

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning highways, and revising parts of the statutory law.

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

1 .1. Section 27:5-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:5-1. Whoever shall paint or place upon, or in any manner affix to, a
4 fence, structure, pole, rock, tree or other object which is the property of an-
5 other, whether within or without the limits of a public highway, or maintain
6 thereon any words, device, trademark, advertisement or notice not required
7 by law to be posted thereon, without first obtaining the consent in writing
8 of the owner or tenant of the property, or of the body having control of
9 the highway if placed on a highway, shall, upon complaint of the owner or
10 tenant, or of any police officer or other person, be liable to a penalty of
11 twenty-five dollars (\$25.00) upon conviction in the municipal court of the mu-
12 nicipality wherein the violation occurred. If consent is obtained that fact
13 shall be stated on the advertisement or notice.

14 This chapter shall not apply to cautionary signals or signs, or direc-
15 tional signs or notices erected on or along a highway by the body having
16 control thereof or by its consent.

1 19. Section 27:16-64 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-64. When a building is partly upon the land to be taken and
4 partly upon the owner's remaining land and the commission deems it to the
5 interest of the county and just to the owner that the title to the building
6 be also acquired by the county for removal or destruction, it shall show in
7 its award that the title to the necessary land and to the building, is to be
8 acquired upon payment of the award, and in such case the county shall be
9 obligated at its own cost and expense to raze or remove the building from
10 the remaining land within sixty days from the time of payment, or payment
11 into court of the award as hereinafter provided, if no appeal therefrom is
12 taken, and for that purpose the county shall have the right, after such pay-
13 ment or tender, to go upon the owner's remaining land.

1 20. Section 27:16-65 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-65. If an uncertainty exists as to who is entitled to the amount
4 awarded, or if the board of chosen freeholders is unable to tender the award
5 by reason of the incapacity or absence of any person entitled thereto, or if
6 there exists an unsatisfied lien upon the property to be taken, or any person
7 refuses to receive the award, or an appeal from the award is taken, it may
8 be paid into the Superior Court and shall be distributed to the person en-
9 titled thereto according to law. Payment into the Superior Court shall
10 operate to stop the running of interest upon an award thereafter made to
11 the amount of the deposit.

12 The owner or owners or the board of chosen freeholders of the county,
13 feeling aggrieved by an award for any real estate taken for any such im-
14 provement, may appeal to the Superior Court at any time within sixty days
15 after the filing of the report in the office of the county clerk or register of
16 deeds, as the case may be. The appeal shall be taken by bringing an action
17 in the court in accordance with chapter one of the Title Eminent Domain
18 (§ 20:1-1 et seq.) of the Revised Statutes to have the court award the dam-

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19 ages: ~~new~~: The completion of the improvement shall not be delayed thereby
20 and the county may proceed with the improvement as though the appeal had
21 not been taken.

1 21. Section 27:16-66 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-66. Upon the acceptance of the award, or the payment thereof into
4 the Superior Court, title to the real estate or right or interest therein shall
5 vest in the county, and the board of chosen freeholders may thereupon enter
6 upon and take possession of the real estate or right or interest therein and
7 remove all persons therefrom.

1 22. Section 27:16-67 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-67. The report of the commission or a copy thereof certified by
4 the county clerk or register of deeds and mortgages, as the case may be, or in
5 case of an appeal, the judgment or a copy thereof certified by the clerk of the
6 court, and proof of tender of the amount awarded, or payment thereof to the
7 owner or into court, as the case may be, shall at all times be evidence of the
8 right of the board of chosen freeholders to have, hold, use, occupy, possess
9 and enjoy the real estate or interest therein for road or highway purposes.

1 23. Section 27:17-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:17-4. Before entering upon the duties of his office each commissioner
4 shall take an oath to perform well and truly the duties of his office to the best
5 of his skill and ability, and shall give a bond to the county, conditioned
6 upon the faithful performance of his duties, the amount of which shall be
7 fixed and the bond approved by a judge of the County Court. The oath and
8 bond shall be filed in the office of the county clerk.

1 24. Section 27:19-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:19-7. Whenever it shall have been determined that the public con-
4 venience requires that a viaduct or bridge be constructed at the joint expense

Section 2210-22 of the Revised Statutes is amended to read as follows: bridge or bridge

(27-19-33) The bonds, notes or other evidences of indebtedness (hereinafter in this section called "bonds") issued by such bridge commissions shall bear interest not more than six per centum (6%) per annum, payable semiannually, and may be sold at either private or public sale, to any person to the United States Government or to any governmental agency. Such commissions shall provide the form of such bonds and shall fix the denominations, place or places of payment of principal and interest, the terms and conditions and do all other things that may be necessary for the proper execution and delivery of said bonds.

