

27:16-28

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:16-28

(Municipal takeover-of county road-- require municipal approval)

LAWS OF: 1984

CHAPTER: 195

Bill No: S651

Sponsor(s): Graves

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County and Municipal Government

Amended during passage: No

Date of Passage: Assembly: October 11, 1984

Senate: February 27, 1984

Date of Approval: November 27, 1984

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill provides that a county must obtain the permission of the municipality before it discontinues the designation of a road or portion thereof as a county road and turns over the jurisdiction and responsibility for repairing and maintaining the road to the municipality.

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CHAPTER 195 LAWS OF N. J. 1984
APPROVED 11-27-84

SENATE, No. 651

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator GRAVES

AN ACT concerning the discontinuance of county roads, and
amending R. S. 27:16-28.

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

1 1. R. S. 27:16-28 is amended to read as follows:

2 27:16-28. Any road or portion thereof owned by any county
3 or under the control of any **[board of chosen freeholders]** *county*
4 *governing body* may be (a) discontinued as a county road and
5 returned to the jurisdiction and control of the municipality wherein
6 the same is situated; or (b) vacated and abandoned as a public
7 highway, in manner following:

8 a. Any road or portion thereof owned by any county or under
9 the control of any **[board of chosen freeholders]** *county governing*
10 *body* may be discontinued as a county road by **[a]** *an ordinance*
11 *or resolution, as appropriate, passed by the affirmative vote of*
12 *a majority of all of the members of the [board of chosen free-*
13 *holders] governing body, which ordinance or resolution shall*
14 *describe the road or portion thereof so sought to be discontinued*
15 *as a county road sufficiently to clearly identify the same, and*
16 *shall declare that the road or portion of road therein described*
17 *shall be discontinued as a county road, and that the county shall*
18 *and does relinquish all jurisdiction over and responsibility for the*
19 *construction, reconstruction, repair and maintenance thereof. The*
20 *clerk of the board of chosen freeholders, upon the passage of such*
21 **[a]** *an ordinance or resolution shall prepare a certified copy*
22 *thereof, and shall cause such certified copy to be served upon the*

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

Matter printed in italics *thus* is new matter.

23 *municipal* clerk [of the township committee, borough clerk or the
24 clerk of any governing body] of each municipality in which the
25 road or portion thereof sought to be discontinued as a county
26 road shall lie. Such certified copy shall be served within 10 days
27 from the date of [the] passage [of the resolution. And at]. *The*
28 *municipality may adopt an ordinance stating its acceptance of*
29 *jurisdiction for the road or portion of the road. At the expiration*
30 *of the period of 10 days from the [passage of the resolution]*
31 *final adoption of the municipal ordinance* the road or portion of
32 road therein described shall cease to be a county road, and from
33 thenceforward jurisdiction over the road or portion of road shall
34 vest in and the responsibility for the construction, reconstruction,
35 repair and maintenance of the road, or portion of road, shall
36 devolve upon the governing body, as the case may be, of the munici-
37 pality wherein the road or portion of road shall lie. The clerk of
38 the board shall forthwith file a certified copy of the *county ordi-*
39 *nance or resolution* in the office of the county clerk and the latter
40 shall record and index the same in the road records of his office.

41 b. Any road or portion thereof owned by any county or under
42 the control of any [board of chosen freeholders] *county governing*
43 *body* may be vacated and abandoned as a public highway by any
44 [board of chosen freeholders] *county governing body*, in the
45 manner following: The [board of chosen freeholders] *governing*
46 *body* of any county, by the affirmative vote of the majority of all
47 the members thereof, may pass [a] *an ordinance or resolution, as*
48 *appropriate*, describing the road or portion thereof, intended to
49 be vacated and abandoned, sufficiently to clearly identify and
50 locate the same, and declaring it to be the intention of the [board]
51 *county* to vacate and abandon the road or portion thereof as a
52 public highway, and fixing the time and place not less than three
53 weeks nor more than six weeks thereafter, when and where the
54 board shall meet for final consideration and action upon the
55 *ordinance or resolution*, and when and where all persons interested
56 therein may appear and be given an opportunity to be heard.
57 Within three days of [the] passage [of the resolution], the clerk
58 of the board of freeholders shall cause said *ordinance or resolution*
59 to be advertised verbatim in a newspaper published and circulat-
60 ing within the limits of the county, which publication shall be
61 inserted once in each week for three weeks consecutively before
62 the day of the meeting. And if, after the public hearing held at
63 the time and place specified in the *ordinance or resolution*, the
64 [board of chosen freeholders] *county governing body*, by a vote
65 of the majority of all of the members thereof, shall again adopt

66 such *ordinance or* resolution, the road or portion thereof [as
67 described in the resolution] shall from thenceforth be deemed to
68 be vacated and abandoned, and shall cease to be a public road or
69 highway, and title to the land which theretofore was lying within
70 the area of the side lines or legal right of way of the road, shall
71 revert to and vest in the respective owners of the legal title
72 thereto, free and clear of any easement or right of way thereover
73 or thereupon in favor of the public. The clerk of the board shall
74 forthwith file a certified copy of the *ordinance or* resolution in the
75 office of the county clerk and the latter shall record and index the
76 same in the road records of his office.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides that a county must obtain the permission of the municipality before it discontinues the designation of a road or portion thereof as a county road and turns over the jurisdiction and responsibility for repairing and maintaining the road to the municipality.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 651

STATE OF NEW JERSEY

DATED: MAY 15, 1984

Senate Bill No. 651 provides that a county shall obtain the permission of the municipality before it discontinues the designation of a road, or any portion thereof, as a county road and turns over the jurisdiction and responsibility for maintaining and repairing the road to the municipality.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 651

STATE OF NEW JERSEY

DATED: MAY 15, 1984

Senate Bill No. 651 provides that a county shall obtain the permission of the municipality before it discontinues the designation of a road, or any portion thereof, as a county road and turns over the jurisdiction and responsibility for maintaining and repairing the road to the municipality.

The Assembly committee amendments add the proviso that, whenever a county road is turned over to a municipality, the county shall be liable to the municipality for the cost of the repairs of any existing defects in the road at the time of devolution, and for the costs of any reconstruction or improvements which are necessary to bring the road up to the standards required to bear safely the volume of traffic the road serviced at the time of devolution.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO
SENATE, No. 651

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1984

Senate Bill No. 651 amends R. S. 27:16-28 to provide that the governing body of a county must obtain the permission of the municipality before it discontinues the designation of a road, or any portion thereof, as a county road and turns over the jurisdiction and responsibility for maintaining that road to the municipality.

In its present form, R. S. 27:16-28 does not obligate the governing body of a county to secure municipal approval before transferring jurisdiction and responsibility for a road to a municipality.

NOVEMBER 27, 1984

The Governor also recommended a change deleting a reverter clause included in the original bill.

S-2171/A-2504, sponsored by State Senator Edward T. O'Connor Jr., D-Hudson, and Assemblyman Michael F. Adubato, D-Essex, which provides that a member of the Public Employees Retirement System who is over 70 years old and has at least 50 years of creditable service at the time of death, shall be deemed retired if the member's retirement application has been received by the PERS board at the time of death.

S-651, sponsored by State Senator Frank X. Graves, which requires that a county obtain permission from a municipality before discontinuing designation of a road as a county road.

S-212, sponsored by State Senator Walter Rand, D-Camden, which allows a municipal court judge to cancel a hawking and peddling license held by a veteran if the veteran sells or transfers the license, is convicted of a crime, or violates an municipal ordinance relating to the activities for which the license was granted.

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