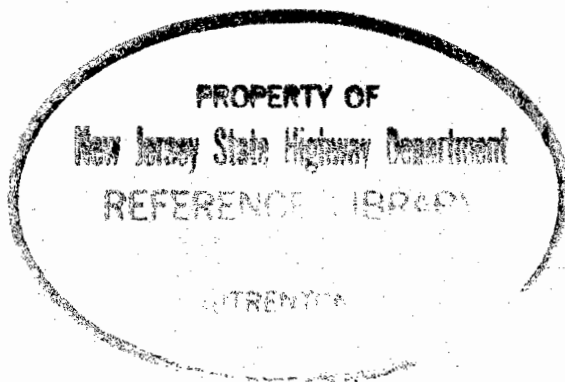


90
Q628
1962

"HOW TO DOUBLE THE ANTE"

- THE FACTS -



A Presentation of the New Jersey Highway Department
Based on Official Records

New Jersey State Library

155.28

The February 4, 1961 issue of "Parade - The Sunday Newspaper Magazine", incorporated in the Sunday editions of 51 newspapers throughout the nation with a combined circulation estimated at 12,000,000 copies, featured an article by Jack Anderson titled "The Great Highway Robbery". Supposedly based on information gathered by Congressman Blatnik and his associates, the article purported to reveal instances of graft and corruption on the part of highway officials and legislators of the various States in connection with construction of the Interstate Highway System.

The single reference to New Jersey is riddled with inaccuracies and misrepresentations. The writer apparently depended to a large extent upon hearsay, without examination of the public record available to him.

The implication that the New Jersey Highway Department was prompted by political influence to depart from normal and proper procedure evaporates in the face of the evidence and, considered by itself, is not worth noticing. However, the disservice rendered the citizens of the United States by impugning the motives of all of those who have devoted themselves to public service demands attention.

The Highway Department in New Jersey not only favors complete exposure of wrongdoing in the conduct of the taxpayers' business, but actively promotes this goal through constant internal checks by investigators attached to the Commissioner's office. Experience shows that this approach produces concrete results -- anyone seeking to "get rich quick" soon turns his talents to greener fields. But experience also shows that ill-conceived and inaccurate "scare stories" often defeat the legitimate purpose of serious-minded investigations, creating a smokescreen behind which the real culprits may escape. The following analysis is presented as a demonstration of just how far "The Great Highway Robbery" strayed from facts.

Under the sub-heading "How to Double the Ante", Mr. Anderson wrote:

"An heiress with an estate at Palisades, N.J., made an even bigger killing. She was willing to settle out of court for \$800,000. But because a state senator was representing the family and no one wanted to clash with him, it was decided to obtain a legal condemnation. The taxpayers coughed up to \$1.6 million -- double the price."

If only the Highway Department itself was involved, statements of such origin and character would not warrant response. But Mr. Anderson's attack also implies that the taxpayers suffered unfairly through the due legal process provided for the taking of property by the State. This cannot remain unchallenged.

As a matter of actual fact, not a single sentence of the entire paragraph in the article quoted above is correct. The estate, owned by Dr. and Mrs. John C. Burnett, was located in Alpine, not Palisades. The asking price was \$3 million, not \$800,000. The "state senator" did not represent the owners until after condemnation proceedings were instituted and upheld, over the owners' vehement objections, by the highest court in the State. Prolonged litigation before Condemnation Commissioners resulted in an award of \$1.2 million but the Highway Department considered this entirely too high and appealed. A Superior Court Jury, upheld by the State Supreme Court, then set the value of the property at approximately \$1.6 million -- but part of this sum was paid by the Palisades Interstate Park Commission from private funds.

Even if the allegations by Mr. Anderson bore some semblance to reality, their place in an article dealing with construction of the Interstate System is open to question. The Burnett property was condemned as a step necessary to construction of the Palisades Parkway. The acquisition was a 100 per cent State project and Federal funds were not involved in any way.

Mr. Anderson cites Rep. Blatnik and his associates as the main source of information. Two teams of investigators employed by the Blatnik Committee reviewed the Highway Department's files pertaining to Federal Aid projects for several months. However, since the Parkway was not a Federal Aid project, they had no occasion to review the Burnett file.

The long and protracted legal proceedings, starting in 1952, four years before the inception of the Interstate program, were given ample publicity at the time, but it is difficult to see how the facts then disclosed through sworn testimony could be misinterpreted.

A condensation of the events in this case, in chronological order reveals:

May 1, 1953 -- The then State Highway Commissioner authorizes Right-of-way Division to negotiate for 55 acres in Alpine owned by Dr. and Mrs. John C. Burnett. Preliminary estimate indicates cost between \$1,000,000 and \$1,500,000. The sum of \$1,000,000 actually reserved for purchase.

May 13, 1953 - Owners refuse verbal offer of \$750,000 from State. Their asking price \$3,000,000. State repeats verbal offer in writing May 25, but owners again refuse.

May 25, 1953 -- State Highway Commissioner approves condemnation proceedings. Owners obtain temporary injunction from Judge John C. Grimshaw, Jr., State Superior Court's Chancery Division, restraining Highway Department.

Aug. 26, 1953 -- Judge Grimshaw lifts restraint against condemnation of 22 acres required for actual construction of Palisades Interstate Parkway, reserves decision on balance of property. Owners appeal.

Sept. 4, 1953 -- Superior Court's Appellate Division upholds lifting of restraint of condemnation of 22 acres. Owners' appeal certified to Supreme Court.

Jan. 11, 1954 -- Supreme Court upholds lifting of restraint of condemnation of 22 acres, permitting construction to start.

May 19, 1954 -- Order entered by Judge Grimshaw lifting restraint on condemnation of remaining 33 acres in Burnett property on the basis it will be landlocked by the Parkway. Owners appeal, but drop case July 27, 1954.

(Up to this point, the State was represented by former Judge Francis Lloyd and the Owners were represented by Mr. Irving Riker, Esq. of Newark)

June 11, 1954 -- Superior Court Judge Wallace Leyden appoints three qualified Condemnation Commissioners.

March 28, 1955 -- Condemnation Hearings begin. Testimony for owners shows top value of \$2,730,145 and low value of \$2,463,089.20 for land and buildings on basis of original cost and improvements. Testimony for State shows market value of \$750,000.

Dec. 8, 1955 -- Condemnation Commissioners award owners \$1,245,312.50.

Deputy Attorney General for State recommends appeal.

Jan. 7, 1956 -- Mrs. Burnett dies at age of 84 leaving property to Dr. Burnett.

June 4-18, 1956 -- Jury trial before Judge Leyden and blue ribbon jury.

In his charge to jury, Judge Leyden allows consideration of replacement cost of buildings less depreciation because of the "unique" nature of the dwellings, which could not be classified architecturally. This was the first time in New Jersey that the "unique property" theory was applied to dwellings.

June 18, 1956 -- Jury returns verdict of \$1,585,600. Deputy Attorney General recommends appeal, authorized June 21.

May 31, 1957 -- New Jersey Supreme Court upholds jury award, adding interest which bring the total price to \$1,617,081.79.

June 14, 1957 -- Left no alternative, state Highway Commissioner approves final settlement as of June 21, 1957.

June 26, 1957 -- Check in the amount of \$111,770.99 received from Palisades Park Commission to defray portion of cost of acquisition.

(Mr. Riker and then State Senator Walter H. Jones represented the owners after condemnation proceedings began March 28, 1955. Deputy Attorney General William J. McCormack represented the State.)

October 15, 1958 -- Negotiations with Palisades Park Commission for utilizing excess Burnett property for Park purposes.

Oct. 1959 -- Dr. John Burnett dies at age of 72.

Nov. 17, 1959 -- Bids on demolition of buildings. Low offer \$29,600.

APPENDICES

1. List of newspapers utilizing "Parade".
2. Excerpt from letter by A. E. Johnson, Executive Secretary of the Association.
3. Copy of telegram to Rep. Blatnik from J. C. Womack, President, American Association of State Highway Officials.
4. List of Exhibits.

