-  
30 ceeding 6% per annum, be payable at such time or times, be in such  
31 denomination or denominations, be in such form, either coupon  
32 or registered, carry such conversion or registration privileges,  
33 have such rank or priority, be executed in such manner, be payable  
34 from such sources in lawful money of the United States of America  
35 at such place or places, and be subject to such terms of redemption  
36 (with or without premium) as such resolution or resolutions may  
37 provide. The bonds or notes may be sold at public or private sale  
38 for such price or prices as the commission shall determine, but  
39 which shall not at the time of sale yield more than 6% per annum  
40 computed according to standard tables of bond values. Pending  
41 preparation of the definitive bonds, the commission may issue  
42 interim receipts or certificates which shall be exchanged for such  
43 definitive bonds.

44 (d) Neither the members of the commission nor any person  
45 executing the bonds or notes shall be liable personally on the bonds  
46 or notes or be subject to any personal liability or accountability by  
47 reason of the issuance thereof.

48 (e) The commission shall have the power out of any funds avail-  
49 able therefor to purchase its bonds or notes. The commission may  
50 hold, pledge, cancel or resell such bonds, subject to and in accord-  
51 ance with agreements with bondholders.

1 24. (a) In the discretion of the commission, any bonds issued un-  
2 der the provisions of this act may be secured by a trust agreement



3 by and between the commission and a corporate trustee or trustees  
4 which may be any trust company or bank having the powers of a  
5 trust company within or without the State. Such trust agreement,  
6 or the resolution providing for the issuance of such bonds, may  
7 pledge or assign the revenues or other moneys to be received or  
8 the proceeds of any contract or contracts pledged, \***[but the com-**  
9 **mission shall not convey or mortgage any of its lands or any project**  
10 **or part thereof as a security for such bonds or notes]\*. Such trust**  
11 **agreement or resolution providing for the issuance of such bonds**  
12 **may contain such provisions for protecting and enforcing the rights**  
13 **and remedies of the bondholders as may be reasonable and proper**  
14 **and not in violation of law, including covenants setting forth the**  
15 **duties of the commission in relation to the acquisition of property,**  
16 **and the construction, improvement, maintenance, repair, operation**  
17 **and insurance of the project or projects, the amount of assessments**  
18 **or other charges to be levied upon holders of lands affected by the**  
19 **project or projects, the payment, security or redemption of bonds,**  
20 **and the custody, safeguarding and application of all moneys. Any**  
21 **bank or trust company incorporated under the laws of this State**  
22 **which may act as depositary of the proceeds of bonds or of rev-**  
23 **enues or other moneys may furnish such indemnifying bonds or**  
24 **pledge such securities as may be required by the commission. Any**  
25 **such trust agreement or resolution may set forth the rights and**  
26 **remedies of the bondholders and of the trustee, or trustees, and**  
27 **may restrict the individual right of action by bondholders. In ad-**  
28 **dition to the foregoing, any such trust agreement or resolution**  
29 **may contain such other provisions as the commission may deem**  
30 **reasonable and proper for the security of the bondholders. All**  
31 **expenses incurred in carrying out the provisions of such trust**  
32 **agreement or resolution may be treated as a part of the cost of**  
33 **construction or of a reclamation project or projects.**

34 (b) Any pledge or assignment made pursuant to this section  
35 shall be valid and binding from the time when the pledge or assign-  
36 ment is made; the revenues or moneys so pledged or assigned and  
37 thereafter received by the commission shall immediately be subject  
38 to the lien of such pledge without any physical delivery thereof  
39 or further act, and the lien of any such pledge shall be valid and  
40 binding as against all parties having claims of any kind in tort,  
41 contract or otherwise against the commission, irrespective of  
42 whether such parties have notice thereof. Neither the resolution  
43 nor any trust agreement by which a pledge or assignment is created  
44 need be filed or recorded except in the records of the commission.  
1 25. Except as otherwise provided by or pursuant to Section II



2 of Article VIII of the State Constitution and approved by a ma-  
 3 jority of the legally constituted voters of the State voting thereon  
 4 or except when any county or municipality shall have guaranteed  
 5 principal or interest thereon, bonds and notes issued by the com-  
 6 mission under the provisions of this act shall not be deemed to  
 7 constitute a debt or liability of the State or of any political sub-  
 8 division thereof or a pledge of the faith and credit of the State or  
 9 of any political subdivision except the commission and all such  
 10 bonds or notes shall contain on the face thereof a statement to that  
 11 effect.

1 26. The State does pledge to and agree with the holders of the  
 2 bonds or notes issued pursuant to the provisions of this act that the  
 3 State will not, without the commission's prior consent enlarge,  
 4 limit or restrict any of the rights and powers hereby vested in the  
 5 commission to maintain, acquire, construct, improve, reconstruct,  
 6 repair and operate any project as defined in this act, nor will the  
 7 State limit or restrict the fixing, establishment and collection by  
 8 the commission of such fees, assessments and charges as may be  
 9 convenient or necessary to produce sufficient revenues to meet the  
 10 expenses of the commission and to fulfill the terms of any agree-  
 11 ments made with the holders of bonds or notes authorized by this  
 12 act, nor will the State in any way impair the rights or remedies  
 13 of the holders of such notes or bonds, or modify in any way the  
 14 exemption from taxation provided in this act until the notes and  
 15 bonds, together with interest thereon, with interest on any unpaid  
 16 installments of interest, and all costs in connection with any action  
 17 or proceeding in behalf of such bondholders are fully paid and  
 18 discharged or provided for.

1 27. All bonds or notes issued by the commission pursuant to this  
 2 act are hereby declared to be issued by a political subdivision of  
 3 this State and for an essential public and governmental purpose,  
 4 and such bonds and notes, their transfer and the interest *\*and*  
 5 *premium, if any\** thereon and the income therefrom, including any  
 6 profit made on the sale thereof, and all assessments, charges, funds,  
 7 revenues, income and other moneys pledged or available to pay  
 8 or secure the payment of such bonds or notes, or interest thereon,  
 9 shall at all times be exempt from taxation of every kind by the  
 10 State and by the municipalities and other political subdivisions  
 11 in the State, except transfer, inheritance and estate taxes.

1 28. All moneys received pursuant to the authority of this act  
 2 whether as proceeds from the sale of bonds or as revenues, shall  
 3 be deemed to be trust funds to be held and applied solely as pro-  
 4 vided in this act. Any officer with whom, or any bank or trust



5 company with which, such moneys shall be deposited shall act as  
6 trustee of such moneys and shall hold and apply the same for the  
7 purpose hereof, subject to such regulations as this act and the reso-  
8 lution authorizing the bonds of any issue or the trust agreement  
9 securing such bonds may provide.

10 29. Any holder of bonds issued under the provisions of this act,  
11 or of any of the coupons appertaining thereto; and the trustee or  
12 trustees under any trust agreement, except to the extent the rights  
13 herein given may be restricted by any resolution authorizing the  
14 issuance of, or any such trust agreement securing, such bonds,  
15 may, either at law or in equity, by suit, action, mandamus or other  
16 proceedings, protect and enforce any and all rights under the laws  
17 of the State or granted hereunder or under such resolution or trust  
18 agreement, and may enforce and compel the performance of all  
19 duties required by this act or by such resolution or trust agreement  
20 to be performed by the commission or by any officer, employee or  
21 agent thereof, including the fixing, charging and collecting of the  
22 rates, rents, fees and charges herein authorized and required by  
23 the provisions of such resolution or trust agreement to be fixed,  
24 established and collected.

25 30. (a) The commission is hereby authorized to provide for  
26 the issuance of bonds of the commission for the purpose of refund-  
27 ing any bonds of the commission then outstanding, including the  
28 payment of any redemption premium thereon and any interest  
29 accrued or to accrue to the earliest or subsequent date of redemp-  
30 tion purchase or maturity, of such bonds, and, if deemed advisable  
31 by the commission for the additional purpose of paying all or any  
32 part of the cost of acquiring and constructing improvements, ex-  
33 tensions, additions or enlargements of project or projects or any  
34 portion thereof.

35 (b) The proceeds of any such bonds issued for the purpose of  
36 refunding outstanding bonds may, in the discretion of the com-  
37 mission be applied to the purchase or retirement at maturity or  
38 redemption of such outstanding bonds either on their earliest or  
39 any subsequent redemption date or upon the purchase or at the  
40 maturity thereof and may, pending such application, be placed in  
41 escrow to be applied to such purchase or retirement at maturity  
42 or redemption on such date as may be determined by the com-  
43 mission.

44 (c) Any such escrowed proceeds, pending such use, may be  
45 invested and reinvested in obligations of or guaranteed by the  
46 United States of America, or in certificates of deposit or time  
47 deposits secured by obligations of or guaranteed by the United



24 States of America, maturing at such time or times as shall be  
25 appropriate to assure the prompt payment, as to principal, interest  
26 and redemption premium, if any, of the outstanding bonds to be  
27 so refunded. The interest, income and profits, if any, earned or  
28 realized on any such investment may also be applied to the pay-  
29 ment of the outstanding bonds to be so refunded. After the terms  
30 of the escrow have been fully satisfied and carried out, any balance  
31 of such proceeds and interest, income and profits, if any, earned or  
32 realized on the investment thereof may be returned to the com-  
33 mission for use by it in any lawful manner.

34 (d) The portion of the proceeds of any such bonds issued for  
35 the additional purpose of paying all or any part of the cost of  
36 constructing and acquiring additions, improvements, extensions or  
37 enlargements of a project or projects, may be invested and re-  
38 invested in obligations of or guaranteed by the United States of  
39 America, or in certificates of deposit or time deposits secured by  
40 obligations of or guaranteed by the United States of America,  
41 maturing not later than the time or times when such proceeds will  
42 be needed for the purpose of paying all or any part of such cost.  
43 The interest, income and profits, if any, earned or realized on such  
44 investment may be applied to the payment of all or any part of such  
45 cost or may be used by the commission in any lawful manner.

46 (e) All such bonds shall be subject to the provisions of this act  
47 in the same manner and to the same extent as other bonds issued  
48 pursuant to this act.

1 31. Bonds and notes issued by the commission under the pro-  
2 visions of this act are hereby made securities in which the State  
3 and all political subdivisions of the State, their officers, boards,  
4 commissions, departments or other agencies, all banks, bankers,  
5 savings banks, trust companies, savings and loan associations, in-  
6 vestment companies and other persons carrying on a banking or  
7 investment business, all insurance companies, insurance associa-  
8 tions, and other persons carrying on an insurance business, and  
9 all administrators, executors, guardians, trustees and other  
10 fiduciaries, and all other persons whatsoever who now are or may  
11 hereafter be authorized to invest in bonds or other obligations of  
12 the State, may properly and legally invest any funds including  
13 capital belonging to them or within their control; and said bonds,  
14 notes or other securities or obligations are hereby made securities  
15 which may properly and legally be deposited with and received by  
16 any State or municipal officers or agency of the State for any pur-  
17 pose for which the deposit of bonds or other obligations of the  
18 State is now or may hereafter be authorized by law.



1 32. Bonds may be issued under the provisions of this act without  
 2 obtaining the consent of any department, division, commission,  
 3 board, bureau, agency or officer of the State, and without any  
 4 other proceedings or the happening of any other conditions or  
 5 things than those proceedings, conditions and things which are  
 6 specifically required by this act.

ARTICLE 7. PROPERTY ACQUIRED AND HELD BY THE COMMISSION

1 33. (a) If for any of its authorized purposes (including tempo-  
 2 rary construction purposes) the commission shall find it necessary  
 3 or convenient to acquire any real property within its jurisdiction,  
 4 or if for any of its authorized purposes (including temporary con-  
 5 struction purposes) the commission shall find it necessary to ac-  
 6 quire any real property beyond its jurisdiction, whether for  
 7 immediate or future use, the commission may find and determine  
 8 that such property, whether a fee simple absolute or a lesser  
 9 interest, is required for public use and, upon such determination,  
 10 the said property shall be deemed to be required for a public use  
 11 until otherwise determined by the commission; and the said de-  
 12 termination shall not be affected by the fact that such property  
 13 has heretofore been taken for, or is then devoted to, a public use  
 14 *\*of any municipality, county, school district, or other local or*  
 15 *regional district, authority or agency\**, but the public use in the  
 16 hands or under the control of the commission shall be deemed  
 16A superior *\*[to the public use in the hands or under the control of*  
 16B *any other person, association or corporation]\**.

