

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

An Act concerning interstate and port authorities and commissions, 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 fifteen of chapter forty-three of the laws of one thousand nine
2 hundred and forty-seven is amended to read as follows:

3 15. The Port Authority may exercise the right of eminent domain or con-
4 demnation to acquire real property for air terminal purposes as set forth in
5 this section:

6 (a) As used in this section, unless otherwise expressly stated or unless
7 context or subject matter otherwise requires the following terms shall mean:

8 (1) "Days": Calendar days exclusive of Sundays and full legal
9 holidays.

10 (2) "Owner": A person having an estate, interest or easement in
11 the real property being acquired or a lien, charge or encumbrance
12 thereon.

13 (b) Whenever the Port Authority shall determine that it is necessary to
14 acquire real property for air terminal purposes for the public use by the
15 exercise of the right of eminent domain or condemnation, it shall prepare
16 three similar surveys, diagrams, maps, plans or profiles of the real property
17 being acquired, stating thereon that the Port Authority has determined that

18 it is necessary to acquire said property, and the amount or valuation at
19 which each parcel of real property to be acquired has been assessed for pur-
20 poses of taxation on the tax rolls for each of the three years preceding, and
21 if the interest being taken shall be less than the fee, the estimated value of
22 such interest; one of such surveys, diagrams, maps, plans or profiles shall
23 be filed in the office of the secretary of the Port Authority, the second shall
24 be filed in the office in which instruments affecting real property are re-
25 quired to be recorded, in the county in which such real property is situated,
26 and the third copy shall be filed in the office of the Clerk of the Superior
27 Court. An action for the condemnation of such real property may be instituted
28 in the Superior Court by the Port Authority against the owners thereof,
29 and the court may proceed in the action in a summary manner. A notice
30 of the pendency of the action shall be filed and recorded as provided in
31 section 20:1-4 of Title 20, Eminent Domain, and with like effect, except
32 that the notice shall name and be directed only to the owners of such real
33 property or such of them as may be known to the Port Authority.

34 It shall be lawful for the duly authorized agents of the Port Authority,
35 and all persons acting under its authority and by its direction, to enter in
36 the daytime into and upon such real property which it shall be necessary so
37 to enter, for the purpose of making such surveys, diagrams, maps or plans,
38 or for the purpose of making such soundings or borings as the Port Author-
39 ity may deem necessary.

40 (c) Whenever any land or other property taken for public use shall lie
41 or be in two or more counties, all reports and other papers required to be
42 filed in a county clerk's office shall be filed in the clerk's office of the county
43 in which the greater part in value of the land or other property is situate
44 and a certified copy thereof shall be filed and recorded in the clerk's office
45 of the other county or counties.

46 (d) Process in the action for condemnation shall be served by the pub-
47 lication of a notice on one day in each of four successive weeks in a news-
48 paper published and of general circulation in the county in which the real

49 property to be acquired is located. The notice need not state the names of the
50 owners of such real property, but it shall state that an action has been com-
51 menced to have determined by the Superior Court of New Jersey the com-
52 pensation which should justly be made to the respective owners of the real
53 property proposed to be taken. Such notice shall indicate the real property
54 to be taken by a general description and by reference to the map on file in
55 the office of the Port Authority, in the office in which instruments affecting
56 real property are required to be recorded, and in the office of the Clerk of
57 the Superior Court.

58 (e) In addition to the provisions contained in subdivision (d) above,
59 process shall be served upon the owners of all property affected by the ac-
60 tion, by mailing the same to such owners at the address registered or filed
61 with the collector of taxes for the purpose of forwarding to them bills for
62 taxes or assessments. Failure to comply with the directions contained in
63 this subdivision shall not invalidate or affect the action.

64 (f) The Port Authority shall, within ten days after the filing of the com-
65 plaint and the entry of the order to show cause constituting the process in
66 the action, cause a certified copy of the complaint and order to be recorded
67 in the office wherein instruments affecting real property are required to be
68 recorded, in every county in which any part of the real property affected is
69 situated, in the same manner as deeds are recorded, and the register of
70 deeds or county clerk with whom such certified copies shall be recorded
71 shall index the same in the same manner as recorded deeds are indexed.

72 (g) The Port Authority after the entry of such order to show cause,
73 shall cause to be published on one day in each of four successive weeks in
74 a newspaper published and of general circulation in the county in which the
75 real property to be acquired is located, a notice containing a general de-
76 scription of the real property to be acquired, a statement that such order
77 has been filed and requiring that all owners of such real property shall, on
78 or before such date as may be specified in the order to show cause, serve
79 upon the Port Authority a copy of a written claim or demand, duly veri-

80 fled, setting forth the real property owned by the claimant, his post-office
81 address, and the nature of his interest in said real property. The claim-
82 ant shall within the same time file in the office of the Clerk of the Superior
83 Court the original of such verified claim.

84 (h) Proof of title to the real property to be acquired, where the same
85 is undisputed, together with proof of liens or encumbrances thereon, shall be
86 submitted by the claimant to the Port Authority. The Port Authority shall
87 serve upon all parties or their attorneys who have served upon it copies of
88 their verified claims, a notice of the time and place at which it will receive
89 such proof of title. Where the title of the claimant is disputed, the action
90 to determine the value of the property to be taken shall continue in the
91 same manner as it would if there were no such dispute, and the award, if
92 any, shall, with leave of court, be paid into the Superior Court, and shall
93 there be distributed, according to law, on the application of any person in-
94 terested therein.

95 (i) After all parties who have filed verified claims, as provided in sub-
96 division (g) hereof, have proved their titles, or have failed to do so after
97 being notified by the Port Authority of the time and place where such proof
98-99 of title would be received, the Port Authority shall bring on before the
100 Superior Court, as the court may direct, a hearing upon the claims so filed,
101 or in case no claims are filed, to fix the amount to be paid for such lands.

102 The court shall determine without a jury, and with or without a view
103 of the real property being acquired, the compensation which should justly
104 be made by the Port Authority to the respective owners of such real prop-
105 erty, and judgment shall be entered in the amount so determined.

106-107 (j) No evidence shall be admitted in the action, as against an owner of
108 real property being acquired, of an offer made by or on behalf of such owner
109 for the sale of his property or any part thereof to the Port Authority, or for
110 the sale or assignment of any right and title to the award or awards, or
111 any part thereof, to be made for such property or any part thereof, in the
112 action. Nor shall any evidence be received, as against the Port Authority,

113 of any offer made to such owner, by or on its behalf, for the purchase of
114 such property or any part thereof or for the purchase of the award or
115 awards or any part thereof, to be made for such property, or any part
116 thereof, in the proceeding.

117 (k) The Port Authority shall furnish to the court such surveys, dia-
118 grams, maps, plans and profiles as the court shall require to enable the court
119 to hear and determine the claims of the owners of the real property affected
120 by the action. Such surveys, diagrams, maps, plans and profiles shall dis-
121 tinctly indicate by separate numbers the names of the claimants to, or of
122 the owners of the respective parcels of real property to be taken in such pro-
123 ceeding, so far as the same are known, and shall also specify in figures with
124 sufficient accuracy the dimensions and bounds of such real property. Where
125 possible, such real property shall be designated on such maps by the same
126 ward or block and lot numbers or other designations as shall be used to desig-
127 nate such real property on the tax books and tax maps of the taxing agency
128 in which it is located. The court may require the Port Authority to furnish
129 such other surveys, diagrams, maps, plans and profiles and such other in-
130 formation as shall aid and assist the court in the action.

131 (l) The Port Authority, or any party or person affected by the action
132 and aggrieved by the judgment made therein as to awards may appeal. If
133 the judgment entered in the action to condemn should be reversed, such re-
134 versal shall not divest the Port Authority of title to the real property thereby
135 affected.