Note: All court proceedings are listed under the following

Docket Reference Numbers

- A. Condemnation complaint by State - L308-53
- B. Burnett injunction against condemnation - C1922-52
- C. Jury Trial - L2890-55
- D. Appeal by State - A725-55



State of New Jersey
 STATE HIGHWAY DEPARTMENT
 DWIGHT R. G. PALMER, COMMISSIONER
 TRENTON 22

February 7, 1962

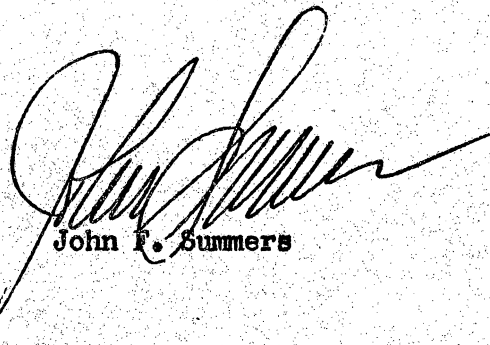
Commissioner Palmer

PARADE is a weekly magazine supplement published by Parade Publications Incorporated of New York. This supplement is utilized by 51 newspapers in the United States. According to the International Year Book (1961 edition of Editor and Publisher) these papers are as listed below:

- Akron Beacon Journal (Ohio)
- Albuquerque Journal (N.M.)
- Allentown Call-Chronicle (Pa.)
- Asheville Citizen-Times (N.C.)
- Baton Rouge Advocate (La.)
- Beaumont Enterprise (Texas)
- Binghamton Press (N.Y.)
- Boston Globe
- Bridgeport Post (Conn.)
- Buffalo Courier-Express
- Cedar Rapids Gazette (Iowa)
- Charleston Gazette-Mail (W. Va.)
- Chicago Sun-Times
- Dayton News
- Denver Rocky Mountain News
- Detroit Free Press
- Erie Times-News
- Evansville Courier and Press (Ill.)
- Fargo Forum (N.D.)

February 7, 1962

Fort Wayne Journal-Gazette (Ind.)
Fort Worth Star-Telegram (Texas)
Fresno Bee (Calif.)
Greenville News (S. C.)
Harrisburg Patriot-News (Pa.)
Hartford Courant (Conn.)
Honolulu Star-Bulletin (Hawaii)
Indianapolis Times
Jackson Clarion-Ledger/Daily News (Miss.)
Jamaica Long Island Press
Knoxville News Sentinel
Lincoln Journal-Star (Neb.)
Little Rock Gazette
Long Beach Independent Press-Telegram
Macon Telegraph and News (Ga.)
Madison State Journal (Wis.)
Miami Herald
Modesto Bee (Calif.)
Newark Star-Ledger
New Bedford Standard Times (Mass.)
Newport News-Hampton Press (Va.)
Oakland Tribune (Calif.)
Pasadena Independent, Star News
Peoria Journal-Star
Portland Telegram (Maine)
Portland Oregonian
Reading Eagle (Pa.)
Riverside Press-Enterprise (Calif.)
San Francisco Chronicle
Seattle Times
Syracuse Post-Standard
Washington Star & Post



John F. Summers

EXCERPT FROM LETTER OF FEBRUARY 5, 1962 TO ALL MEMBERS, AMERICAN ASSOCIATION
OF STATE HIGHWAY OFFICIALS:

" . . . I am sure that all of you, by this time, have heard of the story, "The Great Highway Robbery". It was carried in the PARADE Magazine in the Sunday papers yesterday, on February 4. It was supposed to have a reading audience of some 12 million people. It is a very vicious, indicting article, and enclosed is a telegram that was sent to Chairman Blatnik this morning. I have gained the impression, from talking to the Blatnik Staff, that they regret the article very much but assume no responsibility for it in any way.

It is my personal opinion that we will not have a public statement made as requested.

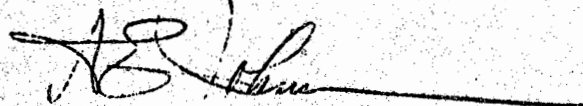
Each and every one of the Blatnik Committee hearings acts to create more and more federal control over our program, and it is regrettable that certain acts continue to give rise to additional hearings.

I am thoroughly convinced that there is a well-planned, well-financed power play in operation that is anti-highway, and it is being manifested in many ways. The PARADE article might well be one such example.

I would hope that the attached telegram is given wide distribution in your Department and to the Press in your State.

I noted this morning, in the Hearing Room, that the Staff seemed to be very publicity-minded as, for the first time, an unusual amount of space was reserved for the Press and seats were actually reserved for certain members of the Press. No doubt, the PARADE article contributed to this unusual interest on the part of the Press for the current Blatnik hearings.

Yours very truly,



A. E. Johnson
Executive Secretary

AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS
917 National Press Building
Washington 4, D. C.

Telegram sent to Blatnik
8:50 A.M., 2/5/62

February 5, 1962
Washington, D. C.

Honorable John A. Blatnik
House Office Building
Washington, D. C.

Reference is made to the article in the February 4, 1962 PARADE Magazine, "The Great Highway Robbery", by Jack Anderson, and its attributing certain statements, through direct and indirect quote and inference, to you as Chairman of the Investigating Committee and to the House investigating staff.

The article recounts again disclosures of wrong doings made public in your Committee's hearings. We do not in any way condone these wrong acts and regret them. We admit that we will probably have the normal percentage of our people yielding to temptation that is found in other groups and endeavors. We are trying to keep the percentage to a minimum.

The article also describes some acts not yet made public through Committee hearings, but evidently disclosed to the writer of the article by staff.

We are of the opinion that your hearings to date have been sincere, objective, and constructive. We do not believe the Committee's findings to date indicate that half of the Country's highway officials should be in jail. This is a serious indictment.

We believe that a relatively small percentage of those engaged in the highway program is responsible for the criticism and that the vast majority are dedicated competent public servants. We believe that you personally share this view.

PARADE is widely circulated and read and if the article is left unchallenged, its viciousness will do irreparable damage to the highway program and to the reputation of many fine public servants and will add materially to the cost of the program.

We would hope and we respectfully request that you take the opportunity at the opening of your Committee's hearings this morning to set the record straight in a public statement.

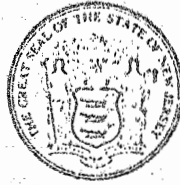
J. C. WOMACK
President, AMERICAN ASSOCIATION OF
STATE HIGHWAY OFFICIALS

1/10/62

LIST OF EXHIBITS

1. Decision to appraise Burnett property, August 14, 1952
2. Owner's cost figures, March 18, 1953
3. Request for right-of-way approval, indicating owners' refusal to permit surveys, April 29, 1953
4. Approval to negotiate, May 1, 1953
5. Written offer to owners, May 25, 1953
6. Approval to condemn, May 25, 1953
7. Decision upholding condemnation, May 10, 1954
8. Ratification of condemnation proceedings, June 3, 1954
9. Appraisal by State engineer, November 5, 1954
(outside appraisals made both previously and subsequently)
10. Letter of policy from Palisades Interstate Park Commission, July 18, 1955
11. Analysis of testimony at condemnation proceedings with supporting figures, October 31, 1955.
12. Recommendation to appeal condemnation award, December 8, 1955
13. Appeal authorized, December 8, 1955
14. Analysis of jury verdict June 19, 1956
15. Departure of owner, May 29, 1957
16. Recommendation to pay jury award approved June 13, 1957
17. Receipt of check from Palisades Interstate Park Commission, July 26, 1957
18. Newspaper files.

Palisades Interstate
Parkway.



State of New Jersey
STATE HIGHWAY DEPARTMENT
R. J. ABBOTT, COMMISSIONER
TRENTON 1

Burnett Property

August 14th, 1952

*Answer to Burnett
Re app. order*

Memorandum

Mr. J. J. Newmark:

At the request of Mr. Morgan of the Palisades Interstate Park Commission, I have agreed to have 22 acres, more or less, of the Burnett property located in Bergen County on the proposed line of the Palisade Parkway appraised and an offer made for the purchase of this property.

It will be necessary to have outside appraisers as I feel quite sure that before we can acquire this property it will go to condemnation. I spoke to Mr. Lincoln about this yesterday when he was in my office.

E. W. Kilpatrick
State Highway Engineer

Cc: Commissioner Abbott
Mr. Fritzsche
Mr. Hulse



IN REPLY PLEASE REFER TO

Palisades Interstat
Parkway.

State of New Jersey
STATE HIGHWAY DEPARTMENT
R. J. ABBOTT, COMMISSIONER
TRENTON 1

Dr. Burnett Property

EWK/E

March 18, 1953

Memorandum

Mr. J.J. Newmarks:

Dr. Burnett called last evening and stated he had a firm of public accountants audit his books which showed that on the 53 acres he owns along the Palisades in Bergen County he has actually spent on improvements and cost of the land \$2,450,897.22. He carries insurance on the property in the amount of \$951,700, and his premium amounts to \$58,000.00.

I am only giving you this as a guide, if we have to go to condemnation on this property.


E. W. Kilpatrick
State Highway Engineer

Cc: Commissioner Abbott



State of New Jersey
STATE HIGHWAY DEPARTMENT Paving.

R. J. ABBOTT, COMMISSIONER
TRENTON 1

Approval of General Property
Parcel Map
Palisades Interstate Parkway
New Jersey, Sec. 1H
Station 422+00 to Station
512+0. Grading, Bridge and

April 29, 1953

MEMORANDUM

Mr. E. W. Kilpatrick:

Herewith is a print showing the Burnet property
(Parcel 1) on the above project.

