

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 515

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mrs. DWYER

Referred to Committee on Revision and Amendment of Laws

A SUPPLEMENT to "An act to facilitate the financing and effectuation of air terminals by the Port of New York Authority and agreeing with the State of New York with respect thereto," approved April second, one thousand nine hundred and forty-seven (P. L. 1947, c. 43).

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

1 1. Notwithstanding any contrary provision of law, upon any application
2 by the Port Authority to a judge of the Superior Court to fix the amount
3 to be paid for lands to be taken by the Port Authority pursuant to the act
4 to which this act is a supplement, such judge may appoint three commis-
5 sioners to view said lands and to advise him what damages, if any, should
6 be assessed for the taking of such lands. The commissioners shall proceed
7 under such directions and rules as shall from time to time be fixed by the
8 said judge to view the lands, to hear such evidence as they may desire, and to
9 fix such sum, if any, that in their judgment will represent the fair value of
10 the lands so taken. The said judge may review such findings and shall not
11 be bound thereby, but may alter or reject such findings in such manner as
12 will, in his judgment, fairly protect the interests of the parties, and such re-
13 view may be made either with or without further hearing. The commis-
14 sioners so appointed to advise said judge shall make their report to him
15 within one hundred days from the date of their qualifications. It shall be

16 the duty of the judge or the commissioners, designated by him, to view the
17 real property to be acquired.

1 2. This act shall take effect upon the enactment into law of the legis-
2 lation amendatory of section fifteen of the act to which this act is supple-
3 mentary, passed by the Legislature at its present session as a part of "An
4 act concerning Interstate and Port Authorities and Commissions, and revis-
5 ing parts of the statutory law."

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STATEMENT

Senate Bill No. 28, already passed by the Legislature at this session, would eliminate the provision of law embodied in Revised Statutes, section 32:1-35.15 (j) and (k) and found in Title 32, Article 2A, enacted by P. L. 1947, chapter 43, and concerning the establishment and acquisition of air terminals by the Port of New York Authority, whereby the judge of the court may appoint three commissioners to view the lands and to advise him what damages, if any, should be assessed for the lands taken by the Port of New York Authority for air terminal purposes.

The purpose of this bill is to restore this now existing provision of law if Senate Bill No. 28 is enacted into law.

Under our general condemnation law, except cases involving the establishment and acquisition of marine and air terminals by the Port of New York Authority, the law requires the appointment of three commissioners to determine the value and damages to property being taken. Senate Bill No. 28, if enacted, would eliminate the three commissioners entirely where the taking is by the Port of New York Authority for marine or air terminals.