136 (m) All damages awarded by the court, with interest thereon from the
137 date of the entry of the judgment, or if the title to the real property acquired
138 shall have vested in the Port Authority prior thereto, from the date of such
139 vesting, shall be paid by the Port Authority to the respective owners to whom
140 the damages were awarded in the judgment, within two calendar months after
141 the entry of the judgment, without further order of the court, or application
142 for such payment by said owners. Property owners appearing in the action
143 shall not be entitled to recover counsel fees, costs, disbursements or al-

144 lowances. Any outstanding taxes, assessments or other liens shall be de-
145 ducted from the amount of the award and no interest shall be paid by the
146 Port Authority upon the sum or sums so deducted. Payment of an award
147 to a person named in the judgment as the owner thereof, if not under legal
148 disability, shall in the absence of notice in writing to the Port Authority of
149 adverse claims thereto protect the Port Authority and shall be a full acquit-
150 tance and release of all claims to said award.

151 In case there shall be a dispute as to title, or the party entitled to receive
152 the amount assessed by the court shall refuse upon tender thereof to receive
153 the same, or shall be out of the State or under any legal disability, or in case
154 several parties being interested in the fund shall not agree as to the dis-
155 tribution thereof, or in case the lands or other property taken are encumbered
156 by mortgage, judgment or other lien, or if for any other reason the Port
157 Authority cannot safely pay the amount awarded to any person, in all such
158 cases, with leave of court, the amount awarded may be paid into the Supe-
159 rior Court, and shall there be distributed according to law, on the applica-
160 tion of any person interested therein.

161 (n) The Port Authority may pay to the person entitled to an award for
162 real property acquired in an action, in advance of the final judgment, a
163 sum to be determined by the Port Authority, not exceeding sixty per centum
164 (60%) of the assessed value of the real property taken less the liens and
165 encumbrances of record thereon; *provided*, that when the real property taken
166 shall be less than the fee, then such sum shall not exceed sixty per centum
167 (60%) of the amount estimated by the Port Authority to be the value of such
168 interest, less the liens and encumbrances thereon. If the Port Authority
169 shall make a partial payment in advance either pursuant to this subsection
170 or pursuant to section nine hereof, interest on the sum so paid in advance shall
171 cease to run on and after a date five days after such person shall have been
172 notified by mail or otherwise that the Port Authority is ready to pay the
173 same. In case the person entitled to an award at the date of the vesting of
174 title to the real property in the Port Authority shall have transferred or

175 assigned his claim, such transfer or assignment made by him, or by his
176 successor in interest or legal representative, shall not become binding upon
177 the Port Authority unless the instrument or instruments evidencing such
178 transfer or assignment shall have been filed in the office of the Port Au-
179 thority prior to any such advance payment. When any such advance pay-
180 ment shall have been made, the Port Authority, on paying the awards for
181 the real property acquired, shall deduct from the total amount allowed as
182 compensation the sum advanced plus interest thereon from the date of the
183 payment of such advance to the date of the final judgment, and the balance
184 shall be paid as hereinbefore provided in subdivision (m) hereof.

185 (o) In any action hereunder, in which title to the real property to be
186 acquired shall have become vested in the Port Authority prior to the entry
187 of final judgment, the Port Authority shall have power and is hereby au-
188 thorized to purchase from the owners of such real property at the date of the
189 vesting of title thereto, or their successors in interest or legal representatives,
190 their right and title to the award or awards, or any part thereof, to be made
191 in such action and to take an assignment thereof to the Port Authority.

192 (p) No pledge, sale, transfer or assignment of an award by the person
193 entitled to receive the same by virtue of the judgment or by other order of
194 the court, shall be valid unless the instrument evidencing such pledge, sale,
195 transfer or assignment shall be acknowledged or proved as instruments are
196 required to be acknowledged or proved for the recording of transfers of real
197 property and shall be filed in the office of the Port of New York Authority.
198 Every such instrument not so filed shall be void as against any subsequent
199 pledgee or assignee in good faith and for a valuable consideration from the
200 same pledgor or assignor, his heirs, administrators or assigns, of the same
201 award or any portion thereof, the assignment of which is first duly filed in
202 the office of the Port Authority. The Port Authority shall maintain in its
203 office a record of all pledges or assignments filed with it under the provisions
204 hereof.

205 (q) The Board of Commissioners of the Port Authority by resolution
206 may abandon any action as to the whole or a part of the lands to be acquired
207 in such action, at any time before title to the real property to be thereby
208 acquired shall have vested in the Port Authority, and may cause new actions
209 to be instituted for the condemnation of such real property. In case of such
210 abandonment, however, the reasonable actual cash disbursements, necessar-
211 ily incurred and made in good faith by any party interested, shall be paid
212 by the Port Authority, after the same shall have been taxed by the Supe-
213 rior Court, upon notice of such taxation being previously given to the Port
214 Authority, provided the application to have such disbursements taxed shall
215 be made and presented to the court within one year after the adoption of
216 the resolution of the board discontinuing the action in whole or in part.
217 For the purposes of this section, the fair and reasonable value of the serv-
218 ices of an attorney retained by any interested party to represent his in-
219 terests in said action for condemnation whether on a contingent fee basis
220 or otherwise, if such retainer be made in good faith, shall be deemed to
221 be an actual cash disbursement necessarily incurred by such interested
222 party and shall be taxable in the same manner as other disbursements.
223 The amounts taxed as disbursements shall be due and payable thirty days
224 after written demand for payment thereof shall have been filed with the
225 Port Authority.

226 (r) The title to any piece or parcel of the real property, or any interest
227 therein, authorized to be acquired hereunder shall be vested in the Port Au-
228 thority upon the entry of the order to show cause constituting process in
229 the action to condemn. The Port Authority, however, may direct that the
230 title shall be vested in the Port Authority upon a specified date after the
231 date of the entry of such order, or upon the date of the entry of the final
232 judgment, but not later than the date of the entry of the final judgment.
233 Upon the date when title to the real property shall have vested as herein
234 provided, the Port Authority shall become and be seized in fee of or of an
235 easement in, over, above, through, upon or under such real property or such

236 other interest therein as may have been specified, the same to be held, appro-
237 priated, converted and used for the purposes for which the action was insti-
238 tuted. The Port Authority or any person acting under its authority shall
239 immediately or at any time thereafter take possession of such property with-
240 out action or other judicial proceedings.

241 (s) Where the whole of any lot or parcel of real property, under lease
242 or other contract, shall be taken, all the covenants, contracts and engagements
243 between landlord and tenant and other contracting parties touching the same
244 or any part thereof, upon the vesting of title in the Port Authority, shall
245 cease and determine and be absolutely discharged. Where a part only of any
246 lot or parcel of real property so under lease or other contract shall be so taken
247 all contracts and engagements respecting the same, upon such vesting of
248 title, shall cease and determine and be absolutely discharged as to the part
249 thereof so taken, but shall remain valid and obligatory as to the residue
250 thereof. All tenants in possession of such premises at the time of the vesting
251 of title thereto in the Port Authority shall become tenants at will of the
252 Port Authority unless within ten days after the vesting of title they shall
253 elect to vacate and give up their respective holdings.

1 2. Section six of chapter forty-four of the laws of one thousand nine
2 hundred and forty-seven is amended to read as follows:

3 6. If for the purposes of establishing marine terminals or purposes
4 incidental thereto, including temporary construction purposes, the Port
5 Authority shall find it necessary or convenient to acquire any real property
6 as herein defined, whether for immediate or future use, the Port Authority
7 may find and determine that such property, whether a fee simple absolute or
8 a lesser interest, is required for a public use, and upon such determination
9 the said property shall be and shall be deemed to be required for such public
10 use until otherwise determined by the Port Authority.

11 The Port Authority may acquire and is hereby authorized to acquire
12 such property, whether a fee simple absolute or a lesser estate, by condemna-
13 tion or the exercise of the right of eminent domain under and pursuant to

14 the Revised Statutes of New Jersey, Title 20:1-1 et seq., or at the option of
 15 the Port Authority as provided in section fifteen of chapter forty-three of the
 16 laws of one thousand nine hundred and forty-seven for the condemnation of
 17 real property for air terminal purposes, or pursuant to such other and
 18 alternate procedure as may be provided by law. Nothing herein contained
 19 shall be construed to prevent the Port Authority from bringing any action
 20 to remove a cloud on title or such other actions as it may, in its discretion,
 21 deem proper and necessary, or acquiring any such property by negotiation
 22 or purchase.

