

ASSEMBLY, No. 2018

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Establishes wind easements in NJ.

CURRENT VERSION OF TEXT

As introduced.



A2018 MCHOSE

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1 AN ACT concerning wind easements, and amending P.L.1978,
2 c.152.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 3 of P.L.1978, c.152 (C.46:3-26) is amended to read
8 as follows:

9 3. a. Any instrument creating a solar easement shall include,
10 but the contents shall not be limited to:

11 **[a.]** (1) The vertical and horizontal angles, expressed in
12 degrees, at which the solar easement extends over the real property
13 subject to the solar easement.

14 **[b.]** (2) Any terms or conditions or both under which the solar
15 easement is granted or will be terminated.

16 **[c.]** (3) Any provisions for compensation of the owner of the
17 property benefiting from the solar easement in the event of
18 interference with the enjoyment of the solar easement or
19 compensation of the owner of the property subject to the solar
20 easement for maintaining the solar easement.

21 b. Any instrument creating a wind easement shall include, but
22 the contents shall not be limited to:

23 (1) A description of the dimensions of the easement sufficient to
24 determine the horizontal space across and vertical space above the
25 burdened property that must remain unobstructed.

26 (2) Any terms or conditions or both under which the wind
27 easement is granted or will be terminated.

28 (3) Any legal description of the real property benefited and
29 burdened by the easement as well as any restrictions placed upon
30 vegetation, structures, and other objects that would impair or
31 obstruct the windflow access and through the easement.

32 (cf: P.L.1978, c.152, s.3.)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill establishes wind easements in New Jersey. Current law
40 provides for the establishment of solar easements in New Jersey
41 under the "Solar Easement Act." This bill amends current law to
42 include wind easements. Wind easements are obtained for the
43 purpose of insuring the undisturbed flow of wind across the real
44 property of another.

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

Matter underlined thus is new matter.