12 The proceeds from the sale of such bonds shall be deposited by the 13 treasurers of such bridge commissions and used as provided in any contract or agreement of the commissions relative thereto, or if not so provided, 14 then as the commissions shall direct and solely for the payment of the cost of 15 the bridges and approaches and costs incident thereto, to be drawn upon 16 over the signatures of the chairmen or vice-chairmen of the commissions and 17 the secretaries and treasurers thereof. The surplus, if any, shall be paid 18 into the fund hereinafter provided for the payment of the principal and 19 interest of such bonds.

21 The rates of tolls to be charged for the use of any bridge constructed or 22 purchased under the provisions of this article shall be so fixed and adjusted 23 as to comply with any contract or agreement of the commission relative 24 thereto and, in any event provide a fund sufficient to pay the interest and 25 principal of any bonds issued under this article, and to provide an additional 26 fund to pay the cost of maintaining, repairing and operating such 27 bridges.

28 All bonds of a bridge commission shall be authorized by resolution of 29 the commission. Any such resolution may contain provisions, and the commission, in order to secure the payment of such bonds and in addition to its 30 other powers, shall have power to agree by provision in such resolution

22 with the several holders of such bonds and to cause the same to perform
23 covenants and agreements, as to

24 a. the custody, security, and expenditures of the funds for the pro-
25 ceeds of the bonds;

26 b. the construction and completion, or replacement, of all or any
27 part of the bridge or bridges or approaches thereto;

28 c. the use, regulation, operation, maintenance, insurance or disposi-
29 tion of all or any part of the bridge or bridges or approaches thereto,

30 or restrictions on the exercise of the powers of the commission to dis-
31 pose, or to limit or regulate the use, of all or any part of the same;

32 d. payment of the principal of or interest on the bonds, and the
33 sources and methods thereof, the rank or priority of any such bonds as
34 to any lien or security, or the acceleration of the maturity of any such
35 bonds;

36 e. the use and disposition of any moneys of the commission, includ-
37 ing revenues (hereinafter in this section sometimes called "bridge reve-
38 nue") derived or to be derived from the operation of all or any part
39 of the bridge or bridges or approaches thereto, including any parts
40 thereof theretofore constructed or acquired and any parts, extensions, re-
41 placements or improvements thereof thereafter constructed or acquired;

42 f. pledging, setting aside, depositing or trusteeing all or any part of
43 the bridge revenues or other moneys of the commission to secure the
44 payment of the principal of or interest on the bonds, or the payment of
45 expenses of operation or maintenance of the bridge or bridges or ap-
46 proaches thereto;

47 g. the setting aside out of the bridge revenues or other moneys of
48 the commission of reserves and sinking funds, and the source, custody,
49 security, regulation, application and disposition thereof;

50 h. determination or definition of the bridge revenues or of the ex-
51 penses of operation and maintenance of the bridge or bridges or ap-
52 proaches thereto;

62 permit the collection of tolls for passage over or through or along any
63 bridge or bridges or approaches thereto, including any repairs, alterations
64 or improvements thereof constructed or acquired and any parts, appurtenances, fixtures,
65 equipment or improvements thereof thereafter constructed, the power to
66 fix, establish, collect and enforce the rates, the
67 amount or amounts of bridge revenues to be produced therefrom and the
68 disposition and application of the amounts charged or collected;
69 j. the assumption or payment or discharge of any indebtedness,
70 liens or other claims relating to any part of the bridge or bridges or
71 approaches thereto or any obligations constituting or which may con-
72 stitute a lien on any part of the bridge revenues;
73 k. limitations on the issuance of additional bonds, notes or other
74 evidences of indebtedness or on the incurrance of indebtedness of the
75 commission;
76 l. limitations on the powers of the commission to construct, acquire
77 or operate, or permit the construction, acquisition or operation of, any
78 structures, facilities or properties which may compete or tend to com-
79 pete with the bridge or bridges or approaches thereto;
80 m. payment of costs or expenses incident to the enforcement of
81 the bonds or of the provisions of such resolution or of any covenant or
82 agreement with the holders of the bonds;
83 n. the procedure, if any, by which the terms of any covenant or
84 agreement with, or duty to, the holders of bonds may be amended or
85 abrogated, the amount of bonds the holders of which must consent
86 thereto, and the manner in which such consent may be given or evi-
87 denced; or
88 o. any other matter or course of conduct which, by recital in such
89 resolution, is declared to further secure the payment of the principal of
90 or interest on the bonds.