17 (b) If the commission is unable to agree with the owner or  
 18 owners thereof upon terms for the acquisition of any such real  
 19 property, for any reason whatsoever, then the commission may  
 20 acquire, and is hereby authorized to acquire, such property,  
 21 whether a fee simple absolute or a lesser interest, in the manner  
 22 provided in chapter 1 of Title 20 of the Revised Statutes insofar  
 23 as the provisions thereof are applicable and not inconsistent with  
 24 the provisions contained in this section.

25 (c) The commission may join, in separate subdivisions of one  
 26 petition or complaint, the descriptions of any number of tracts or  
 27 parcels of land or property to be condemned, and the names of any  
 28 number of owners and other parties who may have an interest  
 29 therein and all such land or property included in said petition or  
 30 complaint may be condemned in a single proceeding; provided,  
 31 however, that separate awards be made for each tract or parcel  
 32 of land or property; and provided, further, that each of said tracts  
 33 or parcels of land or property lies wholly in or has a substantial  
 34 part of its value lying wholly within the same county.



35 (d) When the commission by resolution determines that it re-  
36 quires immediate possession or use of land or interest therein or  
37 other property, the commission shall file with the clerk of the county  
38 in which such property is located and also with the Clerk of the  
39 Superior Court a declaration of taking, signed by the commission,  
40 declaring that possession of one or more of the tracts or parcels  
41 of land or property described in the declaration is thereby being  
42 taken by and for the use of the commission. The said declaration  
43 of taking shall set forth (1) a description of each tract or parcel  
44 of land or property to be so taken sufficient for the identification  
45 thereof to which a plan or map thereof may be attached, (2) a  
46 statement of the estate or interest in the land or property being  
47 taken and (3) a statement of the sum of money estimated by the  
48 commission by resolution to be just compensation for the taking  
49 of the estate or interest in each tract or parcel of land or property  
50 described in said declaration. Upon the filing by the commission  
51 of a declaration of taking of property as provided in this section,  
52 the commission shall deposit with the Clerk of the Superior Court  
53 the amount of the estimated compensation stated in said  
54 declaration.

55 (e) Upon the filing by the commission of a declaration of taking  
56 of property as provided in this act and the depositing with the  
57 Clerk of the Superior Court of the amount of the estimated com-  
58 pensation stated in said declaration, the commission, without other  
59 process or proceedings, shall be entitled to the exclusive possession  
60 and use of each tract of land or property described in said declara-  
61 tion and may forthwith enter into and take possession of said land  
62 or property, it being the intent of this provision that an action to  
63 fix the compensation to be paid or any other proceeding relating  
64 to the taking of said land or interest thereon or other property  
65 shall not delay the taking of possession thereof and the use thereof  
66 by the commission for the purpose or purposes for which the com-  
67 mission is authorized by law to acquire or condemn such land or  
68 property or interest therein.

69 (f) The commission shall cause notice of the filing of a declara-  
70 tion of taking of property as provided in this section and of the  
71 making of the deposit required by this section with respect thereto  
72 to be served upon each party to the action to fix the compensation  
73 to be paid who resides in the State, either personally or by leaving  
74 a copy thereof at his residence if known, and upon each such party  
75 who resides out of the State, by mailing a copy thereof to him at  
76 his residence if known. In the event that the residence of any such  
77 party or the name of any such party is unknown, such notice shall



78 be published at least once in a newspaper published or circulating  
79 in the county or counties in which the property is located. Such  
80 service, mailing or publication shall be made within 30 days after  
81 filing such declaration.

82 (g) Upon the application of any party in interest and after  
83 notice to other parties in interest, including the commission, the  
84 Superior Court may direct that the money deposited with the  
85 Clerk of the Superior Court or any part thereof be paid forthwith  
86 to the person or persons entitled thereto for or on account of the  
87 just compensation to be awarded in such action, provided that  
88 each such person shall have filed with the Clerk of the Superior  
89 Court a consent in writing that, in the event the award in said  
90 action shall be less than the amount deposited, the court, after  
91 such notice as the court prescribes and hearing, may determine  
92 liability, if any, for the return of the difference or any part thereof  
93 and enter judgement therefor. If the amount of the award as finally  
94 determined shall exceed the amount so deposited, the person or  
95 persons to whom the award is payable shall be entitled to recover  
96 from the commission the difference between the amount of the  
97 deposit and the amount of the award, with interest at the rate of  
98 6% per annum thereon from the date of making the deposit. If  
99 the amount of the award shall be less than the amount deposited,  
100 the Clerk of the Superior Court shall return the remainder of the  
101 deposit to the commission unless the deposit or any part thereof  
102 shall have theretofore been distributed, in which event the court,  
103 on application of the commission and notice to all persons interested  
104 in the award shall afford them an opportunity to be heard and shall  
105 enter judgment in favor of the commission for the difference  
106 against the party or parties liable for the return thereof.

107 (h) The commission shall not abandon any condemnation pro-  
108 ceedings subsequent to the date upon which it has taken possession  
109 of the land or property as provided in this act.

1 34. (a) In addition to the other powers conferred upon it by  
2 this act or by any other law and not in limitation thereof, the com-  
3 mission, in connection with construction or operation of any proj-  
4 ect, shall have power to make reasonable regulations for the in-  
5 stallation, construction, maintenance, repair, renewal, relocation  
6 and removal of tracks, pipes, mains, conduits, cables, wires, towers,  
7 poles or any other equipment and appliances (in this section called  
8 "works") of any public utility as defined in section 48:2-13 of the  
9 Revised Statutes, in, on, along, over or under any project, public  
10 highway or real property, including public lands or water. When-  
11 ever in connection with construction or operation of any project,



12 the commission shall determine that it is necessary that any such  
13 works, which now or hereafter may be located in, on, along, over  
14 or under any project, public highway or such real property, should  
15 be relocated in the project, public highway or such real property  
16 or should be removed therefrom, the public utility owning or op-  
17 erating such works shall relocate or remove the same in accordance  
18 with the order of the commission, provided, however, that the cost  
19 and expense of such relocation or removal including the cost of  
20 installing such works in a new location or new locations, and the  
21 cost of any lands or any rights or interest in lands or any other  
22 rights acquired to accomplish such relocation or removal, less the  
23 cost of any lands or any rights or interest in lands or any other  
24 rights of the public utility paid to the public utility in connection  
25 with the relocation or removal of such works, shall be paid by the  
26 commission and shall be included in the cost of such project. In  
27 case of any such relocation or removal of works as aforesaid, the  
28 public utility owning or operating the same, its successors or as-  
29 signs, may maintain and operate such works, with the necessary  
30 appurtenances, in the new location or new locations for as long a  
31 period, and upon the same terms and conditions, as it had the right  
32 to maintain and operate such works in their former location.

33 (b) In the case of any such relocation or removal of works, as  
34 aforesaid, the commission shall own and maintain, repair and re-  
35 new structures within the rights-of-way of railroad companies  
36 carrying any project of feeder road over railroads, and the com-  
37 mission shall bear the cost of maintenance, repair and renewal of  
38 structures within the rights-of-way of railroad companies carrying  
39 railroads over any project or feeder road (but this provision shall  
40 not relieve any railroad company from responsibility for damage  
41 caused to any commission or railroad structure by the operation  
42 of its railroad. Such approaches, curbing, sidewalk paving, guard  
43 rails on approaches and surface paving on projects or feeder roads  
44 as shall be within the rights-of-way of a railroad company or com-  
45 panies shall be owned and maintained, repaired and renewed by  
46 the commission; rails, pipes and lines shall be owned and main-  
47 tained, repaired and renewed by the railroad company or com-  
48 panies.

1 35. Since the exercise of the powers granted by this act will be  
2 in all respects for the benefit of the people of the State, all projects,  
3 lands and other property of the commission are hereby declared  
4 to be public property of a political subdivision of the State and  
5 devoted to an essential public and governmental function and pur-  
6 pose and shall be exempt from all taxes and special assessments



7 of the State or any subdivision thereof; provided, however, that  
 8 when property or land of the commission exempt from taxation  
 9 is leased or licensed to another whose property is not exempt, and  
 10 the licensing or leasing of which does not make the real estate tax-  
 11 able, the estate created by the lease or license and the appurte-  
 12 nances thereto shall be listed as the property of the lessee or li-  
 13 censee thereof, or his assignee, and be assessed and taxed as real  
 14 estate.

1 36. All projects and property of the commission shall be exempt  
 2 from levy and sale by virtue of an execution and no execution or  
 3 other judicial process shall issue against the same nor shall any  
 4 judgment against the commission be a charge or lien upon its prop-  
 5 erty; provided, that nothing herein contained shall apply to or  
 6 limit the rights of the holders of any bonds or notes to pursue any  
 7 remedy for the enforcement of any pledge or lien given by the  
 8 commission on its revenues or other moneys.

1 37. To the end that municipalities and counties may not suffer  
 2 undue loss of tax revenue by reason of the acquisition and owner-  
 3 ship of property therein by the commission, the commission is  
 4 hereby authorized, empowered and directed to enter into an agree-  
 5 ment or agreements with any municipality or county, whereby said  
 6 commission will undertake to pay a fair and reasonable sum or  
 7 sums to compensate the said municipality or county for a loss of  
 8 revenue in connection with any property acquired and owned by  
 9 the commission in carrying out the provisions of this act. Any  
 10 such payment or payments which the commission is hereby author-  
 11 ized, empowered and directed to make may be made on an annual  
 12 basis, in which case the payment or payments shall not be less than  
 13 the amount of taxes upon the property when last assessed prior to  
 14 its acquisition by the commission. Every municipality and county  
 15 wherein the property shall be acquired by the commission is hereby  
 16 empowered to enter into such agreement or agreements with the  
 17 commission to accept the payment or payments which the commis-  
 18 sion is herein authorized, empowered and directed to make.

#### ARTICLE 8. SPECIAL ASSESSMENTS

1 38. The commission may form within the district, improvement  
 2 districts for any authorized purpose in order to levy special assess-  
 3 ments against \***[land]**\* \**real estate*\* located within such districts  
 4 for benefits rendered.

5 All special assessments for improvements within the district  
 6 shall be made by the appropriate officer of the commission.

1 39. All land within the district shall be divided by the commis-  
 2 sion into 3 classes as follows:



3 Class 1—Land owned by the State of New Jersey, any of its  
4 political subdivisions, or any other public agency or instrumental-  
5 ity which enjoys the privilege of general property tax exemption  
6 under the laws of the State, and which land is designated by the  
7 owner as presently or ultimately intended for a public use.

8 Class 2—Land owned by the State of New Jersey, any of its  
9 political subdivisions, or any other public agency or instrumentality  
10 which enjoys the privilege of general property tax exemption under  
11 the laws of the State, and which land is designated by the owner  
12 as ultimately disposable to private ownership, or usable by private  
13 parties.

14 Class 3—All other land.

1 40. The owners of all public land in the district shall be required  
2 to certify to the commission, by a date established by the commis-  
3 sion, whether said public lands are in class 1 or class 2; and in  
4 the case of land being in class 1, the public owners shall indicate  
5 the nature of the present or ultimate use. The commission shall  
6 approve or modify the certifications by resolution. The commis-  
7 sion may also, by affirmative vote, reclassify lands, upon the request  
8 of any owner for such reclassification.

1 41. In the case that the title of lands designated to be in class 3  
2 passes to the State of New Jersey, the commission shall change  
3 the designation of the class of such land to reflect the use to which  
4 such land shall be put.

