

LEGISLATIVE HISTORY OF R.S. 40:55C-24
(Utilities in redevelopment project - Responsibility
of redevelopment agency and redeveloper)

No similar bills introduced, 1965-1969

Copy 2

L.1969 - Chapt. 208 - S667
Introduced April 2 by Farley

Bill had statement (copy enclosed)
Cond. veto by Governor (copy enclosed)

Bill was listed as "approved" in:
974.905 N.J. League of Municipalities
Legislative bulletin
No.7, 4-23-69

No clipping were located at:
V.F.--N.J.--Public utilities (1969)

RSL/AS

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SENATE, No. 667

STATE OF NEW JERSEY

INTRODUCED APRIL 2, 1969

By Senator FARLEY

Referred to Committee on County and Municipal Government

AN ACT to amend "An act providing for the establishment and regulation of redevelopment agencies and regional development agencies and prescribing their functions, powers and duties," approved June 14, 1949 (P. L. 1949, c. 306).

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

1 1. Section 24 of P. L. 1949, chapter 306 (C. 40:55C-24) is amended
2 to read as follows:

3 24. Every agreement entered into between an agency and any
4 redeveloper for the undertaking of any project or redevelopment
5 work, or part thereof, shall include, and by this provision shall be
6 deemed to include, even though omitted, a covenant or agreement
7 by the redeveloper that if as a part of the project or work, or in
8 connection therewith, any property owned or used by a public
9 utility (as defined in section 48:2-13 of the Revised Statutes) in
10 furnishing any commodity or service which it is authorized by law
11 to furnish, shall be removed, reconstructed, altered or relocated,
12 the cost and expense of the removal, reconstruction, alteration
13 or relocation of such property, including the cost of installing or
14 replacing such property in a new location or new locations, and
15 the cost of any lands or any rights or interests in lands, and any
16 other rights acquired to accomplish such removal, reconstruction,
17 alteration or relocation, less the cost of any lands or any rights
18 or interests in lands or any other rights of the public utility paid
19 to the public utility in connection with the removal, reconstruction,
20 alteration or relocation of such property, shall be paid by the re-
21 developer, party to such agreement, and shall be included in the
22 cost of the project or work. In case of the relocation of any such
23 property the public utility owning or using the same, its successors
24 and assigns, may maintain and operate such property, with the

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

25 necessary appurtenances in the new location or new locations for
26 as long a period and upon the same terms and conditions as it had
27 the right to maintain and operate such property in its former
28 location.

29 *In the event that as part of the project the agency has agreed*
30 *to pay for any or all items of expense described in section 23*
31 *(C. 40:55C-23) hereof and has included the same in the cost of the*
32 *project, then the agency and the redeveloper shall not be obligated*
33 *to include the cost of such work in any agreement with the redev-*
34 *oper, nor shall the redeveloper be obligated to pay for same. The*
35 *provisions of this section 24 (C. 40:55C-24) shall, however, be*
36 *applicable with respect to all items of *public utilities relocation**
37 *expense described ***[therein]*** *in sections 23 (C. 40:55C-23) and*
38 *24 (C. 40:55C-24) the responsibility* for which the agency has not*
39 *undertaken as part of the project ***[or included in the cost of the***
40 *project]* *and has not assumed in any agreement with the re-*
41 *developer*.*

1 2. This act shall take effect immediately.

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AN ACT to amend "An act providing for the establishment and regulation of redevelopment agencies and regional development agencies and prescribing their functions, powers and duties," approved June 14, 1949 (P. L. 1949, c. 306).

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2 to read as follows:

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4 redeveloper for the undertaking of any project or redevelopment
5 work, or part thereof, shall include, and by this provision shall be
6 deemed to include, even though omitted, a covenant or agreement
7 by the redeveloper that if as a part of the project or work, or in
8 connection therewith, any property owned or used by a public
9 utility (as defined in section 48:2-13 of the Revised Statutes) in
10 furnishing any commodity or service which it is authorized by law
11 to furnish, shall be removed, reconstructed, altered or relocated,
12 the cost and expense of the removal, reconstruction, alteration
13 or relocation of such property, including the cost of installing or
14 replacing such property in a new location or new locations, and
15 the cost of any lands or any rights or interests in lands, and any
16 other rights acquired to accomplish such removal, reconstruction,
17 alteration or relocation, less the cost of any lands or any rights
18 or interests in lands or any other rights of the public utility paid
19 to the public utility in connection with the removal, reconstruction,
20 alteration or relocation of such property, shall be paid by the re-
21 developer, party to such agreement, and shall be included in the
22 cost of the project or work. In case of the relocation of any such
23 property the public utility owning or using the same, its successors
24 and assigns, may maintain and operate such property, with the
25 necessary appurtenances in the new location or new locations for

26 as long a period and upon the same terms and conditions as it had
27 the right to maintain and operate such property in its former
28 location.

29 *In the event that as part of the project the agency has agreed*
30 *to pay for any or all items of expense described in section 23*
31 *(C. 40:55C-23) hereof and has included the same in the cost of the*
32 *project, then the agency and the redeveloper shall not be obligated*
33 *to include the cost of such work in any agreement with the redevelop-*
34 *er, nor shall the redeveloper be obligated to pay for same. The*
35 *provisions of this section 24 (C. 40:55C-24) shall, however, be*
36 *applicable with respect to all items of expense described therein*
37 *for which the agency has not undertaken as part of the project or*
38 *included in the cost of the project.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of the amendment is to clarify the provisions of section 23 (C. 40:55C-23) and section 24 (C. 40:55C-24) with respect to the payment of utility work. Both sections refer to such payment and the amendment will spell out specifically the respective responsibility of the agency and the redeveloper in a redevelopment project as to the payment of the cost of removing, reconstructing, altering or relocating utilities in a redevelopment project.

SENATE AMENDMENTS TO
SENATE, No. 667

STATE OF NEW JERSEY

ADOPTED NOVEMBER 17, 1969

Amend page 2, section 1, line 36, insert after "of" and before "expense" the phrase "public utilities relocation", and delete after the word "described" the word "therein", inserting in lieu thereof the phrase "in sections 23 (C. 40:55C-23) and 24 (C. 40:55C-24) the responsibility".

Amend page 2, section 1, lines 37 and 38, after the word "project" on line 37, delete the phrase "or included in the cost of the project" and insert in lieu thereof the phrase "and has not assumed in any agreement with the redeveloper".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 17, 1969

SENATE BILL NO. 667

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 667, with my objections, for reconsideration.

Senate Bill No. 667 would allow a redevelopment agency in urban renewal to include as part of its costs the cost of the relocation of the facilities of a public utility displaced as a result of a redevelopment plan. Presently, the cost of relocating such a public utility facility must be paid by the developer. This bill would allow the redevelopment agency, at its option, to absorb such a cost as an additional incentive to attract developers.

Although I find the intent of the bill acceptable, there are some technical errors which should be corrected in order to avoid any misunderstanding. I therefore recommend the following changes:

1. Page 2, Section 1, Line 36: Insert after "of" and before "expense" the phrase "public utilities relocation"; and delete after the word "described" the word "therein", inserting in lieu thereof the phrase "in sections 23 (C. 40:55C-23) and 24 (C. 40:55C-24) the responsibility".
2. Page 2, Section 1, Lines 37 and 38: After the word "project" on line 37, delete the phrase "or included in the cost of the project" and insert in lieu thereof the phrase "and has not assumed in any agreement with the redeveloper".

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor