

**The Fund for the Support of Public Schools**

- Established in 1817
- N.J. Constitution of 1844, Art. IV, sec. 7, para 6
- N.J.S.A. 18A-56-1
- N. J. Constitution (1947), Art. VIII, sec. 4, para 2

**RIPARIAN STATUTES**

- N.J.S.A 12:3 1 to 28
- N.J.S.A 13:1B-13.1 to 13.14

**The Tidelands Resource Council**

- 12 Governor-appointed members
- Makes the initial decisions to sell or lease tidelands
- All of the decisions must then be approved by the Commissioner of the Department of Environmental Protection.
- Tidelands grants and leases must also be approved by the Attorney General. The Governor no longer is in chain of approval.

**In the Beginning...**

- Tidelands, or riparian lands are intimately connected with the Public Trust Doctrine, having roots that extend all the way back to the Roman Empire and Emperor Justinian.
- In creating Roman law, Justinian declared: *"The seashore is owned by everyone, and no one."* This set the stage for distinguishing between public and private property ownership.
- Arnold v. Mundy (Supreme Court 1821)

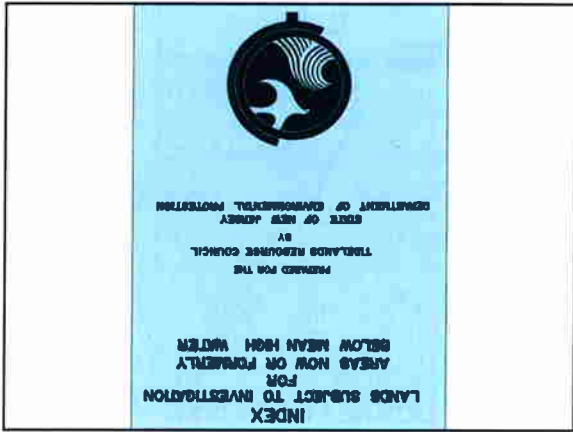
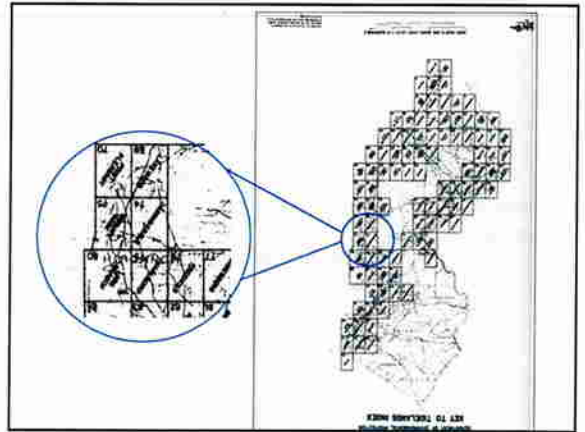
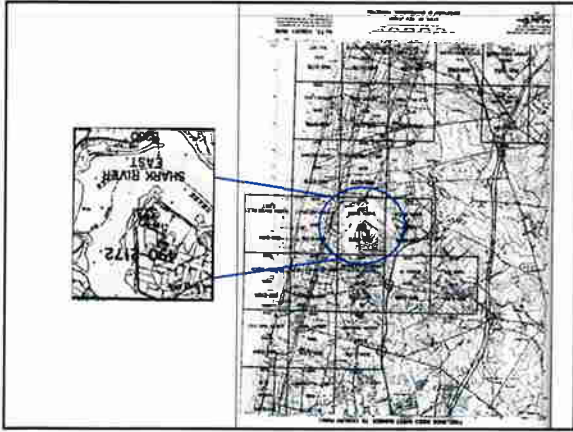
**Tidelands**

- TIDELANDS are all those lands now or formerly flowed by the mean high tide of a natural waterway.
- The State of New Jersey owns all Tidelands except for those to which it has already sold its interest in the form of a riparian grant.

**BUREAU OF TIDELANDS MANAGEMENT**

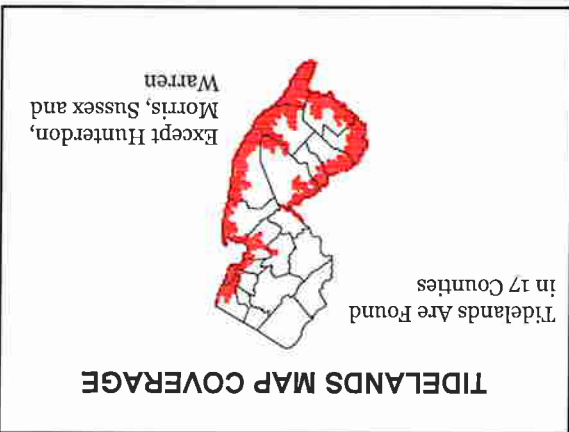
Division of Land Use Regulation  
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 Trenton, NJ 08625-0439  
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Presented by Richard Catigaris  
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**DOES THE STATE HAVE A TIDELANDS TITLE INTEREST ON A PROPERTY?**