91 All such provisions of said resolution and all such covenants and agree-
92 ments shall constitute valid and legally binding contracts between the

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206 Section 27:20-3 of the Revised Statutes is amended to read as follows:

27:20-3. If any such bridge is used by a street railway company, the company may undertake a part of the expense of its building, rebuilding and repair, and the board or boards of chosen freeholders and the company may enter into an agreement whereby the share of the expense to be borne by the company may be ascertained and settled.

If no agreement can be reached the boards of chosen freeholders or the company may institute an action in the Superior Court. The court may proceed in the action in a summary manner or otherwise and apportion and determine the portion of the expense to be paid by the company.

27:20-4 of the Revised Statutes is amended to read as follows:

27:20-4. When the road and bridge or bridges of a plank road company, included within the terms of sections 27:20-1 to 27:20-3 of this Title constitute a continuous highway in two or more counties the boards of chosen freeholders shall acquire, maintain and operate such road and bridge or bridges at joint expense, and may, by agreement, divide the expense thereof between the counties in such proportion as they may deem just, notwithstanding the share of such expense agreed to be borne by either county may be more or less than the cost of acquiring, maintaining and operating the portion of the road or bridges located within the limits of the county.

If no agreement can be reached the boards of chosen freeholders or either of them may institute an action in the Superior Court. The court may proceed in the action in a summary manner or otherwise and apportion and determine the portion of the expense to be paid by each of the counties respectively.

1 28. Section 27:20-5 of the Revised Statutes is amended to read as follows:
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3 27:20-5. At any time after the entry of a judgment of apportionment, the
4 expense as provided in sections 27:20-4 and 27:20-5 of this Title, the board
5 of chosen freeholders or either of them, alleging changes in the conditions
6 upon which the original judgment of apportionment had been based, may
7 institute another action in the Superior Court. The court may also proceed
8 in this action in a summary manner or otherwise and apportion and de-
9 termine the portion of the expense to be thereafter paid by each of the coun-
10 ties respectively.

1 29. Section 27:21-3 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:21-3. The cost of construction of a bridge or the widening of an exist-
4 ing bridge shall be borne by the board of chosen freeholders of the county,
5 the canal corporation, its successors or assigns, over whose canal the bridge
6 is constructed or widened, and the municipality in which the street or high-
7 way is located, in the amount or proportion agreed upon between them. If
8 no agreement can be reached the board of chosen freeholders may institute
9 an action in the Superior Court. The court may proceed in the action in a
10 summary manner or otherwise and may apportion and determine the portion
11 of the expense to be paid by each of the parties.

1 30. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

SENATE, No. 24

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning highways, and revising parts of the statutory law.

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

1 1. Section 27:5-1 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:5-1. Whoever shall paint or place upon, or in any manner affix to, a
4 fence, structure, pole, rock, tree or other object which is the property of an-
5 other, whether within or without the limits of a public highway, or maintain
6 thereon any words, device, trademark, advertisement or notice not required
7 by law to be posted thereon, without first obtaining the consent in writing
8 of the owner or tenant of the property, or of the body having control of
9 the highway if placed on a highway, shall, upon complaint of the owner or
10 tenant, or of any police officer or other person, be liable to a penalty of
11 twenty-five dollars (\$25.00) upon conviction in the municipal court of the mu-
12 nicipality wherein the violation occurred. If consent is obtained that fact
13 shall be stated on the advertisement or notice.

14 This chapter shall not apply to cautionary signals or signs, or direc-
15 tional signs or notices erected on or along a highway by the body having
16 control thereof or by its consent.

1 2. Section 27:5-3 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:5-3. The subordinate officers of the police force of every municipal-
4 ity having an organized police force, shall report to the chief of police of
5 such municipality every violation of section 27:5-1 of this Title so far as it
6 relates to public highways within the municipality. Thereupon the chief of
7 police or a person designated by him, shall notify the person violating said
8 section 27:5-1 to abate the nuisance forthwith. If the notice is not promptly
9 complied with, a summary proceeding shall be commenced for the penalty in
10 the name and for the use of the municipality in accordance with the Penalty
11 Enforcement Law (N. J. S. 2A:58-1 et seq.).

1 3. Section 27:7-23 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:7-23. If the commissioner finds it necessary to acquire lands owned
4 and used by municipalities for public uses and purposes he shall, before tak-
5 ing it over for highway purposes and after hearing had in the manner pre-
6 scribed in section 27:7-4 of this Title, if before the time fixed for the hear-
7 ing the municipality whose land is subject to be acquired shall file a notice
8 with the commissioner setting forth that the land is necessary for the public
9 use of the municipality, determine whether or not it is a reasonable public
10 necessity to acquire the land in question.