1 42. If in its judgment, public necessity or interest demands the  
2 construction of improvements which would benefit lands with an  
3 improvement district, the commission shall pass a resolution of its  
4 intention to undertake such improvement or improvements and  
5 shall give notice of such intention by advertising in one or more  
6 newspapers circulating in such district and such advertisement  
7 shall fix a time and place, not earlier than 2 weeks after notice, for  
8 a hearing on said proposed action and prior to said hearing, the  
9 commission shall prepare a tentative assessment which shall be  
10 presented at such hearing and shall be open to inspection. Any  
11 person desiring to be heard in regard thereto shall be given a  
12 hearing. After said hearing, if the commission shall decide to carry  
13 out said improvements, it shall pass a resolution declaring such  
14 determination and proceed to make such improvements.

1 43. Upon the completion of any improvement, the appropriate  
2 officer of the commission shall prepare a statement showing in  
3 detail the cost of the improvement. Such statement shall also show  
4 the proportion of the amount to the whole cost of improvement,  
5 if any, paid or contributed by any public body or by any person.



6 The total amount of assessment levied upon the land benefited by  
7 the improvement shall not exceed the cost thereof.

1 44. The appropriate officer of the commission shall examine the  
2 work of any improvement and view all lands benefited thereby and  
3 shall thereupon fix a time and place for hearing all persons in-  
4 terested. Notice of the time and place of the hearing shall be mailed  
5 to owners of land affected, directed to their last known post-office  
6 addresses, and shall be published at least 10 days before the hear-  
7 ing. Failure to mail any such notice shall not invalidate any pro-  
8 ceeding or assesment. Such officer of the commission shall attend  
9 at the time and place appointed and shall give all parties interested  
10 or affected by an improvement ample opportunity to be heard  
11 upon the subject of assessment. Thereafter, such officer shall make  
12 a just and equitable assessment of the benefits conferred upon any  
13 land by reason of such improvement, having due regard to the  
14 rights and interests of all persons concerned, and the increment in  
15 the value of the land benefited thereby.

1 45. All assessments levied under this article for any improve-  
2 ment shall in each case be as nearly as may be in proportion to and  
3 not in excess of the benefit, advantage or increase in value which  
4 respective lots and parcels of land shall be deemed to receive by  
5 reason of such improvement.

1 46. In addition to the making of assessments for benefits, the  
2 appropriate officer of the commission shall fix and determine the  
3 amount, if any, the property is damaged incidentally to the making  
4 of the improvement and deduct such amount from the amount of  
5 benefits assessed thereon. If the amount of any such damages as  
6 confirmed by the commission shall exceed the benefits assessed on  
7 the same property, if in case no benefits shall accrue thereto, or if  
8 such property is damaged subsequent to the levying and collection  
9 of an assessment which shall be confirmed by the commission to  
10 be a direct result of the making of the improvement, the balance or  
11 amount of such damages so fixed, may be raised from the general  
12 revenues of the commission, and shall be paid by the commission  
13 to the owner of the property so damaged. Any person aggrieved  
14 by such assessment or award of damages may after the same has  
15 been confirmed by the commission, appeal therefrom as provided  
16 in section 58 of this act.

1 47. When owners of any property have been or shall have been  
2 awarded damages as incidental to any improvement undertaken  
3 pursuant to this act, and such award has been or shall have been  
4 duly confirmed, the amount thereof shall be tendered to the person  
5 or persons entitled thereto. If there is uncertainty as to the person



6 entitled to receive the award or if the party entitled to receive the  
7 amount awarded shall refuse upon tender thereof to receive the  
8 same, or shall be out of the State or under any legal disability, or  
9 if several parties interested in the fund shall not agree as to the dis-  
10 tribution thereof, or the lands damaged are encumbered by any  
11 mortgage, judgment or other lien, or if for any other reason the  
12 commission cannot safely pay the amount awarded to any person,  
13 in all such cases the amount awarded may, with leave of the Su-  
14 perior Court, be paid into said court and shall there be distributed  
15 according to law, on the application of any person interested  
16 therein.

1 48. Assessments for benefits for any improvement together with  
2 any accompanying awards for incidental damages and all awards  
3 of damages for land or interests therein taken from any improve-  
4 ment, shall be certified by the officer making the same to the com-  
5 mission by a report in writing signed by the officer. The report  
6 shall be accompanied by a map showing the land taken, damaged  
7 or benefited by the improvement and for which damages or bene-  
8 fits have been assessed.

1 49. The report may be considered by the commission at any  
2 meeting, notice thereof shall be published in a newspaper circulat-  
3 ing in the district, once each week for 2 weeks prior to said meeting,  
4 and also by mailing a copy of the notice to the owners named in  
5 the report, directed to his or their last known post-office addresses,  
6 and the affidavit of the appropriate officer of the commission shall  
7 be conclusive as to such mailing. The notice shall briefly state the  
8 object of the meeting with reference to the assessment. At that or  
9 any subsequent meeting the commission, after considering the re-  
10 port and map, may adopt and confirm the same with or without  
11 alterations, as may seem proper, and may refer such matter to any  
12 committee of the commission, or to the officer making such assess-  
13 ment, for revision or correction before taking final action thereon.  
14 When the report shall be adopted and confirmed with or without  
15 alterations, it shall be final and conclusive and appeals may be  
16 taken as hereinafter provided. Failure to mail the notice in this  
17 section required shall not invalidate the proceedings.

1 50. Immediately after the confirmation of any assessment, a  
2 duplicate thereof duly certified by the commission shall be delivered  
3 to the appropriate officer of the commission, who shall immediately  
4 thereafter send out by mail or deliver to owners of such land, bills  
5 for such assessment. Such officer shall mail or deliver a bill for an  
6 assessment in the manner required in connection with local im-  
7 provements and shall keep a record and books of assessments in



8 the same manner required for local improvements under Revised  
9 Statutes 40:56-31, at the expense of the commission. The com-  
10 mission may make additional requirements for recording, account-  
11 ing for, and collecting assessments.

12 51. (a) Special assessments levied against land in class 1 shall  
13 be considered to be of general benefit to the entire district and  
14 shall be included as a charge against general revenues of the  
15 commission or paid out of any funds of the commission which  
16 shall be available for such purpose.

17 (b) Special assessments made against land certified to be in  
18 class 2 shall be paid to the commission, immediately upon delivery  
19 of an assessment bill to the State Treasurer from the Hackensack  
20 Meadowland Revolving Fund.

21 (c) There is hereby established a Hackensack Meadowland Re-  
22 volving Fund which shall be administered by the State Treasurer.  
23 The Legislature may appropriate from time to time amounts to  
24 such fund. All money appropriated or otherwise made available  
25 to this fund, including the repayment of expenditures made under  
26 the provisions of subsection (b), shall be held for the purpose of  
27 paying special assessments made against class 2 property pur-  
28 suant to this article. Pending use, moneys in the Hackensack  
29 Meadowland Revolving Fund may be invested and reinvested as  
30 other trust funds in the custody of the State Treasurer in the  
31 manner provided by law. All earnings received from the invest-  
32 ment or deposit of such moneys shall be paid into and become a  
33 part of such fund.

34 (d) A statement of the amount of the special assessment against  
35 class 2 property paid for out of the fund shall be filed with the  
36 appropriate agency having title to the property and shall be in-  
37 cluded in the purchase price fixed for lands and made part of the  
38 payment for the grant or sale. The full amount of such assessment  
39 shall be repaid and deposited in the fund established by subsection

40 (e). In the case said lands are leased for a term of years, there  
41 shall be included in the annual rental, a charge for the assessment  
42 levied on the property. Such payments up to the full amount of  
43 such assessment shall be paid to and deposited in said fund.

44 (e) The assessment against land in class 3 shall be payable  
45 immediately upon delivery to the collecting officer of the commission.

46 When any assessment shall not be paid within 2 months after  
47 the date of confirmation thereof, interest thereon from the date  
48 of confirmation shall be imposed at the rate of 6%.



1 52. Every assessment for any improvement together with interest  
 2 thereon and all costs and charges connected therewith shall be  
 3 upon confirmation by the commission, or by the court, a first lien  
 4 on the land described in the assessment, paramount to all prior  
 5 or subsequent alienations and descents of such land or encum-  
 6 brances thereon, \*[(except subsequent taxes or assessments)]\*  
 7 \*shall constitute a lien in the same manner as taxes and assess-  
 8 ments for State purposes\* notwithstanding any mistake in the  
 9 name or names of any owner or owners, or any omission to name  
 10 any owner or owners who are unknown, and notwithstanding any  
 11 lack of form therein, or in any proceeding which does not impair  
 12 the substantial rights of the owner or owners or person or persons  
 13 having a lien upon or interest in any such land. All assessments  
 14 for improvements shall be presumed to have been regularly assessed  
 15 and confirmed and every assessment or proceeding preliminary  
 16 thereto shall be presumed to have been regularly made or conducted  
 17 until the contrary be shown.

1 53. In all cases in which any assessment incident to any improve-  
 2 ment has been set aside by a court of competent jurisdiction, and  
 3 the improvement shall have been actually made in the manner pro-  
 4 vided by law, the officer charged with the duty of making assess-  
 5 ments for benefits for improvements shall make a new assessment  
 6 of benefits upon the property benefited by the improvement, in the  
 7 manner and by the proceeding herein provided. All such new as-  
 8 sessments shall become a lien upon the land so assessed in the same  
 9 manner and with like effect and be enforceable in the same way  
 10 as an original assessment for like improvements.

1 54. When any court of competent jurisdiction shall decide that  
 2 any assessment has been illegally made, the commission shall re-  
 3 fund the amount thereof, if the same has been paid, and if a new  
 4 assessment of less amount is to be made, then the difference be-  
 5 tween the new assessment and the amount paid shall be refunded.

1 55. The commission may by resolution provide that the owner  
 2 of any land upon which any assessments for any improvement  
 3 shall have been made may pay such assessments in such equal  
 4 yearly installments, \*[(not exceeding 10)]\* \*for such number of  
 5 years as may be provided by rules and regulations of the com-  
 6 mission\*, with legal interest thereon, and at such time and in each  
 7 year as the commission shall determine under the requirements  
 8 and conditions for local improvements pursuant to Revised Statutes  
 9 40:56-35, provided that any person assessed may pay the whole  
 10 of any assessment, or any balance of installments, with accrued  
 11 interest thereon, at one time. If any such installment becomes



12 due *\*and is not paid\** the whole assessment or balance due thereon  
 13 shall become and be immediately due, shall draw interest at the  
 14 rate of 6% and be collected in the same manner as is provided in  
 15 this act for other past due assessments.

1 56. When any unpaid assessment, interest thereon or other  
 2 charges for collection thereof, remains in arrears on July 1 of the  
 3 calendar year following the calendar year when the same became  
 4 in arrears, the appropriate officer of the commission shall enforce  
 5 the lien by selling the property in the manner set forth in sections  
 6 54:5-19 to 54:5-129 of the Revised Statutes.

1 57. All assessments as collected shall be immediately placed in an  
 2 account to be known as "improvement assessment account." Such  
 3 moneys shall be used only to pay the cost of such improvements or  
 4 indebtedness incurred for such improvements or interest *\*or*  
 5 *premium, if any\** thereon.

1 58. The owner of any property assessed for benefits or awarded  
 2 damages incident to any improvement under this act may, within  
 3 30 days after confirmation of such assessment or award, appeal  
 4 from the same to the Appellate Division of the Superior Court by  
 5 serving written notice of such appeal upon the tax collector and  
 6 a duplicate upon the appropriate officer of the commission, either  
 7 personally or by leaving the same at his office or place of abode.  
 8 The court shall determine whether or not the record contains sub-  
 9 stantial evidence that the assessment or award appealed from is  
 10 just and fair, and if not shall make an order correcting the same,  
 11 or, if the assessment or award is sustained shall so order. The  
 12 determination shall be by order or judgment for the amount de-  
 13 termined and shall be enforced in an appropriate manner pursuant  
 14 to procedures set forth in Revised Statutes 40:56-57, as amended.  
 15 The commission may proceed with the prosecution and completion  
 16 of the improvement *\*and the issuing of bonds and other indebted-*  
 17 *ness in connection with said improvements\** notwithstanding any  
 18 such appeal.

