

A. Appendix A – Development Application Documentation

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1. Application Worksheets

WORKSHEET

Date (fill-in) <i>(some or all of these steps may be required)</i>	Action	Description
_____	PRE-APPLICATION MEETING	The Applicant is encouraged to meet with County staff early in the process, for concept plan discussion.
_____	FIELD MEETING: Required if there is an existing OR proposed access onto the County road.	Staff must meet with the Applicant's surveyor to measure sight distances, other issues. Call 973-579-0500 x0 to set an appointment.
_____	COMPLETE APPLICATION WITH CHECKLIST	A complete application and fee is submitted with the checklist by Monday, two weeks before Dev. Review Committee meeting.
(Fill in SCPB # :) _____	Applicant receives notification of complete application with SCPB# for later reference	Applicant will be notified if additional information is required on plans. If complete, a date of DEVELOPMENT REVIEW committee meeting will be set. Staff will review in the meantime.
_____	DEVELOPMENT REVIEW COMMITTEE MEETING	Public meeting held with some County Planning Board members, approval or disapproval is decided by Committee.
_____	In special situations: WAIVER REQUESTS TO COUNTY PLANNING BOARD	Waivers from some County standards may be requested in writing, along with specific reasons. Refer to IV.F
_____	SUBMIT REVISED PLANS WITH COVER LETTER	Revised plans are submitted with a cover letter that outlines the changes made, and addresses the County reports by line item number.
(See separate sheet.)	DEEDS TO COUNTY	Deeds to the County are needed for easements and dedications
_____	Applicant receives PRELIMINARY APPROVAL	Once Applicant receives letter of approval, Entrance Permit and Road Opening Permit can be issued for construction based on approved plans, and local Building Permit can be issued.

COUNTY PLANNING BOARD APPROVAL PROCESS
WORKSHEET

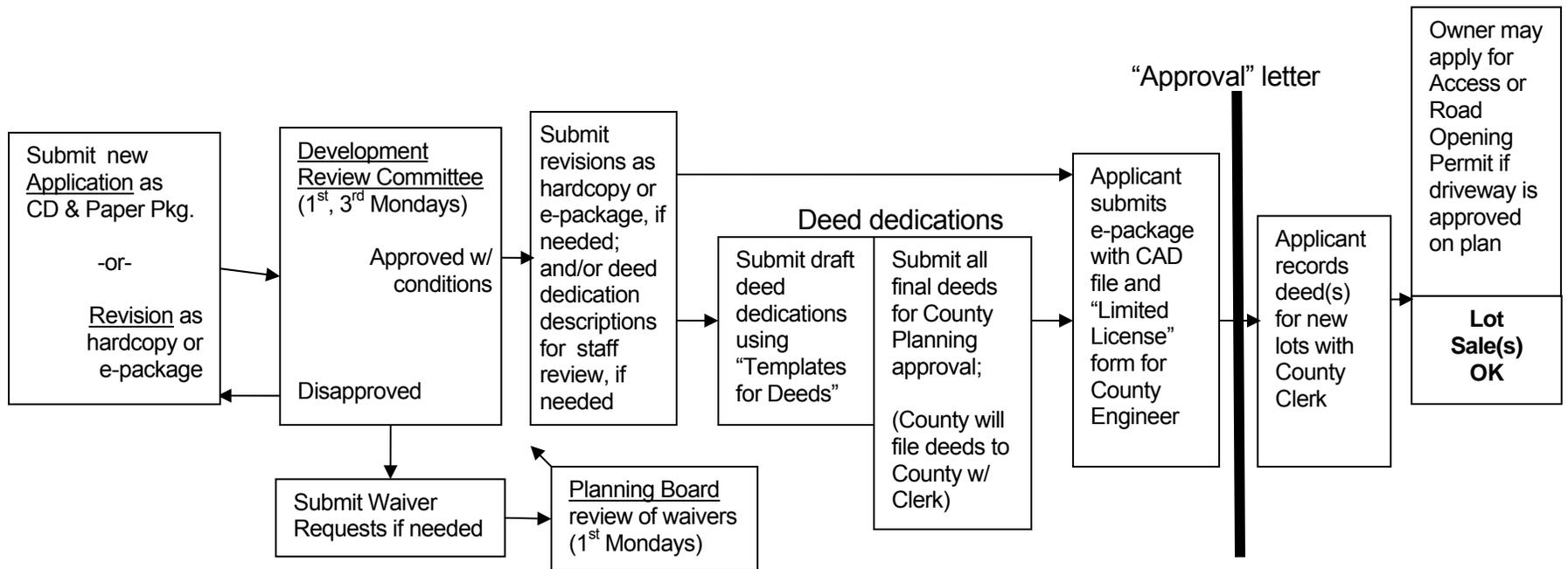
_____	DEEDS TO COUNTY	For deeds being granted to the County of Sussex: deed descriptions are submitted for approval and deed templates are provided to the Applicant's attorney for them to prepare the deeds, using correct owner certification.
_____	DEEDS SUBMITTED TO COUNTY RECORDING	Signed deeds to County are submitted to County Planning office and we record them. This must be done before Final Plat mylars are signed, and before any lots for Minor Subdivision are perfected.
_____	FINAL PLAN AND APPROVAL	After conditions of preliminary are met, a Final Subdivision or Site Plan is submitted.

