

58:21A-1 to 9

February 10, 1970

LEGISLATIVE NOTES ON R.S. 58:21A-1 to 9
(State water supply - land in Monmouth & Middlesex for)

(1969 amendment)

COPY NO. 2

L. 1969, Chapter 138 - S499
Introduced February 11 by Beadleston & 14 others.
Statement.
Not amended during passage.

Similar bills introduced:

1968 - S937
Introduced by Beadleston.
Passed Senate; died in Assembly Committee.
Statement; copy of bill with statement attached.

1969 - A497
Introduced by Garibaldi & 9 others.
Substituted by S499

Newspaper story located:

"Hughes signs bill allotting shore water project fund." Asbury
Park Press, July 15, 1969. (Copy enclosed)

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CHAPTER.....139 LAWS OF N. J. 1969

APPROVED.....7/17/69

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SENATE, No. 499

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1969

By Senators BEADLESTON, STOUT, CRABIEL, LYNCH
and TANZMAN

and

Assemblymen GARIBALDI, COURY, HAELIG, OLSEN, COLEMAN,
AIKINS, APY and AZZOLINA

Referred to Committee on Agriculture, Conservation and National
Resources

AN ACT authorizing and directing the Commissioner of Conserva-
tion and Economic Development to acquire certain property in
the name of the State for water supply and other public pur-
poses.

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

1 1. The Commissioner of Conservation and Economic Develop-
2 ment is authorized and directed to acquire in the name of the State,
3 within 2 years from the effective date of this act, such lands which,
4 in the judgment of the commissioner are appropriate for the pur-
5 poses specified:

6 a. Such part of the area in and adjacent to the Manasquan river,
7 located in the townships of Wall and Howell in Monmouth county,
8 which in the judgment of the commissioner is appropriate and
9 useful for the future establishment of a water supply system, in-
10 cluding 2 reservoir sites, the lower site being in Wall township
11 and the upper site being in Howell township, Monmouth county,
12 together with the necessary and essential interconnecting diversion
13 facilities rights of way; and

14 b. Such lands in and adjacent to South river located in the town-
15 ships of East Brunswick and Madison and boroughs of Sayreville
16 and South River in the county of Middlesex, which in the judgment
17 of the commissioner are appropriate and necessary for the con-
18 struction of a tidal barrier dam and ground-water recharge pond
19 on South river to protect the Old Bridge water-bearing sand forma-
20 tion from surface and subsurface salt water intrusion and augment

21 the diversion of ground-water which can be safely diverted there-
22 from.

23 Real property acquired pursuant to this act shall also be made
24 available, in addition to the uses indicated under subsections a
25 and b, for recreational and conservation purposes.

1 2. Acquisition of said real property authorized and directed by
2 this act may be made by purchase or by the exercise of the power
3 of eminent domain, pursuant to the provisions of chapter 1 of
4 Title 20 of the Revised Statutes and P. L. 1958, chapter 34, section
5 13 (C. 58:22-13).

1 3. Where in the acquisition of real property pursuant to this act
2 it shall be deemed necessary to acquire lands, portions of which are
3 deemed by the Commissioner of Conservation and Economic De-
4 velopment to be in excess of the State's needs, the commissioner,
5 on behalf of the State, is authorized to enter into agreements of
6 exchange and to convey such excess portions of land as part or all
7 of the consideration for the purchase of other lands herein author-
8 ized and directed to be acquired. The commissioner may permit
9 either Wall township, Howell township, or Monmouth county the
10 first option to purchase for recreational purposes any land ac-
11 quired under section 1 a of this act, and the commissioner may
12 also permit either East Brunswick township, Madison township,
13 borough of Sayreville, borough of South River, or Middlesex county
14 the first option to purchase for recreational purposes any land
15 acquired under section 1 b of this act which may be subsequently
16 determined to be in excess for the project. In the event that any
17 such excess portions of land in the judgment of the commissioner
18 cannot feasibly be so exchanged or sold as aforesaid, the commis-
19 sioner, on behalf of the State, is authorized to enter into agree-
20 ments of public sale and to convey such excess portions of land
21 after public advertisement to the highest bidder therefor, the pro-
22 ceeds of such sale to be applied to the purchase of other lands
23 herein authorized and directed to be acquired and the balance of
24 proceeds, if any, to be returned to the State Water Development
25 Fund established by the "New Jersey Water Bond Act, 1958"
26 (P. L. 1958, c. 35).