Since permission to make highway surveys was
denied, it was necessary to make a tentative design at this
location.

If it should come to pass that the necessary right
of way can be acquired by agreement, then for reasons of economy
it will become necessary to change said design and also to
reduce the size of the taking.

If, however, this is impossible, the State will have
to resort to condemnation and this in the quickest possible time
because of the urgent need for clearing the way for construction.

Your approval of this map is requested and it is
recommended that it be forwarded to Mr. Newmark for submission
to the Commissioner for his approval, for the setting up of
funds and for authority to acquire the necessary right of way.

O. H. Fritzsche

O. H. Fritzsche
Director, Division of Roads

RV:et
CC: Mr. Newmark

Approved
4-30-53
[Signature]

.....FOLD HERE.....

.....FOLD HERE.....

For action by State Highway Commissioner

51

To R. J. Abbott
Commissioner

..... May 1, 1953

COUNTY OF BERGEN

There is presented a Map of the Burnett property on Palisades Interstate Parkway, Section 1H, Station 422+00 to Station 512+0 together with memorandum from Mr. O. H. Fritzsche, Director, Division of Roads, which has been approved by Mr. E. W. Kilpatrick, State Highway Engineer.

It is recommended that this Map be approved, and authority granted to negotiate for the acquisition of the property owned by John C. & Cora B. T. Burnett lying east of Route 9W, designated as Parcel #1 on said Map.

The estimated cost for Parcel #1 is between \$1,000,000 and \$1,500,000. Authority is requested to set up the sum of \$1,000,000 at this time.

J. N. Ayman
Supervising Engineer
Appraisals & Negotiations

Julius A. Menemach
Director
& Chief R. W. Engineer

MAY 4 - 1953

R. J. Abbott

APPROVED
State Highway Commissioner
MAY 4 - 1953
Action Certified
Secretary

JJN:ASM

APPROVED: _____
State Highway Commissioner



Faliscades Interstate Parkway
Section III
Parcel 1
John C. & Cora B. T. Burnett

State of New Jersey

STATE HIGHWAY DEPARTMENT

R. J. ABBOTT, COMMISSIONER
TRENTON 1

JJM:mls

COPY FOR

May 25, 1953

Dr. John C. Burnett &
Mrs. Cora B. T. Burnett
Borough of Alpine, New Jersey

Dear Sir and Madams

In the construction of the Faliscades Interstate Parkway, Section III, extending from about Station 422+00 to about Station 512+0, it is found necessary to acquire a certain parcel of land located in the Borough of Alpine, County of Bergen, and State of New Jersey, of which you are reputed to be the owners.

The land which the State desires to acquire in fee is designated as Parcel 1, and is outlined in red on the enclosed map, and lies east of Route 9-7.


In the preliminary negotiations between our representatives and your Attorneys on Wednesday, May 13th, at which Dr. Burnett was present, a sum of \$750,000 was suggested without prejudice as a basis of settlement for the acquisition in fee of the entire property included in Parcel 1. This is a written confirmation of the suggested settlement without prejudice.

We have been advised through your Attorney by phone that this offer is not acceptable to you, and to date no other acceptable basis of settlement for the conveyance in fee of this property required, as shown on the map, has been presented on your behalf.

We have therefore assumed that a settlement by agreement cannot be reached, and condemnation proceedings will, as a matter of necessity, be instituted.

We would appreciate hearing from you by return mail if you desire to present any satisfactory proposal as a possible basis for acquisition of this property by agreement.

Very truly yours,
STATE HIGHWAY DEPARTMENT


Julius J. Newark
Director & Chief Right-of-Way Engineer

Encl.

cc: Riker, Emery & Danzig, Esqs.

.....FOLD HERE.....FOLD HERE.....

For action by State Highway Commissioner

To R. J. Abbott
Commissioner

.....May 25, 1953.....

COUNTY OF BERGEN

There are presented a map and description of the John C. and Cora B. T. Burnett property, Parcel 1, lying East of Route 9-W, on the Palisades Interstate Parkway, Section 1H, together with estimates, appraisals and other data.

Negotiations were conducted with the owners through Dr. Burnett and Irving Riker, Esq., of the firm of Riker, Emery & Danzig, based on a tentative offer of \$750,000 for the entire property included in Parcel 1, lying East of Route 9-W. The attorneys, on behalf of the owners, refused the offer, and refused to state the price that they would accept.

Authority is therefore requested to institute condemnation proceedings for the acquisition in fee simple of this entire property designated as Parcel 1 on the map, required for the construction and improvement of the Palisades Interstate Parkway, Section 1H.

M. A. ... May 25/53
Supervising Engineer
Appraisals & Negotiations

Julius ... May 25/53
Director
& Chief R. W. Engineer

MAY 26 1953

APPROVED: *[Signature]*
ACTING State Highway Commissioner

Mr. Newmark

COPY

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, BERGEN COUNTY
Docket No. C-1922-52

CORA B. T. BURNETT and JOHN
C. BURNETT,

Plaintiffs,

vs.

RANSFORD J. ABBOTT, individually
and as State Highway Commissioner,

Defendant.

;
;
;
;
;
;

Civil Action

MEMORANDUM

Not for Publication Without
the Approval of the Committee
on Opinions.

RIKER, ERMERY & DANZIG, ESQS., Attorneys for Plaintiffs.

THEODORE D. PARSONS, ESQ., Attorney General of New Jersey
by FRANCIS V. D. LLOYD, Esq.

GRIMSHAW, J. S. C.

In furtherance of the construction of the Palisade Interstate Parkway, authorized by L. 1947, c. 74 (R. S. 27:6-1), &c.), the State Highway Commissioner determined to acquire 55 acres of land belonging to the plaintiff Cora B. T. Burnett. To prevent the Commissioner from carrying out his determination the plaintiffs instituted this action in which they seek a judgment declaring that the proposed action of the Commissioner, ^{is} invalid and also enjoining him from proceeding with condemnation proceedings. Plaintiffs allege as grounds for their complaint that the determination of the Commissioner to take their property was not reached in good faith in the interest of the State Highway System, but was influenced by the interest of the Palisade Interstate Park Commission; that it imposes a financial burden on the State without commensurate benefit and that it is not within the power of the Commissioner and is oppressive.

The defendant Commissioner moves for summary judgment.

It must be conceded that the State Highway Commissioner has ample statutory authority for the course which he proposed to pursue. R. S. 27:6, R. S. 27: The facts are not in dispute. Therefore, the question is whether the record exhibits

a state of facts from which it might be concluded that the Commissioner has been guilty of a palpable abuse of discretion. City of Newark v. N. J. Turnpike Authority, 7 N.J. 377 (Sup. Ct. 1951).

No useful purpose would be served by detailed recitation of the facts. Suffice it to say that I have been unable to find any evidence whatever of a lack of good faith on the part of the Commissioner. Under such circumstances the Court will not interfere. Burnett v. Abbott, 14 N.J. 291 (Sup. Ct. 1954). Therefore, there will be judgment for the defendant.

* * * * *

Date: May 10, 1954

.....FOLD HERE.....FOLD HERE.....

For action by State Highway Commissioner

TO Dwight R. G. Palmer
Commissioner

June 3, 1954

COUNTY OF BERGEN

There is presented a communication from Judge Francis V. D. Lloyd dated June 2, 1954, together with map and description of the John C. and Cora B. T. Burnett property - Parcel #1, lying east of Route 9W on Palisades Interstate Parkway, Section 1H.

On May 26, 1953 Acting State Highway Commissioner E. W. Kilpatrick authorized the institution of condemnation proceedings for the acquisition in fee simple of this entire property, required for the construction and improvement of Palisades Interstate Parkway Section 1H. An injunction having been issued in this case, the action was not then recorded in the minutes of the State Highway Commissioner. However, the complaint was filed in the Superior Court of New Jersey, Law Division, Bergen County (Docket No. L 308-53) on September 9, 1953, for the acquisition of all of the Burnett property, and the appointment of Commissioners is now pending.

It is recommended that the previous action by Mr. Kilpatrick and the filing of the complaint both be ratified and approved as a matter of record, to be included in the current minutes of the State Highway Commissioner.

J. M. Aquino 6/3/54
Supervising Engineer
Appraisals & Negotiations

Julius J. Acemach 6/3/54
Director
& Chief R. W. Engineer

APPROVED: *[Signature]*
State Highway Commissioner

APPROVED	
State Highway Commissioner	
JUN 7 - 1954	
Action Certified	<i>[Signature]</i>
Secretary	

STATE OF NEW JERSEY HIGHWAY DEPARTMENT

NOTICE! To The Appraiser:

Analyze and show on this Appraisal:

1. Value of entire property—land, buildings and other improvements.
2. Value of remaining property.
3. Value of part taken and damage to remainder.
4. Sign and certify to the appraisal.

