

46:23-9.10

LEGISLATIVE HISTORY CHECKLIST

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(Map filing)

NJSA: 46:23-9.10

LAWS OF: 1997 **CHAPTER:** 211

BILL NO: A1975

SPONSOR(S): Arnone and others

DATE INTRODUCED: May 6, 1996

COMMITTEE: ASSEMBLY: Agriculture & Waste

SENATE: Community Affairs

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
Second reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: March 24, 1997

SENATE: June 5, 1997

DATE OF APPROVAL: August 18, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[Corrected Copy]

[Second Reprint]

ASSEMBLY, No. 1975

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblyman ARNONE, Assemblywomen FARRAGHER,
J. Smith and Senator Kyrillos

1 AN ACT concerning the approval and filing of maps and amending
2 P.L.1960, c.141 ²and P.L.1969, c.257².

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 2 of P.L.1960, c.141 (C.46:23-9.10) is amended to read
8 as follows:

9 2. Definitions. As used in this act:

10 a. "Map" means a map, plat, condominium ²**[plat]** plan², right of
11 way parcel maps of the State, county or municipality, chart, or survey
12 of lands presented for approval to the proper authority as hereinafter
13 defined or presented for filing in accordance with the provisions of this
14 act, but does not mean a map, plat or sketch required to be filed or
15 recorded under the provisions of **[chapter 130 of the laws of 1957]**
16 P.L.1957, c.130 (C.48:3-17.2).

17 b. "Municipal Engineer" means the official licensed professional
18 engineer appointed by the proper authority of the municipality wherein
19 the territory shown on a map is situate.

20 c. The term "Professional Engineer" within the intent of this act
21 shall mean a person, who **[**, as a result of his special knowledge of the
22 mathematical and physical sciences and the principles and methods of
23 engineering analysis and design, acquired by professional education
24 and technical experience,**]** is qualified to practice professional

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAW committee amendments adopted September 19, 1996.

² Assembly floor amendments adopted February 27, 1997.

1 engineering and as attested by his license as a professional engineer
2 as provided by subsection a. of P.L.1938, c.342 (C.45:8-28).

3 d. The term "Land Surveyor" as used in this act shall mean a
4 person who **【**by reason of his special knowledge of the mathematical
5 sciences, the principles of determining and establishing accurate field
6 measurements by means of land surveying procedures, the law
7 pertaining to land; and the methods whereby land boundaries are so
8 marked, defined and described, that they remain forever fixed, all
9 acquired by professional training and experience,**】** is qualified to
10 practice land surveying, and as attested by his license as a land
11 surveyor as provided by subsection d. of P.L.1938, c.342 (C.45:8-28).

12 e. "Proper authority" means the chief legislative body of a
13 municipality or any other agencies to whom the authority for the
14 approval of maps may be duly designated by ordinance.

15 f. "Right of way parcel map" means any right of way property
16 parcel map of the State, county or municipality which shows highways,
17 roads or street takings and any associated easements.

18 g. "Entire tract" means all of the property that is being subdivided
19 including lands remaining after subdivision.

20 h. ²["Survey easement" means an area surrounding the permanent
21 monumentation set or to be set in accordance with this act to permit
22 access】 "Condominium plan" means a survey of the condominium
23 property in sufficient detail to show and identify common elements,
24 each unit and their respective locations and appropriate dimensions,
25 which shall be filed in accordance with the requirements of section 3
26 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a
27 certification by a land surveyor, professional engineer or architect
28 authorized and qualified to practice in this State setting forth that the
29 plan constitutes a correct representation of the improvements
30 described.²

31 (cf: P.L.1960, c.141, s.2)

32
33 2. Section 3 of P.L. 1960, c.141 (C.46:23-9.11) is amended to read
34 as follows:

35 3. Requirements for Approval.

36 All subdivision plats, both major and ¹where required¹ minor,
37 ²【condominium plats,】² right of way parcel maps of the State, county
38 or municipality, shall be filed in accordance with the provisions of
39 P.L.1960, c.141 (C.46:23-9.9 et seq.). Right of way parcel maps shall
40 meet the requirements of subsections a. through d., subsections f.
41 through i., subsection m. and paragraph 12 of subsection ²【q.】r.² of
42 this section. Minor subdivision maps shall meet the requirements of
43 subsections a. through i., and k. through q., and subsection j. except
44 for the outside tract line monuments, and paragraph 13 of subsection
45 r. of this section.