1 4. To the end that municipalities may not suffer loss of taxes
2 by reason of the acquisition and ownership by the State of New
3 Jersey of property therein, the State Treasurer upon certification
4 of the Commissioner of Conservation and Economic Development
5 shall pay annually on October 1 to each municipality in which prop-
6 erty is acquired pursuant to this act (a) a sum equal to that last

7 paid as taxes upon such land for the taxable year immediately
8 prior to the time of its acquisition and (b) in addition, for a period
9 of 13 years following such acquisition the following amounts:
10 In the first year a sum of money equal to that last paid as taxes
11 upon improvements upon such land for the taxable year immedi-
12 ately prior to the time of its acquisition and thereafter the follow-
13 ing percentages of the amount paid in the first year, to wit, second
14 year 92%; third year 84%; fourth year 76%; fifth year 68%; sixth
15 year 60%; seventh year 52%; eighth year 44%; ninth year 36%;
16 tenth year 28%; eleventh year 20%; twelfth year 12%; thirteenth
17 year 4%.

18 All sums of money received by the respective municipalities as
19 compensation for loss of tax revenue pursuant to this section shall
20 be applied to the same purposes as is the tax revenue from the
21 assessment and collection of taxes on real property of the said
22 municipalities, and to accomplish this end such sums shall be
23 apportioned in the same manner as the general tax rate of the
24 municipality for the tax year preceding the year of receipt.

25 The State shall be reimbursed for payments required to be made
26 by this section out of the proceeds received from the sale of water
27 supplied by said system.

28 The State Treasurer shall also pay to any county or municipality
29 the cost of relocating any municipal or county roads made neces-
30 sary by the acquisition or use of property pursuant to this act.

1 5. No parts of moneys authorized to be expended by this act
2 shall be used for any purpose other than for payment for the
3 acquisition of land and improvements thereon, costs of engineer-
4 ing, inspection, legal, financial, professional and other estimates
5 and advice, organization, administrative, operating and other ex-
6 penses prior to and during such acquisition, and all such other
7 expenses as may be necessary or incident to the acquisition of
8 real property, easements and rights of way as determined by the
9 commissioner to be required for the establishment of the water
10 supply facility authorized by this act.

1 6. The Commissioner of Conservation and Economic Develop-
2 ment is authorized and directed to apply for and accept any grant
3 of money from the Federal Government which is, might be or may
4 become available for programs relating to water resources, includ-
5 ing but not limited to, development, preservation, recreation and
6 research and to subscribe to and comply with any rule or regulation
7 made by the Federal Government with respect to the application
8 for such a grant, and to enter into and perform any contract or
9 agreement with respect to the application for such a grant.

1 7. To initiate acquisition of Manasquan river reservoir sites
 2 pursuant to section 1a of this act, the Commissioner of Conser-
 3 vation and Economic Development is authorized and directed to
 4 use and expend \$1,000,000.00 of the moneys now held in the State
 5 Water Development Fund established by P. L. 1958, chapter 35
 6 and allocated by section 4(e) of the "New Jersey Water Supply
 7 Law, 1958," P. L. 1958, chapter 34 (C. 58:22-4) for the acquisition,
 8 as and when authorized specifically by law, of real property for
 9 additional water supply facilities in other areas of the State out-
 10 side of Raritan watershed or in the Millstone watershed, or both.

1 8. To initiate acquisition of the lands necessary for the con-
 2 struction of a tidal barrier dam and ground-water recharge pond
 3 on South river to protect the Old Bridge water-bearing sand for-
 4 mation from surface and subsurface salt water intrusion pursuant
 5 to section 1b of this act and augment the diversion of water which
 6 can be safely made therefrom, the Commissioner of Conservation
 7 and Economic Development is authorized and directed to use and
 8 expend \$1,250,000.00 of the moneys now held in the State Water
 9 Development Fund established by P. L. 1958, chapter 35 and allo-
 10 cated by section 4(d) of the "New Jersey Water Supply Law
 11 1958," P. L. 1958, chapter 34 (N. J. S. A. 58:22-4), which provides
 12 for the acquisition, as and when authorized specifically by law, of
 13 real property for additional water supply facilities in the Raritan
 14 watershed or in the Millstone watershed, or both.

