

SENATE, No. 187

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Highways

AN Act concerning the State Highway Department, and providing for the acquisition of lands for the relocation thereon of buildings located on lands acquired by the State for highway purposes and for the rental and sale of such lands and buildings, and supplementing Title 27 of the Revised Statutes.

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

**1 1. Whenever it shall appear to the State Highway Commissioner that
2 construction of a State highway, the acquisition of lands for which has been
3 previously authorized by him, will be impeded by reason of the occupancy
4 for dwelling purposes of buildings on the lands authorized to be required
5 for such highway, he shall have power to acquire, by gift, purchase or con-
6 demnation, additional lands for the purpose of providing sites upon which
7 may be relocated any or all buildings of any nature which are removable
8 from the lands authorized to be acquired for such highway and which,
9 after relocation, will be suitable or can be made suitable for dwelling
10 purposes; *provided, however,* that before the commissioner shall order the
11 acquisition of any such additional lands he shall ascertain the quantum
12 thereof requisite for the relocation of buildings sufficient to provide hous-
13 ing space for the person or persons dwelling on the lands authorized to be
14 acquired for such highway and agreeing in writing to occupy for dwelling**

15 purposes only, at a stipulated rental, the building or buildings, or a por-
16 tion or portions thereof, to be relocated on such additional lands.

1 2. Such additional lands may be acquired in tracts sufficiently large to
2 permit the laying out of sites for the relocation thereon of more than one
3 building or may be acquired in individual sites for the relocation thereon
4 of one building; *provided, however,* that no building or buildings shall be
5 relocated upon any site until a plan or plans therefor shall have first been
6 prepared at the behest of the State Highway Commissioner and approved
7 by him.

1 3. The power herein granted to relocate buildings shall include the
2 power to remove the same and to install all essential facilities, including
3 (but not limited to) water, sewerage, gas and electricity. Any and all work
4 to remove and effectuate the relocation of buildings may be done by the
5 State Highway Department or may be contracted for, but any contract
6 entered into shall in all respects comply with provisions of law regulating
7 contracts entered into by State agencies.

1 4. Whenever, in pursuance of this act, it shall be necessary to acquire
2 property by condemnation, the State Highway Commissioner shall proceed
3 in accordance with the provisions of chapter one of Title 20 of the Revised
4 Statutes, relating to Eminent Domain, and may enter upon and take such
5 property in advance of making compensation therefor.

1 5. For the purpose of acquiring lands pursuant to this act, and for
2 defraying any and all costs and expenses for removing and relocating
3 buildings, and for making said buildings suitable for occupancy as intended
4 by this act, the commissioner is authorized to expend funds heretofore or
5 hereafter appropriated to the State Highway Department for highway con-
6 struction purposes; and all proceeds from the sale or rental of the property
7 shall be credited to the fund available for highway construction purposes.

1 6. The State Highway Commissioner shall have power to sell any or
2 all lands acquired pursuant to this act, or any portion or portions thereof.

3 or any building or buildings relocated thereon, or to rent the same for
4 dwelling purposes; *provided, however, that:*

5 (a) All sales shall be at public auction;

6 (b) All rentals shall be made in the following order of preference:
7 to the original owner occupant of a relocated building; to an original
8 tenant of a relocated building; to an owner occupant of a building on the
9 property acquired for highway purposes, which was impractical to remove;
10 to a tenant of any building on the property acquired for highway pur-
11 poses; to any war veteran residing in the municipality in which the building
12 was relocated and who, under the Constitution, qualifies for tax exemption,
13 or the widow of such veteran. As between persons within the same prefer-
14 ence category, preference shall be determined upon a competitive basis,
15 if practicable; otherwise as the commissioner shall determine. In the event
16 that no person or persons having preference as hereinabove provided, shall
17 desire to rent property acquired pursuant to this act, the State Highway
18 Commissioner may rent the same in whatever manner will, in his judg-
19 ment, best serve the interest of the State.

1 7. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to permit the relocation of buildings removed from the area of highway construction in order to preserve, in so far as possible, existing housing facilities within urban areas.

