Melissa Velez-Morales

From: Masser, Michelle
Sent: Tuesday, February 23, 2016 3:43 PM
To: Harris, Laura
Cc: Gouveia, Susan; Melissa Velez-Morales
Subject: FW: NJDEP Press Release - Fisrt Eminent Domain Actions Taken
Attachments: First Eminent Domain Actions.docx

CORRESPONDENCE

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From: Rogers, Joseph [mailto:Joseph.Rogers@dep.nj.gov] **On Behalf Of** Randazzo, Cindy
Sent: Tuesday, February 23, 2016 3:00 PM
To: Randazzo, Cindy <Cindy.Randazzo@dep.nj.gov>
Cc: Rogers, Joseph <Joseph.Rogers@dep.nj.gov>; Fenderson-Singh, Nateshea <Nateshea.Fenderson-Singh@dep.nj.gov>
Subject: NJDEP Press Release - Fisrt Eminent Domain Actions Taken

Dear Municipal Clerks:

Please see the attached NJDEP Press Release concerning the First Eminent Domain Actions against Beachfront Homeowners.

If you have any questions, please contact me directly.

Sincerely,

Cindy W. Randazzo
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IMMEDIATE RELEASE:
November 13, 2015

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CHRISTIE ADMINISTRATION FILES FIRST EMINENT DOMAIN ACTIONS AGAINST BEACHFRONT HOMEOWNERS IN NORTHERN OCEAN COUNTY

SEVEN ACTIONS FILED AGAINST PROPERTY OWNERS IN BRICK; ANOTHER 21 FILED AGAINST PROPERTY OWNERS ON LONG BEACH ISLAND AND ABSECON ISLAND

(15/P106) TRENTON – The Christie Administration has filed its first eminent domain actions to attain easements from beachfront property owners in northern Ocean County required by the U.S. Army Corps of Engineers to construct a federally funded engineered beach and dune project that will protect one of the areas hardest hit by Superstorm Sandy from severe storms and flooding, Department of Environmental Protection Commissioner Bob Martin and Acting Attorney General John. J. Hoffman announced today.

The filings against seven property holders in Brick Township this week build upon the ongoing work by the State to secure easements necessary to construct vital coastal projects that will protect lives, homes, businesses and infrastructure from storm surges and flooding.

The actions were filed in Ocean County Superior Court. There are currently 283 easements still outstanding on the northern Ocean County peninsula, held by 176 property owners.

"It is disappointing that we need to go through such considerable legal efforts to obtain easements from holdouts who continue to delay our efforts to safeguard our coast, particularly in northern Ocean County, where Superstorm Sandy did the most damage," Commissioner Martin said. "We will continue to be aggressive in seeking condemnation of portions of remaining properties in northern Ocean County and elsewhere along the coast to avoid any further delays for these critical Army Corps beach projects that will protect lives and property."

"We continue to appreciate the majority of beachfront property owners who have unselfishly volunteered their easements in service of the greater good – namely coastal protection efforts that benefit all New Jersey residents," said Acting Attorney General Hoffman. "As we were reminded by Superstorm Sandy, coastline protection efforts are vital to safeguarding our communities against certain natural disasters. For that reason, we remain committed to acquiring all of the needed easements as expeditiously as possible."

From mid-October through this week, the state has filed a total of 28 eminent domain actions against beachfront property owners along the New Jersey coast. In addition to the seven filed against Brick property owners, another four complaints have been filed in Atlantic County Superior Court against private property owners in Margate and Longport, where an Absecon Island beach and dune project has been delayed.

Another 17 complaints filed in Ocean County Superior Court against property owners on Long Beach Island, needed for the completion of an ongoing $128 million beach and dune construction project, have also been filed in the past month.

It is in northern Ocean County, where Superstorm Sandy decimated coastal communities, where the most holdouts remain. A total of 124 easements, held by 71 property owners, are still needed in Bay Head and another 68 easements from 50 property owners are required in Point Pleasant Beach.

A major beach and dune construction project that would protect all northern Ocean County municipalities from Point Pleasant Beach to Berkeley Township, while also complementing a 3-1/2-mile steel sheet revetment to protect Route 35 in Brick and Mantoloking, has been delayed as a result of these holdouts.

The DEP is continuing to work with the U.S. Army Corps to phase the large project in smaller sections so work can begin sooner.

"We are grateful for those who have unselfishly volunteered their easements in northern Ocean County," Commissioner Martin added. "These are the people who clearly remember the damage Sandy did and want the protection for themselves and their neighbors."

Helping significantly to clear the way for the obtainment of easements was a landmark decision by the New Jersey Supreme Court in July 2013, which resulted from strong advocacy by the State regarding how to determine compensation for easements needed for an already-completed shore protection project in the borough of Harvey Cedars on Long Beach Island.

The borough sought an easement from the Karan family to build a 22-foot-high protective dune on a portion of their lot. The municipality used its power of eminent domain to acquire the easement, but the parties could not agree on fair compensation. A trial jury placed the value of the Karans easement at $375,000, and the Appellate Division upheld that verdict. However, on July 8, 2013, the state Supreme Court overturned the jury award and ordered a new trial.

In reversing the jury award, the Supreme Court held that homeowners who are subject to a property-taking on behalf of public projects "are not entitled to a windfall" that disregards the protective benefits of those projects to their own properties. The Karans subsequently settled, accepting $1 as compensation.

USACE, DEP, and local communities have been partnering to construct a comprehensive coastal protection system for New Jersey, largely funded by the federal Sandy Relief Act, signed into law in 2013.

Last year, USACE, in partnership with DEP, completed eight post-Sandy beach repair projects, returning roughly 45 miles of previously engineered and constructed beaches along the New Jersey coast to their original protective construction design at a cost of $345 million.

USACE and DEP are currently undertaking a $128 million beach and dune construction project on Long Beach Island, which is slated for completion next spring. A $57.6 million beach and dune project in southern Ocean City, the Strathmere section of Upper Township and Sea Isle City in Cape May County was completed last month. A $38.2 million project to construct beaches and improve infrastructure in the area of Loch Arbour, Allenhurst and Deal in Monmouth County has also been completed.

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