1 9. The commissioner is also authorized and directed to use and
 2 expend for the purposes of this act such sums as may be included
 3 in any annual supplemental appropriation act.

1 10. This act shall take effect immediately.

STATEMENT

This bill would authorize the Commissioner of Conservation and Economic Development to acquire property in the area in and adjacent to the Manasquan river located in the townships of Wall and Howell in Monmouth county for the establishment of a future water supply system in that area in accordance with and as provided for the 1958 Water Bond Act.

The total cost of this acquisition is estimated at \$3,000,000.00. This legislation authorizes the commissioner to initiate the project by the use of moneys now remaining in the State Water Development Fund for reservoir land acquisition amounting to \$1,000,000.00. Future appropriations of \$2,000,000.00 will be required to finance the balance of the acquisitions, together with the

necessary and essential interconnecting diversion facilities rights of way.

This bill would also authorize the Commissioner of Conservation and Economic Development to acquire property as provided for in the 1958 Water Bond Act, in and adjacent to South river located in the townships of East Brunswick and Madison and the boroughs of Sayreville and South river in the county of Middlesex for the preservation of an existing supply approximately 30 m.g.d. ground-water from salt water intrusion by the future construction, when authorized by law, of a tidal barrier dam and of a ground-water recharge pond, when similarly authorized, which would create an additional supply estimated at 30 m.g.d. of water.

The total cost of this acquisition is estimated at \$5,000,000.00. This legislation authorizes the commissioner to initiate the project by the use of moneys now remaining in the State Water Development Fund for reservoir land acquisition amounting to \$1,250,000.00. Future appropriations of \$3,750,000.00 will be required to finance the balance of the acquisitions.

Additional appropriations will be required to complete the foregoing 2 projects from general revenues or the proceeds of future bond issues.

SENATE, No. 937

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 15, 1968

By Senators BEADLESTON and STOUT

(Without Reference)

AN ACT authorizing and directing the Commissioner of Conservation and Economic Development to acquire certain property in the name of the State for water supply and other public purposes.

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

1-2 1. The Commissioner of Conservation and Economic Develop-
3 ment is authorized and directed to acquire, in the name of the
4 State within 2 years from the effective date of this act, such part
5 of the area in and adjacent to the Manasquan river, located in the
6 townships of Wall and Howell in Monmouth county, which in the
7 judgment of the commissioner is appropriate and useful for the
8 future establishment of a water supply system, including 2 reser-
9 voir sites, the lower site being in Wall township and the upper site
10 being in Howell township, Monmouth county, together with the
11 necessary and essential interconnecting diversion facilities rights
12 of way.

1 2. Acquisition of said real property authorized and directed by
2 this act may be made by purchase or by the exercise of the power
3 of eminent domain, pursuant to the provisions of Chapter 1 of
4 Title 20 of the Revised Statutes and P. L. 1958, c. 34, s. 13 (C.
5 58:22-13).

1 3. Where in the acquisition of real property pursuant to this
2 act it shall be necessary to acquire lands, portions of which are
3 deemed by the Commissioner of Conservation and Economic De-
4 velopment to be in excess of the State's needs, the commissioner,
5 on behalf of the State, is authorized to enter into agreements of
6 exchange and to convey such excess portions of land as part or
7 all of the consideration for the purchase of other lands herein
8 authorized and directed to be acquired. The commissioner may
9 permit either Wall township, Howell township, or Monmouth

10 county the first option to purchase for recreational purposes any
11 land acquired under this act which may be subsequently determined
12 to be excess for the project. In the event that any such excess
13 portions of lands in the judgment of the commissioner cannot
14 feasibly be so exchanged, the commissioner, on behalf of the State,
15 is authorized to enter into agreements of public sale and to convey
16 such excess portions of land after public advertisement to the
17 highest bidder therefor, the proceeds of such sale to be applied
18 to the purchase of other lands herein authorized and directed to
19 be acquired and the balance of proceeds, if any, to be returned to
20 the State Water Development Fund established by the "New Jersey
21 Water Bond Act, 1958" (P. L. 1958, c. 35).

1 4. Real property acquired pursuant to this act shall be held
2 primarily for use in connection with a water supply system, but
3 shall also be made available, as a State reservation, for recrea-
4 tional and conservation purposes consistent with its primary use,
5 in accordance with rules and regulations to be promulgated by the
6 Commissioner of Conservation and Economic Development.

