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ASSEMBLY, NO. 138

(Chap. 152, L. 1917, p. 319.)

L. 1922c. 142

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1922

By Mr. ROEGNER

(By Request.)

Referred to Committee on Municipal Corporations

A SUPPLEMENT to an act entitled "An act concerning municipalities," approved March twenty-seventh, one thousand nine hundred and seventeen.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Whenever any public street or highway, public square or public place, in any
2 municipality of this State has been heretofore vacated in pursuance of proceedings,
3 by ordinance or otherwise, authorized by any law of this State, a copy of such ordi-
4 nance or other proceeding by which such public street, highway, public square or
5 public place has been vacated shall be certified, at the request of any person, to be a
6 true copy of such ordinance or other proceeding by the clerk of such municipality
7 under the corporate seal thereof, and thereupon such certified copy may be filed by
8 any such person in the office of the county in which such municipality is situate
9 wherein the public record of deeds of conveyance of land is made and kept that is
10 to say, in the office of the county clerk or the register of deeds, as the case may be;
11 which certified copy shall thereupon be recorded in such office in a book to be pro-
12 vided for that purpose, with a proper index; which book shall be entitled "Vaca-
13 tions." Such record, or a copy thereof, certified to be a true copy by such county
14 clerk or register of deeds, as the case may be, under the seal of the county, shall be

15 taken and received in all courts and places as evidence of such ordinance or pro-
16 ceedings and the adoption thereof.

1 2. Whenever any public street or highway, public square or public place, in any
2 municipality of this State shall be hereafter vacated in pursuance of proceedings, by
3 ordinance or otherwise, authorized by any law of this State, a copy of such ordi-
4 nance or other proceeding by which such public street, highway, public square or
5 public place has been vacated, certified to be a true copy of such ordinance or other
6 proceeding by the clerk of such municipality, under the corporate seal thereof, to-
7 gether with a copy of the proof of publication thereof, if publication is required by
8 law, shall be filed by said clerk, within sixty days from the date when said ordinance
9 or other proceeding becomes effective, in the office of the county in which such
10 municipality is situate wherein the public record of deeds of conveyance of land is
11 made and kept--that is to say, in the office of the county clerk or the register of
12 deeds, as the case may be; which certified copy shall thereupon be recorded in such
13 office in a book to be provided for that purpose, with a proper index; which book
14 shall be entitled "Vacations" Such record, or a copy thereof, certified to be a true
15 copy by such county clerk or register of deeds, as the case may be, under the seal
16 of the county, shall be taken and received in all courts and places as evidence of
17 such ordinance or proceedings and the adoption thereof.

1 3. This act shall take effect immediately.

STATEMENT.

Whereas, the vacation of streets, highways, public squares and public places is and
has been nearly always accomplished by the passage of municipal ordinances, some-
times to be filed in the county record office and sometimes not;

And whereas, the record of such ordinances in the offices of municipalities is fre-
quently lost or destroyed, and when a copy is merely filed in a county record office is
sometimes lost;

The object of this act is to secure a safe and permanent record of the passage of
ordinances and other proceedings for the vacation of streets and other public places.

The office where deeds are registered is the appropriate place for such record, because the records of the original dedication or condemnation are most frequently to be found therein.

L. 19226142