- Consult the DEP Handbook titled "LANDS SUBJECT TO INVESTIGATION FOR AREAS NOW OR FORMERLY BELOW MEAN HIGH TIDE" <http://www.nj.gov/dep/landuse/tideland.html> Will be available on our website later this month:



**Riparian Cases**

*O'Neill v. State Highway Department, 50 N.J. 307 (1967)*

• "The State cannot acquire interior land by its construction of such artificial works as ditching which enables the tide to ebb and flow on lands otherwise beyond it. And so too the riparian owner cannot, today, enlarge his holdings by excluding the tide." *50 N.J. at 324*

The State Supreme Court said "As a matter of good housekeeping, the appropriate officers of the State should do what is feasible to catalogue the State's far-flung holdings, but we cannot be indifferent to the difficulties involved, especially in ascertaining all the tidelands to which the State has clear or colorable title."

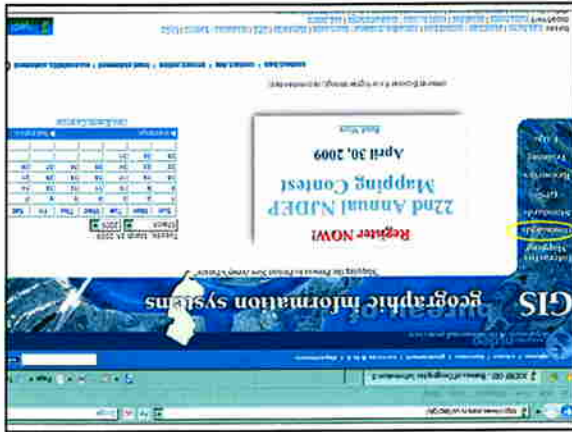
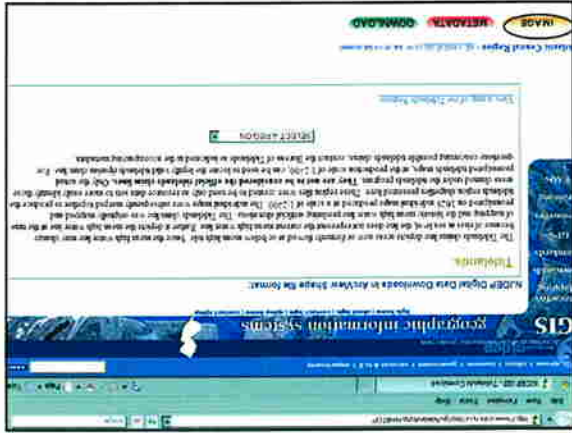
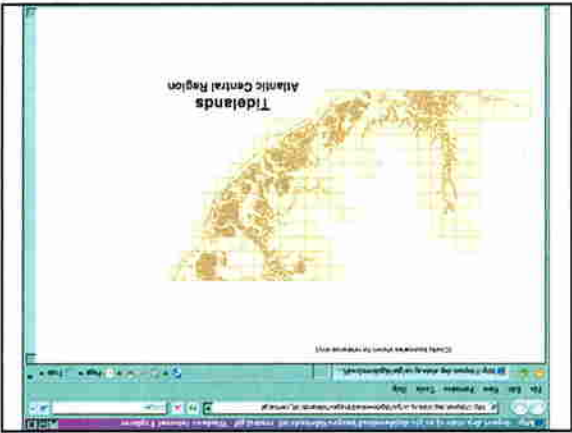
**BEYOND STATE TIDELANDS CLAIMS MAPS--THE MAPS DON'T TELL THE WHOLE STORY**