23 In the event the Port Authority shall deem that the use by it of any real
 24 property for any purpose hereunder will be necessary either immediately or
 25 by a definite future date, it may file with any complaint in any action for
 26 condemnation brought pursuant to law or at any time thereafter a notice that
 27 it requires the possession thereof, either immediately or at a date specified
 28 in such notice. In such event, the Port Authority shall cause a duplicate of
 29 such notice and an affidavit of the filing thereof to be recorded in the office
 30 in which deeds are required to be recorded in the county wherein the land
 31 involved is situated and upon such recording the Port Authority may enter
 32 upon and shall be entitled to the possession, use and occupation of such real
 33 property at the time specified in said notice without judicial proceedings;
 34 *provided*, that it shall first deposit with the court a sum equal to the assessed
 35 valuation of such real property, or in the event that the assessed valuation
 36 thereof cannot be readily ascertained such sum as in the judgment of the
 37 Port Authority shall be sufficient as compensation for the real property
 38 acquired. The sum so deposited with the court shall be applied to the
 39 satisfaction of any award thereafter made in any action for condemnation.
 40 Such filing and recording of said notice shall be conclusive evidence of the
 41 entry upon and appropriation of said property by the Port Authority, and
 42 title to said property shall vest in the Port Authority on the date specified in
 43 such notice. The power of the Port Authority to acquire real property by
 44 condemnation hereunder shall be a continuing power, and no exercise thereof
 45 shall be deemed to exhaust it.

46
 47 Pc
 48 tic
 49 se
 50 tic
 51 he
 1
 2 hr
 1
 2
 3 ti
 4 th
 5 T
 6 a
 7 n
 1
 2 fo
 3
 4 ce
 5 e
 6 e
 7 w
 8 to
 9 ce
 10 i
 11 A
 12 a
 13 tl

46: Nothing herein contained shall be construed to permit the taking by the
 47 Port Authority of any property owned by any railroad or railway corpora-
 48 tion, or by any other corporation, which is a "public utility" as defined in
 49 section 48:2-13 of the Revised Statutes, and devoted to use by such corpora-
 50 tion in its operations, or acquired prior to the effective date of this act and
 51 held for such use, without the authority or consent of such corporation.

1 3. Section seven of chapter forty-four of the laws of one thousand nine
 2 hundred and forty-seven is hereby repealed.

1 4. Section 32:2-10 of the Revised Statutes is amended to read as follows:

2 32:2-10. Whenever the Port Authority is authorized by specific legisla-
 3 tive enactment to acquire title to or any interest in any real property within
 4 this State by condemnation pursuant to the provisions of chapter one of
 5 Title 20, Eminent Domain, (§ 20:1-1 et seq.), the Port Authority and its
 6 agents may enter upon all such real property for the purpose of making a
 7 map showing the real estate to be acquired.

1 5. Section 32:2-11 of the Revised Statutes is amended to read as
 2 follows:

3 32:2-11. Immediately after the filing of the complaint in the action for
 4 condemnation, with the map annexed, the Port Authority shall have the
 5 exclusive right to possession of the real property shown upon the map to the
 6 extent of the interests specified in the complaint, and may forthwith and
 7 without other process enter into and take possession of such real property
 8 to that extent; it being the intent of this article that no proceedings for
 9 compensation or otherwise involved in the taking of such real property or
 10 interests therein shall delay the taking thereof and their use by the Port
 11 Authority for the purpose or purposes for which the Port Authority may be
 12 authorized by law to acquire or condemn such real property or interests
 13 therein.

1 6. Section 32:2-12 of the Revised Statutes is amended to read as
2 follows:

3 32:2-12. Upon taking actual possession of the real property or any
4 interest therein, the Port Authority shall deposit with the Clerk of the
5 Superior Court a sum equal to the assessed valuation of the real property or
6 interest therein, which sum shall be paid out by the clerk in accordance with
7 the order or judgment of the court.

8 Should said sum be insufficient to permit such payment in full, the Port
9 Authority shall, within twenty days after the entry of the judgment, pay to
10 the clerk such sum as may be necessary to provide for full payment. Any
11 surplus left in the hands of the clerk after the judgment has been entered
12 shall be repaid to the Port Authority.

1 7. Section 32:2-13 of the Revised Statutes is amended to read as
2 follows:

3 32:2-13. If only a part of or interest in a given parcel of real property
4 is taken and the assessed valuation thereof cannot be readily ascertained,
5 the Port Authority shall pay to the Clerk of the Superior Court only such
6 sum as in its judgment is sufficient to compensate for the real property or
7 interest to be acquired or condemned.

8 Any payment made by the clerk as hereinbefore provided shall for all
9 purposes be deemed to have been made by and for the account of the Port
10 Authority.

1 8. Section 32:2-14 of the Revised Statutes is hereby repealed.

1 9. Section 32:9-9 of the Revised Statutes is amended to read as follows:

2 32:9-9. At any time within thirty days after the filing of the report by
3 the joint commission, any party aggrieved may apply to the Superior Court
4 in a proceeding in lieu of prerogative writ to have the amount of the com-
5 pensation and damages fixed and paid. The costs, fees and expenses of the
6 proceeding shall be paid as the court shall direct.

1 ~~10.~~ Section 32:9-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 32:9-10. The final compensation awarded or adjudged shall be deemed
4 to include all amounts payable for the acquisition of the property and all
5 rights, franchises and easements incident thereto, and when paid to the
6 proper parties in interest, or paid into the Superior Court, shall vest the
7 title in fee to the property so taken in the State of New Jersey.

1 11. Section 32:12-16 of the Revised Statutes is amended to read as
1A follows:

1B 32:12-16. Notwithstanding the agreement and consent of three or
2 more counties, the commission shall not be authorized to take any pro-
3 ceedings or incur any expense or obligation until the terms and conditions of
4 the agreement and consent shall have been reviewed and approved by three
5 judges of the Superior Court, especially designated by the Governor for that
6 purpose. The judges shall designate a time and place for the holding of a
7 public hearing on the question of the approval of the terms of the agreement,
8 at which hearing all persons interested may be heard.

9 If the agreement is approved and confirmed by the three judges, the same
10 shall be binding upon the counties consenting to the agreement, but in no
11 event shall the obligation to be assumed or imposed upon any county for the
12 construction of any bridges or tunnels exceed ten million dollars (\$10,000,-
13 000.00).

1 12. Section 32:13A-15 of the Revised Statutes is amended to read as fol-
2 lows:

3 32:13A-15. Any holder of any of such bonds, or any of the coupons at-
4 tached thereto, and the trustee, if any, except to the extent the rights herein
5 given may be restricted by resolution passed before the issuance of the bonds
6 or by the trust indenture, may, by an action, proceeding in lieu of preroga-
7 tive writ, or other proceeding, protect, and enforce any and all rights granted
8 hereunder or under such resolution or trust indenture, and may enforce and
9 compel performance of all duties required by this chapter, or by such reso-

10 lution or trust indenture, to be performed by the county or by the commis- 41 event
 11 sion, or any officer thereof, including the fixing, charging, and collecting of 42 of th
 12 tolls for the use of the tunnel. 43 prov.