APPRAISAL OF PROPERTY

Route No. Pal. Int. Pwy. Section No. 1H

Parcels No. 1

Owner John C. Burnett, Cora B. T. Burnett

Trenton, N. J., November 5, 1954

I hereby certify under oath that I am a resident of the Township of Harding County of Morris and State of New Jersey, and that I am employed in the Highway Department of this State as Asst. Dist. Engineer and have been so employed, or in similar capacity, since December, 1942, and am qualified to appraise the property to be taken and damages caused, by virtue of my knowledge of real estate and trends in Bergen County, and my experience in appraising and negotiating purchases of property; that I have carefully examined the construction plans and the property affected and to be acquired from John C. and Cora B. T. Burnett by the State of New Jersey, as shown on the map for Route No. Pal. Int. Pwy. Sec. No. 1H, Par. No. 1, and that I have carefully investigated, examined and analyzed pertinent and available data and record of sales affecting the just value of this property, and appraise the property as follows:

Located between U. S. Route 9W and the top of the Palisades cliff, on the northerly side of Ruckman Road, in the Borough of Alpine, Bergen County, is the estate of 54.6 acres usually referred to as the Dr. Burnett property. Route 9W is a state highway forming part of one of the principal north-south United States highways. Ruckman Road is a local road extending from the railroad station in Closter to the top of the Palisades. The portion of this road east of 9W is little used, and is in poor condition. The property enjoys an excellent panoramic view of the Hudson River, its eastern shore, Yonkers, part of Westchester County, and a distant view of Long Island Sound.

Frontage on 9W is about 1,905 feet. Depth on Ruckman Road is about 1,245 feet, and on the northerly property line is about 1,142 feet. Approximate frontage along the Palisades is 1,900 feet. All of the property, except along the cliff, is enclosed by a woven wire fence, surmounted by barbed wire. The gorge, or cleft, which partially divides the property into a northerly and a southerly portion, is also closed off by a woven wire fence to impede access from its mouth at the foot of the Palisades.

A width of about 500 or 600 feet across the entire northerly portion of the property has been extensively landscaped with dogwood, rhododendron, laurel and other plantings. The remainder of the property has been left generally in a virgin state, except for paths, narrow drives and various small clearings for buildings. This remainder has been seriously neglected since a hurricane leveled many of the trees in 1950, the debris not having been removed.

In the northerly portion of the property are located the main dwelling, near the top of the cliff; dining hall; spring fed underground reservoir in the northwesterly corner of the land; a stone crusher nearby; a large reinforced concrete swimming pool near the residence, formed in a crevice; a "U" shaped group consisting of offices, repair and storage shops, electrical control shop, machine shops, apartments for resident help, etc; and many other miscellaneous buildings.

All of the buildings are over-designed as to size and type of material. The architecture, following designs prepared by Mrs. Barnett, is so unusual that it would markedly affect the marketability of the property. There is also a great redundancy of buildings, some of which have been used little, if at all. Over-development is quite apparent, and the foreign appearance so distasteful to most of the people that have viewed the premises with me, that I have not valued them at their present day physical value, but have placed on them a value that would be inherent in buildings on a normal estate of this size. Descriptions of some of the buildings on the estate follow:

The main residence covers an area of about 56 by 112 feet. The original portion was constructed in the early 1920's, with additions made thereto as late as 1952. Foundations are of reinforced concrete. Walls are of terracotta, reinforced concrete and frame. Roofing is of copper. The sub-basement was designed for use as an air raid shelter, but was not entirely completed. It has walls and ceilings of reinforced concrete 2 feet thick. There are an air conditioning plant and other regular and extra facilities in the basements. Owners refused admission to the living quarters for inspection. It is reported that there are no kitchen or dining facilities in the dwelling.

The dining hall, a separate building, has a large, completely equipped modern kitchen, butler's pantry, and a large dining room with built-in aeolian organ and huge fireplace. The oilburning heating facilities are in a small cellar. Dining capacity is about 100 persons. Type of construction is similar to main dwelling.

The "U" shaped service group is constructed of tile with plaster and 4 inch "Gunitite" covering. Interior is stuccoed. Roofing of copper. Shops are 1 story high. Dwelling portions, with a total of 7 apartments, are 2 stories high, and are now used for office and storage space. The 20 shop spaces are each equivalent to an oversized 2 car garage, and appear to be large enough, and well enough equipped to service a village with several hundred inhabitants.

The stone crusher and adjacent engine house are in poor condition.

Along the northerly line is a 24 X 156 foot storage shed of massive construction with corrugated iron roof. It contains tractors, plows, power drills for rock, and other large equipment.

Some of the unused buildings, including the Japanese Tea House and the summer house, have not been used for years, are boarded up, covered with vines, and surrounded with underbrush.

You would generally find on a large estate an expensive dwelling with possibly 20 or so rooms, with kitchen and dining facilities available in the building; a 4 to 6 car garage; quarters for about 6 maintenance employees;

swimming pool; probably 2 guest cottages; shops equivalent to a 6 car garage; truck storage; dog house and run; probably stables. The lump sum estimated for value of such improvements, with necessary utility services, with an age varying up to 30 years, is about \$300,000, and this value is used as a substitution for the present improvements.

This entire property is required for Palisades Interstate Parkway. I value it as follows:

Land - 54.6 acres @ \$7,500.....	\$ 409,500
Buildings, lump sum.....	300,000
Landscaping.....	25,000
Roads and paths.....	20,000
Fence - 4300 + feet @ \$3.00.....	<u>12,900</u>
Total	\$ 767,400

Note: Due to the unusual construction of buildings, spectacular view pertaining to the property, uncertainty as to demand for such estates, and complete absence from the market of similar locations, an allowance of 10%, up or down, could well apply to this valuation.

I hereby further declare that I have no personal interest whatever in the property appraised either as owner or stockholder or as a near relative or business associate of the reputed owners, and that this appraisal and these notations and recommendations represent my impartial, disinterested, and unbiased opinion.

State of New Jersey }
County of } ss.

Robert D. Shields
Asst. Dist. Engineer
Appraisals & Negotiations
.....54
Appraiser

Subscribed and certified to before me this 8th day of November, A. D. 1954

ehm

Robert D. Shields
Notary Public of N. J.

8/1 2725

Palisades Interstate Park Commission

The Palisades Harriman Park Bear Mountain High Tor Park Stony Point Reservation
Hook Mountain Blauvelt Park Tullman Mountain Storm King

GEORGE W. PERKINS, PRESIDENT
ALBERT R. JUBE, VICE-PRESIDENT
LAURANCE S. ROCKEFELLER, SECRETARY
CATESBY L. JONES, TREASURER
HORACE M. ALBRIGHT

THEODORE BOETTGER
DONALD G. BORG
E. ROLAND HARRIMAN
FREDERICK OSBORN

A. K. MORGAN, GENERAL MANAGER

ADMINISTRATION BUILDING
BEAR MOUNTAIN, NEW YORK

TEL.: STONY POINT 6-2701

July 18, 1955

Honorable Dwight R. G. Palmer
New Jersey State Highway Commissioner
New Jersey State Highway Department
Trenton, New Jersey

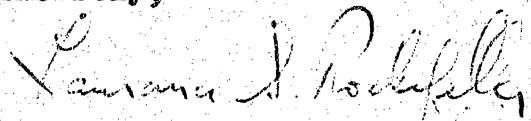
Dear Commissioner Palmer:

Re: Palisades Interstate Parkway
Burnett Property

We have learned that a petition is being circulated in Alpine which will result in a delegation of Borough officials calling on you to stop the condemnation proceedings on the "residence area" of 33 acres lying between the Parkway and the edge of the cliffs. If this request is denied, they will probably suggest a compromise involving a life right of occupancy and final donation of the 33 acres to Alpine.

We oppose both proposals as being undesirable and impractical and as being against the interest of the People of the State of New Jersey. We recommend that the final legal steps in the condemnation proceeding covering the entire Burnett property of 55 acres be taken as soon as possible, without deviation from the original plans of the Highway Department of New Jersey.

Sincerely,



LAURANCE S. ROCKEFELLER
Secretary

October 31, 1955

Memorandum to Commissioner Palmer

Re: Burnett

This hearing before condemnation commissioners was completed on Thursday, October 28th.

The owner's high figure was \$2,730,145, the owner's low figure \$2,196,033.40, the average \$2,463,089.20. These figures are based on land value plus reproduction cost of land and buildings.

An additional claim for nursery stock in the amount of \$464,572 was kept out of evidence by us. If this has been permitted, the owner's high figure would have been \$3,194,717, his low \$2,927,651.20.

Our witnesses, Rooney, Clark and Bogert all valued the property on a market value basis. Rooney and Clark came in at \$750,000 and Bogert at not more than \$750,000. They contended that it was improper to value the lands and buildings separately to arrive at a true market value.

