

ASSEMBLY, No. 36

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1957

By Mr. BOWKLEY

Referred to Committee on Public Safety, Defense and Veterans Affairs

AN ACT relating to the recording of grants of easements and rights of way in certain cases.

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

1 1. As used herein:

2 (a) "public utility" means any person, firm, trustee, receiver or cor-  
3 poration of any nature subject to or exercising any privileges under the  
4 provisions of Title 48 of the Revised Statutes and amendments and supple-  
5 ments thereto; and any corporation operating pipeline facilities within or  
6 through the State;

7 (b) "right of way" means the area devoted to passing over, on, through  
8 or under lands with utility plant facilities as part of a way for such pur-  
9 pose;

10 (c) "easement" or "easement rights" means privileges essential or  
11 appurtenant to the enjoyment of a right of way; and

12 (d) "street" means any highway, road, street, alley, lane or place dedi-  
13 cated to public use whether or not accepted and whether or not subsequently  
14 vacated and includes the sidewalk area and other areas between the sidelines  
15 thereof.

1 2. The recording of any grant of easement or right of way to any public  
2 utility shall not constitute constructive notice thereof beyond 1 year from  
3 the date of such grant unless

4 (a) the principal facilities to be constructed on such right of way are to  
5 be located within the limits of any street, or

6 (b) such grant contains a particular description of the location of the  
7 right of way so granted, or

8 (c) there is attached to and recorded with such grant a map, plat or  
9 sketch showing the location thereof with sufficient reference to boundaries  
10 or monuments of record to permit the location to be established by survey,  
11 or

12 (d) prior to the expiration of such 1-year period, there is separately  
13 filed or recorded with the county recording officer with whom such grant was  
14 originally lodged for recording a map, plat or sketch complying with the pro-  
15 visions of clause (c); provided, however, the provisions of chapter 358 of  
16 the laws of 1953 shall not apply to any map, plat or sketch required to be  
17 filed or recorded under the provisions of this act.

1 3. Nothing herein contained shall limit or modify the exercise by any  
2 public utility as herein defined, of any easement rights heretofore granted  
3 to it.

1 4. This act shall take effect January 1, 1958.

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**ASSEMBLY, No. 36**

**STATE OF NEW JERSEY**

ADOPTED APRIL 1, 1957

Amend section 1, line 5, after the semicolon (;) following the word "thereto" delete all of the remaining language on line 5 and all of the language on line 6.

Amend section 2, line 2, after the word "utility" insert comma (,) and add "and any corporation operating pipeline facilities within or through the State".

Amend section 3, line 2, after the comma (,) following the word "defined" add the following "or by any corporation operating pipeline facilities within or through the State,".

APPROVED 7-8-57  
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2 (a) "public utility" means any person, firm, trustee, receiver or cor-  
3 poration of any nature subject to or exercising any privileges under the  
4 provisions of Title 48 of the Revised Statutes and amendments and supple-  
5 ments thereto; [and any corporation operating pipeline facilities within or  
6 through the State;]

7 (b) "right of way" means the area devoted to passing over, on, through  
8 or under lands with utility plant facilities as part of a way for such pur-  
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11 appurtenant to the enjoyment of a right of way; and

12 (d) "street" means any highway, road, street, alley, lane or place dedi-  
13 cated to public use whether or not accepted and whether or not subsequently  
14 vacated and includes the sidewalk area and other areas between the sidelines  
15 thereof.

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1     2. The recording of any grant of easement or right of way to any public  
2 utility, *and any corporation operating pipeline facilities within or through the*  
3 *State* shall not constitute constructive notice thereof beyond 1 year from  
3a the date of such grant unless

4     (a) the principal facilities to be constructed on such right of way are to  
5 be located within the limits of any street, or

6     (b) such grant contains a particular description of the location of the  
7 right of way so granted, or

8     (c) there is attached to and recorded with such grant a map, plat or  
9 sketch showing the location thereof with sufficient reference to boundaries  
10 or monuments of record to permit the location to be established by survey,  
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12     (d) prior to the expiration of such 1-year period, there is separately  
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15 visions of clause (c); provided, however, the provisions of chapter 358 of  
16 the laws of 1953 shall not apply to any map, plat or sketch required to be  
17 filed or recorded under the provisions of this act.

1     3. Nothing herein contained shall limit or modify the exercise by any  
2 public utility as herein defined, *or by any corporation operating pipeline fa-*  
3 *cilities within or through the State*, of any easement rights heretofore granted  
4 to it.

1     4. This act shall take effect January 1, 1958.