13 The rights and remedies herein conferred upon or granted to the bond- 44 cond
 14 holders shall be in addition to and not in limitation of any rights and reme- 45 or tr
 15 dies lawfully granted to such bondholders by the resolution or resolutions 46 publ
 16 providing for the issuance of the bonds, or by any trust indenture securing 47 mair
 17 such bonds. If the bonds shall not be secured by a trust indenture, the holder 48 sion
 18 or holders of twenty-five per centum (25%) or more in principal amount 49 nant
 19 of such bonds at the time outstanding may by instrument or instruments 50 tee
 20 filed in the office of the county clerk of Gloucester county, and proved or 51 secu
 21 acknowledged in the same manner as a deed to be recorded, appoint a trus- 52 or,
 22 tee to represent the holders of such bonds. If such appointed trustee, if 53 the
 23 any, or the trustee under any trust indenture securing the bonds or if either 54 afte
 24 such trustee shall fail or refuse to take action to enforce any of the remedies 55 or r
 25 provided for herein or in such resolution or such trust indenture, after 56 ten
 26 written request by the holder or holders of fifteen per centum (15%) or more 57 of
 27 in the principal amount of such bonds at the time outstanding and after 58 ind
 28 tender of reasonable security or indemnification to such trustee, any holder 59 any
 29 of any such bonds may, except to the extent the rights herein given may be 60 tun
 30 restricted by resolution passed before the issuance of the bonds or by the 61 dec
 31 trust indenture, as the case may be, by an action, proceeding in lieu of pre- 62 ing
 32 rogative writ, or other proceeding, protect and enforce any and all 63 suc
 33 rights granted herein or in such resolution or trust indenture, as 64 tun
 34 the case may be, and may enforce and compel performance of all 65 the
 35 duties required by this act, or by such resolution or trust indenture to be 66 res
 36 performed by the county or by the commission, or by any officer thereof, in- 67 pro
 37 cluding the fixing, charging and collecting of tolls for the use of the tunnel. 68 tion
 38 In the event that the county or the commission shall default in the pay- 69 tor
 39 ment of the principal or the interest on any of the bonds as the same may 70 itie
 40 become due, whether at maturity or upon call for redemption or in the 71 age

41 event that the county or the commission or the officers, agents or employees
42 of the county or of the commission shall fail or refuse to comply with the
43 provisions of this act or shall default in the performance of any covenant,
44 condition, agreement or provision contained in the bonds or in the resolution
45 or trust indenture or in the event that the commission shall contract with a
46 public authority in Pennsylvania relating to the construction, operation or
47 maintenance of the tunnel as hereinabove provided and either the commis-
48 sion or such public authority shall default in the performance of any cove-
49 nant, condition, agreement or provision contained in such contract, the trus-
50 tee appointed as hereinabove provided for by the holders of the bonds not
51 secured by a trust indenture, or the trustee under the trust indenture, if any,
52 or, if either such trustee shall fail or refuse to take action to enforce any of
53 the remedies provided for herein or in such resolution or such trust indenture
54 after written request by the holder or holders of twenty-five per centum (25%)
55 or more of principal amount of such bonds at the time outstanding and after
56 tender of reasonable security or indemnification to such trustee, any holder
57 of any such bonds shall, subject to the provisions of such resolution or trust
58 indenture, have the right to apply in any appropriate judicial proceedings to
59 any court of competent jurisdiction for an appointment of a receiver of the
60 tunnel, whether or not the bonds or any of them have become or have been
61 declared due and payable and whether or not such holder or trustee is seek-
62 ing to enforce any other right or to exercise any remedy in connection with
63 such bonds. Upon such application the court may appoint a receiver of the
64 tunnel. The receiver so appointed shall have and be entitled to exercise all
65 the rights and powers of the commission or such public authority with
66 respect to the tunnel and shall have and be entitled to exercise all the ap-
67 propriate rights and powers of a receiver, including, but without limita-
68 tion, the right and power forthwith, directly or by its agents and at-
69 torneys, to enter into and upon and take possession of the tunnel and its facil-
70 ities and each and every part thereof and to have, hold, use, operate, man-
71 age and control the tunnel and its facilities and each and every part thereof

72 and receive, collect and disburse the revenues thereof in the name of the
73 commission or otherwise as the receiver may deem best.

74 Whenever all defaults shall have been remedied, the court may in its
75 discretion, and after such notice and hearing as it deems reasonable and
76 proper, direct the receiver to surrender possession of the tunnel to the parties
77 entitled thereto. The same rights to secure the appointment of a receiver
78 shall exist upon any subsequent default as hereinabove provided.

79 Notwithstanding anything in this section to the contrary, such receiver
80 shall have no power to sell, assign, mortgage or otherwise dispose of any as-
81 sets of whatever kind or character constituting the tunnel or any part thereof
82 or necessary for use in connection therewith, but the authority of any such
83 receiver shall be limited to the operation and maintenance of the tunnel and
84 no court shall have jurisdiction to enter any order or judgment requiring or
85 permitting such receiver to sell, mortgage or otherwise dispose of any such
86 assets.

1 13. Section 32:14-23 of the Revised Statutes is amended to read as
2 follows:

3 32:14-23. The police court shall possess and have all the powers and
4 jurisdiction of municipal courts in this State, with respect to
5 crimes, disorderly conduct and violations of the motor vehicle and traffic or
6 other laws of this State, committed, occurring or happening within the portion
7 of the Palisades Interstate Park lying within this State. The court shall also
8 have jurisdiction of prosecutions for violations of any of the rules and
9 regulations of the Palisades Interstate Park Commission as authorized and
10 provided for in section 32:14-20 of this Title.

1 14. Section 32:14-24 of the Revised Statutes is amended to read as
2 follows:

3 32:14-24. The police court may be held in any portion of the Palisades
4 Interstate Park lying within this State, or in any municipality of the county
5 of Bergen in which any part of the park may lie.

1 15. Section 32:14-25 of the Revised Statutes is amended to read as
2 follows:

3 32:14-25. The Governor, with the advice and consent of the Senate, shall
4 appoint a judge or judges, not exceeding three, of the police court, which
5 court shall have all the powers, privileges and duties of municipal
6 courts of this State. The term of such judge or judges shall be for
7 three years; *provided, however*, that nothing herein shall be construed to
8 extend any shorter term for which any judge may already have been
9 appointed.

1 16. Section 32:14-26 of the Revised Statutes is amended to read as
2 follows:

3 32:14-26. The Palisades Interstate Park Commission shall pay the
4 judge or judges of the police court a per diem compensation not exceeding
5 twenty-five dollars (\$25.00) per day.

1 17. Section 32:16-5 of the Revised Statutes is amended to read as follows:

2 32:16-5. The Palisades Interstate Park Commission may take by con-
3 demnation, within the limits specified in section 32:16-1 of this Title, a fee
4 simple or lesser estate or right in all the necessary lands and rights in
5 lands, upon ascertainment and payment of compensation as prescribed by
6 law. The proceedings for such condemnation shall be under chapter one of
7 Title 20, Eminent Domain, (§ 20:1-1 et seq.).

1 18. Section 32:16-6 of the Revised Statutes is amended to read as follows:

2 32:16-6. When the lands or rights in lands which the Palisades Inter-
3 state Park Commission seeks to obtain for the parkway cannot be acquired by
4 agreement with the owner thereof, because of a disagreement as to the price
5 to be paid, the legal incapacity or absence of the owner, or his inability to
6 convey valid title thereto, or for any other cause, the commission may enter
7 upon and take any of such property in advance of making compensation there-
8 for. In any such case, the commission, upon exercising this right and enter-
9 ing upon and taking lands shall proceed without undue delay to condemn

10 the lands so entered upon in the manner prescribed by section 32:16-5 of
11 this Title; and, in any such case the amount of the judgment in the action
12 shall bear interest from the date of the entry by the commission to the date
13 of the payment of the award to the owner or into the court, as the case
14 may be.

1 19. Section 32:19-4 of the Revised Statutes is amended to read as follows:

2 32:19-4. Whenever the Interstate Sanitation Commission shall be of the
3 opinion that any person, association or corporation, municipal or otherwise,
4 within the district is failing or omitting, or about to fail or omit to do any-
5 thing required of it by its order or by the laws governing the control or elimi-
6 nation of pollution of the waters of the district, or is doing or is about to do
7 anything or permitting or about to permit anything to be done contrary to or
8 in violation of such orders or such laws or the provisions of the compact, it
9 may direct its legal representative to commence an action or a proceeding in
10 lieu of prerogative writ in the name of the Interstate Sanitation Commis-
11 sion in the Superior Court for the purpose of preventing the continuance of
12 such violations or threatened violations either by injunctive or other relief.
13 The court shall have jurisdiction to hear and determine such action or pro-
14 ceeding upon the merits and grant such relief as may be appropriate.

