

R.S. 40:60-39, 40

October 27, 1971

LEGISLATIVE NOTES ON R.S. 40:60-39 and 40
(Municipal transfer of land to Board of Education)

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- L. 1970, Chapter 250 - A1174
September 14 - Introduced by A. Smith, Curcio.
Not amended during passage.
Has statement (copy enclosed).

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ASSEMBLY, No. 1174

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1970

By Assemblymen A. S. SMITH and CURCIO

(Without Reference)

AN ACT concerning municipalities and amending R. S. 40:60-39
and 40:60-40.

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

1 1. Section 40:60-39 of the Revised Statutes is amended to read
2 as follows:

3 40:60-39. When the governing body of a municipality shall
4 determine that all or any part of a tract of land with or without
5 buildings erected thereon, owned by the municipality, is no longer
6 desirable, necessary or required for other public purposes, it may
7 transfer and convey such land or any portion thereof, with or
8 without improvements thereon, to the board of education in the
9 municipality or a regional board of education of a regional school
10 district or a consolidated board of education of a consolidated school
11 district of which the municipality is a constituent part, *or the board*
12 *of education of any county vocational school of the county in which*
13 *the municipality is situate*, for a nominal consideration to be used
14 for public purposes connected with the district board of education
15 or the regional board of education or the consolidated board of
16 education, *or the board of education of any county vocational school*
17 *of the county in which the municipality is situate*. A prior dedica-
18 tion or use for park purposes of such land or any part thereof shall
19 not be deemed to preclude a transfer and conveyance thereof under
20 the provisions of this section.

1 2. Section 40:60-40 of the Revised Statutes is amended to read
2 as follows:

3 40:60-40. No transfer or conveyance of such land or property
4 as provided in section 40:60-39 of this Title shall be made until the
5 governing body of the municipality shall have adopted a resolution
6 declaring the property to be no longer desirable or necessary or
7 required for other public purposes, and authorizing the conveyance

8 thereof for public purposes by deed executed by the proper officers
9 of the municipality under the municipal seal, nor until the board of
10 education in said municipality or the regional board of education
11 or the consolidated board of education, *or the board of education*
12 *of any county vocational school of the county in which the munici-*
13 *pality is situate*, to whom such conveyance is to be made, shall have
14 adopted a resolution requesting or approving the conveyance of
15 such lands or property for such public purposes.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to authorize the governing body of any municipality in the State to determine that all or any part of a tract of land with or without buildings erected thereupon owned by it is no longer desirable, necessary or required for other public purposes, to transfer and convey such land or any portion thereof with or without improvements thereon to the board of education in the municipality or a regional board of education of a regional school district or a consolidated board of education of a consolidated school district of which the municipality is a constituent part or the board of education of any county vocational school of the county in which the municipality is situate for a nominal consideration to be used for public purposes of the board of education of any county vocational school in the county in which the municipality is situate.