#### ARTICLE 9. INTERMUNICIPAL TAX-SHARING

1 *\*\*59 (a) The Legislature hereby finds and declares that a vital*  
 1A *component of any comprehensive plan for the development of the*  
 1B *meadowland district, is a program whereby the financial benefits*  
 1C *and liabilities of each constituent municipality, are clearly estab-*  
 1D *lished and equitably distributed. Article 9 of this act provides for*  
 1E *such a program, by the creation of an inter-municipal account, and*  
 1F *specifically provides that each constituent municipality will be*  
 1G *guaranteed, in perpetuity, its present existing tax ratable values*  
 1H *within the meadowland district and will equitably share in the new*



1I financial benefits and new costs resulting from the development of  
 1J the meadowland district as a whole. This article further provides  
 1K that the Hackensack Meadowlands Development Commission shall  
 1L not be able to receive any funds from the intermunicipal account or  
 1M its reserve fund, for any purpose except that the commission shall  
 1N be reimbursed for the cost of administering said account.

1O (b) The Hackensack Meadowlands Development Commission  
 1P shall, in 1972, and every year thereafter, submit a report to the  
 1Q Meadowlands Municipal Committee and the Legislature, relating to  
 1R the operation of the inter-municipal account in the prior year, and  
 1S shall recommend, when it deems necessary, such amendments to this  
 1T article as it may deem necessary, to carry out the legislative intent  
 1U herein stated.\*\*

1V \*\*[59.]\*\* \*\*59.1.\*\* As used in this article, unless the context in-  
 2 dicates another meaning or intent:

3 (a) "Adjustment year" means the year in which the respective  
 4 obligations of the intermunicipal account and the constituent mu-  
 5 nicipalities of the district are due and payable.

6 (b) "Intermunicipal account" means the administrative device  
 7 established and administered by the commission to record all the  
 8 transactions made pursuant to this article for the purpose of cal-  
 9 culating the meadowlands adjustment payment for each constituent  
 10 municipality, and to act as the clearing-house for the transfer of  
 11 the meadowlands adjustment payments among the constituent  
 12 municipalities as required by this article.

13 (c) "Meadowlands adjustment payment" means the amount that  
 14 is payable by each constituent municipality to the intermunicipal  
 15 account, or the amount that is payable by the intermunicipal ac-  
 16 count to each municipality, as the commission shall determine the  
 17 case to be pursuant to the provisions of this article.

18 (d) "Resident enrollment" means the number of full-time pupils  
 19 who are residents of the school district and who are enrolled in day  
 20 schools on the last day of September during the school year in which  
 21 which calculation of aid is made and are attending the public school  
 22 of the school district or a school district or State teachers college  
 23 demonstration school in which the school district of residence pays  
 24 tuition; school district may count in its enrollment any pupil regu-  
 25 larly attending on a full-time basis a county vocational school in  
 26 the same county for which the school district pays tuition.

27 (e) "Unimproved lands" means lands which are vacant and on  
 28 which there are no buildings or structures *\*and which are not*  
 29 *classified as land undergoing construction in the year* \*\*[1968]\*\*  
 30 *\*\*as defined in subsection (f) below,\*\* as shall be determined by a*



31 survey by the commission\*.

32 \*(f) "Land undergoing construction" means land so designated  
 33 by the commission. Land **\*\*[may]\*\*** **\*\*shall\*\*** be designated by  
 34 the commission as land undergoing construction if on or before  
 35 **\*\*[September 1, 1968]\*\*** **\*\*the final adoption of the full master plan**  
 36 **for the development of the district and final approval of same by**  
 37 **the U. S. Army Corps of Engineers, but in no event later than**  
 38 **January 1, 1971,\*\*** the governing body of a constituent municipality  
 39 files with the commission, a description of any building or structure,  
 40 undergoing construction as of the effective date of this act within  
 41 said municipality and the commission is satisfied that the plans,  
 42 specifications and actual construction work thereon warrants that  
 43 the property not be conclusive as unimproved land\*.

44 **\*\*[(f)]\*** **\*(g)\*** "Redeveloped lands" means lands other than un-  
 45 improved lands, the use of which has been substantially changed  
 46 pursuant to the master plan or any redevelopment plan, as defined  
 47 in this act.

1 60. The laws relating to the assessment and taxation of real and  
 2 personal property shall apply to all constituent municipalities  
 3 unless otherwise specifically provided in this act.

1 61. (a) In preparing the list of owners of taxable property pur-  
 2 suant to Revised Statutes 54:4-24, the assessor of each constituent  
 3 municipality shall indicate in the list for each parcel of property  
 4 whether or not it is located within the district boundaries, in accord-  
 5 ance with regulations prescribed by the Director of the Division  
 6 of Taxation.

7 (b) When the boundary of the district divides a lot of land, the  
 8 entire lot shall be included within the district.

1 62. (a) The commission shall prepare a survey in **\*\*[1968]\*\***  
 2 **\*\*1969\*\*** showing the area of the unimproved lands and redeveloped  
 3 lands in each municipality located within the district. The results  
 4 of the survey shall be published upon completion, and shall serve  
 5 as the basis for payments to be made pursuant to section 70 and 71  
 6 of this act. A **\*\*[similar]\*\*** survey *\*of redeveloped lands\** shall be  
 6A prepared annually thereafter.

7 (b) The commission shall also cause a census of population to  
 8 be taken showing the total number of inhabitants of each con-  
 9 stituent municipality in **\*\*[1968]\*\*** **\*\*1969\*\*** residing within the  
 10 district. A similar census, using comparable techniques and pro-  
 11 cedures, shall be taken annually thereafter.

12 (c) The Division of Employment Security in the Department of  
 13 of Labor and Industry shall certify to the commission the amount



14 of employment, as defined in section 43:21-19 of the Revised Stat-  
 15 utes, in that part of each constituent municipality which is located  
 16 within the district in **\*\*[1968]\*\*** **\*\*1969\*\***. A similar certification  
 17 shall be made annually thereafter.

1 63. On or before November 15, 1969, and on or before November  
 2 15 of each year thereafter, the secretary, superintendent or a per-  
 3 son designated by the school board of each school district of each  
 4 constituent municipality shall certify to the commission the res-  
 5 ident enrollment as of September 30 of that year. The certification  
 6 shall show the number of such pupils who reside within the district  
 7 and the number who reside outside, in a manner to be prescribed  
 8 by the Commissioner of the Department of Education.

1 64. In the adjustment year **\*\*[1970]\*\*** **\*\*1971\*\***, and in each  
 2 adjustment year thereafter, the commission shall establish an inter-  
 3 municipal account and shall compute the amount payable to said  
 4 account by each of the constituent municipalities and the amount  
 5 due to each constituent municipality from said account for that year  
 6 pursuant to this article.

1 65. (a) As used in this section, except as otherwise specifically  
 2 provided:

3 (1) The increase or decrease in aggregate true value of taxable  
 4 real property for any adjustment year shall be the difference  
 5 between

6 (I) The aggregate true value of that portion of taxable real  
 7 property, exclusive of Class II railroad property, in the mu-  
 8 nicipality located within the district as of October 1 of the  
 9 year preceding the adjustment year, less

10 (II) The aggregate true value of said property as of  
 11 October 1, **\*\*[1968]\*\*** **\*\*1969\*\*** *plus a true value of*  
 11A **\*\*[any]\*\*** **\*\*the real estate designated by the commission**  
 11B **as\*\*** *land undergoing construction as defined by this act. The*  
 11C *true value of said land undergoing construction as determined*  
 11D *annually shall be used as a true value until a certificate of*  
 11E *occupancy is issued and then the value shall be fixed as of the*  
 11F *date of said certificate\*.*

12 (2) Aggregate true value of all taxable real property shall be  
 13 determined by aggregating the assessed value of all real property  
 14 within the district boundaries in each constituent municipality,  
 15 **\*\*[except Class II railroad property]\*\*** **\*\*as the same may be**  
 16 **modified by the county board of taxation upon appeal\*\***, and divid-  
 17 ing said total by the average assessment ratio as promulgated by  
 18 the Director of the Division of Taxation in the Department of the



19 Treasury for State school aid purposes on October 1 of the respec-  
20 tive years for which aggregate true value is to be determined, pur-  
21 suant to P. L. 1954, chapter 86, as amended, as the same may have  
21A been modified by the Division of Tax Appeals.

22 (3) The apportionment rate for any adjustment year shall be  
23 determined, as follows:

24 (I) The total property taxes levied for local, school, county,  
25 veteran and senior citizens purposes, on which the general tax  
26 rates are computed, as certified pursuant to Revised Statutes  
27 54:4-52, of all constituent municipalities, in the year pre-  
28 ceding the adjustment year, divided by

29 (II) The aggregate true value of all taxable real property,  
30 exclusive of Class II railroad property, located in all consti-  
31 tuent municipalities, both within and without the district, in the  
32 year preceding the adjustment year, as determined by the  
33 Director of the Division of Taxation on October 1 of the year  
34 preceding the adjustment year, pursuant to P. L. 1954, chap-  
35 ter 86, as amended, as the same may have been modified by the  
36 Division of Tax Appeals.

37 (b) The amount payable to the intermunicipal account by each  
38 constituent municipality in any adjustment year shall be determined  
39 in the following manner: the apportionment rate shall be multi-  
40 plied by the increase, if any, in aggregate true value of taxable  
41 real property.

42 (c) The amount payable to the intermunicipal account by any  
43 constituent municipality in any adjustment year shall also include  
44 any payments made to any such constituent municipality in the  
45 year preceding the adjustment year in lieu of real estate taxes  
46 located within the district.

1 66. The guarantee payment payable by the intermunicipal ac-  
2 count to each constituent municipality in any adjustment year shall  
3 be computed as follows: if there is a decrease in the aggregate  
4 true value of taxable real property as determined pursuant to sub-  
5 section (a) (1) of section 65 of this act, there shall be payable  
6 as a guarantee payment from the intermunicipal account to such  
7 municipality, an amount to be calculated by multiplying such de-  
8 crease by the apportionment rate, as defined in subsection (a) (3)  
9 of section 65 of this act.

1 67. The service payments payable to any constituent municipality  
2 from the intermunicipal account in any year for municipal and  
3 county services shall be found by dividing the sum of—



4 (a) Total municipal \***[expenditures]**\* *appropriations*\*, less  
 5 (1) State aid revenues \***[realized]**\* *anticipated*\* and  
 6 (2) Type I school debt service, plus  
 7 (b) County taxes and special district taxes, all as certified  
 8 \***[or reported]**\* *in the budget*\* for the year preceding the  
 9 adjustment year to the Division of Local Finance in the  
 10 Department of Community Affairs.

11 by the sum of:

12 (a) The most recent estimate of the total resident popula-  
 13 tion of the municipality, as certified by the Department of Con-  
 14 servation and Economic Development to the commission, plus

15 (b) The total of employment as defined in section 43:21-19  
 16 of the Revised Statutes certified by the Division of Employ-  
 17 ment Security in the Department of Labor and Industry to  
 18 the commission,

19 and multiplying the result by the aggregate increase, if any, in  
 20 resident population and covered employment of that portion of  
 21 the municipality lying within the district boundaries, as shown by  
 22 the initial census and the most recent census conducted by the com-  
 23 mission, and the initial and most recent counts of said employment.

1 68. For school district services, the service payment payable by  
 2 the intermunicipal account to any constituent municipality in any  
 3 adjustment year shall be found by dividing:

4 (a) The total local school tax levy, as shown on the Table of  
 5 Aggregates pursuant to Revised Statutes 54:4-52 for the year  
 6 preceding the adjustment year, by the

7 (b) School resident enrollment on September 30 of such year  
 8 preceding the adjustment year, as certified pursuant to section  
 9 63 of this act, and multiplying the result by the increase, if any,  
 10 in resident enrollment within the district boundaries of that consti-  
 11 tent municipality between September 30, \*\***[1968]**\*\* \*\*1969\*\*,  
 12 and September 30 of the year preceding the adjustment year.