11 If the commissioner decides that it is a reasonable public necessity to
12 acquire such lands for the State highway system, he shall give notice of
13 his finding by serving a copy thereof upon the clerk of the governing body
14 of the municipality within ten days after rendering the decision.

15 The municipality may within twenty days after service upon it of such
16 notice, appeal from the decision of the commissioner to the Superior Court,
17 which shall in an action hear and determine the question of whether or not
18 the taking of the land in question in preference to some other route is a
19 reasonable public necessity. The court may proceed in the action in a sum-
20 mary manner or otherwise.

Section 27-44 of the Revised Statutes is amended to read as follows:

27-44. No consent, grant or franchise affecting any portion of a State highway, or of any road included in the State highway system, shall be given for the construction of a railroad or street railway, except upon approval of and under conditions acceptable to the commissioner; nor shall any person enter upon or construct any works in or upon any State highway, except under such conditions and regulations as the commissioner may prescribe. Whenever any encroachment may exist without warrant of law in any road when taken over as a State highway, the commissioner shall notify the Attorney-General, who shall proceed to cause the same to be removed as by law provided.

Any person guilty of any violation of this section shall be liable to a fine not exceeding one hundred dollars (\$100.00) for each such day's violation, and the costs of prosecution, to be recovered by a civil action in the name of the State before any court of competent jurisdiction, by the commissioner. Said fines shall be paid into the State treasury to the credit of the funds available for construction, maintenance and repair of roads.

Any such violation may be removed from any State highway as a trespass by a civil action brought by the commissioner in the Superior Court. The court may proceed in the action in a summary manner or otherwise.

5. Section seven of chapter sixteen of the laws of one thousand nine hundred and fifty-two is amended to read as follows:

7. Upon the exercise of the power of eminent domain by the Authority, the compensation to be paid thereunder shall be ascertained and paid in the manner provided in chapter one of Title 20 of the Revised Statutes in so far as the provisions thereof are applicable and not inconsistent with the provisions contained in this act.

Upon the filing of the complaint in the action to fix the compensation to be paid, or at any time thereafter the Authority may file with the clerk of the county in which such property is located and also with the Clerk of the Su-

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11 perior Court a declaration of taking, signed by the Authority, declaring that
12 possession of one or more of the tracts or parcels of land or property described
13 in the complaint is thereby being taken by and for the use of the Authority.
14 The said declaration of taking shall be sufficient if it sets forth (1) a descrip-
15 tion of each tract or parcel of land or property to be so taken sufficient for the
16 identification thereof to which there may or may not be attached a plan or
17 map thereof; (2) a statement of the estate or interest in the said land or prop-
18 erty being taken; (3) a statement of the sum of money estimated by the
19 Authority by resolution to be just compensation for the taking of the estate
20 or interest in each tract or parcel of land or property described in said dec-
21 laration; and (4) that, in compliance with the provisions of this act, the
22 Authority has established and is maintaining a trust fund as hereinafter
23 provided.

24 Upon the filing of the said declaration, the Authority shall deposit with
25 the Clerk of the Superior Court the amount of the estimated compensation
26 stated in said declaration. In addition to the said deposits with the Clerk of
27 the Superior Court the Authority at all times shall maintain a special trust
28 fund on deposit with a bank or trust company doing business in this State in an
29 amount at least equal to twice the aggregate amount deposited with the Clerk
30 of the Superior Court as estimated compensation for all property described in
31 declarations of taking with respect to which the compensation has not been
32 finally determined and paid to the persons entitled thereto or into court. Said
33 trust fund shall consist of cash or securities readily convertible into cash
34 constituting legal investments for trust funds under the laws of this State.
35 Said trust fund shall be held solely to secure and may be applied to the pay-
36 ment of just compensation for the land or other property described in such
37 declaration of taking. The Authority shall be entitled to withdraw from said
38 trust fund from time to time so much as may then be in excess of twice the
39 aggregate of the amount deposited with the Clerk of the Superior Court as
40 estimated compensation for all property described in declarations of taking
41 with respect to which the compensation has not been finally determined and
42 paid to the persons entitled thereto or into court.

11. Section 2714 of the M. S. Statutes is hereby amended to read as follows:

43. Upon the filing of the said declaration as aforesaid and depositing with
 44. the Clerk of the Superior Court the amount of the estimated compensation
 45. stated in said declaration, the Authority, without other process or proceedings,
 46. shall be entitled to the exclusive possession and use of each tract of land or
 47. property described in said declaration and may forthwith enter into and take
 48. possession of said land or property, it being the intent of this provision that
 49. the action to fix compensation to be paid or any other proceedings relating
 50. to the taking of said land or interest therein or other property shall not
 51. delay the taking of possession thereof and the use thereof by the Authority
 52. for the purpose or purposes for which the Authority is authorized by law
 53. to acquire or condemn such land or other property or interest therein.