William J. McCormack,
Deputy Attorney General

WJM:TAC
CC: Mr. Feaster
Mr. H. Kramer
Mr. O. Fritzsche

October 28, 1955

Mr. William McCormack:

The following are the owner's appraisals:

Alexander Summer (land only) \$1,170,110 less \$27,665	
	Total..\$1,142,445
George Meadows (land only).....	1,027,500
George Beckman (land only).....	1,110,000
J.J. Thomas \$1,587,700 depreciation 20% to.....	1,179,716.40
(This was reduced by \$11,183 for stone crusher)	11,183
	<hr/>
	\$1,168,533.40
Lewis Kuhl (Turner Construction Company) (depreciated as shown on Exhibit P16, which I do not have)	\$1,587,700

Highest total of owner's figures:

Land by Alex Summer.....	\$1,142,445
Buildings by Turner Construction Co....	1,587,700
	<hr/>
	\$2,730,145

Lowest total of owner's figures:

Land by George Meadows.....	\$1,027,500
Buildings by J.J. Thomas.....	1,168,533.40
	<hr/>
	\$2,196,033.40

Average of owner's demand - \$2,463,089.20

/s/ John A. Whitehead
Principal Engineer
Appraisals and Negotiations

Mr. Kramer

December 8, 1955

Memorandum to Commissioner Palmer:

Re: Burnett

The condemnation commissioners' award was received this morning.

It is in the amount of \$1,245,312.50. The commissioners made no decision as to interest.

As stated in an earlier memorandum the Owner's high figure was \$2,730,145 and the Owner's low figure was \$2,463,089.20. The Owner also attempted to get into evidence an additional figure of \$464,000 for shrubbery.

Our figure was \$750,000.

I recommend an appeal be taken. In the matter of filing appeal papers, we must act promptly. The last day for taking an appeal is December 18.

William J. McCormack
William J. McCormack,
Deputy Attorney General

Approved by J.S. [unclear]
WJM/asc

Report of Commissioners)
Civil Action Complaint) Returned to Mr. Feaster
Commission Action Sheet) 12-12-55.

cc: Mr. Feaster
Mr. Kilpatrick
Mr. Fritzsche
Mr. Kramer

asj

.....FOLD HERE.....FOLD HERE.....

FOR ACTION BY STATE HIGHWAY COMMISSIONER

TO: DWIGHT R. G. PALMER
COMMISSIONER

December 8, 1955
DATE

COUNTY OF BERGEN

There is presented again the matter of condemnation of lands on Palisades Interstate Parkway, Section 1H, from Station 422+0 to Station 512+0; Parcel 1, Cora Timken Burnett & Husband.

At the hearing before condemnation commissioners the testimony on behalf of the owners ranged from \$2,463,089.20 to \$2,730,145.00; and the owners also attempted to get into evidence an additional figure of \$464,000.00 for shrubbery. The testimony on behalf of the State was in the sum of \$750,000.00.

The commissioners made an award in the sum of \$1,245,312.50.
(The commissioners made no decision as to interest).

It is recommended that an appeal be authorized.

[Signature]

DEPUTY ATTORNEY GENERAL

12/9/55
DATE

[Signature]

SUPERVISING ENGINEER
APPRAISALS & NEGOTIATIONS

12/9/55
DATE

[Signature]

ACTING DIRECTOR, DIV. OF R/W

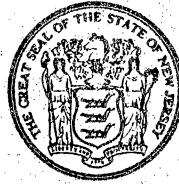
12/9/55
DATE

[Signature]

APPROVED:

STATE HIGHWAY COMMISSIONER

APPROVED
State Highway Commissioner
SCHEDULE NO. <u>43</u> 1955
DEC 12 1955
Action Certified
<i>[Signature]</i>
ACING Secretary



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

GROVER C. RICHMAN, JR.
Attorney General

DIVISION OF LAW
STATE HIGHWAY DEPARTMENT
1035 PARKWAY AVENUE
TRENTON

June 19, 1956

Commissioner Dwight R. G. Palmer:

Re: State Highway vs. John C. Burnett

Trial of this case started on Monday, June 4th and was completed yesterday, June 18th. The court, on the theory that this was a unique piece of property, admitted into evidence cost of construction, cost of reconstruction less depreciation (some of which was vague), cost of nursery stock which is generally considered part of the land, and refused to let us compare the building in question with other buildings along the cliff.

I felt that we had "wrecked" their real estate appraisers and that if the case had gone to the jury on the market value theory, we would have been even more successful than we had hoped. However, this other theory opened the door wide. The owner's figures may be taken as follows:

Reproduction less depreciation	\$1,172,784.00
Improvements to the grounds, including trees and shrubbery	<u>66,000.00</u>
	\$1,238,784.00

The highest land appraisal was in the amount of \$1,142,445.00, giving a total of \$2,381,230.00. Our figures for market value of the land and buildings as a whole were \$750,000.00. The jury was out 5 hours and rendered an award in the amount of \$1,585,600.00.

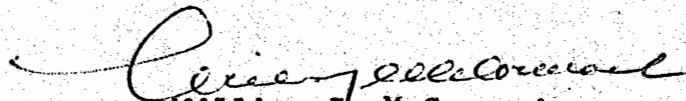
I am afraid they spent most of the time taking the owner's figures as to the cost of the buildings \$957,000, depreciating the buildings and then doubling the figures because the dollar today is not of the same value as the dollar when these buildings were constructed. Some of these things I am not supposed to know and cannot prove officially.

Commissioner Dwight R. G. Palmer
June 19, 1956

2.

There are many interesting legal propositions involved, most of which rise around the question as to whether New Jersey should depart from its old established market value theory. There are some States, not too many, and I think two Federal cases, which support the owner's contention. In reality, this contention means paying a premium to someone who has constructed something which no one would want to buy, while his neighbor, as the neighbors along the cliff having beautiful buildings of varied architectural patterns, must receive only market value, which is a much lesser figure.

This is a case in which I believe an appeal should be taken. Our appeal is to the Appellate Division of the Superior Court. It is quite likely in a case like this that the Supreme Court might determine to take jurisdiction over it to finally dispose of the questions without our having a hearing before the Appellate Division and then before the Supreme Court.


William J. McCormack
Deputy Attorney General

WJM/mlc

RIKER, EMERY & DANZIG
COUNSELLORS AT LAW

IRVING RIKER
JOHN M. EMERY EVERETT M. SCHERER
CHARLES DANZIG MALCOLM HOYT
EDWARD J. BROWN DICKINSON R. DEBEVOISE
THEODORE McC. MARSH WILLIAM I. RIKER

WALLACE R. CHANDLER, JR.
HOWARD F. CASSELMAN
WILLIAM C. CONNELLY

May 29, 1957

744 BROAD STREET
NEWARK 2, NEW JERSEY

TELEPHONE MARKET 3-1900

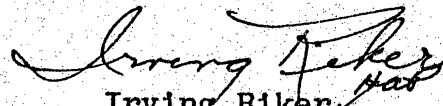
Hon. Dwight R. G. Palmer, Commissioner
State Highway Department
1035 Parkway Avenue
Trenton, New Jersey

Dear Commissioner Palmer:

I talked to Doctor Burnett by telephone this morning and he told me that he expects to be completely out of the property in Alpine tonight and by twelve o'clock noon tomorrow at the very latest.

He also told me that no one from the Highway Department has called to take over and arrange for the protection of the property. I tried to reach you this morning by telephone and being unable to do so, talked to Mr. Whitehead and explained the situation to him. He undertook to have someone from the Department go to the property sometime today and make the necessary arrangements to take over.

Very truly yours


Irving Riker
For the Firm

IR:HAP

NEW JERSEY STATE HIGHWAY DEPARTMENT
DEPARTMENT ACTION SLIP

Right of Way

PIP Section 1H

FOLD HERE FOLD HERE

FOR ACTION BY STATE HIGHWAY COMMISSIONER

To: Dwight R. G. Palmer
Commissioner

June 13, 1957

Date

County of BERGEN

P.I.P.
32

There is presented again the matter of condemnation of lands on Palisades Interstate Parkway, Section 1H, from Station 422+0 to Station 512+0; Parcel 1, John C. Burnett.

A jury award was previously rendered in the sum of \$1,585,600 plus interest at 4 1/2% (\$11,880.47) from the date of entry to the date of Judgment, making a total of \$1,597,480.47. On June 21, 1956 an appeal to the Appellate Division of the Superior Court was authorized, and an opinion was rendered in favor of John C. Burnett.