1 69. When the development of the district requires a municipal  
 2 capital improvement for which the municipality would not be suf-  
 3 ficiently reimbursed by service payments as provided by this article,  
 4 the commission, in its discretion, if it finds that such improvement  
 5 is consistent with its master plan and provides for a desirable  
 6 community or regional benefit, may reimburse the municipality by  
 7 means of a project payment from the intermunicipal account in  
 8 an amount equivalent to the cost of the project determined in ac-  
 9 cordance with the rules and regulations of the commission. \*\*If  
 10 requested by the governing body of a constituent municipality, the



11 *commission may also reimburse said municipality by means of a*  
 12 *project payment from the inter-municipal account an apportioned*  
 13 *amount of any capital construction project instituted by said*  
 14 *municipality, or an agency or instrumentality thereof, before the*  
 15 *effective date of this act which is consistent with the master plan*  
 16 *and provides essential services to properties which are subject to*  
 17 *the tax sharing provisions of this article, to the extent that said*  
 18 *services are not paid for by the individual users.\*\**

1 70. (a) If, in any adjustment year, the amount payable to the  
 2 constituent municipalities by the intermunicipal account for guar-  
 3 antee payments, service payments, and project payments, plus any  
 4 payment to the reserve fund as provided in subsection (b) and the  
 5 payment for the cost of administration of the intermunicipal ac-  
 6 count as provided by subsection (c) is less than the amount payable  
 7 to the intermunicipal account pursuant to section 65 of this act,  
 8 the balance, if any, shall be apportioned among the constituent  
 9 municipalities in the same ratio as the area of their unimproved  
 10 and redeveloped lands within the district of each constituent mu-  
 11 nicipality bears to the total of such unimproved and redeveloped  
 12 lands in the district, and shall be known as an apportionment pay-  
 13 ment.

14 (b) The commission shall establish a reserve fund and in the  
 15 event that in any adjustment year, the amount payable by the con-  
 16 stituent municipalities to the intermunicipal account, pursuant to  
 17 section 65 of this act less the cost of administering the account,  
 18 exceeds the amount payable to the constituent municipalities for  
 19 guarantee payments, service payments and project payment from  
 20 the account, an amount equal to *\*\*1/2 of\*\** 1% of such excess shall  
 21 be set aside and placed in the reserve fund until there is *\*\*[\$10]\*\**  
 22 *\*\*\$5\*\** million in said fund; thereafter, no further payments shall  
 23 be made into said fund unless the balance is less than *\*\*[\$10]\*\**  
 24 *\*\*\$5\*\** million.

25 (c) The *\*\*commission shall not be able to receive any funds*  
 26 *from the intermunicipal account or the reserve fund provided for*  
 27 *in subsection (b) of this section for any purpose except that the\*\**  
 28 *commission shall be reimbursed annually from the intermunicipal*  
 29 *account the cost of administering and determining the payments*  
 30 *due to or payable from account. The cost of administering the*  
 31 *intermunicipal account shall be transferred from said account to*  
 32 *the commission and shall be shown on the operating budget of the*  
 33 *commission as a line item.*

1 71. If, in any adjustment year, the amount payable to the con-  
 2 stituent municipalities by the intermunicipal account for guarantee



3 payments, service payments, and project payments, plus the cost  
 4 of administering the intermunicipal account exceeds the amount  
 5 payable to said account pursuant to section 65 of this act, the re-  
 6 serve fund shall be drawn upon to make up the deficit. In the event  
 7 there is an insufficient amount in the reserve fund, **\*\*[the amount of**  
 8 **the deficit shall be apportioned among the constituent municipali-**  
 9 **ties in the same ratio as the area of their unimproved and redevel-**  
 10 **oped lands within the district of each constituent municipality bears**  
 11 **to the total of such unimproved and redeveloped lands in the dis-**  
 12 **trict]\*\*** *\*\*the total service payments payable to all constituent*  
 13 *municipalities shall be reduced by the amount of the deficit and the*  
 14 *service payment payable to each constituent municipality shall be*  
 15 *reduced by the same ratio as the total service payment to all con-*  
 16 *stituent municipalities was reduced\*\*.*

1 72. (a) On or before February 1 of **\*\*[1970]\*\*** **\*\*1971\*\*** and on  
 2 or before February 1 of each year thereafter, the commission shall  
 3 certify to the chief financial officer of each constituent municipality  
 4 an amount, known as the meadowlands adjustment payment. The  
 5 meadowlands adjustment payment for each constituent municipal-  
 6 ity shall be determined by adding all the payments payable to that  
 7 municipality from the intermunicipal account for service payments,  
 8 guarantee payments, project payments, and apportionment pay-  
 9 ments, if any, and by subtracting therefrom the obligations of that  
 10 municipality to the intermunicipal account, as calculated pursuant  
 11 to sections 65 and 71 of this act.

12 (b) If the meadowlands adjustment payment for any constituent  
 13 municipality in any adjustment year is payable to the constituent  
 14 municipality, the amount of said payment shall be identified in the  
 15 municipal budget of that municipality for that year as "meadow-  
 16 lands adjustment" within the category "miscellaneous revenues  
 17 anticipated," and shall be due and payable in 3 equal installments  
 18 to be made by the intermunicipal account to that municipality on  
 19 May 15, August 15, and November 15 of that year.

20 (c) If the meadowlands adjustment payment for any constituent  
 21 municipality in any adjustment year is payable to the intermuni-  
 22 cipal account, the amount of said payment shall be entered as a  
 23 special line item appropriation in the budget of the municipality  
 24 for that year and shall be payable in 3 equal installments to be  
 25 made by the municipality to the account on May 15, August 15,  
 26 and November 15 of that year. No transfers may be made from  
 27 said appropriation except as is herein provided.

1 73. (a) Services provided in the district shall be comparable to  
 2 those provided elsewhere in each constituent municipality.



3 (b) If, after public hearing, the commission shall determine that  
 4 a constituent municipality or its school district is not complying  
 5 with this section, it shall have the authority to withhold all pay-  
 6 ments made pursuant to this article until such time as the commis-  
 7 sion is satisfied that the municipality and its school district are  
 8 performing such services in accordance with this section.

1 74. An appeal or review may be taken by any constituent munici-  
 2 pality regarding any alleged arithmetical or typographical error  
 3 in the calculation and payment of the meadowlands adjustment  
 4 payment.

#### ARTICLE 10. GENERAL PROVISIONS

1 75. On or before February 25 of each year the commission shall  
 2 adopt an annual budget for the year, which shall include the fol-  
 3 lowing items of expenditure:

4 (a) An operating budget covering administrative operating and  
 5 maintenance expenses of each office, activity or project of the com-  
 6 mission, plus contingent expenses of up to 5% of the amount stated;

7 (b) Capital budget, including deposits in any capital improve-  
 8 ment fund or capital reserve fund, down payments or expenditures  
 9 for capital projects, and interest payments, sinking fund deposits,  
 10 principal maturities, and redemption premiums payable in such  
 11 year on bond and notes of the commission;

12 (c) Deferred charges; and estimates of the following revenues;

13 (1) Cash balances and surplus;

14 (2) Federal, State and other grants-in-aid;

15 (3) Revenues from charges and fees for the use of the com-  
 16 mission's facilities;

17 (4) Receipts from special assessments; but not in excess of  
 18 the amount budgeted in such year for interest, principal ma-  
 19 turities, sinking fund deposits and redemption premiums on  
 20 bonds secured by such assessments, until all bonds so secured  
 21 are paid in full;

22 (5) Payments by municipalities or other governmental  
 23 bodies pursuant to contracts for services performed by the  
 24 commission; and

25 (6) Miscellaneous other revenues and receipts.

1 76. The commission shall cause an annual audit of its accounts  
 2 to be made, and for this purpose it shall employ a registered mu-  
 3 nicipal accountant of New Jersey or a certified public accountant  
 4 of New Jersey. The audit shall be completed and filed with the  
 5 commission within 4 months after the close of the fiscal year of the  
 6 commission and a certified duplicate copy thereof shall be filed in  
 7 the office of the Division of Local Finance in the Department of



8 Community Affairs and in the office of the Division of Budget and  
9 Accounting in the Department of the Treasury in the office of the  
10 treasurer of the county of Bergen and in the office of the treasurer  
11 of the county of Hudson within 5 days after the original audit is  
12 filed with the commission.

1 77. For the purpose of aiding and co-operating with the commis-  
2 sion; the planning, undertaking construction or operation of its  
3 activities, any public body may upon such terms, with or without  
4 consideration, as it may determine:

5 (a) Dedicate, sell, convey or lease any of its property to the  
6 commission or the Federal Government;

7 (b) Cause parks, playgrounds, recreational, community, educa-  
8 tional, water sewer or any other works which it is otherwise em-  
9 powered to undertake, to be furnished adjacent to or in connection  
10 with projects of the commission;

11 (c) Furnish, dedicate, close, pave, install, grade, regrade, plan  
12 or replan streets, roads, roadways, alleys, sidewalks or other places  
13 which it is otherwise empowered to undertake;

14 (d) Plan or replan, zone or rezone any part of such public body;  
15 make exceptions from building regulations and ordinances and  
16 change its map;

17 (e) Enter into agreements (which may extend over any period,  
18 notwithstanding any provision or rule of law to the contrary) with  
19 the commission or the Federal Government respecting action to  
20 be taken by such public body pursuant to any of the powers granted  
21 by this act;

22 (f) \***[Don]**\* \*Do\* any and all things necessary or convenient  
23 to aid and co-operate in planning undertakings, construction, or  
24 operations of the commission;

25 (g) Cause services to be furnished to the commission of the char-  
26 acter which such public body is otherwise empowered to furnish;

27 (h) Purchase or legally invest in any of the bonds of the com-  
28 mission and exercise all of the rights of any holder of such bonds;

29 (i) In connection with any public improvements made by a public  
30 body in exercising the powers herein granted, such public body  
31 may incur the entire expense thereof. Any law or statute to the  
32 contrary notwithstanding, any grant, sale, conveyance, lease, or  
33 agreement provided for in this section, may be made by a public  
34 body without appraisal, public notice, advertisement or public bid-  
35 ding;

36 (j) Upon such terms as it may deem advisable, with or without  
37 consideration, grant, sell, convey or lease any of its property, in-  
38 cluding real property already devoted to a public use, whether held



39 in a proprietary or governmental capacity to the commission, pro-  
40 vided, that the public body making the grant or lease determines  
41 that the premises are no longer required for the public purposes  
42 to which the property is devoted, and that it is in the public interest  
43 so to grant, sell, convey or lease said property.

1 78. (a) The commission may enter into, from time to time, con-  
2 tract with one or more municipalities, counties or other public  
3 agencies for the operation of public improvements, works, facilities,  
4 services, or undertakings of such municipalities, counties, or agen-  
5 cies, or of the commission.

6 (b) Such contracts shall specifically provide for the services or  
7 improvements to be undertaken, the fee or fees to be charged for  
8 such services or facilities, the method of apportionment of such  
9 fees among the contracting parties, persons or officers or agencies  
10 responsible for the performance of the contract and other appro-  
11 priate terms and conditions of participation.

12 (c) Such contracts shall be subject to approval by resolution of  
13 the commission and of the governing body of each participating  
14 municipality, county or other participating agency.

15 (d) The apportionment of costs and expenses may be based upon  
16 property valuations, population, area, and of such other factors  
17 as may be provided in the contract.

1 79. The State Auditor and his legally authorized representatives  
2 are hereby authorized and empowered from time to time to examine  
3 the accounts and books of the commission, including its receipts,  
4 disbursements, contracts, sinking funds, investments and any other  
5 matters relating to its financial standing.

1 80. The commission shall be entitled to call to its assistance and  
2 avail itself of the services of such employees of any State depart-  
3 ment or agency as it may require and as may be available to it  
4 for said purpose.

1 81. The foregoing sections of this act shall be deemed to provide  
2 an additional and alternative method for the doing of the things au-  
3 thorized thereby, and shall be regarded as supplemental and ad-  
4 ditional to powers conferred by other laws, and shall not be re-  
5 garded as in derogation of any powers now existing; provided,  
6 however, that the issuance of bonds or refunding bonds under the  
7 provisions of this act need not comply with the requirements of  
8 any other law applicable to the issuance of bonds.