46 ²A condominium plan shall be filed in accordance with the

1 requirements of subsections a. through c., subsections f. through i.,
2 and subsection m. of this section.²

3 No map requiring approval by law or that is to be approved for
4 filing with a county recording officer, shall be approved by the proper
5 authority unless it shall conform to the following requirements:

6 a. It shall be clearly and legibly drawn, and where required
7 endorsed and presented either as an original drawing in black ink on
8 translucent tracing cloth translucent mylars at least 4 mils thick or its
9 equivalent, of good quality, with signatures in ink, or as an equivalent
10 reproduction on **[translucent cloth,]** photographic fixed line mylar 4
11 mils thick with signatures in black ink or its equivalent and shall be
12 accompanied by a cloth print **[duplicate]** or photographic fixed line
13 mylar ¹[.004 mm.] 4 mils¹ thick duplicate thereof.

14 b. It shall be 1 of **[4]** 6 standard sizes namely, 8 1/2" x 13",
15 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured
16 from cutting edges. If 1 sheet is not of sufficient size to contain the
17 entire territory, the map may be divided into sections to be shown on
18 separate sheets of equal sizes, with references on each sheet to the
19 adjoining sheets.

20 c. It shall show the scale, which shall be inches to feet and be large
21 enough to contain legibly written data on the dimensions, bearings and
22 all other details of the boundaries, and it shall also show the graphic
23 scale.

24 d. It shall show the dimensions, square footage of each lot to the
25 nearest square foot or nearest one hundredth of an acre, bearings and
26 curve data to include the radius, delta angle, length of arc, chord
27 distance and chord bearing sufficient to enable the definite location of
28 all lines and boundaries shown thereon, including public easements and
29 areas dedicated for public use. Non-tangent curves and non-radial
30 lines shall be labeled. Right of way parcel maps shall show bearings,
31 distances and curve data for the right of way or the center line or base
32 line and ties to right of way lines if from a base line.

33 e. Where lots are shown thereon, those in each block shall be
34 numbered consecutively. In municipalities where tax maps exist, block
35 and lot designations shall conform therewith, if the municipal
36 regulations so require. In counties which have adopted or shall adopt
37 the local or block system of indices pursuant to sections 46:24-1 to
38 46:24-22 of the Revised Statutes, it shall have delineated and shown
39 thereon the block boundary or boundaries and designations established
40 by the board of commissioners of land records of such counties
41 respecting the territory intended to be shown on such map.

42 f. The reference meridian used for bearings on the map shall be
43 shown graphically. The coordinate base, either assumed or based on
44 the New Jersey Plane Coordinate System, shall be shown on the plat.
45 A minimum of three corners distributed around the tract shall indicate
46 the coordinate values.

1 g. All municipal boundary lines crossing or adjacent to the territory
2 intended to be shown shall be shown and designated.

3 h. All natural and artificial watercourses, streams, shorelines and
4 water boundaries and encroachment lines shall be shown. On right of
5 way parcel maps all easements that affect the right of way shall be
6 shown and dimensioned, including but not limited to slope easements
7 and drainage.

8 i. All permanent easements shall be shown and dimensioned
9 including but not limited to sight right easements and utility easements.
10 ²[On right of way parcel maps, all easements that ¹ [effect] affect¹ the
11 right of way shall be shown and dimensioned including but not limited
12 to slope easements and drainage easements.]²

13 j. The map shall clearly show all monumentation as required by this
14 act, including monuments found, monuments set, and monuments to
15 be set. An indication shall be made where monumentation found has
16 been reset. The outside tract line monuments of the original tract prior
17 to any sectionalizing shall be set prior to the filing of the map and a
18 certification added pursuant to subsection n. of this section. For
19 purposes of this subsection "found corners" shall be considered
20 monuments.

21 [j.] k. It shall conform to such other technical design controls as
22 may be required by the provisions of local ordinances, including but
23 not limited to minimum [width of streets and minimum area and lot
24 dimensions] street widths, minimum lot areas and minimum yard
25 dimensions and should be shown as a chart on the plat.

26 [k.] l. The name of the [map] subdivision, name of the last
27 property owner or owners, municipality and county shall be shown.

28 [l.] m. The date of the survey shall be shown and the map shall be
29 in accordance with the minimum survey detail requirements as
30 promulgated by the State Board of Professional Engineers and Land
31 Surveyors.

32 [m.] n. There shall be endorsed thereon a certificate of a land
33 surveyor, as follows:

34 I hereby certify that to the best of my knowledge and belief this
35 map and land survey dated _____ meets the minimum survey detail
36 requirements as promulgated by the State Board of Professional
37 Engineers and Land Surveyors and has been made under my
38 supervision, and complies with the provisions of "the map filing
39 law[.]" and that the outbound monuments as shown have been found
40 or set.