54. The Authority shall cause notice of the filing of said declaration and the
 55. making of said deposit to be served upon each party to the action to fix the
 56. compensation to be paid, who resides in this State, either personally or by
 57. leaving a copy thereof at his residence, if known, and upon each such party
 58. who resides out of the State, by mailing a copy thereof to him at his residence,
 59. if known. In the event that the residence of any such party or the name of
 60. such party is unknown, such notice shall be published at least once in a news-
 61. paper published or circulating in the county or counties in which the land is
 62. located. Such service, mailing or publication shall be made within ten days
 63. after filing such declaration. Upon the application of any party in interest
 64. and after notice to other parties in interest, including the Authority, the Su-
 65. perior Court may direct that the money deposited with the Clerk of the Su-
 66. perior Court or any part thereof be paid forthwith to the person or persons
 67. entitled thereto for or on account of the just compensation to be awarded in
 68. said action; *provided*, that each person shall have filed with the Clerk of the
 69. Superior Court a consent in writing that, in the event the award in the said
 70. action shall be less than the amount deposited, the court, after such notice as
 71. the court prescribes and hearing, may determine his liability, if any, for the
 72. return of such difference or any part thereof and enter judgment therefor.
 73. If the amount of the award as finally determined shall exceed the amount so

74 deposited, the person or persons to whom the award is payable shall be en-
 75 titled to receive from the Authority the difference between the amount of the
 76 deposit and the amount of the award, with interest at the rate of six per
 77 centum (6%) per annum thereon from the date of making the deposit. If
 78 the amount of the award shall be less than the amount so deposited, the
 79 Clerk of the Superior Court shall return the difference between the amount
 80 of the award and the deposit to the Authority unless the amount of the
 81 deposit or any part thereof shall have theretofore been distributed, in which
 82 event the court, on application of the Authority and notice to all persons in-
 83 terested in the award and affording them an opportunity to be heard, shall
 84 enter judgment in favor of the Authority for such difference against the
 84a party or parties liable for the return thereof.

85 The Authority shall not abandon any condemnation proceeding subse-
 86 quent to the date upon which it has taken possession of the land or property
 87 as herein provided.

1 6. Section 27:16-42 of the Revised Statutes is amended to read as fol-
 2 lows:

3 27:16-42. If the board cannot acquire the real estate, or any interest
 4 therein, necessary for the making of any improvement authorized by this
 5 chapter by agreement with the owners thereof, the compensation to be paid
 6 therefor shall be ascertained and paid in an action in accordance with chap-
 7 ter one of Title 20 of the Revised Statutes except as hereinafter provided.
 8 In the action the Superior Court shall determine the benefits conferred
 9 and damages sustained by each person in interest by reason of the taking
 10 of the real estate or any interest therein. The court shall consider the con-
 11 dition in which each parcel will be left and the benefits that will result
 12 from the improvement to the owners thereof. The costs, fees and expenses
 13 of the action shall be paid by the county treasurer.

1 7. Section 27:16-43 of the Revised Statutes is hereby repealed.

1 8. Section 27:16-44 of the Revised Statutes is hereby repealed.

1 9. Section 27:16-45 of the Revised Statutes is hereby repealed.

1 10. Section 27:16-46 of the Revised Statutes is hereby repealed.

12. Section 27:16-48 of the Revised Statutes is amended to read as follows:

1 12. Section 27:16-48 of the Revised Statutes is amended to read as follows:

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3 of 27:16-48. The board of chosen freeholders may enter upon and take

4 property for any of the purposes set forth in section 27:16-1 of this title,

5 in advance of making compensation therefor, in any case where it cannot ob-

6 tain the property by agreement with the owner. In such cases the board,

7 upon exercising such right and entering upon and taking the property in

8 advance of making compensation therefor, shall institute an action to fix

9 the compensation to be paid to the owner and others as provided in chap-

10 ter one of Title 20 of the Revised Statutes.

