

P.L. 1997, CHAPTER 211, *approved August 18, 1997*
Assembly, No. 1975 (*Second Reprint*)
(CORRECTED COPY)

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

27 d. The term "Land Surveyor" as used in this act shall mean a

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 person who [by reason of his special knowledge of the mathematical
2 sciences, the principles of determining and establishing accurate field
3 measurements by means of land surveying procedures, the law
4 pertaining to land; and the methods whereby land boundaries are so
5 marked, defined and described, that they remain forever fixed, all
6 acquired by professional training and experience,] is qualified to
7 practice land surveying, and as attested by his license as a land
8 surveyor as provided by subsection d. of P.L.1938, c.342 (C.45:8-28).

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

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

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

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

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

29

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

32 3. Requirements for Approval.

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

43 ²A condominium plan shall be filed in accordance with the
44 requirements of subsections a. through c., subsections f. through i.,
45 and subsection m. of this section.²

46 No map requiring approval by law or that is to be approved for

- 1 filing with a county recording officer, shall be approved by the proper
2 authority unless it shall conform to the following requirements:
- 3 a. It shall be clearly and legibly drawn, and where required
4 endorsed and presented either as an original drawing in black ink on
5 translucent tracing cloth, translucent mylars at least 4 mils thick or its
6 equivalent, of good quality, with signatures in ink, or as an equivalent
7 reproduction on [translucent cloth,] photographic fixed line mylar 4
8 mils thick with signatures in black ink or its equivalent and shall be
9 accompanied by a cloth print [duplicate] or photographic fixed line
10 mylar ¹[.004 mm.] 4 mils¹ thick duplicate thereof.
- 11 b. It shall be 1 of [4] 6 standard sizes namely, 8 1/2" x 13",
12 30" x 42", 24" x 36", 11" x 17", 18" x 24" or 15" x 21" as measured
13 from cutting edges. If 1 sheet is not of sufficient size to contain the
14 entire territory, the map may be divided into sections to be shown on
15 separate sheets of equal sizes, with references on each sheet to the
16 adjoining sheets.
- 17 c. It shall show the scale, which shall be inches to feet and be large
18 enough to contain legibly written data on the dimensions, bearings and
19 all other details of the boundaries, and it shall also show the graphic
20 scale.
- 21 d. It shall show the dimensions, square footage of each lot to the
22 nearest square foot or nearest one hundredth of an acre, bearings and
23 curve data to include the radius, delta angle, length of arc, chord
24 distance and chord bearing sufficient to enable the definite location of
25 all lines and boundaries shown thereon, including public easements and
26 areas dedicated for public use. Non-tangent curves and non-radial
27 lines shall be labeled. Right of way parcel maps shall show bearings,
28 distances and curve data for the right of way or the center line or base
29 line and ties to right of way lines if from a base line.
- 30 e. Where lots are shown thereon, those in each block shall be
31 numbered consecutively. In municipalities where tax maps exist, block
32 and lot designations shall conform therewith, if the municipal
33 regulations so require. In counties which have adopted or shall adopt
34 the local or block system of indices pursuant to sections 46:24-1 to
35 46:24-22 of the Revised Statutes, it shall have delineated and shown
36 thereon the block boundary or boundaries and designations established
37 by the board of commissioners of land records of such counties
38 respecting the territory intended to be shown on such map.
- 39 f. The reference meridian used for bearings on the map shall be
40 shown graphically. The coordinate base, either assumed or based on
41 the New Jersey Plane Coordinate System, shall be shown on the plat.
42 A minimum of three corners distributed around the tract shall indicate
43 the coordinate values.
- 44 g. All municipal boundary lines crossing or adjacent to the territory
45 intended to be shown shall be shown and designated.
- 46 h. All natural and artificial watercourses, streams, shorelines and

1 water boundaries and encroachment lines shall be shown. On right of
2 way parcel maps all easements that affect the right of way shall be
3 shown and dimensioned, including but not limited to slope easements
4 and drainage.

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

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

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

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

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

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

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

38 (Include the following, if applicable)

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

41

42 Licensed Professional Land Surveyor and No.

43 (Affix Seal)

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

1 I hereby certify to the best of my knowledge information and belief
2 that this land survey dated has been made under my supervision and
3 meets the minimum survey detail requirements, promulgated by the
4 State Board of Professional Engineers and Land Surveyors and that
5 the outbound monuments as shown have been found ¹[as] or¹ set.

6
7 Licensed Professional Land Surveyor and No.

8 (Affix seal)

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

11 (Including the following if applicable)

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

14
15 Licensed Professional Land Surveyor and No.

16 (Affix seal)

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

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

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

25
26 Municipal Clerk

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

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

31 I have carefully examined this map and to the best of my
32 knowledge and belief find it conforms with the provisions of "the map
33 filing law" resolution of approval and the municipal ordinances and
34 requirements applicable thereto.