41 (Include the following, if applicable)

42 I do further certify that the monuments as designated and shown
43 hereon have been set.

44
45 Licensed Professional Land Surveyor and No.

1 (Affix Seal)

2 If the land surveyor who prepares the map is different than the land
3 surveyor who prepared the outbound survey, the following two
4 certificates shall be added in lieu of the certificate above.

5 I hereby certify to the best of my knowledge information and belief
6 that this land survey dated _____ has been made under my supervision and
7 meets the minimum survey detail requirements, promulgated by the
8 State Board of Professional Engineers and Land Surveyors and that
9 the outbound monuments as shown have been found ' [as] or ' set.

10

11 Licensed Professional Land Surveyor and No.

12 (Affix seal)

13 I hereby certify that this map has been made under my supervision
14 and complies with the provisions of the "map filing law."

15 (Including the following if applicable)

16 I do further certify that the monuments as designated and shown
17 hereon have been set.

18

19 Licensed Professional Land Surveyor and No.

20 (Affix seal)

21 If interior monuments are to be set at a later date, the following
22 requirements and endorsement shall be shown on the map.

23 The interior monuments shown on this map shall be set within an
24 appropriate time limit as provided for in the "Municipal Land Use
25 Law," P.L.1975 c.291 (C.40:55D-1 et seq.) or local ordinance.

26 I certify that a bond has been given to the municipality,
27 guaranteeing the future setting of the monuments shown on this map
28 and so designated.

29

30 Municipal Clerk

31 If the map is a right of way parcel map the project surveyor need
32 only to certify that the monuments have been set or will be set.

33 [n.] o. There shall be endorsed thereon a certificate of the
34 municipal engineer as follows:

35 I have carefully examined this map and to the best of my
36 knowledge and belief find it conforms with the provisions of "the map
37 filing law" resolution of approval and the municipal ordinances and
38 requirements applicable thereto.

39

40 Municipal Engineer

41 (Affix Seal)

42 [o.] p. There shall be submitted to the proper authority an affidavit
43 setting forth the names and addresses of all the record title owners of
44 the lands subdivided by said map and the consent in writing of all such
45 owners to the approval of such map shall be required.

46 [p.] q. If the map shows streets, avenues, roads, lanes or alleys,

1 there shall be endorsed thereon a certificate by the municipal clerk that
2 the municipal body has approved such streets, avenues, roads, lanes or
3 alleys, except where such map is prepared and presented for filing by
4 the State of New Jersey or any of its agencies. The map shall show all
5 of the street names as approved by the municipality.

6 **【q.】** r. Monuments are required on one side of the right of way
7 only and shall be 【of hard】 of metal detectable durable material at
8 least 30 inches long. The top and bottom shall be a minimum of 4
9 inches square² **【.】**² if concrete, however it may be made of other
10 durable metal detectable material specifically designed to be
11 permanent, as approved by the State Board of Professional Engineers
12 and Land Surveyors. All monuments shall include the identification of
13 the professional land surveyor or firm. They shall be firmly set in the
14 ground so as to be visible at the following control points; provided
15 that in lieu of installation of the interior monuments, the municipality
16 may accept bond with sufficient surety in form and amount to be
17 determined by the governing body, conditioned upon the proper
18 installation of said monuments upon the completion of the grading of
19 the streets and roads shown on the map.

20 (1) At each intersection of the outside boundary of the whole tract,
21 with the right-of-way line of any side of an existing street.

22 (2) At the intersection of the outside boundary of the whole tract
23 with the right-of-way line on 1 side of a street being established by the
24 map under consideration.

25 (3) At 1 corner formed by the intersection of the right-of-way lines
26 of any 2 streets at a T-type intersection.

27 (4) At any 2 corners formed by the right-of-way lines of any 2
28 streets in an "X" or "Y" type intersection.

29 (5) If the right-of-way lines of 2 streets are connected by a curve
30 at an intersection, monuments shall be as stipulated in (3) and (4)
31 **【above】** of this subsection at 1 of the following control points:

32 (a) The point of intersection of the prolongation of said lines.

33 (b) The point of curvature of the connecting curve or,

34 (c) The point of tangency of the connecting curve.

35 (6) At the beginning and ending of all tangents on 1 side of any
36 street.