1 82. This act, being necessary for the welfare of the State and  
2 its inhabitants, shall be liberally construed to effect the purpose  
3 thereof.



1 83. If the provisions of any article, section or clause of this act  
 2 or the application thereof to any person shall be judged invalid  
 3 by a court of competent jurisdiction, such order or judgment shall  
 4 be confined in its operation to the controversy in which it was  
 5 rendered, and shall not affect or invalidate the remainder of any  
 6 provision of any article, section or clause of this act or the appli-  
 7 cation of any part thereof to any other person or circumstance and  
 8 to this end, the provisions of each title, section and clause of this  
 9 act are hereby declared to be severable.

1 84. All expenses incurred in carrying out the provisions of this  
 2 act shall be payable from funds provided the commission therefor,  
 3 and no liability or obligation shall be incurred by the commission  
 4 hereunder beyond the extent to which moneys shall have been pro-  
 5 vided therefor.

1 85. There is hereby appropriated to the Hackensack Meadow-  
 2 lands Development Commission an initial sum of \$250,000.00 to  
 3 carry out the purposes of this act \*\*and to the Hackensack Meadow-  
 4 lands Municipal Committee a sum of \$50,000.00 for office and staff  
 5 expenses necessary to carry out the provisions of this act\*\*.

#### B. MEADOWLAND RIPARIAN INSTRUMENTS

1 86. Section 13 of the act to which this act is amendatory and  
 2 supplementary is amended to read as follows:

3 13. No riparian leases or grants shall hereafter be allowed except  
 4 when approved by at least a majority of the Resource Development  
 5 Council *and signed by the chairman of the council*; and no such  
 6 leases or grants shall hereafter in any case be allowed except when  
 7 approved and signed by the Governor and the Commissioner of  
 8 Conservation and Economic Development.

1 87. As used in sections 86 through 102, inclusive, of this act.

2 (a) "Meadowlands" means those lands, now or formerly con-  
 3 sisting chiefly of salt water swamps, meadows, or marshes;

4 (b) "Improved meadowlands" means such meadowlands as have  
 5 been reclaimed by fill or other material thereon, and may include  
 6 the erection of structure.

7 (c) "Virgin meadowlands" means such meadowlands that are  
 8 still in their natural state and upon which no diking, fill or struc-  
 9 tures have been placed.

10 (d) "Council" means the Resource Development Council of the  
 11 Department of Conservation and Economic Development.

1 88. The council is hereby directed to undertake title studies and  
 2 surveys of meadowlands throughout the State and to determine  
 3 and certify those lands which it finds are State owned lands.



4 In undertaking its studies and surveys the council shall divide  
 5 its work into such a number of **\*[projects]\*** *\*surveys\** as it shall  
 6 determine is advisable and it shall establish the priority in which  
 7 such **\*[projects]\*** *\*surveys\** shall be undertaken. As its first  
 8 **\*[project]\*** *\*survey\**, and within 6 months of the effective date of  
 9 this act, the council shall undertake, and complete, a study of the  
 10 Hackensack meadowlands. During the period of time between the  
 11 initiation of a project and the publication of the map and study  
 12 delineating the State-owned lands within the **\*[project]\*** *\*survey\**  
 13 area, the council shall make no conveyances, leases or transfers of  
 13a any riparian land within the **\*[project]\*** *\*survey\** area.

14 These studies and surveys shall be performed on behalf of the  
 15 council by the Navigation Bureau of the Department of Conserva-  
 16 tion and Economic Development.

1 89. In making a thorough study of all such lands to determine  
 2 which are State-owned lands and in making its determination the  
 3 council shall take into account the mean high water line as estab-  
 4 lished by the United States Coast and Geodetic Survey, the nature  
 5 of the vegetation thereon, artificial changes in land or water eleva-  
 6 tion, and such other historical or scientific data which, in the  
 7 opinion of the council, are relevant in determining whether a parcel  
 8 of land is now or was formerly flowed by mean high tide.

1 90. Upon completion of each separate study and survey, the  
 2 council shall publish a map portraying the results of its study  
 3 and clearly indicating those lands designated by the council as  
 4 State-owned lands. Copies of each such map and study shall be  
 5 filed with the Secretary of State and sent to the clerk of each county  
 6 and to the governing body of each municipality whose political  
 7 boundaries include lands shown on the map. Such maps and studies  
 8 shall be available for public inspection.

9 The council shall also cause to be published at least once in a  
 10 newspaper circulating in each county whose political boundaries  
 11 include lands designated as State-owned lands a list of those parcels  
 12 designated in whole or in part as State-owned lands.

1 91. (a) Any person aggrieved by a designation by the council  
 2 that certain parcels are State-owned lands may file with the council  
 3 pertinent information, maps, studies or other matters documenting  
 4 his claim of title. Within 90 days the council shall either issue a  
 5 statement indicating that the State has no interest in the property  
 6 or shall reaffirm that said property is State-owned.

7 (b) Any person aggrieved by a designation by the council that  
 8 certain parcels are State-owned may, either initially or after re-  
 9 questing the review as provided by subsection (a), **\*[start]\*** *\*com-*



10 *mence*\* an action in the Superior Court to adjudicate the title  
11 dispute.

12 92. The council shall make progress reports to the Governor and  
13 Legislature at least annually and shall complete its studies and  
14 title surveys and make its determinations as to interest of the State  
15 in meadowlands throughout the State on or before December 31,  
16 1974.

17 93. (a) Any claimant of the meadowlands who shall desire to  
18 obtain a conveyance or lease of the State's interest in such land  
19 may apply to the council submitting with his application, a survey  
20 of the property showing its metes and bounds, an affidavit of title,  
21 a copy of the instrument of title under which he claims the land,  
22 a statement of the purpose for, and the manner in which, the  
23 claimant proposes to use or further improve the property and such  
24 other information as the council shall require.

25 (b) Any department, agency or instrumentality of the State,  
26 county, municipality, or any person, not a claimant, may apply to  
27 the council for a conveyance or lease of the State's interest in the  
28 meadowlands, said application shall contain a survey of the property  
29 showing its metes and bounds, a copy of the latest \***[proported]**\*  
30 \**purported*\* title which has been duly recorded in the county record-  
31 ing office in which the land is located, a statement of the purpose for,  
32 and the manner in which the applicant proposes to utilize or further  
33 improve the property, an affidavit of the applicant that he has sent  
34 notification of his application to the person or persons named in  
35 such instrument of title and to the person named as the owners  
36 in the tax records of the municipality in which the lands are located,  
37 and such other information as the council may require. No title  
38 or lease shall be issued pursuant to this subsection until any  
39 claimant to all, or part of, the property applied for has been given  
40 notice of the application and 3 months thereafter, in which to apply  
41 for a conveyance or lease of said lands.

42 94. (a) Within 10 days of receipt of any application for a con-  
43 veyance or lease, or any extension thereof, council shall send a  
44 copy of the application and all material submitted therewith to  
45 the Hackensack Meadowlands Development Commission, if said  
46 application pertains to lands within the district; the Department  
47 of Transportation; the Department of Community Affairs; and  
48 the Department of Conservation and Economic Development. The  
49 council shall take no action on such application until receipt of  
50 the recommendations of said commission and departments regard-  
51 ing the application or for 45 days, whichever occurs first. Any such



11 recommendation shall be considered by the council in determining  
12 the terms, conditions and consideration for the conveyance or lease,  
13 and a copy thereof shall be forwarded to the Governor.

14 (b) There is hereby established a Hackensack Meadowland  
15 Negotiation Board, consisting of 3 members, appointed as follows:  
16 one member appointed by the commission, one member appointed  
17 by the council, and a third member appointed by said 2 appointees.  
18 Each member of said board shall serve at the pleasure of the  
19 appointing authority and any vacancies shall be filled in the same  
20 manner as the original appointment. Members of said board shall  
21 receive no compensation.

22 (c) A copy of each application for conveyances or leases in the  
23 district shall be submitted to the Hackensack Meadowland  
24 Negotiation Board, which shall fix the consideration to be charged  
25 for said instruments. Said board shall certify to the council the  
26 consideration fixed by the board within 45 days of receipt of each  
27 application. Said certified consideration shall in all cases be binding  
28 upon the council.

1 95. The council shall approve an application for conveyance, if  
2 after investigation and a review of the recommendations submitted  
3 to it pursuant to section 94, it is satisfied that the conveyance will  
4 be in the public interest. The council shall further determine the  
5 fair market value of the property in its unimproved state at the  
6 time of the conveyance and shall fix the consideration to be charged  
7 for the conveyance, except as provided in section 94 of this act.  
8 Upon receipt of the payment of the consideration, the council shall  
9 convey the premises by deed of bargain and sale under the seal of  
10 of the council. The council shall require such terms and conditions  
11 in the conveyance instrument as may be necessary or appropriate  
12 for the uniform development of the meadowlands.

1 96. The council shall investigate any application for a lease in the  
2 meadowlands and if the council is satisfied that such a lease will be  
3 in the public interest, or if the council approves the giving of a  
4 lease in lieu of the conveyance applied for, the annual rental for  
5 the leasehold interest shall be fixed based upon the fair market  
6 value of the land in its unimproved state at the time of the lease,  
7 except as provided in section 94 of this act. The annual rental shall  
8 be payable to the council in yearly installments in advance. The  
9 term for any lease of virgin meadowlands may not exceed 10 years  
10 in duration. The term for any lease of improved meadowlands may  
11 not exceed 50 years or the depreciated life of the building or im-  
12 provement on the property, whichever is longer in duration. The



13 term for any lease of improved meadowlands held by a claimant  
14 under color of title which has been held by him or his predecessors  
15 in title since July 1, 1891, and which for the last 20 years imme-  
16 diately preceding has been assessed for taxes or owned by a mu-  
17 nicipality may not exceed 99 years or the depreciated life of the  
18 building or improvement on the property plus  $\frac{1}{2}$  of such depre-  
19 ciated life, whichever is shorter in duration, provided, however,  
20 the lessee in any case renew his lease for such additional years  
21 as may be approved by the council and that such leasehold interest  
22 shall not be assignable without the approval of the council. Any  
23 lease which extends for a period in excess of 25 years shall contain  
24 a provision requiring the review and readjustment of the rental  
25 charge at the lapse of the first 25 years based on the market value  
26 of the land in its \***[improved]**\* *\*unimproved\** state at that time.  
27 The council shall require in said lease agreement such terms  
28 and conditions as it shall deem necessary for the uniform develop-  
29 ment of the meadowlands.

30 The lessee shall have the option of acquiring, if the council ap-  
31 proves, a conveyance of the State's interest at any time during the  
32 term of the lease or any extension. In fixing the consideration for  
33 said conveyance, the council shall determine the fair market value  
34 of the property in its unimproved state at the start of the lease  
35 and shall give a reasonable credit for the rental paid by the lessee  
36 during the term of the lease or any extension thereof.

1 97. The application for or acceptance of a lease shall not be  
2 deemed a recognition of the State's claim of paramount title by  
3 the claimant, nor shall the claimant be deemed to have waived  
4 his right to apply for an adjudication of title to the Superior Court.  
5 An application for any conveyance may also be made after the  
6 claimant has failed to establish the primacy of his title before the  
7 Superior Court.

1 98. Upon the expiration of the lease, or any renewal thereof,  
2 the lessee shall cease his activity and vacate the parcel; provided,  
3 however, that he shall be entitled to be reimbursed by the council  
4 for the provable original cost of any reclamation performed on  
5 the parcel prior to the effective date of this act or with the approval  
6 of the council, and also for the value of any permanent structures  
7 erected on the parcel prior to the effective date of this act or with  
8 the approval of the council. The amount of reimbursement for  
9 permanent structures shall be based on the provable original cost,  
10 unamortized, at the time of expiration of the lease.



