

40:60-51.2

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:60-51.2

Laws of 1977 Chapter 31 (Clarify Title To Certain Lands In Elizabeth)

Bill No. S1641

Sponsor(s) Dunn

Date Introduced Sept. 16, 1976

Committee: Assembly Municipal Gov't

Senate County & Municipal Gov't

Amended during passage Yes No

Date of passage: Assembly Feb. 7, 1977

Senate Sept. 30, 1976

Date of approval March 2, 1977

Following statements are attached if available:

Sponsor statement Yes ~~Yes~~ No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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10/4/76

SENATE, No. 1641

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 16, 1976

By Senator DUNN

Referred to Committee on County and Municipal Government

AN ACT to amend "An act to authorize any municipality to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of lands as to the erection, alteration or demolition of buildings or any other use to be made of land imposed by said municipality, and supplementing article 2 of chapter 60 of Title 40 of the Revised Statutes," approved March 27, 1943 (P. L. 1943, c. 33), as said Title was amended by P. L. 1946, c. 140 and P. L. 1970, c. 43.

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

1 1. Section 1 of P. L. 1943, c. 33 (C. 40:60-51.2) is amended to
2 read as follows:

3 1. Any municipality is authorized and empowered, by resolution
4 of the governing body thereof, to waive, release, modify or sub-
5 ordinate any terms, covenants, conditions, limitations or reverters
6 imposed in sales and conveyances of lands as to the erection,
7 alteration or demolition of buildings or any other use to be made
8 of land heretofore imposed by said municipality to accomplish the
9 purposes for which such lands were sold and conveyed either at
10 public or private sale made prior to January 1, **[1969]** 1976, but
11 only after public hearing held before such governing body, of the
12 holding of which notice describing the lands in question, and the
13 terms, covenants, conditions, limitations or reverters to be waived,
14 released, modified or subordinated, and, if to be modified or sub-
15 ordinated, describing the manner in which the same shall be modi-
16 fied or subordinated, shall first have been given by advertisement
17 published once each week for 2 weeks in a newspaper published in
18 said municipality or, if no newspaper be published therein, then in

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

19 a newspaper circulating in such municipality, provided, however,
20 that the power herein granted shall not be exercised to impair
21 any vested or contractual rights of third parties.

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify title to certain property sold by the city of Elizabeth to a private party in 1969, and then subsequently acquired by the board of education of the city of Elizabeth for a public purpose. Confirmation of title, by a change in the reverter clause in the initial sales contract, is essential for the orderly transfer of properties between the board of education and the county park commission of Union county.

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20 that the power herein granted shall not be exercised to impair
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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MARCH 3, 1977

KATHY FORSYTH

Governor Brendan Byrne has signed a bill which allows the governing body of a municipality, after holding a public hearing, to waive, release, modify or subordinate any covenants or reverters imposed on lands sold by the municipality prior to January 1, 1976. The existing laws allow such waivers or modifications on lands sold prior to January 1, 1969.

The bill, S-1641, was sponsored by State Senator Thomas G. Dunn (D-Union).

The purpose of the bill is to clarify title to a piece of property sold by the City of Elizabeth to a private party in 1969, and then subsequently acquired by the Elizabeth Board of Education. In order to clear the title, the city must now waive previously imposed conditions of the sale.

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