1 20. This act shall take effect immediately.

S

A

1
1
1
1
1
1
1
1
1
1
1

STATE OF NEW JERSEY

INTRODUCED JANUARY 13, 1953

By Mr. CLAPP

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning interstate and port authorities and commissions, and re-
vising 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 fifteen of chapter forty-three of the laws of one thousand nine
2 hundred and forty-seven is amended to read as follows:

3 15. The Port Authority may exercise the right of eminent domain or con-
4 demnation to acquire real property for air terminal purposes as set forth in
5 this section:

6 (a) As used in this section, unless otherwise expressly stated or unless
7 context or subject matter otherwise requires the following terms shall mean:

8 (1) "Days": Calendar days exclusive of Sundays and full legal
9 holidays.

10 (2) "Owner": A person having an estate, interest or easement in
11 the real property being acquired or a lien, charge or encumbrance
12 thereon.

13 (b) Whenever the Port Authority shall determine that it is necessary to
14 acquire real property for air terminal purposes for the public use by the
15 exercise of the right of eminent domain or condemnation, it shall prepare
16 three similar surveys, diagrams, maps, plans or profiles of the real property
17 being acquired, stating thereon that the Port Authority has determined that

18 it is necessary to acquire said property, and the amount or valuation at
19 which each parcel of real property to be acquired has been assessed for pur-
20 poses of taxation on the tax rolls for each of the three years preceding, and
21 if the interest being taken shall be less than the fee, the estimated value of
22 such interest; one of such surveys, diagrams, maps, plans or profiles shall
23 be filed in the office of the secretary of the Port Authority, the second shall
24 be filed in the office in which instruments affecting real property are re-
25 quired to be recorded, in the county in which such real property is situated,
26 and the third copy shall be filed in the office of the Clerk of the Superior
27 Court. An action for the condemnation of such real property may be instituted
28 in the Superior Court by the Port Authority against the owners thereof,
29 and the court may proceed in the action in a summary manner. A notice
30 of the pendency of the action shall be filed and recorded as provided in
31 section 20:1-4 of Title 20, Eminent Domain, and with like effect, except
32 that the notice shall name and be directed only to the owners of such real
33 property or such of them as may be known to the Port Authority.

34 It shall be lawful for the duly authorized agents of the Port Authority,
35 and all persons acting under its authority and by its direction, to enter in
36 the daytime into and upon such real property which it shall be necessary so
37 to enter, for the purpose of making such surveys, diagrams, maps or plans,
38 or for the purpose of making such soundings or borings as the Port Author-
39 ity may deem necessary.

40 (c) Whenever any land or other property taken for public use shall lie
41 or be in two or more counties, all reports and other papers required to be
42 filed in a county clerk's office shall be filed in the clerk's office of the county
43 in which the greater part in value of the land or other property is situate
44 and a certified copy thereof shall be filed and recorded in the clerk's office
45 of the other county or counties.

46 (d) Process in the action for condemnation shall be served by the pub-
47 lication of a notice on one day in each of four successive weeks in a news-
48 paper published and of general circulation in the county in which the real

49 property to be acquired is located. The notice need not state the names of the
50 owners of such real property, but it shall state that an action has been com-
51 menced to have determined by the Superior Court of New Jersey the com-
52 pensation which should justly be made to the respective owners of the real
53 property proposed to be taken. Such notice shall indicate the real property
54 to be taken by a general description and by reference to the map on file in
55 the office of the Port Authority, in the office in which instruments affecting
56 real property are required to be recorded, and in the office of the Clerk of
57 the Superior Court.

58 (e) In addition to the provisions contained in subdivision (d) above,
59 process shall be served upon the owners of all property affected by the ac-
60 tion, by mailing the same to such owners at the address registered or filed
61 with the collector of taxes for the purpose of forwarding to them bills for
62 taxes or assessments. Failure to comply with the directions contained in
63 this subdivision shall not invalidate or affect the action.

64 (f) The Port Authority shall, within ten days after the filing of the com-
65 plaint and the entry of the order to show cause constituting the process in
66 the action, cause a certified copy of the complaint and order to be recorded
67 in the office wherein instruments affecting real property are required to be
68 recorded, in every county in which any part of the real property affected is
69 situated, in the same manner as deeds are recorded, and the register of
70 deeds or county clerk with whom such certified copies shall be recorded
71 shall index the same in the same manner as recorded deeds are indexed.

72 (g) The Port Authority after the entry of such order to show cause,
73 shall cause to be published on one day in each of four successive weeks in
74 a newspaper published and of general circulation in the county in which the
75 real property to be acquired is located, a notice containing a general de-
76 scription of the real property to be acquired, a statement that such order
77 has been filed and requiring that all owners of such real property shall, on
78 or before such date as may be specified in the order to show cause, serve
79 upon the Port Authority a copy of a written claim or demand, duly veri-

80 fed, setting forth the real property owned by the claimant, his post office
81 address, and the nature of his interest in said real property. The claim-
82 ant shall within the same time file in the office of the Clerk of the Superior
83 Court the original of such verified claim.

84 (h). Proof of title to the real property to be acquired, where the same
85 is undisputed, together with proof of liens or encumbrances thereon, shall be
86 submitted by the claimant to the Port Authority. The Port Authority shall
87 serve upon all parties or their attorneys who have served upon it copies of
88 their verified claims, a notice of the time and place at which it will receive
89 such proof of title. Where the title of the claimant is disputed, the action
90 to determine the value of the property to be taken shall continue in the
91 same manner as it would if there were no such dispute, and the award, if
92 any, shall, with leave of court, be paid into the Superior Court, and shall
93 there be distributed, according to law, on the application of any person in-
94 terested therein.

95 (i) After all parties who have filed verified claims, as provided in sub-
96 division (g) hereof, have proved their titles, or have failed to do so after
97 being notified by the Port Authority of the time and place where such proof
98-99 of title would be received, the Port Authority shall bring on before the
100 Superior Court, as the court may direct, a hearing upon the claims so filed,
101 or in case no claims are filed, to fix the amount to be paid for such lands.

102 The court shall determine without a jury, and with or without a view
103 of the real property being acquired, the compensation which should justly
104 be made by the Port Authority to the respective owners of such real prop-
105 erty, and judgment shall be entered in the amount so determined.

106-107 (j) No evidence shall be admitted in the action, as against an owner of
108 real property being acquired, of an offer made by or on behalf of such owner
109 for the sale of his property or any part thereof to the Port Authority, or for
110 the sale or assignment of any right and title to the award or awards, or
111 any part thereof, to be made for such property or any part thereof, in the
112 action. Nor shall any evidence be received, as against the Port Authority,

113 of any offer made to such owner, by or on its behalf, for the purchase of
114 such property or any part thereof or for the purchase of the award or
115 awards or any part thereof, to be made for such property, or any part
116 thereof, in the proceeding.

117 (k) The Port Authority shall furnish to the court such surveys, dia-
118 grams, maps, plans and profiles as the court shall require to enable the court
119 to hear and determine the claims of the owners of the real property affected
120 by the action. Such surveys, diagrams, maps, plans and profiles shall dis-
121 tinctly indicate by separate numbers the names of the claimants to, or of
122 the owners of the respective parcels of real property to be taken in such pro-
123 ceeding, so far as the same are known, and shall also specify in figures with
124 sufficient accuracy the dimensions and bounds of such real property. Where
125 possible, such real property shall be designated on such maps by the same
126 ward or block and lot numbers or other designations as shall be used to desig-
127 nate such real property on the tax books and tax maps of the taxing agency
128 in which it is located. The court may require the Port Authority to furnish
129 such other surveys, diagrams, maps, plans and profiles and such other in-
130 formation as shall aid and assist the court in the action.