- 1 13. Section 27:16-49 of the Revised Statutes is hereby repealed.
- 1 14. Section 27:16-50 of the Revised Statutes is hereby repealed.
- 1 15. Section 27:16-51 of the Revised Statutes is hereby repealed.
- 1 16. Section 27:16-52 of the Revised Statutes is hereby repealed.
- 1 17. Section 27:16-53 of the Revised Statutes is hereby repealed.
- 1 18. Section 27:16-57 of the Revised Statutes is amended to read as fol-

2 lows:

3 27:16-57. Upon the conclusion of the hearing as provided in this chapter

4 and the adoption of the resolution, the map together with a copy of the resolu-

5 tion duly attested by the clerk of the board of chosen freeholders shall, without

6 delay, be filed with the highway right of way commission by the county, and

7 notice of the pendency of the action, naming the parties interested, with de-

8 scription by reference to the map sufficiently to identify the plot of land of each

9 owner to be taken, shall be filed in the office of the county clerk or register

10 of deeds and mortgages, as the case may be, and shall be recorded in the same

11 manner and place and for the same fees as notices of lis pendens in civil

12 actions. In default of such recording, persons acquiring an interest in the

13 property pending the action without notice thereof, shall not be bound thereby.

1 19. Section 27:16-64 of the Revised Statutes is amended to read as fol-
 2 low: 27:16-64. When a building is partly upon the land to be taken and
 3 partly upon the owner's remaining land and the commission deems it to the
 4 interest of the county and just to the owner that the title to the building
 5 be also acquired by the county for removal or destruction; it shall show in
 6 its award that the title to the necessary land and to the building, is to be
 7 acquired upon payment of the award; and in such case the county shall be
 8 obligated at its own cost and expense to raze or remove the building from
 9 the remaining land within sixty days from the time of payment, or payment
 10 into court of the award as hereinafter provided, if no appeal therefrom is
 11 taken, and for that purpose the county shall have the right, after such pay-
 12 ment or tender, to go upon the owner's remaining land.

1 20. Section 27:16-65 of the Revised Statutes is amended to read as fol-
 2 lows:

3 27:16-65. If an uncertainty exists as to who is entitled to the amount
 4 awarded, or if the board of chosen freeholders is unable to tender the award
 5 by reason of the incapacity or absence of any person entitled thereto, or if
 6 there exists an unsatisfied lien upon the property to be taken, or any person
 7 refuses to receive the award, or an appeal from the award is taken, it may
 8 be paid into the Superior Court and shall be distributed to the person en-
 9 titled thereto according to law. Payment into the Superior Court shall
 10 operate to stop the running of interest upon an award thereafter made to
 11 the amount of the deposit.

12 The owner or owners or the board of chosen freeholders of the county,
 13 feeling aggrieved by an award for any real estate taken for any such im-
 14 provement, may appeal to the Superior Court at any time within sixty days
 15 after the filing of the report in the office of the county clerk or register of
 16 deeds, as the case may be. The appeal shall be taken by bringing an action
 17 in the court in accordance with chapter one of the Title Eminent Domain
 18 (§ 20:1-1 et seq.) of the Revised Statutes to have the court award the dam-

19 ages anew. The completion of the improvement shall not be delayed by an appeal
20 and the county may proceed with the improvement as though the appeal had
21 not been taken.

1 21. Section 27:16-66 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-66. Upon the acceptance of the award, or the payment thereof into
4 the Superior Court, title to the real estate or right or interest therein shall
5 vest in the county, and the board of chosen freeholders may thereupon enter
6 upon and take possession of the real estate or right or interest therein and
7 remove all persons therefrom.

1 22. Section 27:16-67 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:16-67. The report of the commission or a copy thereof certified by
4 the county clerk or register of deeds and mortgages, as the case may be, or in
5 case of an appeal, the judgment or a copy thereof certified by the clerk of the
6 court, and proof of tender of the amount awarded, or payment thereof to the
7 owner or into court, as the case may be, shall at all times be evidence of the
8 right of the board of chosen freeholders to have, hold, use, occupy, possess
9 and enjoy the real estate or interest therein for road or highway purposes.

1 23. Section 27:17-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:17-4. Before entering upon the duties of his office each commissioner
4 shall take an oath to perform well and truly the duties of his office to the best
5 of his skill and ability, and shall give a bond to the county, conditioned
6 upon the faithful performance of his duties, the amount of which shall be
7 fixed and the bond approved by a judge of the County Court. The oath and
8 bond shall be filed in the office of the county clerk.

1 24. Section 27:19-7 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:19-7. Whenever it shall have been determined that the public con-
4 venience requires that a viaduct or bridge be constructed at the joint expense

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5 of adjoining counties, or that a viaduct or bridge being maintained at
 6 such joint expense should be repaired or rebuilt, and the boards of chosen
 7 freeholders of such counties shall be unable to agree as to the location or
 8 character of the new viaduct or bridge, or as to the materials of which it shall
 9 be constructed, or as to whether a viaduct or bridge already erected and out
 10 of repair shall be repaired or rebuilt, or if said boards shall be unable to
 11 agree in any respect as to the manner or method of repairing or rebuilding
 12 any such viaduct or bridge, either of the boards may apply to a judge of the
 13 Superior Court, who shall appoint three commissioners who shall meet forth-
 14 with and summarily inquire into the matters in dispute. To that end the
 15 commissioners may employ one or more civil engineers and other persons.

