

R.S. 20:1-3.11

October 21, 1971

LEGISLATIVE HISTORY OF R.S.20:1-3.11
(State acquire land-gift, devise, purchase, condemnation)

No similar bill introduced, 1967-1970

copy 2

For background see:

974.90 N.J. Eminent Domain Revision Commission
R288 Public hearings...
1963b

974.90 N.J. Legislature. Assembly. Special committee...
R288 the use of public funds to acquire title
1964a to land...
Private hearings...

974.90 N.J. Eminent Domain Revision Commission
R288
1965 Report

974.90
R288 Public hearings...
1965a
and
1965b Private hearings...
and
1965d Preliminary report...

L.1970 - chap.214 - A 1199
Sept.14 - Introduced by De Korte and Vander Platt.
Amended in Senate (copy enclosed)
No statement on the bill.

No clippings located: V.E.--Eminent Domain
V.P.--Purchase
V.E.--Real property

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CHAPTER 214 LAWS OF N. J. 1970
APPROVED 10/13/70

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ASSEMBLY, No. 1199

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1970

By Assemblymen DE KORTE and VANDER PLAAT

(Without Reference)

AN ACT concerning the acquisition of land by condemnation instituted by the Director of the Division of Purchase and Property or the board of trustees of a State college.

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

1 1. Whenever authorized by law to acquire lands or rights therein,
2 whether for the immediate or future use of the State, the Director
3 of the Division of Purchase and Property or the board of trustees
4 of a State college may acquire such lands or rights therein by gift,
5 devise or purchase, or by condemnation in the manner provided in
6 chapter 1 of Title 20, Eminent Domain, of the Revised Statutes,
7 except as otherwise provided by this act.

8 Upon the institution of an action to fix the compensation to be
9 paid, or at any time thereafter, the director **or** the board, as the
10 case may be, may file with the Clerk of the Superior Court a declara-
11 tion of taking, declaring that the possession of one or more of the
12 tracts or parcels of property described in the petition is thereby
13 being taken by and for the use of the State or the college. The
14 declaration of taking shall be sufficient if it sets forth (1) a descrip-
15 tion of each tract or parcel of property to be taken; (2) a statement
16 of the estate or interest in the said property being taken; and (3) a
17 statement of the sum of money estimated by the director or the
18 board to be just compensation for the taking. Upon the filing of said
19 declaration, the director or the board shall deposit with the Clerk
20 of the Superior Court the amount of the estimated compensation
21 stated in said declaration.

22 Upon the filing of the declaration and the depositing with the
23 Clerk of the Superior Court of the amount of the estimated com-
24 pensation as stated in the declaration, the State or the college, with-
25 out other process or proceedings shall be entitled to the exclusive

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

26 possession and use of each tract or parcel of property described in
27 the declaration and may forthwith enter into and take possession
28 of said property, it being the intent of this provision that the action
29 to fix the compensation to be paid or any other proceeding relating
30 to the taking of such property or entering therein shall not delay
31 the taking of possession and the use thereof by the State or the
32 college. The director or the board shall not abandon any condemna-
33 tion proceeding subsequent to the date upon which the State or the
34 college has taken possession of the property as herein provided.

35 In the event that any party in possession fails to peaceably sur-
36 render the premises condemned within 30 days after service upon
37 him of the notice set forth below, then, upon affidavit of the director
38 or the board, a writ of possession shall issue forthwith from the
39 Clerk of the Superior Court.

40 The director or the board shall cause notice of the filing of said
41 declaration and the making of said deposit to be served upon each
42 party to the action to fix the compensation to be paid, who resides
43 in this State, either personally or by leaving a copy thereof at his
44 residence, and upon each such party who resides out of the State
45 by mailing thereof to him at his residence if known. In the event
46 that the residence of any such party or the name of such party is
47 unknown, such notice shall be published at least once in the news-
48 paper published or circulating in the county or counties in which
49 the property is located. Such service, mailing or publishing shall
50 be made within 20 days after the filing the declaration. Upon the
51 application of any party in interest and after notice to other parties
52 in interest, including the director or the board and the Director of
53 the Division of Taxation, Department of the Treasury, the Superior
54 Court may direct that the money deposited with the Clerk of the
55 Superior Court or any part thereof to be paid forthwith, without
56 deduction of any fees or commissions, to the person or persons
57 entitled thereto for or on account of the just compensation to be
58 awarded in such action; provided, that each person shall have filed
59 with the Clerk of the Superior Court a consent in writing that, in
60 the event the award in the action shall be less than the amount
61 deposited, the court, after such notice as the court prescribes and a
62 hearing, may determine the liability, if any, for the return of such
63 difference or any part thereof and enter judgment therefor. In no
64 event shall ***[any money]*** **more than 75% of the money** on de-
65 posit be paid unless the party in possession shall have vacated the
65a premises condemned.

66 If the amount of the award as finally determined by the court
67 shall exceed the amount so deposited, the person or persons to whom

68 the award is payable shall be entitled to recover from the State or
69 the college the difference between the amount of the deposit and the
70 amount of the award, with interest at the rate of 6% per annum
71 thereon from the date of the making of the deposit. If the amount
72 of the award shall be less than the amount so deposited, the Clerk
73 of the Superior Court shall return the difference between the
74 amount of the award and the deposit to the director or the board
75 unless the amount of the deposit or any part thereof shall have
76 theretofore been distributed, in which event the court, upon applica-
77 tion of the director or the board and notice to all parties interested
78 in the award and affording them an opportunity to be heard, shall
79 enter judgment in favor of the State or the college for such differ-
80 ence against the party or parties liable for the return thereof.

1 2. This act shall take effect immediately.

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15 tract or parcel of property to be taken; (2) a statement of the estate
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17 the sum of money estimated by the director or the board to be just
18 compensation for the taking. Upon the filing of said declaration,
19 the director or the board shall deposit with the Clerk of the Superior
20 Court the amount of the estimated compensation stated in said
21 declaration.

22 Upon the filing of the declaration and the depositing with the
23 Clerk of the Superior Court of the amount of the estimated com-
24 pensation as stated in the declaration, the State or the college, with-
25 out other process or proceedings shall be entitled to the exclusive
26 possession and use of each tract or parcel of property described in

SENATE AMENDMENT TO
ASSEMBLY, No. 1199

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 21, 1970

Amend page 1, section 1, line 9, after "director", insert "or".

Amend page 2, section 1, line 64, omit "any money", insert "more than 75% of the money".