1 99. The net proceeds from the sale, lease or transfer of the  
 2 State's interest in the meadowlands shall be paid to the Fund for  
 3 the Support of Free Public Schools established by the Constitu-  
 4 tion, Article VIII, Section IV, after deducting from the net  
 5 proceeds any expenditures of the Hackensack Meadowlands De-  
 6 velopment Commission for reclaiming land within the district. The  
 7 amount of said deduction for reclamation shall be paid to the  
 8 Hackensack Meadowland Development Commission.

1 100. Except as provided by this act, the council shall execute  
 2 conveyances, leases and transfer for meadowlands in the same  
 3 manner and subject to the same provisions and conditions as  
 4 presently applicable to all riparian instruments. Any instrument  
 5 conveying or releasing the State's interest in the meadowlands  
 6 executed by the council prior to this act is valid and binding not-  
 7 withstanding any inconsistency with the provisions of this act.

1 101. Where a claimant of virgin meadowlands outside of the  
 2 Hackensack meadowland alleges that because of natural accretion  
 3 the State no longer has a riparian interest in said land, the claimant  
 4 may apply to the council for an affidavit of noninterest. Attached  
 5 to said application shall be a topographic survey by a licensed  
 6 professional engineer or land surveyor based on the U. S. Coast  
 7 and Geodetic Survey Monumentation as to current elevation of  
 8 said property and such other information and data as the council  
 9 shall require.

10 Upon receipt of said application, the council shall compare said  
 11 survey with the records and maps of the State. If the council  
 12 determines that because of natural accretion and the present ele-  
 13 vation of the property, the State no longer has any interest in such  
 14 parcel of virgin meadowlands outside of the Hackensack meadow-  
 15 lands, the council shall execute an affidavit of noninterest. Said  
 16 affidavit of noninterest shall be recordable in the office of the county  
 17 recording officer of the county in which the lands are located. The  
 18 council may charge a reasonable fee for the review and issuance  
 19 of an affidavit of noninterest.

1 102. There is hereby appropriated to the Department of Con-  
 2 servation and Economic Development for the use of the Resource  
 3 Development Council in the performance of its powers and duties  
 4 pursuant to this act the sum of \$100,000.00.

#### C. EFFECTIVE DATE

1 103. \***[**Except for article 9 which shall take effect on January 1,  
 2 1969, this**]** \**This*\* act shall take effect on July 1, 1968.



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#### C. EFFECTIVE DATE

103. Effective date of act.



SENATE COMMITTEE AMENDMENTS TO

## SENATE, No. 477

[SECOND OFFICIAL COPY REPRINT]

# STATE OF NEW JERSEY

ADOPTED NOVEMBER 25, 1968

Amend page 3, section 3, line 36, after "Teterboro]\*\*\*", insert "and Teterboro".

Amend page 8, section 4, lines 66A and 66B after "hurst]\*\*\*", insert "junction with Orient Way in Lyndhurst", delete "\*\*\*eastern intersection with the Boonton branch of the Erie-Lackawanna Railroad\*\*\*".

Amend page 9, section 4, after line 106, insert:

"Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**



Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;”.

Amend page 9, section 4, lines 106A through 106G delete:

“Thence northerly to the nearest point of intersection with Berry’s Creek;

Thence northerly following mid-stream of Berry’s Creek to the point where Berry’s Creek intersects Woodbridge-Carlstadt boundary line;

Thence easterly along the Woodbridge-Carlstadt boundary to its intersection with Washington Avenue and Moonachie Road;”.

Amend page 11, section 4, lines 197 through 222, delete:

“(d) Exception: In the municipality of Secaucus the district shall be limited to lands which, by and large, are less than 4 feet above mean sea level in elevation.

(e) The Hackensack Meadowlands Development Commission hereinafter established shall, within 120 days of the effective date of this act, cause to be made, completed, and filed as hereinafter provided a metes and bounds description of the above described area which it shall designate as the district for the purposes of this act.

“The commission shall publish a map portraying its description which shall clearly indicate those lands designated by the commission as within the district. Copies of such map and description shall be filed with the Secretary of State and sent to the clerk of each county and to the governing body of each municipality whose political boundaries include lands shown on the map. Such maps and descriptions shall be available for public inspection.

(f) If, in order to insure the approval and funding, in whole or in part, of the Federal Government, or any agency or instrumentality thereof, of any reclamation project in the Hackensack Meadowlands, it is necessary to include in any such reclamation project riparian land which is not within the district designated herein, the commission, upon certifying to the Governor and the Legislature the existence of the aforesaid necessity in order to insure Federal Government approval and funding, shall be authorized to include in the district, for the purpose of such reclamation project, any riparian land in the Hackensack Meadowlands.”.



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 25, 1968

SENATE BILL NO. 477

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 477, with my objections, for reconsideration.

This act would create a Hackensack Meadowlands Development Commission and a Hackensack Meadowlands Municipal Committee with the purported mission and capability to reclaim, plan, develop, and redevelop the Hackensack Meadowlands.

The reclamation and development of the Hackensack Meadowlands has been a New Jersey problem for centuries. Far-sighted and dedicated men have labored for many years for a solution to this problem. As the principal sponsor of Senate Bill No. 477, Senator Dickinson, has observed, my predecessor, Governor Marcus L. Ward, called for Meadowlands reclamation and improvement in his legislative message one hundred years ago.

Thus the perspective of New Jersey history, as well as the urgency of our modern interests, led this Administration to set as one of its major objectives the realization of this great dream. For years we have worked with the Legislature, with local officials, with private groups, with distinguished commissions and agencies, and with the federal government to develop legislation that would fairly and effectively bring about the reclamation and proper development of this immensely important land.

Senate Bill No. 477, as originally passed in the Senate without opposition, provided an honest and workable vehicle to achieve these goals. As you know, this original bill, before Senate passage, contained carefully conceived amendments that were responsive to legitimate local concerns, and in these amendments the legislative sponsors and I jointly concurred, for they did not weaken, much less destroy the bill. Thus on leaving the Senate, this bill, on which many men of good will had expended enormous effort, was clearly the product of compromise in the best sense of the word.



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Senate Bill No. 477

- 2 -

In the Assembly as well, some further amendments, respectful of local interests yet not destructive of the substance of the bill itself, were agreed on, and I have no objection to them.

Thus on November 18, during the month in which we are celebrating the 300th anniversary of the meeting of the first New Jersey Legislature at Elizabethtown in 1668, the New Jersey Assembly had within its grasp the opportunity to solve a problem almost as old as the Legislature itself. The Assembly had before it a bill assuring comprehensive reclamation and development of the Meadowlands -- development to be made possible by federal flood control and reclamation aid in the amount of \$300,000,000, and by the independent revenue-raising capacity of a Meadowlands Commission.

Any doubt as to the prospect of such federal support of the Meadowlands program -- before the imposition of destructive amendments -- was resolved in a letter to me of November 19, 1968 from the United States Army Corps of Engineers which advises:

"1. The master plan of the area embodied in the Senate Bill 477 prior to Assembly amendments did provide sufficient basis to proceed with the economic evaluation portion of the study that would lead to recommendations for transmission to the Congress. We have been proceeding on this basis, and we anticipated meeting the scheduled completion date of 30 June 1969, for the draft study including recommendations. Moreover, as we indicated in our letter, dated 21 March 1968, to Senator Fairleigh S. Dickinson, Jr., Chairman, Senate Standing Committee on Agriculture, Conservation and Natural Resources, the Senate Bill 477 then provided:

' . . . an appropriate and responsible agency, at the desired State level, that would have the authority to control the appropriate development of the Hackensack Meadows so as to meet the Federal requirements as well as to protect the interests of communities involved. The Corps of Engineers could operate and coordinate its efforts through such an agency in a timely and effective manner to obtain the implementation of the required local cooperation essential to the development of any project for the Hackensack Meadows. '"



STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Senate Bill No. 477

- 3 -

Here, then, was the key to the solution of a centuries-old problem -- a solution essential not only to the Meadowlands communities but also to all of New Jersey in view of the vast economic impact of a reclaimed and developed Meadowlands. Of equal importance to every community in this State are the interests of the constitutionally dedicated School Fund, which run to hundreds of millions of dollars in the enhanced value of riparian lands involved in Meadowlands development.

Thus every citizen of the State, and every child who will ever go to school in this State, have a direct interest in what happened to this bill on that fateful November 18, 1968.

And yet, on the very threshold of success, all hope for a workable Meadowlands project disappeared when last-minute amendments to the bill were insisted upon before the bill would be released by the majority party conference for a vote on the floor of the Assembly. This action was unfortunate because it is certain that many minority party votes would have been available to supplement majority party votes in support of the original bill -- if that bill had been permitted to come to a public vote.

The critically damaging amendment was the carving out from the Commission's area of jurisdiction of some 5,300 acres, almost one-third of the entire acreage of the project. This excision, which was responsive to a few local and special interests, so vitiated the bill as to destroy all prospects of developing the Meadowlands.

As amended, the bill: (1) throws away the opportunity to obtain \$300 million in federal flood control and reclamation aid; (2) eliminates the revenue-raising capacity of the Commission itself; (3) thereby creates an ineffective and financially unworkable Commission; (4) raises grave constitutional questions which will lead to endless years of litigation; and (5) grants indefensible windfall benefits to a few special interests at the expense of the municipalities included in the Meadowlands area and of the School Fund, which is dedicated to the service of every community in this State.

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Let me be perfectly clear. It may be convenient, but it is certainly self-deluding and false, to say "This is a first step", or "We have made a start", or "At least we have a Meadowlands Commission", or "We can repair the damage, adjust the boundaries, and straighten things out a little." The fact is that the amended bill, which is without any financial foundation, is fatally defective. Because of its grave flaws, the bill is worse than useless, and neither in conscience nor in intelligence can I sign it. I will not, by my approval, foist upon the people of this State a Meadowlands Commission which, without capacity to act, would be nothing more than a slogan, or rather another study committee. I refuse to be a party to playing a trick upon the people of this State by raising their hopes with a make-believe Meadowlands solution that all of us know in honesty can accomplish nothing whatever, and which, on the contrary, would abort Meadowlands development for years and years to come.

Let me make the facts perfectly clear. In the first place, federal planning of the reclamation project, which is today on the verge of favorable completion, as indicated (supra) to Senator Dickinson, would now -- should I sign Senate Bill No. 477 as amended -- come to a dead stop. As the United States Army Corps of Engineers advised me on November 19, 1968:

"However, the revised area which is involved in the bill, as amended by the Assembly, would make previous master planning information inapplicable. Therefore, it would be necessary that our current congressionally authorized study be held in abeyance."

Thus, if I were to sign Senate Bill No. 477 in its present form, we would be required to start all over. We would have to attempt to achieve the same regional action that was provided for originally in Senate Bill No. 477 by seeking from individual municipalities that have areas excluded from the legislation by the amendments the very kind of cooperation that has always eluded us, and that eludes us even now. The search for such consent would be an idle fantasy. We must face the hard fact that a Meadowlands solution has eluded us for these many years precisely because of the tragically mistaken belief that the necessary local



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cooperation was "just around the corner". Next year, and the year after, and the year after that -- if Senate Bill No. 477 were enacted in its present form -- we would find once again that no one was really refusing to cooperate, that meetings upon meetings were in process, that the "final solution" was, as always, "just around the corner."

And if such local cooperation in these terms could be achieved at all, it would take many years, probably beyond the lifetime of most of us.

The Corps of Engineers assesses these prospects with stark realism in its letter to me of November 19:

"Based on our past experience such coordination would be extremely complex and protracted with no assurance that a mutually acceptable master plan for development of the areas and method of implementation of local cooperation would eventually result. Such inability to meet the conditions of local cooperation, which would have been effected under the Senate Bill 477, prior to Assembly amendments, would then of necessity result in a completion of the study with a negative recommendation for Federal participation in any possible improvement to the Meadowlands."

One need not look very far to find other projects in northern New Jersey where the failure to obtain the necessary "local cooperation" has blocked important flood control programs. Within the last year alone, we remember flooding of the Passaic River that caused millions of dollars of damage and untold hardship which could have been prevented if the affected municipalities -- at any time in the last three decades -- had agreed to any one of almost a dozen plans developed and presented by the Corps of Engineers. Now, more than thirty years and many tragedies later, we are still seeking the necessary "local cooperation" to bring about this essential flood control program.