1 5. To the end that municipalities may not suffer loss of taxes
2 by reason of the acquisition and ownership by the State of New
3 Jersey of property therein, the State Treasurer upon certification
4 of the Commissioner of Conservation and Economic Development
5 shall pay annually on October 1 to each municipality in which prop-
6 erty is acquired pursuant to this act (a) a sum equal to that last
7 paid as taxes upon such land for the taxable year immediately
8 prior to the time of its acquisition and (b) in addition, for a period
9 of 13 years following such acquisition the following amounts:
10 In the first year a sum of money equal to that last paid as taxes
11 upon improvements upon such land for the taxable year immedi-
12 ately prior to the time of its acquisition and thereafter the follow-
13 ing percentages of the amount paid in the first year, to wit, second
14 year 92%; third year 84%; fourth year 76%; fifth year 68%; sixth
15 year 60%; seventh year 52%; eighth year 44%; ninth year 36%;
16 tenth year 28%; eleventh year 20%; twelfth year 12%; thirteenth
17 year 4%.

18 All sums of money received by the respective municipalities as
19 compensation for loss of tax revenue pursuant to this section shall
20 be applied to the same purposes as is the tax revenue from the
21 assessment and collection of taxes on real property of the said
22 municipalities, and to accomplish this end such sums shall be
23 apportioned in the same manner as the general tax rate of the
24 municipality for the tax year preceding the year of receipt.

25 The State shall be reimbursed for payments required to be made
26 by this section out of the proceeds received from the sale of water
27 supplied by said system.

28 The State Treasurer shall also pay to any county or municipality
29 the cost of relocating any municipal or county roads made neces-
30 sary by the acquisition or use of property pursuant to this act.

1 6. No parts of moneys authorized to be expended by this act
2 shall be used for any purpose other than for payment for the
3 acquisition of land and improvements thereon, costs of engineer-
4 ing, inspection, legal, financial, professional and other estimates
5 and advice, organization, administrative, operating and other ex-
6 penses prior to and during such acquisition, and all such other
7 expenses as may be necessary or incident to the acquisition of
8 real property, easements and rights of way as determined by the
9 commissioner to be required for the establishment of the water
10 supply facility authorized by this act.

1 7. The Commissioner of Conservation and Economic Develop-
2 ment is authorized and directed to apply for and accept any grant
3 of money from the Federal Government which is, might be or may
4 become available for programs relating to water resources, includ-
5 ing but not limited to, development, preservation, recreation and
6 research and to subscribe to and comply with any rule or regulation
7 made by the Federal Government with respect to the application
8 for such a grant, and to enter into and perform any contract or
9 agreement with respect to the application for such a grant.

1 8. To initiate acquisition of Manasquan river reservoir sites
2 pursuant to this act, the Commissioner of Conservation and Eco-
3 nomic Development is authorized and directed to use and expend
4 \$1,000,000.00 of the moneys now held in the State Water Develop-
5 ment Fund established by P. L. 1958, c. 35 and allocated by section
6 4(e) of the "New Jersey Water Supply Law, 1958," P. L. 1958,
7 c. 34 (C. 58:22-4) for the acquisition, as and when authorized
8 specifically by law, of real property for additional water supply
9 facilities in other areas of the State outside of the Raritan Water-
10 shed or in the Millstone Watershed, or both. The commissioner
11 is also authorized and directed to use and expend for the purposes
12 of this act such sums as may be included in any annual or supple-
13 mental appropriation act.

1 9. This act shall take effect immediately.

STATEMENT

This Bill would authorize the Commissioner of Conservation and Economic Development to acquire property in the area in and adjacent to the Manasquan River located in the Townships of Wall and Howell in Monmouth County for the establishment of a future water supply system in that area in accordance with and as provided for in the 1958 Water Bond Act.

The total cost of this acquisition is estimated at \$3,000,000.00. This legislation authorizes the Commissioner to initiate the project by the use of moneys now remaining in the State Water Development Fund for reservoir land acquisition amounting to \$1,000,000.00. Future appropriations of \$2,000,000.00 will be required to finance the balance of the acquisitions, together with the necessary and essential interconnecting diversion facilities rights of way.