

40A: 12-16

LEGISLATIVE FACT SHEET

on *Municipal land rights - self*

N.J.R.S. 40A: 12-16

( 1971 Amendment )

LAWS OF 1971

SENATE BILL 2322

INTRODUCED Nov. 15, 1971

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING

VETO

CHAPTER 425

2/1/72

ASSEMBLY BILL

BY *Dumont*

YES  NO

YES  NO

YES  NO

YES  NO

YES  NO

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## SENATE, No. 2322

## STATE OF NEW JERSEY

INTRODUCED NOVEMBER 15, 1971

By Senator DUMONT

(Without Reference)

AN ACT to amend the "Local Lands and Buildings Law," approved June 9, 1971 (P. L. 1971, c. 199).

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

1 1. Section 16 of P. L. 1971, c. 199 (C. 40A:12-16) is amended to  
2 read as follows:

3 16. Exchanges of certain lands; exceptions. The governing body  
4 of any county, by resolution, or any municipality, by ordinances  
5 may exchange any lands or any rights or interests therein owned by  
6 the county or municipality, except lands used for public highways  
7 or places, for other lands *or rights or interests therein* desired for  
8 public use. The county or municipality may exact and receive a  
9 cash consideration in addition to such other lands *or rights or*  
10 *interests therein* when such exchange shall be authorized, and such  
11 governing body determines that the lands *or rights or interests*  
12 *therein* to be conveyed to such county or municipality or such lands  
13 *or rights or interests therein* and the cash consideration to be paid  
14 are at least of equal value to, and their acquisition is more advan-  
15 tageous to, the county or municipality for public use, than the lands  
16 *or rights or interests therein* to be conveyed by the county or  
17 municipality, and that it is in the public interest that such exchange  
18 of lands *or rights or interests therein* be consummated. Any prior  
19 dedication or determination for use for park purposes of such land  
20 or any part thereof, shall not preclude an exchange thereof *or rights*  
21 *or interests therein* under this section but where the lands *or rights*  
22 *or interests therein* to be exchanged by a municipality are lands  
23 *or rights or interests therein* that have been dedicated and deter-  
24 mined for use for park purposes, *or are rights or interests in lands*  
25 *so dedicated or determined*, the lands *or rights or interests therein*  
26 received in exchange therefor by the municipality shall be used for

27 the same purposes. For purposes of this section, any land *or rights*  
28 *or interests therein* to be exchanged by the county or municipality  
29 shall be valued at not less than the amount for which it was acquired  
30 or in the case of an acquisition by gift or devise, in an amount of  
31 not less than the "full and fair value" of the land *or rights or*  
32 *interests therein* as determined by the assessor of the municipality  
33 in which it is located pursuant to R. S. 54:4-23 for the tax year in  
34 which the land was acquired by the county or the municipality. Any  
35 land *or rights or interests therein* which shall be conveyed to the  
36 county or municipality in exchange for any county or municipal  
37 land *or rights or interests therein* shall be valued at no more than  
38 the "full and fair value" determined for the land *or rights or*  
39 *interests therein* by the assessor of the municipality in which the  
40 land *or rights or interests therein* is located pursuant to R. S.  
41 54:4-23 for the then current tax year. In any case in which the  
42 value of the county or municipal land *or rights or interests therein*  
43 to be exchanged exceeds the value of the land *or rights or interests*  
44 *therein* to be received by the county or municipality, the county or  
45 municipality shall exact additional cash consideration, as autho-  
46 rized herein, equal to the difference of the two values as determined  
47 pursuant to this section.

1     2. This act shall take effect immediately.