16 If in the judgment of the commissioners it shall be determined that
 17 the public convenience requires that the viaduct or bridge be constructed or
 18 repaired or rebuilt, they, or a majority of them, shall make and sign a report,
 19 under their hands, determining the matters in dispute, and cause a duplicate
 20 original of the report to be filed with the clerk of each of the boards.

21 The commission may have plans, drawings, surveys and specifications
 22 prepared, advertise for and receive bids for the doing of the work, and award
 23 a contract or contracts for the work, and may supervise the doing of the
 24 work. The advertising and awards shall be made in accordance with the pro-
 25 visions of chapter twenty-five of the Title Municipalities and Counties
 26 (§ 40:25-1 et seq.). Any expense incurred by the commissioners, including
 27 the cost of construction, repair or rebuilding, shall, upon certification by
 28 them, be paid by the county treasurers of each of the counties in the same
 29 proportion as similar expenses relating to the viaduct or bridge.

30 The commissioners shall serve as such and render their services with-
 31 out compensation and shall be known as "joint bridge commissioners for
 32 counties."

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1 25. Section 27:19-32 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:19-32. The bonds, notes or other evidences of indebtedness (herein-
4 after in this section called "bonds") issued by such bridge commissions
5 shall bear interest at not more than six per centum (6%) per annum, payable
6 semiannually, and may be sold at either private or public sale, to any per-
7 son, to the United States Government or to any governmental agency. Such
8 commissions shall provide the form of such bonds and shall fix the denomi-
9 nations, place or places of payment of principal and interest, the terms and
10 conditions and do all other things that may be necessary for the proper
11 execution and delivery of said bonds.

12 The proceeds from the sale of such bonds shall be deposited by the
13 treasurers of such bridge commissions and used as provided in any con-
14 tract or agreement of the commissions relative thereto, or if not so provided,
15 then as the commissions shall direct and solely for the payment of the cost of
16 the bridges and approaches and costs incident thereto, to be drawn upon
17 over the signatures of the chairmen or vice-chairmen of the commissions and
18 the secretaries and treasurers thereof. The surplus, if any, shall be paid
19 into the fund hereinafter provided for the payment of the principal and
20 interest of such bonds.

21 The rates of tolls to be charged for the use of any bridge constructed or
22 purchased under the provisions of this article shall be so fixed and adjusted
23 as to comply with any contract or agreement of the commission relative
24 thereto and, in any event provide a fund sufficient to pay the interest and
25 principal of any bonds issued under this article, and to provide an addi-
26 tional fund to pay the cost of maintaining, repairing and operating such
27 bridges.

28 All bonds of a bridge commission shall be authorized by resolution of
29 the commission. Any such resolution may contain provisions, and the com-
30 mission, in order to secure the payment of such bonds and in addition to its
31 other powers, shall have power to agree by provision in such resolution

32 with the several holders of such bonds, and to make, enter into and perform
33 covenants and agreements, as to

34 a. the custody, security, use, expenditure or application of the pro-
35 ceeds of the bonds;

36 b. the construction and completion, or replacement, of all or any
37 part of the bridge or bridges or approaches thereto;

38 c. the use, regulation, operation, maintenance, insurance or disposi-
39 tion of all or any part of the bridge or bridges or approaches thereto,
40 or restrictions on the exercise of the powers of the commission to dis-
41 pose, or to limit or regulate the use, of all or any part of the same;

42 d. payment of the principal of or interest on the bonds, and the
43 sources and methods thereof, the rank or priority of any such bonds as
44 to any lien or security, or the acceleration of the maturity of any such
45 bonds;

46 e. the use and disposition of any moneys of the commission, includ-
47 ing revenues (hereinafter in this section sometimes called "bridge reve-
48 nue") derived or to be derived from the operation of all or any part
49 of the bridge or bridges or approaches thereto, including any parts
50 thereof theretofore constructed or acquired and any parts, extensions, re-
51 placements or improvements thereof thereafter constructed or acquired;

52 f. pledging, setting aside, depositing or trusteeing all or any part of
53 the bridge revenues or other moneys of the commission to secure the
54 payment of the principal of or interest on the bonds, or the payment of
55 expenses of operation or maintenance of the bridge or bridges or ap-
56 proaches thereto;

57 g. the setting aside out of the bridge revenues or other moneys of
58 the commission of reserves and sinking funds, and the source, custody,
59 security, regulation, application and disposition thereof;