35
36 Municipal Engineer

37 (Affix Seal)

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

42 [p.]q. If the map shows streets, avenues, roads, lanes or alleys,
43 there shall be endorsed thereon a certificate by the municipal clerk that
44 the municipal body has approved such streets, avenues, roads, lanes or
45 alleys, except where such map is prepared and presented for filing by
46 the State of New Jersey or any of its agencies. The map shall show all

- 1 of the street names as approved by the municipality.
- 2 [q.] r. Monuments are required on one side of the right of way only
3 and shall be [of hard] of metal detectable durable material at least 30
4 inches long. The top and bottom shall be a minimum of 4 inches
5 square²[.];² if concrete, however it may be made of other durable
6 metal detectable material specifically designed to be permanent, as
7 approved by the State Board of Professional Engineers and Land
8 Surveyors. All monuments shall include the identification of the
9 professional land surveyor or firm. They shall be firmly set in the
10 ground so as to be visible at the following control points; provided
11 that in lieu of installation of the interior monuments, the municipality
12 may accept bond with sufficient surety in form and amount to be
13 determined by the governing body, conditioned upon the proper
14 installation of said monuments upon the completion of the grading of
15 the streets and roads shown on the map.
- 16 (1) At each intersection of the outside boundary of the whole tract,
17 with the right-of-way line of any side of an existing street.
- 18 (2) At the intersection of the outside boundary of the whole tract
19 with the right-of-way line on 1 side of a street being established by the
20 map under consideration.
- 21 (3) At 1 corner formed by the intersection of the right-of-way lines
22 of any 2 streets at a T-type intersection.
- 23 (4) At any 2 corners formed by the right-of-way lines of any 2
24 streets in an "X" or "Y" type intersection.
- 25 (5) If the right-of-way lines of 2 streets are connected by a curve
26 at an intersection, monuments shall be as stipulated in (3) and (4)
27 [above] of this subsection at 1 of the following control points:
- 28 (a) The point of intersection of the prolongation of said lines.
29 (b) The point of curvature of the connecting curve or,
30 (c) The point of tangency of the connecting curve.
- 31 (6) At the beginning and ending of all tangents on 1 side of any
32 street.
- 33 (7) At the point of compound curvature or point of reversed
34 curvature where either curve has a radius equal to or greater than 100
35 feet. [This requirement shall be applied to only 1 side of a street and
36 complete]Complete curve data as indicated in subsection d. of this
37 section shall be shown on both sides [; namely, radius, length of curve
38 and subtended angle].
- 39 (8) At intermediate points in the sidelines of a street between 2
40 adjacent street intersections in cases where the street deflects from a
41 straight line or the line of sight between the adjacent intersections is
42 obscured by a summit or other obstructions which are impractical to
43 remove. This requirement may necessitate the setting of additional
44 monuments at points not mentioned above. Bearings and distances
45 between the monuments or coordinate values shall be indicated.
- 46 (9) In cases where it is impossible to set a monument at any of the

1 above designated points, a nearby reference monument shall be set and
2 its relation to the designated point shall be clearly designated on the
3 map ; or the plate on the reference monument shall be stamped with
4 the word "offset" and its relation to the monument shown on the filed
5 map.

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

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

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

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

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

26

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

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

39

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

42 9. The master deed shall set forth, or contain exhibits setting forth
43 the following matters:

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

1 (b) A name, including the word "condominium" or followed by the
2 words "a condominium," by which the property shall thereafter be
3 identified.

4 (c) A legal description of the land.

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

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

19 (f) A description of the common elements and limited common
20 elements, if any.

21 (g) The proportionate undivided interests in the common elements
22 and limited common elements, if any, appurtenant to each [such] unit.
23 [Such] These interests shall in each case be stated as percentages
24 aggregating 100%.

25 (h) The voting rights of unit owners.

26 (i) By-laws.

27 (j) A method of amending and supplementing the master deed,
28 which shall require the recording of any [such] amendment or
29 supplement in the same office as the master deed before it shall
30 become effective.

31 (k) The name and nature of the association and if [such] the
32 association is not incorporated, the name and residence address, within
33 this State of the person designated as agent to receive service of
34 process upon [such] the association.

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

37 (m) [Such] Any other provisions, not inconsistent with [this act] the
38 "Condominium Act," P.L.1969, c.257, (C.46:8B-1 et seq.), as may be
39 desired, including but not limited to restrictions or limitations upon the
40 use, occupancy, transfer, leasing or other disposition of any unit
41 (provided that any [such] restriction or limitation shall be otherwise
42 permitted by law) and limitations upon the use of common elements.²
43 (cf: P.L.1969, c.257, s.9)

44

45 ²[3.] 5.² This act shall take effect immediately.

46

1

2

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