131 (l) The Port Authority, or any party or person affected by the action
132 and aggrieved by the judgment made therein as to awards may appeal. If
133 the judgment entered in the action to condemn should be reversed, such re-
134 versal shall not divest the Port Authority of title to the real property thereby
135 affected.

136 (m) All damages awarded by the court, with interest thereon from the
137 date of the entry of the judgment, or if the title to the real property acquired
138 shall have vested in the Port Authority prior thereto, from the date of such
139 vesting, shall be paid by the Port Authority to the respective owners to whom
140 the damages were awarded in the judgment, within two calendar months after
141 the entry of the judgment, without further order of the court, or application
142 for such payment by said owners. Property owners appearing in the action
143 shall not be entitled to recover counsel fees, costs, disbursements or al-

144 lowances. Any outstanding taxes, assessments or other liens shall be de-
145 ducted from the amount of the award and no interest shall be paid by the
146 Port Authority upon the sum or sums so deducted. Payment of an award
147 to a person named in the judgment as the owner thereof, if not under legal
148 disability, shall in the absence of notice in writing to the Port Authority of
149 adverse claims thereto protect the Port Authority and shall be a full acquit-
150 tance and release of all claims to said award.

151 In case there shall be a dispute as to title, or the party entitled to receive
152 the amount assessed by the court shall refuse upon tender thereof to receive
153 the same, or shall be out of the State or under any legal disability, or in case
154 several parties being interested in the fund shall not agree as to the dis-
155 tribution thereof, or in case the lands or other property taken are encumbered
156 by mortgage, judgment or other lien, or if for any other reason the Port
157 Authority cannot safely pay the amount awarded to any person, in all such
158 cases, with leave of court, the amount awarded may be paid into the Supe-
159 rior Court, and shall there be distributed according to law, on the applica-
160 tion of any person interested therein.

161 (n) The Port Authority may pay to the person entitled to an award for
162 real property acquired in an action, in advance of the final judgment, a
163 sum to be determined by the Port Authority, not exceeding sixty per centum
164 (60%) of the assessed value of the real property taken less the liens and
165 encumbrances of record thereon; *provided*, that when the real property taken
166 shall be less than the fee, then such sum shall not exceed sixty per centum
167 (60%) of the amount estimated by the Port Authority to be the value of such
168 interest, less the liens and encumbrances thereon. If the Port Authority
169 shall make a partial payment in advance either pursuant to this subsection
170 or pursuant to section nine hereof, interest on the sum so paid in advance shall
171 cease to run on and after a date five days after such person shall have been
172 notified by mail or otherwise that the Port Authority is ready to pay the
173 same. In case the person entitled to an award at the date of the vesting of
174 title to the real property in the Port Authority shall have transferred or

175 assigned his claim, such transfer or assignment made by him, or by his
176 successor in interest or legal representative, shall not become binding upon
177 the Port Authority unless the instrument or instruments evidencing such
178 transfer or assignment shall have been filed in the office of the Port Au-
179 thority prior to any such advance payment. When any such advance pay-
180 ment shall have been made, the Port Authority, on paying the awards for
181 the real property acquired, shall deduct from the total amount allowed as
182 compensation the sum advanced plus interest thereon from the date of the
183 payment of such advance to the date of the final judgment, and the balance
184 shall be paid as hereinbefore provided in subdivision (m) hereof.

185 (o) In any action hereunder, in which title to the real property to be
186 acquired shall have become vested in the Port Authority prior to the entry
187 of final judgment, the Port Authority shall have power and is hereby au-
188 thorized to purchase from the owners of such real property at the date of the
189 vesting of title thereto, or their successors in interest or legal representatives,
190 their right and title to the award or awards, or any part thereof, to be made
191 in such action and to take an assignment thereof to the Port Authority.

192 (p) No pledge, sale, transfer or assignment of an award by the person
193 entitled to receive the same by virtue of the judgment or by other order of
194 the court, shall be valid unless the instrument evidencing such pledge, sale,
195 transfer or assignment shall be acknowledged or proved as instruments are
196 required to be acknowledged or proved for the recording of transfers of real
197 property and shall be filed in the office of the Port of New York Authority.
198 Every such instrument not so filed shall be void as against any subsequent
199 pledgee or assignee in good faith and for a valuable consideration from the
200 same pledgor or assignor, his heirs, administrators or assigns, of the same
201 award or any portion thereof, the assignment of which is first duly filed in
202 the office of the Port Authority. The Port Authority shall maintain in its
203 office a record of all pledges or assignments filed with it under the provisions
204 hereof.

205 (q) The Board of Commissioners of the Port Authority by resolution
206 may abandon any action as to the whole or a part of the lands to be acquired
207 in such action, at any time before title to the real property to be thereby
208 acquired shall have vested in the Port Authority, and may cause new actions
209 to be instituted for the condemnation of such real property. In case of such
210 abandonment, however, the reasonable actual cash disbursements, necessar-
211 ily incurred and made in good faith by any party interested, shall be paid
212 by the Port Authority, after the same shall have been taxed by the Supe-
213 rior Court, upon notice of such taxation being previously given to the Port
214 Authority, provided the application to have such disbursements taxed shall
215 be made and presented to the court within one year after the adoption of
216 the resolution of the board discontinuing the action in whole or in part.
217 For the purposes of this section, the fair and reasonable value of the serv-
218 ices of an attorney retained by any interested party to represent his in-
219 terests in said action for condemnation whether on a contingent fee basis
220 or otherwise, if such retainer be made in good faith, shall be deemed to
221 be an actual cash disbursement necessarily incurred by such interested
222 party and shall be taxable in the same manner as other disbursements.
223 The amounts taxed as disbursements shall be due and payable thirty days
224 after written demand for payment thereof shall have been filed with the
225 Port Authority.

226 (r) The title to any piece or parcel of the real property, or any interest
227 therein, authorized to be acquired hereunder shall be vested in the Port Au-
228 thority upon the entry of the order to show cause constituting process in
229 the action to condemn. The Port Authority, however, may direct that the
230 title shall be vested in the Port Authority upon a specified date after the
231 date of the entry of such order, or upon the date of the entry of the final
232 judgment, but not later than the date of the entry of the final judgment.
233 Upon the date when title to the real property shall have vested as herein
234 provided, the Port Authority shall become and be seized in fee of or of an
235 easement in, over, above, through, upon or under such real property or such

236 other interest therein as may have been specified, the same to be held, appro-
237 priated, converted and used for the purposes for which the action was insti-
238 tuted. The Port Authority or any person acting under its authority shall
239 immediately or at any time thereafter take possession of such property with-
240 out action or other judicial proceedings.

241 (s) Where the whole of any lot or parcel of real property, under lease
242 or other contract, shall be taken, all the covenants, contracts and engagements
243 between landlord and tenant and other contracting parties touching the same
244 or any part thereof, upon the vesting of title in the Port Authority, shall
245 cease and determine and be absolutely discharged. Where a part only of any
246 lot or parcel of real property so under lease or other contract shall be so taken
247 all contracts and engagements respecting the same, upon such vesting of
248 title, shall cease and determine and be absolutely discharged as to the part
249 thereof so taken, but shall remain valid and obligatory as to the residue
250 thereof. All tenants in possession of such premises at the time of the vesting
251 of title thereto in the Port Authority shall become tenants at will of the
252 Port Authority unless within ten days after the vesting of title they shall
253 elect to vacate and give up their respective holdings.

1 2. Section six of chapter forty-four of the laws of one thousand nine
2 hundred and forty-seven is amended to read as follows:

3 6. If for the purposes of establishing marine terminals or purposes
4 incidental thereto, including temporary construction purposes, the Port
5 Authority shall find it necessary or convenient to acquire any real property
6 as herein defined, whether for immediate or future use, the Port Authority
7 may find and determine that such property, whether a fee simple absolute or
8 a lesser interest, is required for a public use, and upon such determination
9 the said property shall be and shall be deemed to be required for such public
10 use until otherwise determined by the Port Authority.