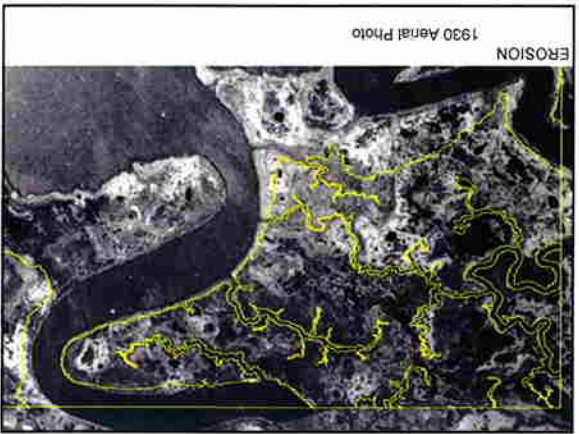
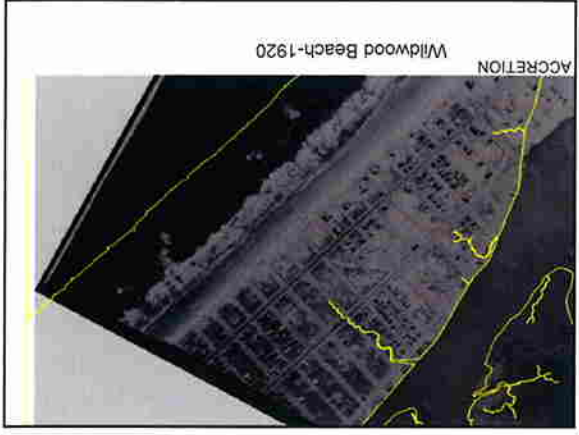
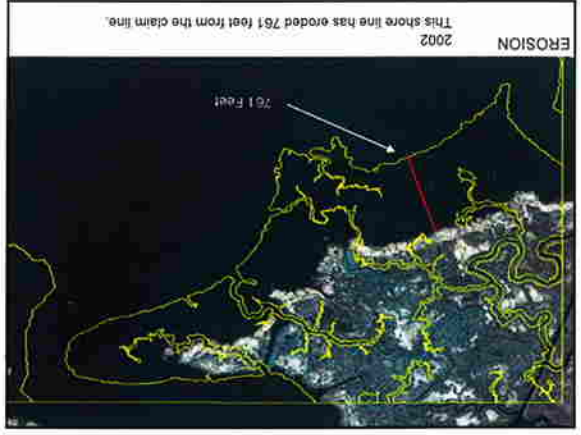
- Natural Events can cause change in ownership
- Erosion- Title to Lands that slowly erode shifts to the State
- Accretion- Title to Lands that slowly build up shifts to the Upland Owner

**DOES THE STATE HAVE A TIDELANDS TITLE INTEREST ON A PROPERTY?**

**NJ DEP will be introducing NJ-GeoWeb.**

- It's a web-based environmental mapping application
- Easy to Use- can view and query NJDEP's GIS data & related information from other NJDEP environmental databases
- Provide users with program specific information about a municipality, a county, watershed or other area of interest
- It will allow Users to determine if a property is affected by Tidelands by Interactively viewing Parcel Data, Aerial Photography and the Tidelands Line





### GRANTS

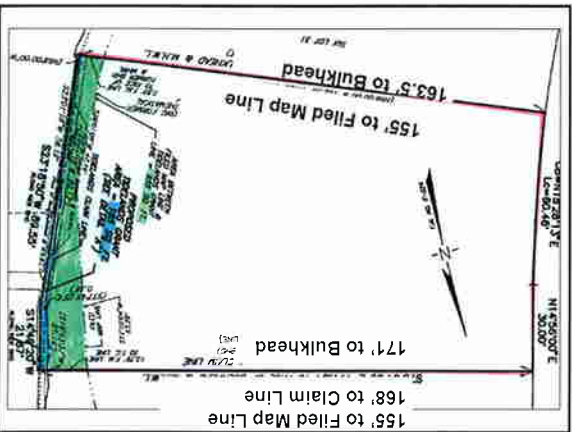
- Most commonly a sale of formerly Tide-flowed lands to clear record title.
- State is required to receive Current Fair Market Value of Land
- NO GRANDFATHERING

### WHAT WE ISSUE

- STATEMENTS OF NO INTEREST - A Statement of No Interest is an official document issued by the State of New Jersey attesting to the fact that a particular property or area is free from all State tidelands claims.
- NOTICES OF ACTION (LIENS)
- ALL INSTRUMENTS MUST BE APPROVED BY THE TIDELANDS RESOURCE COUNCIL