It is therefore recommended that payment of the Judgment be approved on the following basis:

Judgment	\$1,597,480.47
Interest @ 6% from 6/28/56 to 5/31/57 on proportionate value of 18.3 acres, representing area on which possession was taken by the State prior to 5/31/57	13,821.13
Interest @ 6% from 5/31/57 (date on which State took possession of balance of property) to 6/21/57 (date of final settlement)	<u>5,777.19</u>
Total amount to be paid	\$1,617,081.79

[Signature]
Supervising Engineer, Appraisals & Negotiations

6-13-57
Date

[Signature]
Director, Division of Right of Way

6-13-57
Date

[Signature]
Deputy Attorney General

6/14/57
Date



State of New Jersey
STATE HIGHWAY DEPARTMENT
DWIGHT R. G. PALMER, COMMISSIONER
TRENTON 25

Palisades Interstate
Parkway *Burnett Property*

[Signature]
July 26, 1957

COPY FOR

Mr. Charles Hurley:

I am personally handing you a check, #1023, received in the mails, drawn on the Chase National Bank by the Palisades Interstate Park Commission and made out to the "New Jersey State Highway Department" for the amount of \$111,770.29.

Rec'd July 26, 1957
Cyrus Card

O. H. Fritzsche
State Highway Engineer

HERALD NEWS
Passaic & Clifton, N. J. *File*

Burnetts Lose Suit to Keep Palisade Tract

Judge Grimshaw Rules
State Can Take 55
Acres for Parkway

PATERSON—Dr. and Mrs. John C. Burnett have lost a suit to keep the State Highway Department from taking 55 acres of their land for the Palisades Interstate Parkway.

Superior Court Judge John Grimshaw, Jr., yesterday ruled in favor of the highway commissioner.

The Burnett property on the east side of Route 9-W, reportedly worth \$2,700,000, can legally be condemned by the state, Judge Grimshaw said.

The Burnetts alleged the decision to take their property was not reached in good faith but was influenced by the Palisade Interstate Park Commission.

Charge Park Use

The state, they contended, needs only 22 acres for the parkway, and the park commission wants the rest for park purposes.

"Suffice it to say that I have been unable to find any evidence whatever of a lack of good faith on the part of the commissioner," said Judge Grimshaw. "Under such circumstances, the court will not interfere."

THE CALL

Paterson, N. J. *File*

MAY 31 1953

Stay Condemnation Of Alpine Acreage

A one-week order restraining the State Highway Commission from proceeding with condemnation of 55 acres bordering Rte. 9-W in Alpine was continued to June 26 by Superior Court Judge John Grimshaw, Jr., yesterday.

Postponement of a hearing on the order was reportedly requested by the State attorney general's office.

A permanent injunction is being sought by Dr. and Mrs. John C. Burnett, owners of the property on the east side of Rte. 9-W, which the State wants for the Palisades Interstate Parkway.

The Burnetts contend they offered the State property on the west side of the highway which would be just as suitable for the parkway extension. They asserted their offer would save the State \$300,000 and they would be able to preserve their home, located on the east side.

PASSAIC HER. NEWS
12/20/55

State Fights^{MD} Bergen Award

Asks Jury to Decide
On Burnett Property

HACKENSACK — The New Jersey Highway Authority has filed notice it will appeal the award of \$1,240,000 for property taken from Dr. John C. Burnett for the Palisades Interstate Parkway.

Deputy Attorney General William McCormack will appear before Superior Court Judge J. Wallace Leyden January 6 to request a jury trial.

The award was made by a three-man Bergen County condemnation commission two weeks ago. It was composed of Oreste L. Cassi, Hackensack banker; Morell Birtwhistle, Englewood realtor, and Le Roy B. Huckin, Englewood lawyer.

Dr. Burnett and his wife, the former Cora B. Timken, of the Timken roller bearing family, have lived on the 55-acre estate atop the palisades in Alpine for 25 years. They sought \$3,000,000 for the property which contained the family home, private power and water plants, a bomb shelter, a Hindu temple and a dozen other buildings.

The award was the largest single sum ever awarded for Bergen property.

NEWARK NEWS
12/20/55

Palisades Parkway to Appeal \$1,245,000 Award to Burnett

Staff Correspondent.

HACKENSACK — An appeal from the \$1,245,000 condemnation award set for the cliff-edge estate of Dr. and Mrs. John C. Burnett in Alpine has been filed by counsel for the Palisades Interstate Parkway.

Notice of the appeal was filed yesterday by Dep. Atty. Gen. William J. McCormack. The figure set Dec. 8 by a condemnation commission is reportedly the highest ever voted for a single property in New Jersey.

McCormack will appear before

Superior Court Judge J. Wallace Leyden on Jan. 6 to seek a date for a court hearing.

The Burnett property, a 54-acre tract which hugs the irregular cliff-edge of the Palisades, stretches from a point about seven miles north of the George Washington Bridge to within a mile of the New York-New Jersey line. The property is being sought for use in the completion of the Palisades Interstate Parkway.

Surrounded by barbed wire and housing a collection of rare art treasures, the property has served as a sanctuary for the reclusive Burnetts for more than a quarter of a century. Mrs. Burnett is the former Cora Timkin of the multi-millionaire Timkin roller-bearing family.

1/9/56

Mrs. Burnett Dies

Member of Timken Roller Bearing Family and Art Collector Succumbs in Bergen at 84

Staff Correspondent.

ALPINE — Mrs. Cora Timken Burnett, a member of the multi-million dollar Timken Roller Bearing family and recluse mistress of a fabulous 54-acre cliff-edge estate here, died Saturday at Englewood Hospital of a heart ailment. She was 84.

Mrs. Burnett was the wife of Dr. John C. Burnett. The couple had lived in complete seclusion on the sprawling estate overlooking the Hudson from the time of their marriage July 15, 1920, until she was taken to Englewood Hospital Nov. 14.

Born in St. Louis, Mrs. Burnett was the daughter of Henry H. Timken, head of the Timken Roller Bearing firm, and Mrs. Frederika Heineelman Timken. Following her marriage to Dr. Burnett here in 1920, she went into seclusion on the lavish estate which stretches along the Palisades from a point seven miles north of the George Washington Bridge to within a mile of the New York line.

Designed Buildings

An art student in this country and in France in her youth, Mrs. Burnett devoted her years here to painting and sculpture and the collection of rare and unusual art objects. The many unusual and colorful buildings which dot the estate were designed by Mrs. Burnett.

Barbed wire fences and a private police force to guard the property offered a forbidding exterior to the Burnett estate, but within the couple warmed their home with a fabulous and almost priceless collection of Oriental art.

Huge jade Buddhas and jade pieces and buildings whose cor-

ners were cut into great elephant feet were among the unique and colorful aspects of the estate.

Revealed by Condemnation

All this remained virtually unknown to the public until condemnation proceedings brought last year by the State Highway Department for the Palisades Interstate Parkway drew back the couple's self-imposed veil of seclusion.

A condemnation commission recently awarded the Burnetts \$1,245,000 for the estate, but this figure has been appealed by parkway authorities.

Mrs. Burnett leaves also three nephews, John Timken of New London, Conn., and W. Robert and Henry H. Timken, both of Canton. The Burnetts were childless.

Rev. Harold Bennett of the Alpine Community Church will conduct services Wednesday at 2 p.m. at the Maxwell Funeral Home, 10 West End Ave., Somerville. Burial will be in Hillside Cemetery, Plainfield.

Newark Evening News
6/6/56

Jury Tours Alpine Site

**Second Trip Due Today
in Fight Over Award
of \$1,250,000**

Staff Correspondent.

HACKENSACK — A Superior Court jury today was expected to spend its second full day examining the 55-acre cliff-edge estate of Dr. John C. Burnett of Alpine as a prelude to hearing an appeal from a \$1,250,000 condemnation award for the property.

The jurors spent all day yesterday at the fabulous estates described by rival counsel as "unique and unusual" and "an architectural monstrosity." The trial opened here Monday before Superior Court Judge J. Wallace Leyden and involves appeals by both Burnett and the state.

The land has been selected for use by the Palisades Interstate Parkway.

Meyner Comment

Gov. Meyner last month injected the matter into the Legislature's conflict-of-interest question when he described State Sen. Walter H. Jones (R-Bergen), Burnett's counsel, as "representing an interest adverse to that of the state." Jones has since sponsored a concurrent resolution in the Legislature calling for an investigation of the entire question.

The estate is situated atop the Palisades in Alpine just north of the George Washington Bridge. Adorning the property are oriental temples and eastern art objects considered priceless by Burnett.

Appraiser Places \$1,027,500 Price Tag On Burnett Lands

Rev. Ev. Rec. 6-8

State, Doctor Appealing Condemnation Award For Estate In Alpine

Hackensack — A Demarest real-estate appraiser, testifying at the trial of appeals from the \$1,245,321 condemnation award for the Burnett estate in Alpine, told an all-male struck jury yesterday that he estimated the land value of the estate at \$1,027,500.