37 (7) At the point of compound curvature or point of reversed
38 curvature where either curve has a radius equal to or greater than 100
39 feet. **【This requirement shall be applied to only 1 side of a street and**
40 **complete】** Complete curve data as indicated in subsection d. of this
41 section shall be shown on both sides **【; namely, radius, length of curve**
42 **and subtended angle】**.

43 (8) At intermediate points in the sidelines of a street between 2
44 adjacent street intersections in cases where the street deflects from a
45 straight line or the line of sight between the adjacent intersections is
46 obscured by a summit or other obstructions which are impractical to

1 remove. This requirement may necessitate the setting of additional
 2 monuments at points not mentioned above. Bearings and distances
 3 between the monuments or coordinate values shall be indicated.

4 (9) In cases where it is impossible to set a monument at any of the
 5 above designated points, a nearby reference monument shall be set and
 6 its relation to the designated point shall be clearly designated on the
 7 map ; or the plate on the reference monument shall be stamped with
 8 the word "offset" and its relation to the monument shown on the filed
 9 map.

10 (10) In areas where permanency of monuments may be better
 11 insured by off-setting the monuments from the property line, the
 12 municipal engineer may authorize such procedure; provided, that
 13 proper instrument sights may be obtained and complete off-set data is
 14 recorded on the map.

15 (11) ²[A survey easement of a five foot radius shall be created
 16 around the monuments as shown on the map. It is not the intent of this
 17 regulation to require the purchase of additional easement areas] By
 18 the filing of a map in accordance with the provisions of "the map filing
 19 law," reasonable survey access to the monuments is granted, which
 20 shall not restrict in any way the use of the property by the landowner².

21 (12) On right of way parcel maps, the monuments shall be set at
 22 the points of curvature, points of tangency, points of reverse curvature
 23 and points of compound curvature or the control base line or center
 24 line, if used, and be intervisible with a second monument.

25 (13) On minor subdivisions a ¹[minimum of two monuments]
 26 monument¹ shall be set at each intersection of ¹[the] an¹ outside
 27 boundary of the newly created lot(s) with the right of way line of any
 28 side of an existing street.

29 (cf: P.L.1960, c.141, s.3)

30
 31 ²3. Section 8 of P.L.1969, c.257 (C.46:8B-8) is amended to read
 32 as follows:

33 8. A condominium may be created and established by recording in
 34 the office of the county recording officer of the county wherein the
 35 land is located a master deed executed and acknowledged by all
 36 owners or the lessees setting forth the matters required by section 9 of
 37 **[this act]** P.L.1969, c.257 (C.46:8B-9) and section 3 of P.L.1960,
 38 c.141 (C.46:23-9.11). **[This act]** The provisions of the
 39 "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.) shall apply
 40 solely to real property of interests therein which have been subjected
 41 to the terms of [this act] P.L.1969, c.257 as provided in this section.²
 42 (cf: P.L.1973, c.216, s.2).

43
 44 ²4. Section 9 of P.L.1969, c.257 (C.46:8B-9) is amended to read
 45 as follows:

46 9. The master deed shall set forth, or contain exhibits setting forth

1 the following matters:

2 (a) A statement submitting the land described in **[such]** the master
3 deed to the provisions of **[this act]** the "Condominium Act,"
4 P.L.1969, c.257, (C.46:8B-1 et seq.).

5 (b) A name, including the word "condominium" or followed by the
6 words "a condominium," by which the property shall thereafter be
7 identified.

8 (c) A legal description of the land.

9 (d) A survey of the **[land and plans or other graphic description of**
10 **the improvements erected or to be erected thereon]** condominium
11 property in sufficient detail to show and identify common elements,
12 each unit and their respective locations and approximate dimensions.
13 **[Such]** The plans **[or other graphic description]** shall bear a
14 certification by **[an]** a land surveyor, professional engineer or
15 architect authorized and qualified to practice **[his profession]** in this
16 State setting forth that **[such]** the plans constitute a correct
17 representation of the improvements described. The survey and plans
18 shall constitute a condominium plan as defined in section 2 of
19 P.L.1960, c.141 (C.46:23-9.10).

20 (e) An identification of each unit by distinctive letter, name or
21 number so that each unit may be separately described thereafter by
22 such identification.

23 (f) A description of the common elements and limited common
24 elements, if any.

25 (g) The proportionate undivided interests in the common elements
26 and limited common elements, if any, appurtenant to each **[such]** unit.
27 **[Such]** These interests shall in each case be stated as percentages
28 aggregating 100%.

29 (h) The voting rights of unit owners.

30 (i) By-laws.

31 (j) A method of amending and supplementing the master deed,
32 which shall require the recording of any **[such]** amendment or
33 supplement in the same office as the master deed before it shall
34 become effective.