### WHAT WE ISSUE

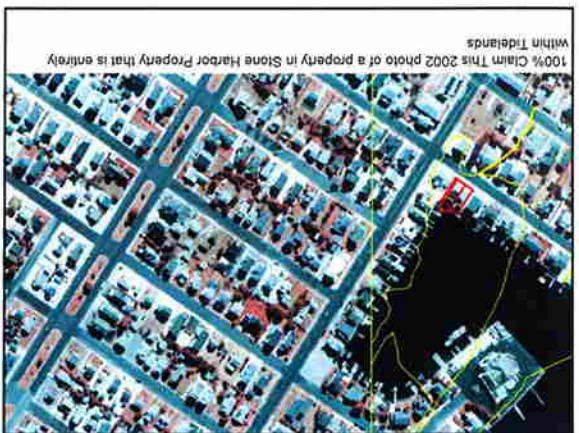
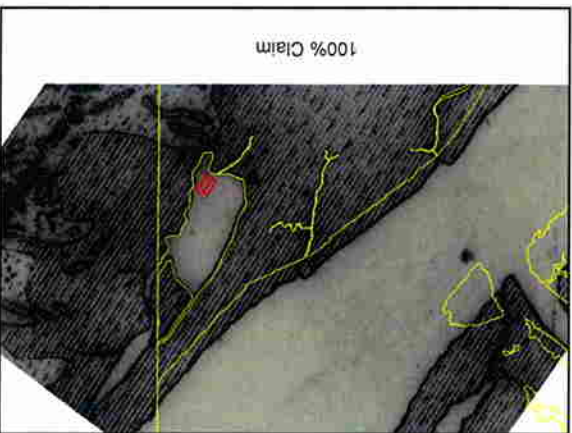
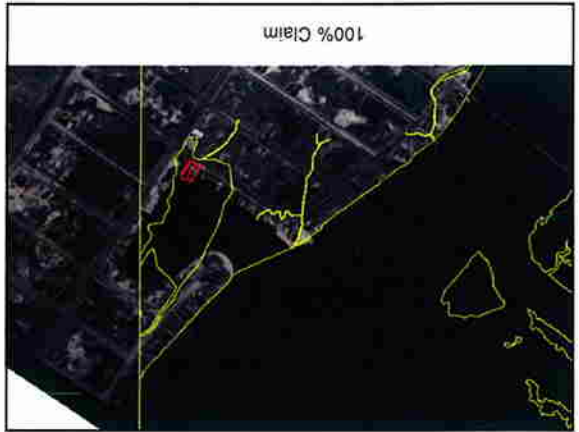
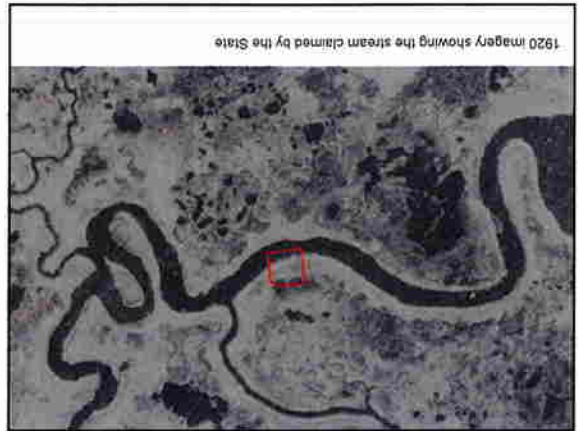
- GRANTS - A riparian grant is a deed from the State of New Jersey selling its tidelands. Tidelands grants are generally only issued for lands that have already been filled in and are no longer flowed by the tide.
- LICENSES - A Tidelands license is a short term revocable rental document to use tidelands generally for structures such as docks, bulkhead extensions, mooring piles, and other temporary structures, and for dredging projects. Licenses are project specific and expire after a finite term ranging from one to ten years. Most licenses may be renewed.
- LEASES - A Tidelands lease is a long term rental agreement from the State of New Jersey for the use of its tidelands specifically for houses that have been constructed over currently flowed tidelands.



### BEYOND STATE TIDELANDS CLAIMS MAPS--THE MAPS DON'T TELL THE WHOLE STORY

- CLAIMS REVEALED BY DEED DESCRIPTIONS

- TIDELANDS GRANT APPLICATION REQUIREMENTS**
- Applicant must be upland property owner
  - Grant Application Form signed by All Property Owners
  - Affidavit of Title
  - Recorded Deed
  - 4 Signed and Sealed Property Surveys
  - LAND ONLY APPRAISAL





- LICENSES**  
RESIDENTIAL WATERFRONT PROPERTY: Flowed Area or Flowed Area & Filled Area
- A Renewal Term of 10 Years with an Escalator Clause that requires an Adjustment of the Fee in the 6<sup>th</sup> Year to Reflect Changes in the Consumer Price Index (CPI)
  - Flowed Tidelands: Currently, the base rate of \$0.49/sq.ft./year will be applied to any area of occupied Flowed Tidelands greater than 700 sq.ft.
  - License Areas under 700 sq.ft. enter a 3 tiered system of fees
  - Filled Tidelands: License fee value is tied into the upland property values
  - If just Fill Area, the license term is 7 years.



- TIDELANDS LICENSE APPLICATION REQUIREMENTS**
- Generally, all applications will require:
- Tidelands License Application Form signed by ALL OWNERS LISTED ON DEED
  - RECORDED DEED
  - AFFIDAVIT OF TITLE
  - APPROVED WATERFRONT DEVELOPMENT PERMIT WITH APPROVED PLANS
  - SURVEY SHOWING PROPERTY BOUNDARIES AND PROPOSED STRUCTURES WITHIN LICENSE BOX

- GRANTS AT CLOSING**
- Grants can take up to 24 Months or More from Application to Delivery
  - Buyer and Seller Co-Apply to Satisfy Ownership Requirements
  - Escrow Agreement
  - GRANT MUST BE IN NAME OF THE OWNER OF THE PROPERTY ON THE DATE OF DELIVERY OR IT IS INVALID.