BASED ON FOUR SALES

Both the State Highway Department and Dr. John C. Burnett are appealing the award. The State claims it is too high, while Dr. Burnett claims it is too low.

The estimate was given by George R. Meadows, called as a witness by State Senator Walter H. Jones on behalf of Dr. Burnett. Meadows said he made his esti-

mate on four sales of comparable property going back to 1931 and that his appraisal placed the fair-market value of the 55½-acre estate at \$18,500 an acre. He said he arrived at that figure by adding one-third to the value of an acre in 1931 for the increase in value

during the past 25 years. No witness has yet placed a value on the 12 buildings on the estate.

Under cross-examination by Deputy Attorney-General William J. McCormack, representing the State Highway Department, which also is appealing the award, said to be the largest ever granted for a single tract of land in New Jersey, Meadows admitted that several years ago when asked to place a value on the property by Dr. Burnett, he had estimated the value at about \$9,000 an acre.

The land and buildings of the estate were condemned in 1953 for construction of the Palisades Interstate Parkway. While the Parkway has been constructed, most of the estate's buildings still stand along the edge of the Palisades and Dr. Burnett still occupies the main residence building. The estate extends two-fifths of a mile south of the New York State line. Meadows described the estate as the finest cliff property along the Palisades.

Five or six more experts are expected to be called on behalf of Dr. Burnett and the State is expected to place a similar number of witnesses on the stand. Completion of the trial before Superior Court Judge J. Wallace Leyden is not expected until late next week.

Previously, Dr. Burnett testified that the land was acquired by his late wife, Mrs. Cora Timken Burnett, prior to their marriage in 1920. Mrs. Burnett, of the roller bearing family, died last February at the age of 84. Dr. Burnett told the jury that he and his wife had lived in tents while the main house was under construction and that most of the buildings were built on designs suggested by his wife, who was a painter and sculptor. The State has described the buildings as being unique and not following any recognizable architectural design.

NEWARK NEWS
6/14/56

Burnett Estate Valued At \$750,000 by Realtor

Staff Correspondent.

HACKENSACK — A state witness yesterday fixed the value of the 55-acre estate of Dr. John C. Burnett of Alpine at \$750,000, more than \$1,500,000 less than the highest figure set by appraisers appearing for Burnett in appeals from a \$1,245,000 condemnation award.

The state figure was entered by Arthurs J. Rooney, Cliffside Park realtor and the first witness called by Dep. Atty. Gen. William J. McCormack of West Orange.

State Sen. Walter H. Jones (R-Bergen) and Irving Riker of Newark, co-counsel for Burnett, concluded their case yesterday in the eighth day of trial before Superior Court Judge J. Wallace Leyden and a blue ribbon jury.

The land is scheduled for use in the Palisades Interstate Parkway.

Recalls Earlier Sale

The first of an anticipated parade of expert witnesses for the state, Rooney spent the better part of the day on the stand. He testified that in 1950 Dr. Burnett sold a much smaller tract to the state at slightly more than \$10.00 per acre, and that property along the Palisades generally has sold for between \$6,000 and \$10,000.

Appraisers for Burnett have estimated the land value at between \$16,500 and \$18,500.

Jones cross-examined Rooney at length on the land value point in support of Burnett's contention that the practice of the Rockefeller family in purchasing the

greatest portion of the Palisades property since 1931, and the well-know interest of the state in the land have tended to depress its market value.

Earlier, McCormack sought unsuccessfully to have all figures for the cost of replacement of buildings and improvements given by Burnett witnesses stricken. On Tuesday, Lewis Kuhl of the Turner Construction Co. of New York set the replacement costs at \$1,587,700. Allowing the state a depreciation of \$413,916, Kuhl came up with a \$1,173,784 figure as the net depreciated value of buildings and improvements alone.

The trial resumed today with Rooney returning to the witness stand.

PASSAIC HER. NEWS
6/14/56

State Witness Finds Burnett Estate Worth Only \$750,000

HACKENSACK—The first witness for the State Highway Authority yesterday testified that Dr. John C. Burnett's 55-acre estate in Alpine is not worth more than \$750,000.

Many Structures Neglected

Arthur J. Rooney, Cliffside Park appraiser, told a 12-man jury that only the main house and grounds are in good condition but that other structures showed signs of being neglected.

His figure was for land and buildings and was in sharp contrast to value put into the record by Burnett's realtors.

The state is appealing the condemnation commission award of \$1,245,000 claiming it was too much. Dr. Burnett is appealing, saying it was too little. He testified it was worth \$3,000,000.

Deputy Attorney General William J. McCormack has a half dozen other witnesses to offset

the testimony of experts put on the stand by State Senator Walter H. Jones and Irving Riker, Burnett's attorney.

On cross-examination by Senator Jones, Rooney admitted that there have been few if any comparable cases along the Palisades. The scarcity, he said, was due to the fact that there has been no demand for sites in the area because Rockefeller interests sought much of the cliff property for museum and park purposes.

Now in its second week, the trial is expected to run about four more days. Because of the 92-degree heat in the courthouse, Superior Court Judge J. Wallace Leyden told the jurors they could take off their jackets. They did.

BURNETT AWARD FROM PARKWAY HIKED \$340,288

Jury Decides State Must Pay More For Condemned 55½-Acre Estate On The Palisades In Alpine

Hackensack —Dr. John C. Burnett has been awarded \$1,585,600 for his 55½-acre estate on the edge of the Palisades in Alpine, which was condemned for the Palisades Interstate Parkway.

The all-male struck jury, which heard testimony for 10 days on appeals by both Dr. Burnett and the State Highway Department from a \$1,245,312 condemnation award for the estate made by a commission in 1953, returned its verdict shortly before 9 o'clock last night.

JURY OUT 4½ HOURS

The valuation award was returned before Superior Court Judge J. Wallace Leyden. The jurors deliberated more than 4½ hours.

The award is \$340,288 more than the valuation placed on the estate by the condemnation commission.

During the trial, estimates of the value of the estate, which includes three main building groups and eight other structures, ranged from \$750,000, the figure set by appraisers for the State, to more than \$2.3 million by experts testifying for Dr. Burnett.

While the Palisades Interstate Parkway has been built through the property, Dr. Burnett still occupies the main residence building, located only a few feet from the edge of the Palisades. Dr. Burnett's wife, the former Cora B. Timken, of the Timken roller bearing family, died in February at the age of 84.

At the trial, Dr. Burnett testified he and his wife spent more than \$960,000 for buildings and improvements of the estate, which had its own electric and water systems, over a period of 30 years.

DESIGNED BY WIFE

Witnesses called by Deputy Attorney-General William J. McCormack for the State had characterized most of the buildings as monstrosities which followed no recognized architectural design. At least two experts said counterparts of the buildings could be found in

Europe and South America. Dr. Burnett said some of the structures, including three studios and a laboratory, were built from sculptural designs made by his wife, a painter and sculptress.

State Senator Walter H. Jones, who with Irving Riker of Newark, represented Dr. Burnett, contended the type of architecture was not important and that the estate represented a life work of the Burnetts.

In his summation to the jury, Jones referred to conflict of interest criticism aimed at him and asked the jurors not to be influenced by the fact he was a State Senator. He said he was appearing in the case only as a lawyer.

At the outset of the trial there had been criticism in some quarters concerning Jones's appearing in a case involving the State and on the side of a litigant fighting the State. Jones said in his summation that he had every right to appear in court as a lawyer representing a land owner who asked only for just compensation.

The property involved in the case runs about two-fifths of a mile along the Palisades, between the cliff edge and Route 9-W, starting about a mile south of the New York State line.

The award is reportedly the largest ever given for a single tract of land in the State.

Newark Sun.
News 10/5/58

Burnett Estate May Become Park

The Burnett estate, a 54-acre retreat at the edge of the Palisades and shut off from the outside world since it was built 28 years ago, soon may blossom as a state park.

If it does, the public, whom Dr. John Clawson Burnett and his multi-millionaire wife, the late Cora Timken, had sought to avoid, will inherit their private sanctuary.

The property was condemned by the State Highway

Department in 1955 to provide a right of way for the New Jersey section of the Palisades Interstate Parkway in Alpine. It was purchased—after lengthy court battles—for more than a million and a half dollars.

Negotiations Held

A spokesman for the Highway Department said negotiations between the state and the Palisades Interstate Park Commission are under way

and that it is expected the property soon will be leased to that group for use as a park. The cost to the commission, he added, would be nominal. The Highway Department, however, would retain the privilege of canceling the lease on 30 or 60-day notice if the land were needed for state purposes.

The bulk of the estate was untouched by the highway project, but because it lies between the limited access parkway and the Palisades it has been left isolated.

The fact that the highway that took the land from the Burnetts is a controlled access road has been as successful in keeping out visitors as were the high wire fences,

guards and watchdogs employed by the couple to maintain their privacy.

