

Map Filing Law

46:23-9.8. Effective date

This act shall take effect January first, one thousand nine hundred and fifty-four.

L.1953, c. 358, p. 1941, s. 8.

46:23-9.9. Short title

This act shall be known and may be cited as "the map filing law."

L.1960, c. 141, p. 662, s. 1, eff. Jan. 1, 1961.

46:23-9.10. Definitions

2. Definitions. As used in this act:

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

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

c. The term "Professional Engineer" means a person who is legally authorized to practice professional engineering in this State in accordance with the provisions of P.L.1938, c.342 (C.45:8-27 et seq.).

d. The term "Land Surveyor" means a person who is legally authorized to practice land surveying in this State in accordance with the provisions of P.L.1938, c.342 (C.45:8-27 et seq.).

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

f. "Right of way parcel map" means any general property parcel map of the State, county or municipality which shows highways, roads or street acquisitions and any associated easements for highway, road or street rights of way.

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

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h. "Condominium plan" means a survey of the condominium property in sufficient detail to show and identify common elements, each unit and their respective locations and appropriate dimensions, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized and qualified to practice in this State setting forth that the plan constitutes a correct representation of the improvements described.

i. "General property parcel map" means any right of way parcel map showing a grouping of parcel and easement acquisitions for part of a section of a highway, road or street project.

L.1960,c.141,s.2; amended 1997, c.211, s.1; 1998, c.23, s.2.

46:23-9.11. Requirements for approval

3. Requirements for Approval.

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

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

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

a. It shall be clearly and legibly drawn, and where required endorsed and presented either as an original drawing in black ink on translucent tracing cloth, translucent mylars at least 4 mils thick or its equivalent, of good quality, with signatures in ink, or as an equivalent reproduction on photographic fixed line mylar 4 mils thick with signatures in black ink or its equivalent and shall be accompanied by a cloth print or photographic fixed line mylar 4 mils thick duplicate thereof.

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

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

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

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

f. The reference meridian used for bearings on the map shall be shown graphically. The coordinate base, either assumed or based on the New Jersey Plane Coordinate System, shall be shown on the plat.

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

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

i. All permanent easements shall be shown and dimensioned including but not limited to sight right easements and utility easements.

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j. The map shall clearly show all monumentation as required by this act, including monuments found, monuments set, and monuments to be set. An indication shall be made where monumentation found has been reset. For purposes of this subsection "found corners" shall be considered monuments. A minimum of three corners distributed around the tract shall indicate the coordinate values. The outbound corner markers shall be set pursuant to regulations promulgated by the State Board of Professional Engineers and Land Surveyors.

k. It shall conform to such other technical design controls as may be required by the provisions of local ordinances, including but not limited to minimum street widths, minimum lot areas and minimum yard dimensions and should be shown as a chart on the plat.

l. The name of the subdivision, name of the last property owner or owners, municipality and county shall be shown.

m. The date of the survey shall be shown and the map shall be in accordance with the minimum survey detail requirements as promulgated by the State Board of Professional Engineers and Land Surveyors.

n. There shall be endorsed thereon a certificate of a land surveyor or surveyors, as follows:

(1) I hereby certify that to the best of my knowledge and belief this map and land survey dated meets the minimum survey detail requirements, with outbound corners marked, as promulgated by the State Board of Professional Engineers and Land Surveyors and has been made under my supervision, and complies with the provisions of "the map filing law" and that the outbound corner markers as shown have been found, or set.

(Include the following, if applicable)

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

.....

Licensed Professional Land Surveyor and No.

(Affix Seal)

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

I hereby certify to the best of my knowledge information and belief that this land survey dated _____ has been made under my supervision and meets the minimum survey detail requirements, with outbound corners marked, promulgated by the State Board of Professional Engineers and Land Surveyors and that the outbound corner markers as shown have been found, or set

.....

Licensed Professional Land Surveyor and No.

(Affix seal)

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

(Including the following if applicable)

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

.....