11 The Port Authority may acquire and is hereby authorized to acquire
12 such property, whether a fee simple absolute or a lesser estate, by condemna-
13 tion or the exercise of the right of eminent domain under and pursuant to

14 the Revised Statutes of New Jersey, Title 20:1-1 et seq., or at the option of
15 the Port Authority as provided in section fifteen of chapter forty-three of the
16 laws of one thousand nine hundred and forty-seven for the condemnation of
17 real property for air terminal purposes, or pursuant to such other and
18 alternate procedure as may be provided by law. Nothing herein contained
19 shall be construed to prevent the Port Authority from bringing any action
20 to remove a cloud on title or such other actions as it may, in its discretion,
21 deem proper and necessary, or acquiring any such property by negotiation
22 or purchase.

23 In the event the Port Authority shall deem that the use by it of any real
24 property for any purpose hereunder will be necessary either immediately or
25 by a definite future date, it may file with any complaint in any action for
26 condemnation brought pursuant to law or at any time thereafter a notice that
27 it requires the possession thereof, either immediately or at a date specified
28 in such notice. In such event, the Port Authority shall cause a duplicate of
29 such notice and an affidavit of the filing thereof to be recorded in the office
30 in which deeds are required to be recorded in the county wherein the land
31 involved is situated and upon such recording the Port Authority may enter
32 upon and shall be entitled to the possession, use and occupation of such real
33 property at the time specified in said notice without judicial proceedings;
34 *provided*, that it shall first deposit with the court a sum equal to the assessed
35 valuation of such real property, or in the event that the assessed valuation
36 thereof cannot be readily ascertained such sum as in the judgment of the
37 Port Authority shall be sufficient as compensation for the real property
38 acquired. The sum so deposited with the court shall be applied to the
39 satisfaction of any award thereafter made in any action for condemnation.
40 Such filing and recording of said notice shall be conclusive evidence of the
41 entry upon and appropriation of said property by the Port Authority, and
42 title to said property shall vest in the Port Authority on the date specified in
43 such notice. The power of the Port Authority to acquire real property by
44 condemnation hereunder shall be a continuing power, and no exercise thereof
45 shall be deemed to exhaust it.

46. Nothing herein contained shall be construed to permit the taking by the
47 Port Authority of any property owned by any railroad or railway corpora-
48 tion; or by any other corporation, which is a "public utility" as defined in
49 section 48:2-13 of the Revised Statutes, and devoted to use by such corpora-
50 tion in its operations, or acquired prior to the effective date of this act and
51 held for such use, without the authority or consent of such corporation.

1 3. Section seven of chapter forty-four of the laws of one thousand nine
2 hundred and forty-seven is hereby repealed.

1 4. Section 32:2-10 of the Revised Statutes is amended to read as follows:

2 32:2-10. Whenever the Port Authority is authorized by specific legisla-
3 tive enactment to acquire title to or any interest in any real property within
4 this State by condemnation pursuant to the provisions of chapter one of
5 Title 20, Eminent Domain, (§ 20:1-1 et seq.), the Port Authority and its
6 agents may enter upon all such real property for the purpose of making a
7 map showing the real estate to be acquired.

1 5. Section 32:2-11 of the Revised Statutes is amended to read as
2 follows:

3 32:2-11. Immediately after the filing of the complaint in the action for
4 condemnation, with the map annexed, the Port Authority shall have the
5 exclusive right to possession of the real property shown upon the map to the
6 extent of the interests specified in the complaint, and may forthwith and
7 without other process enter into and take possession of such real property
8 to that extent; it being the intent of this article that no proceedings for
9 compensation or otherwise involved in the taking of such real property or
10 interests therein shall delay the taking thereof and their use by the Port
11 Authority for the purpose or purposes for which the Port Authority may be
12 authorized by law to acquire or condemn such real property or interests
13 therein.

1 6. Section 32:2-12 of the Revised Statutes is amended to read as
2 follows:

3 32:2-12. Upon taking actual possession of the real property or any
4 interest therein, the Port Authority shall deposit with the Clerk of the
5 Superior Court a sum equal to the assessed valuation of the real property or
6 interest therein, which sum shall be paid out by the clerk in accordance with
7 the order or judgment of the court.

8 Should said sum be insufficient to permit such payment in full, the Port
9 Authority shall, within twenty days after the entry of the judgment, pay to
10 the clerk such sum as may be necessary to provide for full payment. Any
11 surplus left in the hands of the clerk after the judgment has been entered
12 shall be repaid to the Port Authority.

1 7. Section 32:2-13 of the Revised Statutes is amended to read as
2 follows:

3 32:2-13. If only a part of or interest in a given parcel of real property
4 is taken and the assessed valuation thereof cannot be readily ascertained,
5 the Port Authority shall pay to the Clerk of the Superior Court only such
6 sum as in its judgment is sufficient to compensate for the real property or
7 interest to be required or condemned.

8 Any payment made by the clerk as hereinbefore provided shall for all
9 purposes be deemed to have been made by and for the account of the Port
10 Authority.

1 8. Section 32:2-14 of the Revised Statutes is hereby repealed.

1 9. Section 32:9-9 of the Revised Statutes is amended to read as follows:

2 32:9-9. At any time within thirty days after the filing of the report by
3 the joint commission, any party aggrieved may apply to the Superior Court
4 in a proceeding in lieu of prerogative writ to have the amount of the com-
5 pensation and damages fixed and paid. The costs, fees and expenses of the
6 proceeding shall be paid as the court shall direct.

1 10. Section 32:9-10 of the Revised Statutes is amended to read as fol-
2 lows:

3 32:9-10. The final compensation awarded or adjudged shall be deemed
4 to include all amounts payable for the acquisition of the property and all
5 rights, franchises and easements incident thereto, and when paid to the
6 proper parties in interest, or paid into the Superior Court, shall vest the
7 title in fee to the property so taken in the State of New Jersey.

1 11. Section 32:12-16 of the Revised Statutes is amended to read as
1A follows:

1B 32:12-16. Notwithstanding the agreement and consent of three or
2 more counties, the commission shall not be authorized to take any pro-
3 ceedings or incur any expense or obligation until the terms and conditions of
4 the agreement and consent shall have been reviewed and approved by three
5 judges of the Superior Court, especially designated by the Governor for that
6 purpose. The judges shall designate a time and place for the holding of a
7 public hearing on the question of the approval of the terms of the agreement,
8 at which hearing all persons interested may be heard.

9 If the agreement is approved and confirmed by the three judges, the same
10 shall be binding upon the counties consenting to the agreement, but in no
11 event shall the obligation to be assumed or imposed upon any county for the
12 construction of any bridges or tunnels exceed ten million dollars (\$10,000,-
13 000.00).

1 12. Section 32:13A-15 of the Revised Statutes is amended to read as fol-
2 lows:

3 32:13A-15. Any holder of any of such bonds, or any of the coupons at-
4 tached thereto, and the trustee, if any, except to the extent the rights herein
5 given may be restricted by resolution passed before the issuance of the bonds
6 or by the trust indenture, may, by an action, proceeding in lieu of preroga-
7 tive writ, or other proceeding, protect, and enforce any and all rights granted
8 hereunder or under such resolution or trust indenture, and may enforce and
9 compel performance of all duties required by this chapter, or by such reso-

10. lution or trust indenture, to be performed by the county or by the commis-
11 sion, or any officer thereof, including the fixing, charging, and collecting of
12 tolls for the use of the tunnel.