35 (k) The name and nature of the association and if **[such]** the
36 association is not incorporated, the name and residence address, within
37 this State of the person designated as agent to receive service of
38 process upon **[such]** the association.

39 (l) The proportions or percentages and manner of sharing common
40 expenses and owning common surplus.

41 (m) **[Such]** Any other provisions, not inconsistent with **[this act]**
42 the "Condominium Act," P.L.1969, c.257, (C.46:8B-1 et seq.), as may
43 be desired, including but not limited to restrictions or limitations upon
44 the use, occupancy, transfer, leasing or other disposition of any unit
45 (provided that any **[such]** restriction or limitation shall be otherwise

1 permitted by law) and limitations upon the use of common elements.²

2 (cf: P.L.1969, c.257, s.9)

3

4 ²**[3.]** 5.² This act shall take effect immediately.

5

6

7

8

9 Amends the "Condominium Act" and "the map filing law."

1 *SPONSORS'* STATEMENT

2

3

4 This bill expands and clarifies certain provisions in the "Map Filing
5 Law," N.J.S.A.46:23-9.9 et seq., to reflect changes in practice since
6 the enactment of the law.

7 Section 1 of the bill expands the definition of the term "map" to
8 include subdivision plats, condominium plats and right of way parcel
9 maps. The bill also defines "right of way parcel maps." The
10 introduction of condominium maps and the use of highway parcel right
11 of way maps to define road acquisitions necessitated this change in the
12 definitional section. The introduction of condominium maps and the
13 use of highway parcel right of way maps to define road acquisitions
14 necessitated this change in the definitional section.

15 Section 2 of the bill clarifies that provision in the law dealing with
16 approval requirements. Specifically, the type, design and identification
17 of monuments required by the act have been expanded to address the
18 changing technology and identification requirements now in place. In
19 addition under the provisions of the bill, survey detail requirements are
20 now included in the act.

21 The bill also has expanded the requirements provisions of the act to
22 clarify the required monumentation of critical points within
23 subdivisions and to add a requirement that the outside lines of a
24 property be monumented.

25

26

27

28

29 _____
Amends the "Map Filing Law."

ASSEMBLY AGRICULTURE AND WASTE MANAGEMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1975

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Assembly Agriculture and Waste Management Committee favorably reports Assembly Bill No. 1975 with committee amendments.

Assembly Bill No. 1975 expands and clarifies certain provisions in the "Map Filing Law," N.J.S.A.46:23-9.9 et seq., to reflect changes in practice since the enactment of the law.

Section 1 of the bill expands the definition of the term "map" to include subdivision plats, condominium plats and right of way parcel maps. The bill also defines "right of way parcel maps." The introduction of condominium maps and the use of highway parcel right of way maps to define road acquisitions necessitated this change in the definitional section. The introduction of condominium maps and the use of highway parcel right of way maps to define road acquisitions necessitated this change in the definitional section.

Section 2 of the bill clarifies that provision in the law dealing with approval requirements. Specifically, the type, design and identification of monuments required by the act have been expanded to address the changing technology and identification requirements now in place. In addition under the provisions of the bill, survey detail requirements are now included in the act.

The bill also has expanded the requirements provisions of the act to clarify the required monumentation of critical points within subdivisions and to add a requirement that the outside lines of a property be monumented.

Assembly Committee amendments make several changes of a technical nature.

SENATE COMMUNITY AFFAIRS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 1975

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Community Affairs Committee reports favorably Assembly Bill No. 1975.

This bill would update and clarify certain provisions of the "map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.), in order to reflect changes in practice since the enactment of that law. It would also amend the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.) to conform that law to the "map filing law."

The bill would expand the definition of the term "map" to include subdivision plats, condominium plans and right of way parcel maps. The bill would also establish a definition of "right of way parcel maps." The introduction of condominium plans and the use of highway parcel right of way maps to define road acquisitions necessitated this change.

The bill would also clarify the provision in the "map filing law" which sets forth requirements for approval. Specifically, the bill would expand the type, design and identification of monuments to address the changing technology and identification requirements now in place. The bill would also set forth survey detail requirements.

Additionally, the bill would expand the requirements provisions of that law to clarify the required monumentation of critical points within subdivisions and to add a requirement that the outside lines of a property be monumented.

Finally, the bill would amend the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.) to make technical corrections and conform that law to the changes being made to the "map filing law."

This bill is identical to Senate Bill No. 1751 with committee amendments, which also was reported by the committee on May 8, 1997.