Licensed Professional Land Surveyor and No.

(Affix seal)

(3) If monuments are to be set at a later date, the following requirements and endorsement shall be shown on the map.

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

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

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Municipal Clerk

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

o. There shall be endorsed thereon a certificate of the municipal engineer as follows:

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

.....

Municipal Engineer(Affix Seal)

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

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

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

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

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

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

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

(5) If the right-of-way lines of two streets are connected by a curve at an intersection, monuments shall be as stipulated in (3) and (4) of this subsection at one of the following control points:

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

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

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

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

(7) At the point of compound curvature or point of reversed curvature where either curve has a radius equal to or greater than 100 feet. Complete curve data as indicated in subsection d. of this section shall be shown on both sides.

(8) At intermediate points in the sidelines of a street between two adjacent street intersections in cases where the street deflects from a straight line or the line of sight between the adjacent intersections is obscured by a summit or other obstructions which are impractical to remove. This requirement may necessitate the setting of additional monuments at points not mentioned above. Bearings and distances between the monuments or coordinate values shall be indicated.

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

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

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(11) By the filing of a map in accordance with the provisions of "the map filing law," reasonable survey access to the monuments is granted, which shall not restrict in any way the use of the property by the landowner.

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

(13) On minor subdivisions a monument shall be set at each intersection of an outside boundary of the newly created lot(s) with the right of way line of any side of an existing street.

L.1960,c.141,s.3; amended 1997, c.211, s.2; 1999, c.258.

46:23-9.12. Time for approval

The proper authority shall approve or disapprove such map within 45 days from the receipt thereof.

L.1960, c. 141, p. 667, s. 4.

46:23-9.13. Approval of map by municipality not acceptance of roads, streets or highways

The approval of any map under this law by the proper authority shall in no way be construed as acceptance of any road, street or highway indicated thereon; nor shall any such approval in any way obligate the State of New Jersey or any county or municipality therein, to maintain or exercise jurisdiction over such roads, streets or highways.

L.1960, c. 141, p. 667, s. 5.

46:23-9.14. Prerequisites to filing

The county recording officer shall not accept for filing any map unless it has endorsed thereon a certificate signed and sealed with the municipal seal by the municipal clerk or secretary of the planning board as the case may be, stating that the proper authority has approved the map or stating its exemption from approval which certificate shall state that said map complies with the provisions of this law and shall designate the day on or before which said map is required to be filed by the provisions of the applicable law and provided that said map is filed on or before said designated day.

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Said map shall also comply with the provisions of section 3, paragraphs a. and b. of this act in order to be accepted for filing.

L.1960, c. 141, p. 667, s. 6.

46:23-9.15. Filing and indexing of maps, fee

The county recording officer of each county shall, when received by him for that purpose in accordance with the provisions of this law file in folios, slides, cabinets or other receptacles, maps of land lying in whole or in part in the county where the same are offered to be filed; provided that he shall retain the original tracing on translucent tracing cloth or its equivalent unmounted in an appropriate file or container, for preservation and use for reproduction purposes only, prints of which may be made available to the public at a reasonable cost. He shall endorse on the tracing and cloth print duplicate the date of the filing thereof in his office, and he shall provide and keep a proper index of all maps on file in his office. The county recording officer shall, for filing and indexing each map receive such fee as may be provided by law, except that when any map shall be presented for filing by the State of New Jersey, or any of its agencies no fee shall be charged for the filing thereof.

L.1960, c. 141, p. 669, s. 7.

46:23-9.16. Repeals

Sections 1 to 6, both inclusive, of chapter 358 of the laws of 1953 entitled "An act concerning the approval and filing of maps, supplementing chapter 23 of Title 46, and repealing sections 46:23-1, 46:23-2, 46:23-3, 46:23-4, 46:23-5, 46:23-6, 46:23-7, 46:23-8 and 46:23-9, of the Revised Statutes" (approved August 10, 1953, P.L.1953, c. 358) are hereby repealed.