

SENATE, No. 500

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator ANDREW R. CIESLA

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.



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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
14 contiguous to the real property being sold; provided that the property
15 being sold is less than the minimum size required for development
16 under the municipal zoning ordinance of the municipality in which the
17 property is located and is without any capital improvement thereon;
18 except that when there is more than one owner with real property
19 contiguous thereto, the property shall be sold to the highest bidder
20 from among all such owners. Any such sale shall be for not less than
21 the fair market value of the real property.

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

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

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33 4. This act shall take effect immediately.

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STATEMENT

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

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44 This change in current law is modeled on the provisions of N.J.S.A.
45 40A:12-13(b)(5) in which counties or municipalities are permitted to
46 sell remainder parcels at private sale to contiguous owners. The
provisions of this bill do not affect the right of first refusal for

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- 1 previous owners of the property contained in N.J.S.A. 52:31-1.4 or
- 2 the ability of the commissioner to sell the lands at private sale to public
- 3 entities.