

ASSEMBLY, No. 2390

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 14, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman DAVID W. WOLFE

District 10 (Monmouth and Ocean)

SYNOPSIS

Requires DOT commissioner to offer certain excess lands to contiguous property owners at private sale.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale of certain lands and supplementing
2 chapter 12 of Title 27 of the Revised Statutes.

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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. Notwithstanding the provisions of R.S. 27:12-1 or any other law
8 to the contrary, if the Commissioner of Transportation determines,
9 pursuant to R.S. 27:12-1, that real property acquired for the use of the
10 State in the improvement, betterment, reconstruction or maintenance
11 of a State highway is no longer required for such use, the
12 commissioner shall first offer to sell such property or any right or
13 interest therein at private sale to the owner of the real property whose
14 frontage is contiguous to the real property being sold; provided that
15 the property being sold is less than the minimum size required for
16 development under the municipal zoning ordinance of the municipality
17 in which the property is located and is without any capital
18 improvement thereon; except that when there is more than one owner
19 with real property whose frontage is contiguous thereto, the property
20 shall be sold to the highest bidder from among all such owners. Any
21 such sale shall be for not less than the fair market value of the real
22 property.

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24 2. The sale of real property permitted by section 1 of this act may
25 only occur after the owners of record of the property at the time of
26 acquisition have been notified and provided the right to repurchase
27 their interest pursuant to section 1 of P.L.1985, c.201 (C.52:31-1.4).

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29 3. The provisions of this act shall not affect the right of the
30 commissioner to sell at private sale to a municipal corporation or to
31 any public board or commission any real estate or any right or interest
32 therein as provided in subsection a. of R.S. 27:12-1.

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34 4. This act shall take effect immediately.

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37 STATEMENT

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39 The bill provides that the Commissioner of Transportation shall first
40 offer to sell at private sale remainder parcels no longer required for
41 highway purposes to the owner of the real property whose frontage is
42 contiguous to the remainder parcel being sold, provided there is no
43 capital improvement on the parcel. Any such sale shall be for not less
44 than the fair market value of the remainder parcel.

45 This change in current law is modeled on the provisions of N.J.S.
46 40A:12-13(b)(5) in which counties or municipalities are permitted to

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1 sell remainder parcels at private sale to contiguous owners. The
2 provisions of this bill do not affect the right of first refusal for
3 previous owners of the property contained in N.J.S.A. 52:31-1.4 or
4 the ability of the commissioner to sell the lands at private sale to public
5 entities.