When the Highway Department took over the land, it did not only acquire a road-bed but also inherited a variety of fairyland buildings, acres of cliff-top woodlands, a pear-shaped swimming pool, a giant steel reinforced bomb shelter and a breath-taking view from the Palisades.

The main structure is a twin-peaked terra-cotta tile mansion topped with a copper roof. Part of the front section slopes to the ground and is fashioned in the shape of two giant elephant feet. Ten feet in front of the main entrance to the house is the edge of the property—and an almost sheer 500-foot drop to the Hudson River.

Newark Sunday News
11/8/59

Burnett Estate Near End

Palisades Retreat Will Yield to Progress

Staff Correspondent.

ALPINE—The Burnett estate, a strange and sprawling monument to whim and privacy, will soon be but a memory.

On Nov. 17 the State Highway Department will take bids on the demolition of 11 of the estate's 12 buildings, signalling the end for the 25-year-old home of the late Dr. and Mrs. John Clawson Burnett.

A more fantastic home has never been seen in New Jersey. Its architecture is almost indescribable. Each building was designed by Mrs. Burnett, the former Cora Timken of the roller-bearing family and an amateur artist and sculptor.

Magnificent View

The estate must now make way for further development of the Palisades Interstate Park system but in its heyday the Burnetts lived there in splendid seclusion, with one of the worlds most magnificent views at their feet.

The 12 buildings include a mansion perched on a 500-foot cliff of the Palisades, a laboratory, a Hindu temple which Dr. Burnett imported from the Far East; a large dining hall and a subbasement bomb shelter that was literally hacked out of the Palisades rock formation.

The buildings cannot be described in conventional terms. In

their unusualness they have the Hearstian touch—they ring of the wilds of Yucatan or of Hollywood, 1920.

Mrs. Burnett, who died in 1956, avoided sharp lines and included many columns which end in "elephant's feet." The interiors were just as unusual—dark blue walls, yellow ceilings, carved-oak doors with medieval-looking strap hinges and numerous niches which once housed the Burnetts' precious statuary.

Well Guarded

The couple, in their desire for seclusion, surrounded the estate with fencing, barbed-wire, dogs and guards. These also guarded an art collection of immense value. Dr. Burnett never revealed its worth but he once said that several of the articles lost in a fire brought more than \$300,000 in insurance payments.

Before a fire in 1939 the estate included a laboratory which contained no iron, steel or other magnetic material. Dr. Burnett, an osteopath, who died Oct. 29 at the age of 72, used it for "experiments" which he never explained or disclosed.

Today the estate, which brought \$1,585,000 in an 1957 condemnation award, is mostly rust, rot and decay. Much of its 22 acres is already taken by the present Palisades Interstate Parkway. The rest gives an impression of broken

windows and creeping underbrush. Nature has started what the wreckers will finish.

The Park Commission is saving one building—a long, low structure with humerous garages—for storage purposes. The rest, the commission feels, are unusable.

Unique Mansion on Bergen Palisades Being Razed; 11 Buildings Involved

The demolition of one of the most unusual architectural monuments in this area, on a 40-acre estate atop the New Jersey Palisades, is being carried out by a Paterson company.

V. Ottilio and Sons, long experienced in the prosaic work of structural demolition, parking lot construction, and earth removal, in its contracting enterprises, describes the work as one of the most unusual jobs in its career.

"Monument to Personal Privacy" Working on a \$29,600 low bid approved by the State Highway Department, the Ottilio firm is demolishing what has been described as "an extraordinary monument to personal privacy."

The monument is the estate of the late Dr. and Mrs. John Clawson Burnett, North of the Alpine Boat Basin Road. After long litigation, a condemnation court awarded the Burnett estate \$1,585,000 for the property which became landlocked as a result of the Interstate Parkway.

Demolition crews have begun the task of razing what Carmine Ottilio, who heads the contracting firm, describes as the "weirdest buildings" he has seen.

Eleven of the 12 architecturally strange structures are scheduled to be razed within a month. A large U-shaped oddity with four apartments of two to five rooms will

be kept by the Highway Department for maintenance purposes. It is the only building of the estate, which is fenced and closed to the public and was once guarded by men and dogs, that is visible from the parkway.

Most of the peculiarly shaped buildings were said to have been designed by Mrs. Burnett, the former Cora Timken, artist, sculptor and heiress to part of the Timken Roller Bearing fortune.

Defying description in the usual terms, the buildings have no sharp angles and exterior corners are said to flow into what is described as "elephants' hooves," represented by larger stones.

Ottilio said the demolition will require some extraordinary work because of the placement of the buildings. He said special precautions will be taken in tearing down an igloo studio, perched on the edge of the cliff to the south of the main house. The building can be reached only by a foot path.

"One wrong step and you fall down a crevice into the Hudson River," Ottilio remarked.

The igloo studio is a one-room structure in which Dr. Burnett entertained.

The Burnetts lived in an eight-room house, also perched on the edge of the towering Palisades, 500 feet above the Hudson. The main building was separated by

about 150 feet from a second building in which they dined.

The residence house resembles two joined quonset huts, faced with green tiles, each about a foot square. The copper covered roof is now also green with age.

Two living rooms dominate the interior. Huge picture windows face east and north. Each reveals a sweeping view of the river.

Trees Grow through House

In the room on the south side, two tree trunks rise from the floor through a balcony. Each room has a fireplace, as do the principal rooms in all of the buildings.

The dining hall has a 35 by 20 foot room with an organ that reportedly cost \$17,500 in 1924. The organ pipes form the upswept roof design.

Some distance from the main house is the doctor's laboratory which was ruined by fire in 1939 and now resembles an eerie castle. The laboratory was presumably used for experiments which Dr. Burnett never revealed. He was an osteopath and died in New York last month at the age of 72. Mrs. Burnett died in 1956.

"I thought I had seen everything," Ottilio, who pioneered in the use of surplus Army tanks for wholesale demolition work, commented. "But this beats all."

Jersey Journal
11/18/59

Paterson Firm Offers Low Demolition Bid

TRENTON (UPI) — V. Ottillio Sons, of Paterson, submitted a low bid of \$29,600 for demolition of buildings in Alpine, Bergen County, to make way for an improvement in the Palisades Interstate Park System, the State Highway Department announced yesterday.

The buildings are located on the former Burnett Estate atop the Palisades in Alpine, and range from quonset huts to a mansion. The job is to be completed in 30 working days.

Encore For Roads Scandals

A new look at the huge federal-state highway building program for which you are paying escalated gasoline — and other taxes is in the works for a special House subcommittee. This time the focus is to be on alleged high jinks in Massachusetts. Oklahoma and Florida had been the targets in 1960.

The group, a special subcommittee of the House Public Works Committee established at the 1959 session of Congress, has been investigating the Massachusetts shenanigans behind closed doors for a year and a half. The political overtones in this election year are obvious. Almost every meaningful office in the Bay State — from Governor to the Senate seat now occupied by President John F. Kennedy's appointed successor — is up for grabs.

Involved in the jockeying for the Senate seat are political heirs of considerable note. At minimum they include the President's youngest brother, Edward M. (Ted) Kennedy; a favorite nephew of House Speaker John W. McCormack, Edward J. McCormack, now Massachusetts Attorney General; and George Cabot Lodge, son of the unsuccessful 1960 Republican candidate for Vice President.

* * *

Perhaps for political reasons alone this election year probe of pollution in the highway program in Massachusetts is going to be rather narrow. If such an understanding exists, it means that a good many potential areas of rotteness will be neglected. These include everything from engineering to actual construction.

* * *

Congress at the 1961 session increased by \$11.5 billion the authorization for the National Interstate and Defense Highway program for the fiscal years 1963 through 1971. Gasoline and diesel fuel taxes at 4 cents a gallon were continued through Oct. 1, 1972.

Until the same date these other taxes were boosted: 1) from \$1.50 per 1000 pounds to \$3 on trucks weighing over 26,000 pounds; 2) from 8 cents per pound to 10 cents on highway tires; 3) from 9 cents per pound to 10 cents on inner tubes; 4) from 3 cents per pound to 5 cents on tread rubber. An additional 5 percentage points (amounting to the full 10 per cent) of the excise tax on the manufacturer's price on trucks, buses and trailers was pledged to the Highway Trust Fund.

In this election year the House subcommittee appears to be taking the attitude that the less the public knows the less will hurt them — or more realistically, the less will deserving Democrats be hurt. But the federal-state road program has the potential of a huge scandal hurting individuals in both parties — the first indictment in Massachusetts named a high-ranking Republican as well as a Democrat — and sooner or later it will be parsed.

Fortunately, New Jersey, under the able leadership of Commissioner Dwight R. S. Palmer, has steered clear of scandal in highway developments.