

# SENATE, No. 1363

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 6, 2012

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Senator O'Toole**

**SYNOPSIS**

Allows for exclusion of certain properties from Highlands preservation area.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/14/2012)**

1 AN ACT concerning the preservation area of the Highlands Region  
2 and supplementing P.L.2004, c.120 (C.13:20-1 et al.).

3

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

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7 1. a. Notwithstanding subsection b. of section 7 of P.L.2004,  
8 c.120 (C.13:20-7) or any other law, or any rule or regulation  
9 adopted pursuant thereto, to the contrary, beginning on the date of  
10 enactment of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill), when an owner of property located within the  
12 preservation area offers that property for sale to the State and the  
13 State rejects the offer due to the lack of available funding to  
14 purchase the property at an amount equal to a fair market value  
15 appraisal or appraisals of the value of the lands made using the land  
16 use zoning of the lands, and any State environmental laws or  
17 Department of Environmental Protection rules and regulations that  
18 may affect the value of the lands subject to the appraisal and in  
19 effect on August 9, 2004, that property owner may request that the  
20 property be removed from the preservation area.

21 b. Upon a written request from the property owner to the  
22 Commissioner of Environmental Protection and the Chair of the  
23 Highlands Water Protection and Planning Council containing  
24 documentation from the State specifying that the State does not  
25 have funds available to purchase the property at a price equal to the  
26 value of the lands as appraised made using the land use zoning of  
27 the lands, and any State environmental laws or Department of  
28 Environmental Protection rules and regulations that may affect the  
29 value of the lands subject to the appraisal and in effect on August 9,  
30 2004, the property shall be exempt from the provisions of sections  
31 30 through 43 of P.L.2004, c.120 (C.13:20-28 et al.) and shall be  
32 regulated by the State and the local government unit in the same  
33 manner as property located in the planning area.

34 The property shall be excluded from the preservation area and  
35 this exclusion shall be recorded on the deed of the property, on  
36 written order of the Commissioner of Environmental Protection in  
37 conjunction with the Chair of the Highlands Water Protection and  
38 Planning Council, by the clerk or register of deeds and mortgages of  
39 the county wherein the affected property is located and shall remain  
40 attached thereto.

41 c. The Commissioner of Environmental Protection and the  
42 Chair of the Highlands Water Protection and Planning Council shall  
43 take all appropriate action to note the exclusion of a property  
44 pursuant to this section on all maps and descriptions of the  
45 preservation area prepared or published by the Department of  
46 Environmental Protection or the council.

47 d. The provisions of this section shall be applicable only to  
48 lands the owners of which at the time of the proposed sale to the

1 State is the same person who owned the lands on the date of  
2 enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has owned  
3 the lands continuously since that enactment date, or is an immediate  
4 family member of that person.

5

6 2. This act shall take effect immediately.

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#### STATEMENT

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11 This bill would allow, beginning on the date of enactment of this  
12 bill into law, an owner of property located in the Highlands  
13 preservation area to request that the property be excluded from the  
14 preservation area under certain circumstances. Specifically, this  
15 bill would provide that when an owner of property located within  
16 the preservation area offers that property for sale to the State and  
17 the State rejects the offer due to the lack of available funding to  
18 purchase the property at an amount equal to a fair market value  
19 appraisal of the value of the lands as of August 9, 2004 (the day  
20 before the date of enactment of the “Highlands Water Protection  
21 and Planning Act,” P.L.2004, c.120), that property owner may  
22 request that the property be removed from the preservation area.  
23 Under the bill, upon written request by the property owner to the  
24 Commissioner of Environmental Protection and the Chair of the  
25 Highlands Water Protection and Planning Council containing  
26 documentation from the State that the State does not have funds  
27 available to purchase the property at a price equal to the value of  
28 the lands as of August 9, 2004, the property would be exempt from  
29 the provisions of sections 30 through 43 of P.L.2004, c.120  
30 (C.13:20-28 et al.) and would be regulated by the State and the local  
31 government unit in the same manner as property located in the  
32 planning area.

33 The bill would apply to lands the owners of which at the time of  
34 the proposed sale to the State is the same person who owned the  
35 lands on the date of enactment of the “Highlands Water Protection  
36 and Planning Act” and who has owned the lands continuously since  
37 then, or is an immediate family member of that person.

38 The bill would require that the property be excluded from the  
39 preservation area and would require this exclusion to be recorded  
40 on the deed of the property. The bill would require the  
41 Commissioner of Environmental Protection and the Chair of the  
42 Highlands Water Protection and Planning Council to take all  
43 appropriate action to note the exclusion of such a property on all  
44 maps and descriptions of the preservation area prepared or  
45 published by the Department of Environmental Protection or the  
46 council.