Our experience with "local cooperation" in respect of water supply is also noteworthy. For many years, some of them desperately drought-ridden, this State has been seeking "local cooperation" to furnish the financial base for pipeline construction from the Spruce Run and Round Valley reservoirs. The "solution" has eluded us and even today we are still tied up in the courts. Yet, if the State had acted firmly in 1958, the pipeline would long since have been constructed.



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These experiences clearly demonstrate how foolish it would be to gamble Meadowlands development on the notion that the history of 300 years will suddenly be reversed and the necessary "local cooperation" will somehow miraculously materialize.

Thus, if we really want a solution, we must reject the empty shell of illusion which will cause the continued waste and deterioration of the potentially great Hackensack Meadows.

As indicated, Senate Bill No. 477, before the Assembly amendments reducing the acreage subject to the Commission's jurisdiction, would have provided the Commission with sufficient financial capacity to conduct by itself that portion of the reclamation and development that would not be covered by federal funds. The Commission would be able to operate a self-sustaining project at no cost to the taxpayers of New Jersey. The excision of 5,300 acres, however, strips the Commission of the financial strength needed to sustain its operations and leaves it without the tools even to make a start on Meadowlands development.

But the amended bill does not merely undermine the economic feasibility of Meadowlands development and the financial viability of the Commission. It also clearly invites protracted litigation as to the very constitutionality of the legislation. For under the amended bill, if the excluded municipalities do not consent or are unable to raise their share of reclamation and development costs, these costs would fall on the area under Commission jurisdiction and thereby -- in probable conflict with the equal protection clause of the 14th Amendment to the United States Constitution -- provide windfall benefits to the areas excluded by the amendments. The clear threat of litigation under these conditions would obviously make it impossible for the Commission to sell its revenue bonds in the financial markets.

The amended bill appears to violate the Constitution in still another way. The sponsors of the amendments sought to undo the damage they had done by improperly delegating legislative authority to an administrative agency. Apparently



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realizing that the exclusions would cripple the plan, the authors of the amendments gave the Commission the authority to restore certain lands in the Hackensack Meadowlands, but they failed to lay down any standard for the exercise of this authority.

For example, the amended bill would enable the Commission to include within its jurisdiction riparian lands along the Hackensack in northern Bergen County municipalities which were not even discussed in connection with the original legislation. Such an open-ended delegation of authority is clearly vulnerable to constitutional attack.

Let there be no misunderstanding on this point. The flaws in Senate Bill No. 477, as amended, are so damaging that they would lead inevitably to lengthy, and indeed virtually endless litigation. In other words, Senate Bill No. 477, as amended, is not merely a useless bill; it is worse than useless because it would completely abort Meadowlands development by tying it up in the courts for many years to come.

Let us be perfectly honest on this point as well. The effect of the exclusions is to grant windfall benefits to certain municipalities, and to certain private interests within those municipalities, at the expense of their neighbors and of citizens throughout New Jersey, for this is not merely a local or even a regional matter. The Fund for the Support of Free Education, which benefits every school system in this State, has a financial interest running into the hundreds of millions of dollars in high-quality development of the Hackensack Meadowlands. You and I have an overriding responsibility to the school children of New Jersey to protect the interests of this Fund.

I am respectfully sympathetic to the fact that pressures have been exerted upon some legislators by local and special interests. But pressures are not unusual, and withstanding them is a part of the job and responsibility which all of us assume in accepting public office.

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Nor do I believe that the constituency of an individual legislator in a case such as Meadowlands legislation is smaller than that of a Governor, nor, for that matter, than that of the 39 Senators who supported the original Senate Bill No. 477. Intervening with regard to a highway alignment, or insisting on a stop-light or some like matter of local constituent concern, not affecting the whole State, is one thing. But dooming Meadowlands development, halting economic progress which would mean tens of thousands of jobs, and depriving the School Fund of hundreds of millions of dollars seem to me to be far different matters, invoking a higher sense of responsibility.

And so, with utmost respect, I resubmit this problem to the Legislature for reconsideration. I ask you to remember that together we represent a great State and that history will write the record of your statesmanship, or lack thereof, in reconsidering and reversing your decision for the sake of your fellow citizens, or in persisting in the decision already mistakenly made.

That history will be attentive is certain, for a bill of this importance, with its grave meaning to the people of this State, occurs perhaps only once in a hundred years.

It is as though New Jersey, a giant in its potential, is being tied down, like Gulliver, by the bonds of local and special interests from which only you can free it. The burden of decision resting upon you, then, is quite clear. After all the words are spoken and arguments made, these stark and naked facts remain:

1. Meadowlands development without federal financial support is doomed.
2. Under Senate Bill No. 477 in its present form, that financial support does not and cannot exist.
3. If my recommendations are accepted by you, Meadowlands development is assured.



It is that simple. Your choice is that clear. You now have the sole power of decision, and it is important that all of the people of New Jersey realize now precisely what the issue is.

For it is our seven million fellow citizens -- the businessmen, the workers and the school children whose well-being depends upon your decision -- they are the ones who really matter and who must be placed above a few local and special interests.

For these reasons I herewith return Senate Bill No. 477 for reconsideration and recommend that it be amended as follows:

On page 3, section 3, line 36, insert "and Teterboro".

On page 8, section 4, line 66A/<sup>66B</sup>insert "junction with Orient way in Lyndhurst", delete "eastern intersection with the Boonton branch of the Erie-Lackawanna Railroad".

On page 9, section 4, after line 106G, insert:

"Thence northerly along Orient Way to its junction with Valley Brook Avenue-Smith Street;

Thence easterly along Smith Street to its junction with Madison Street;

Thence northerly along Madison Street to its junction with Evergreen Place;

Thence westerly along Evergreen Place to its junction with Meadow Road;

Thence northerly along Meadow Road to its junction with Rutherford Avenue;

Thence northerly along a straight line drawn between the intersection of Rutherford Avenue and Meadow Road and the junction of Union Avenue and Erie-Lackawanna-New Jersey and New York Railroad;

Thence northerly along the tracks of the Erie-Lackawanna-New Jersey and New York Railroad to its intersection with the Wood-Ridge-Carlstadt municipal boundary;

Thence easterly along the Wood-Ridge-Carlstadt municipal boundary to its intersection with Moonachie-Wood-Ridge municipal boundary;

Thence northerly and westerly along the Moonachie-Wood-Ridge municipal boundary to its intersection with the Hasbrouck Heights-Moonachie municipal boundary;

Thence easterly and northerly along Hasbrouck Heights-Moonachie municipal boundary to its intersection with the Moonachie-Teterboro municipal boundary;

Thence westerly and northerly along the Hasbrouck Heights-Teterboro municipal boundary to its intersection with U. S. Route 46;

Thence easterly along U. S. Route 46 to its intersection with the Teterboro-Little Ferry municipal boundary;

Thence southerly along the Teterboro-Little Ferry municipal boundary to its intersection with the Moonachie-Little Ferry boundary;

Thence southerly along the Moonachie-Little Ferry municipal boundary to its intersection with Red Neck Road;

Thence southerly along Red Neck Road to its junction with Moonachie Avenue in Moonachie;

Thence easterly along Moonachie Avenue to its junction with Moonachie Road;"

On page 9, section 4, lines 106A through 106C, delete:

"Thence northerly to the nearest point of intersection with Berry's Creek;

Thence northerly following mid-stream of Berry's Creek to the point where Berry's Creek intersects Woodbridge-Carlstadt boundary line;

Thence easterly along the Woodbridge-Carlstadt boundary to its intersection with Washington Avenue and Moonachie Road;

On page 11, section 4, lines 197 through 222, delete

"(d) Exception: In the municipality of Secaucus the district shall be limited to lands which, by and large, are less than 4 feet above mean sea level in elevation.

(e) The Hackensack Meadowlands Development Commission hereinafter established shall, within 120 days of the effective date of this act, cause to be made, completed, and filed as hereinafter provided a metes and bounds description of the above described area which it shall designate as the district for the purposes of this act.

"The commission shall publish a map portraying its description which shall clearly indicate those lands designated by the commission as within the district. Copies of such map and description shall be filed with the Secretary of State and sent to the clerk of each county and to the governing body of each municipality whose political boundaries include lands shown on the map. Such maps and descriptions shall be available for public inspection.



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(f) If, in order to insure the approval and funding, in whole or in part, of the Federal government, or any agency or instrumentality thereof, of any reclamation project in the Hackensack Meadowlands, it is necessary to include in any such reclamation project riparian land which is not within the district designated herein, the commission, upon certifying to the Governor and the Legislature the existence of the aforesaid necessity in order to insure Federal government approval and funding, shall be authorized to include in the district, for the purpose of such reclamation project, any riparian land in the Hackensack Meadowlands."

Respectfully,

/S/ RICHARD J. HUGHES

GOVERNOR

[Seal] .

Attest:

/S/ ALAN J. KARCHER

Acting Secretary to the Governor

Filed Nov 19 1968

REFERENCE USE ONLY

SENATE CONCURRENT RESOLUTION No. 41

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1968

By Senators HIERING, TANZMAN, WHITE, KAY, RINALDO  
and W. F. KELLY

Referred to Committee on Agriculture, Conservation and Natural  
Resources

A CONCURRENT RESOLUTION proposing to amend Article VIII, Sec-  
tion III of the Constitution of the State of New Jersey by adding  
a new paragraph to be numbered 4.

1 BE IT RESOLVED *by the Senate of the State of New Jersey (the*  
2 *General Assembly concurring):*

1 1. The following proposed amendment to the Constitution of the  
2 State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

3 Amend Article VIII, Section III by adding a new paragraph to  
4 be numbered 4, to read as follows:

5 4. The State by virtue of its sovereignty is the owner of all those  
6 lands within the State that at mean high tide lie, or in their natural  
7 state would lie, below the waters of the Atlantic ocean, or of the  
8 tidal rivers, bays, streams, or inlets within or bounding the State,  
9 limited in a landward direction to the line of intersection of the  
10 tidal plane of mean high tide with the adjoining banks or shores  
11 of said Atlantic ocean or of said tidal rivers, bays, streams, or  
12 inlets, or, in the event such banks or shores are not visible at  
13 mean high tide, to the tops of such banks or shores as located when  
14 visible, except for those parcels thereof heretofore conveyed by the  
15 State, which conveyances are hereby ratified and confirmed, and  
16 those parcels thereof lawfully acquired and held by others by  
17 virtue of applicable law of the State. The title to other lands  
18 within the State that lie, or in their natural state would lie, below  
19 the aforesaid waters, record title to which has been held by any  
20 person or legal entity, public or private, or his or its predecessors  
21 in title, continuously since July 1, 1891, and which have been  
22 assessed for taxes, owned by a municipality, or exempt from real  
23 property taxation, or any combination thereof, continuously for



24 the last past 20 years, is hereby established and confirmed in such  
 25 person or legal entity, excepting any portions of such lands which  
 26 the State has heretofore conveyed, which conveyances are hereby  
 27 ratified and confirmed.

1 2. When this proposed amendment to the Constitution is finally  
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,  
 3 it shall be submitted to the people at the next general election  
 4 occurring more than 3 months after such final agreement and shall  
 5 be published at least once in at least one newspaper of each county  
 6 designated by the President of the Senate and the Speaker of the  
 7 General Assembly and the Secretary of State, not less than 3  
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-  
 2 mitted to the people at said election in the following manner and  
 3 form:

4 There shall be printed on each official ballot to be used at such  
 5 general election, the following:

6 1. In every municipality in which voting machines are not used,  
 7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),  
 9 plus (+) or check (V) in the square opposite the word "Yes."  
 10 If you are opposed thereto make a cross (X), plus (+) or check  
 11 (V) in the square opposite the word "No."

12 2. In every municipality the following question:

	Yes.	Shall the amendment of the Constitu- tion to define the ownership of the State in tidelands and to confirm and ratify private ownership of certain tidelands, record title to which has been held since July 1, 1891 and which have been as- sessed for taxes for 20 years, agreed to by the Legislature, be approved?
	No.	