60 h. determination or definition of the bridge revenues or of the ex-
61 penses of operation and maintenance of the bridge or bridges or ap-
61A proaches thereto;

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62 i. the rates or tolls for passage over or through or the use of the
63 bridge or bridges or approaches thereto, including any parts thereof
64 theretofore constructed or acquired and any parts, extensions, replace-
65 ments or improvements thereof thereafter constructed or acquired, and
66 the fixing, establishment, collection and enforcement of the same, the
67 amount or amounts of bridge revenues to be produced thereby, and the
68 disposition and application of the amounts charged or collected;

69 j. the assumption or payment or discharge of any indebtedness,
70 liens or other claims relating to any part of the bridge or bridges or
71 approaches thereto or any obligations constituting or which may con-
72 stitute a lien on any part of the bridge revenues;

73 k. limitations on the issuance of additional bonds, notes or other
74 evidences of indebtedness or on the incurrences of indebtedness of the
75 commission;

76 l. limitations on the powers of the commission to construct, acquire
77 or operate, or permit the construction, acquisition or operation of, any
78 structures, facilities or properties which may compete or tend to com-
79 pete with the bridge or bridges or approaches thereto;

80 m. payment of costs or expenses incident to the enforcement of
81 the bonds or of the provisions of such resolution or of any covenant or
82 agreement with the holders of the bonds;

83 n. the procedure, if any, by which the terms of any covenant or
84 agreement with, or duty to, the holders of bonds may be amended or
85 abrogated, the amount of bonds the holders of which must consent
86 thereto, and the manner in which such consent may be given or evi-
87 denced; or

88 o. any other matter or course of conduct which, by recital in such
89 resolution, is declared to further secure the payment of the principal of
90 or interest on the bonds.

91 All such provisions of said resolution and all such covenants and agree-
92 ments shall constitute valid and legally binding contracts between the

93 commission and the several holders of the bonds, regardless of the time of
94 issuance of such bonds, and shall be enforceable by any such holder or
95 holders by appropriate action or proceeding, including a proceeding in lieu
96 of prerogative writ, in any court of competent jurisdiction.

1 26. Section 27:20-3 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:20-3. If any such bridge is used by a street railway company the com-
4 pany may undertake a part of the expense of its building, rebuilding and
5 repair, and the board or boards of chosen freeholders and the company may
6 enter into an agreement whereby the share of the expense to be borne by
7 the company may be ascertained and settled.

8 If no agreement can be reached the boards of chosen freeholders or the
9 company may institute an action in the Superior Court. The court may pro-
10 ceed in the action in a summary manner or otherwise and apportion and
11 determine the portion of the expense to be paid by the company.

1 27. Section 27:20-4 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:20-4. When the road and bridge or bridges of a plank road company,
4 included within the terms of sections 27:20-1 to 27:20-3 of this Title con-
5 stitute a continuous highway in two or more counties the boards of chosen
6 freeholders shall acquire, maintain and operate such road and bridge or
7 bridges at joint expense, and may, by agreement, divide the expense thereof
8 between the counties in such proportion as they may deem just, notwith-
9 standing the share of such expense agreed to be borne by either county may
10 be more or less than the cost of acquiring, maintaining and operating the
11 portion of the road or bridges located within the limits of the county.

12 If no agreement can be reached the boards of chosen freeholders or either
13 of them may institute an action in the Superior Court. The court may pro-
14 ceed in the action in a summary manner or otherwise and apportion and de-
15 termine the portion of the expense to be paid by each of the counties respec-
16 tively.

1 28. Section 27:20-6 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:20-6. At any time after the entry of a judgment of apportionment of
4 expense as provided in sections 27:20-4 and 27:20-5 of this Title, the boards
5 of chosen freeholders or either of them, alleging changes in the conditions
6 upon which the original judgment of apportionment had been based, may
7 institute another action in the Superior Court. The court may also proceed
8 in this action in a summary manner or otherwise and apportion and de-
9 termine the portion of the expense to be thereafter paid by each of the coun-
10 ties respectively.

1 29. Section 27:21-3 of the Revised Statutes is amended to read as fol-
2 lows:

3 27:21-3. The cost of construction of a bridge or the widening of an exist-
4 ing bridge shall be borne by the board of chosen freeholders of the county,
5 the canal corporation, its successors or assigns, over whose canal the bridge
6 is constructed or widened, and the municipality in which the street or high-
7 way is located, in the amount or proportion agreed upon between them. If
8 no agreement can be reached the board of chosen freeholders may institute
9 an action in the Superior Court. The court may proceed in the action in a
10 summary manner or otherwise and may apportion and determine the portion
11 of the expense to be paid by each of the parties.

1 30. This act shall take effect immediately.