[OFFICIAL COPY REPRINT]

SENATE, No. 187

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Highways

AN ACT concerning the State Highway Department, and providing for the acquisition of unimproved lands for the relocation thereon of structures located on lands acquired by the State for highway purposes and for the rental and sale of such lands and structures, and supplementing Title 27 of the Revised Statutes.

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

1 1. Whenever it shall appear to the State Highway Commissioner that
2 construction of a State highway, the acquisition of lands for which has been
3 previously authorized by him, will be impeded by reason of the presence of a
4 structure or structures on the lands authorized to be required for such high-
5 way, he shall have power to acquire, by gift, purchase or condemnation,
6 additional unimproved lands for the purpose of providing sites upon which
7 may be relocated such structure or any or all of such structures which are
8 removable from the lands authorized to be acquired for such highway and
9 which, after relocation, will be suitable for the purpose for which they were
10 used prior to such relocation; *provided, however,* that before the commis-
11 sioner shall order the acquisition of any such additional unimproved lands he
12 shall ascertain the quantum thereof requisite for the relocation of such
13 structure or structures, and shall obtain an agreement in writing from the
14 owner of such structure or structures at a stipulated rental for the struc-

15 ture or structures, or a portion or portions thereof, to be relocated on such
16 additional lands.

1 2. Such additional unimproved lands may be acquired in tracts suf-
2 ficiently large to permit the laying out of sites for the relocation thereon of
3 more than one structure or structures or may be acquired in individual sites
4 for the relocation thereon of one structure; *provided, however,* that no struc-
5 ture or structures shall be relocated upon any site until a plan or plans
6 therefor shall have first been prepared at the behest of the State Highway
7 Commissioner and approved by him.

1 3. The power herein granted to relocate structures shall include the
2 power to remove the same and to install all essential facilities, including
3 (but not limited to) water, sewerage, gas and electricity. Any and all work
4 to remove and effectuate the relocation of structure or structures may be done
5 by the State Highway Department or may be contracted for, but any contract
6 entered into shall in all respects comply with provisions of law regulating
7 contracts entered into by State agencies.

1 4. Whenever, in pursuance of this act, it shall be necessary to acquire
2 property by condemnation, the State Highway Commissioner shall proceed
3 in accordance with the provisions of chapter one of Title 20 of the Revised
4 Statutes, relating to Eminent Domain, and may enter upon and take such
5 property in advance of making compensation therefor.

1 5. For the purpose of acquiring lands pursuant to this act, and for
2 defraying any and all costs and expenses for removing and relocating
3 structures, and for making said structure or structures suitable for use as
4 intended by this act, the commissioner is authorized to expend funds hereto-
5 fore or hereafter appropriated to the State Highway Department for high-
6 way construction purposes; and all proceeds from the sale or rental of the
7 property shall be credited to the fund available for highway construction
8 purposes.

1 6. The State Highway Commissioner shall have power to sell any or
2 all lands acquired pursuant to this act, or any portion or portions thereof,

3 or any structure or structures relocated thereon, or to rent the same for the
4 use to which they were devoted prior to such relocation; *provided, however,*
5 that:

6 (a) All sales shall be at public auction;

7 (b) All rentals shall be made in the following order of preference: to
8 the original owner or user of a relocated structure or structures; to an origi-
9 nal user of a relocated structure or structures; to an owner user of a struc-
10 ture or structures on the property acquired for highway purposes, which was
11 impractical to remove; to a tenant of any structure or structures on the
12 property acquired for highway purposes; to any war veteran residing in
13 the municipality in which the structure or structures was relocated
13a and who, under the Constitution, qualifies for tax exemption, or the
13b widow of such veteran. As between persons within the same prefer-
14 ence category, preference shall be determined upon a competitive basis,
15 if practicable; otherwise as the commissioner shall determine. In the event
16 that no person or persons having preference as hereinabove provided, shall
17 desire to rent property acquired pursuant to this act, the State Highway
18 Commissioner may rent the same in whatever manner will, in his judg-
19 ment, best serve the interest of the State.

1 7. This act shall take effect immediately.