13 The rights and remedies herein conferred upon or granted to the bond-
14 holders shall be in addition to and not in limitation of any rights and reme-
15 dies lawfully granted to such bondholders by the resolution or resolutions
16 providing for the issuance of the bonds, or by any trust indenture securing
17 such bonds. If the bonds shall not be secured by a trust indenture, the holder
18 or holders of twenty-five per centum (25%) or more in principal amount
19 of such bonds at the time outstanding may by instrument or instruments
20 filed in the office of the county clerk of Gloucester county, and proved or
21 acknowledged in the same manner as a deed to be recorded, appoint a trus-
22 tee to represent the holders of such bonds. If such appointed trustee, if
23 any, or the trustee under any trust indenture securing the bonds or if either
24 such trustee shall fail or refuse to take action to enforce any of the remedies
25 provided for herein or in such resolution or such trust indenture, after
26 written request by the holder or holders of fifteen per centum (15%) or more
27 in the principal amount of such bonds at the time outstanding and after
28 tender of reasonable security or indemnification to such trustee, any holder
29 of any such bonds may, except to the extent the rights herein given may be
30 restricted by resolution passed before the issuance of the bonds or by the
31 trust indenture, as the case may be, by an action, proceeding in lieu of pre-
32 rogative writ, or other proceeding, protect and enforce any and all
33 rights granted herein or in such resolution or trust indenture, as
34 the case may be, and may enforce and compel performance of all
35 duties required by this act, or by such resolution or trust indenture to be
36 performed by the county or by the commission, or by any officer thereof, in-
37 cluding the fixing, charging and collecting of tolls for the use of the tunnel.
38 In the event that the county or the commission shall default in the pay-
39 ment of the principal or the interest on any of the bonds as the same may
40 become due, whether at maturity or upon call for redemption or in the

41 event that the county or the commission or the officers, agents or employees
42 of the county or of the commission shall fail or refuse to comply with the
43 provisions of this act or shall default in the performance of any covenant,
44 condition, agreement or provision contained in the bonds or in the resolution
45 or trust indenture or in the event that the commission shall contract with a
46 public authority in Pennsylvania relating to the construction, operation or
47 maintenance of the tunnel as hereinabove provided and either the commis-
48 sion or such public authority shall default in the performance of any cove-
49 nant, condition, agreement or provision contained in such contract, the trus-
50 tee appointed as hereinabove provided for by the holders of the bonds not
51 secured by a trust indenture, or the trustee under the trust indenture, if any,
52 or, if either such trustee shall fail or refuse to take action to enforce any of
53 the remedies provided for herein or in such resolution or such trust indenture
54 after written request by the holder or holders of twenty-five per centum (25%)
55 or more of principal amount of such bonds at the time outstanding and after
56 tender of reasonable security or indemnification to such trustee, any holder
57 of any such bonds shall, subject to the provisions of such resolution or trust
58 indenture, have the right to apply in any appropriate judicial proceedings to
59 any court of competent jurisdiction for an appointment of a receiver of the
60 tunnel, whether or not the bonds or any of them have become or have been
61 declared due and payable and whether or not such holder or trustee is seek-
62 ing to enforce any other right or to exercise any remedy in connection with
63 such bonds. Upon such application the court may appoint a receiver of the
64 tunnel. The receiver so appointed shall have and be entitled to exercise all
65 the rights and powers of the commission or such public authority with
66 respect to the tunnel and shall have and be entitled to exercise all the ap-
67 propriate rights and powers of a receiver, including, but without limita-
68 tion, the right and power forthwith, directly or by its agents and at-
69 torneys, to enter into and upon and take possession of the tunnel and its facil-
70 ities and each and every part thereof and to have, hold, use, operate, man-
71 age and control the tunnel and its facilities and each and every part thereof

72 and receive, collect and disburse the revenues thereof in the name of the
73 commission or otherwise as the receiver may deem best.

74 Whenever all defaults shall have been remedied, the court may in its
75 discretion, and after such notice and hearing as it deems reasonable and
76 proper, direct the receiver to surrender possession of the tunnel to the parties
77 entitled thereto. The same rights to secure the appointment of a receiver
78 shall exist upon any subsequent default as hereinabove provided.

79 Notwithstanding anything in this section to the contrary, such receiver
80 shall have no power to sell, assign, mortgage or otherwise dispose of any as-
81 sets of whatever kind or character constituting the tunnel or any part thereof
82 or necessary for use in connection therewith, but the authority of any such
83 receiver shall be limited to the operation and maintenance of the tunnel and
84 no court shall have jurisdiction to enter any order or judgment requiring or
85 permitting such receiver to sell, mortgage or otherwise dispose of any such
86 assets.

1 13. Section 32:14-23 of the Revised Statutes is amended to read as
2 follows:

3 32:14-23. The police court shall possess and have all the powers and
4 jurisdiction of municipal courts in this State, with respect to
5 crimes, disorderly conduct and violations of the motor vehicle and traffic or
6 other laws of this State, committed, occurring or happening within the portion
7 of the Palisades Interstate Park lying within this State. The court shall also
8 have jurisdiction of prosecutions for violations of any of the rules and
9 regulations of the Palisades Interstate Park Commission as authorized and
10 provided for in section 32:14-20 of this Title.

1 14. Section 32:14-24 of the Revised Statutes is amended to read as
2 follows:

3 32:14-24. The police court may be held in any portion of the Palisades
4 Interstate Park lying within this State, or in any municipality of the county
5 of Bergen in which any part of the park may lie.

11 32:14-25. Section 32:14-25 of the Revised Statutes is amended to read as
 12 follows:

13 32:14-25. The Governor, with the advice and consent of the Senate, shall
 14 appoint a judge or judges, not exceeding three, of the police court, which
 15 court shall have all the powers, privileges and duties of municipal
 16 courts of this State. The term of such judge or judges shall be for
 17 three years; *provided, however*, that nothing herein shall be construed to
 18 extend any shorter term for which any judge may already have been
 19 appointed.

20 16. Section 32:14-26 of the Revised Statutes is amended to read as
 21 follows:

22 32:14-26. The Palisades Interstate Park Commission shall pay the
 23 judge or judges of the police court a per diem compensation not exceeding
 24 twenty-five dollars (\$25.00) per day.

25 17. Section 32:16-5 of the Revised Statutes is amended to read as follows:

26 32:16-5. The Palisades Interstate Park Commission may take by con-
 27 demnation, within the limits specified in section 32:16-1 of this Title, a fee-
 28 simple or lesser estate or right in all the necessary lands and rights in
 29 lands, upon ascertainment and payment of compensation as prescribed by
 30 law. The proceedings for such condemnation shall be under chapter one of
 31 Title 20, Eminent Domain, (§ 20:1-1 et seq.).

32 18. Section 32:16-6 of the Revised Statutes is amended to read as follows:

33 32:16-6. When the lands or rights in lands which the Palisades Inter-
 34 state Park Commission seeks to obtain for the parkway cannot be acquired by
 35 agreement with the owner thereof, because of a disagreement as to the price
 36 to be paid, the legal incapacity or absence of the owner, or his inability to
 37 convey valid title thereto, or for any other cause, the commission may enter
 38 upon and take any of such property in advance of making compensation there-
 39 for. In any such case, the commission, upon exercising this right and enter-
 40 ing upon and taking lands shall proceed without undue delay to condemn

10 the lands so entered upon in the manner prescribed by section 32:16-5 of
 11 this Title; and, in any such case the amount of the judgment in the action
 12 shall bear interest from the date of the entry by the commission to the date
 13 of the payment of the award to the owner or into the court, as the case
 14 may be.

15 19. Section 32:19-4 of the Revised Statutes is amended to read as follows:

16 32:19-4. Whenever the Interstate Sanitation Commission shall be of the
 17 opinion that any person, association or corporation, municipal or otherwise,
 18 within the district is failing or omitting, or about to fail or omit to do any-
 19 thing required of it by its order or by the laws governing the control or elimi-
 20 nation of pollution of the waters of the district, or is doing or is about to do
 21 anything or permitting or about to permit anything to be done contrary to or
 22 in violation of such orders or such laws or the provisions of the compact, it
 23 may direct its legal representative to commence an action or a proceeding in
 24 lien of prerogative writ in the name of the Interstate Sanitation Commis-
 25 sion in the Superior Court for the purpose of preventing the continuance of
 26 such violations or threatened violations either by injunctive or other relief.
 27 The court shall have jurisdiction to hear and determine such action or pro-
 28 ceeding upon the merits and grant such relief as may be appropriate.

29 20. This act shall take effect immediately.