FOR MORE INFORMATION:

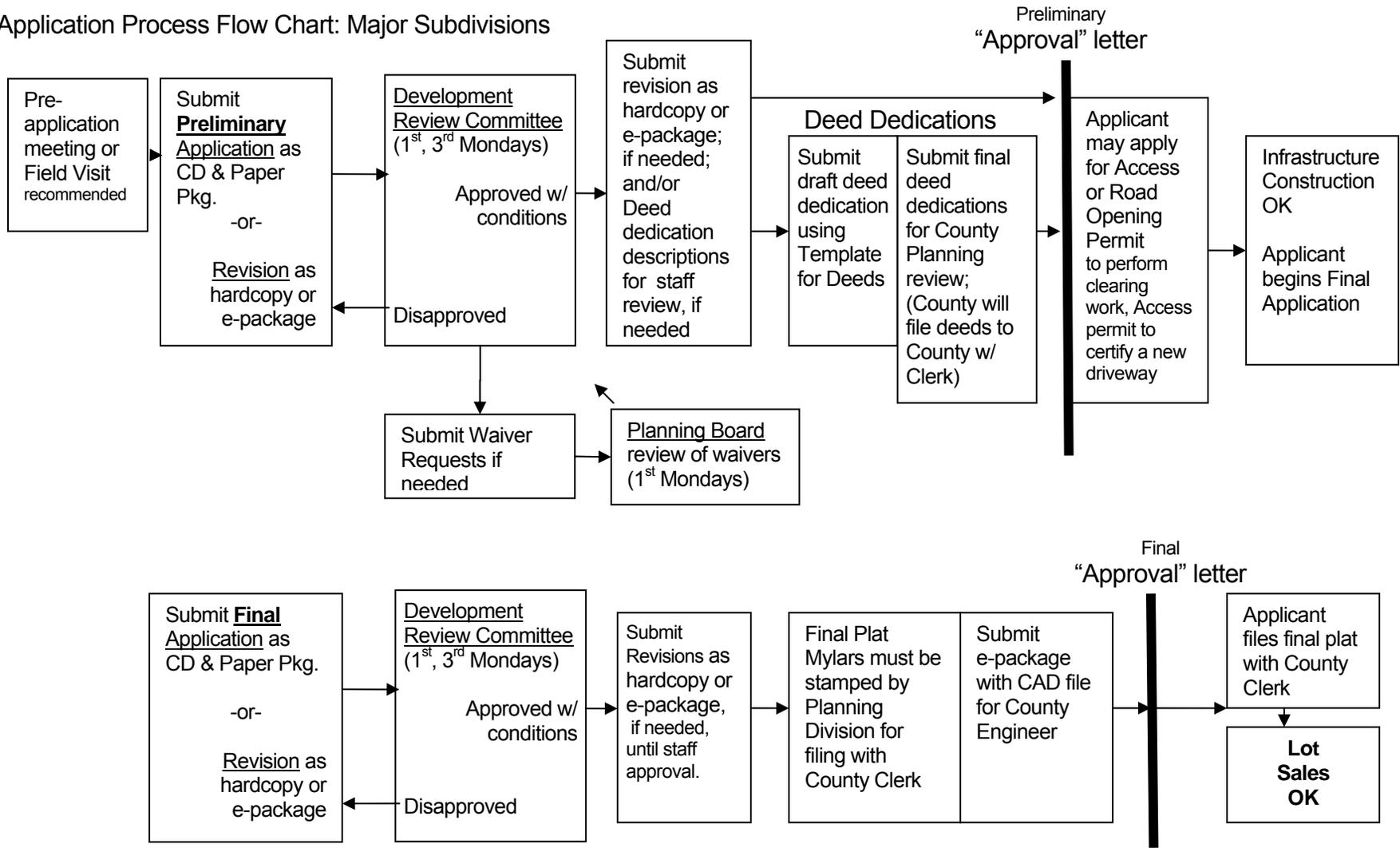
Contact the Sussex County Planning Division,
(973) 579-0500 or check the website www.sussex.nj.us

2. Application Flow Charts

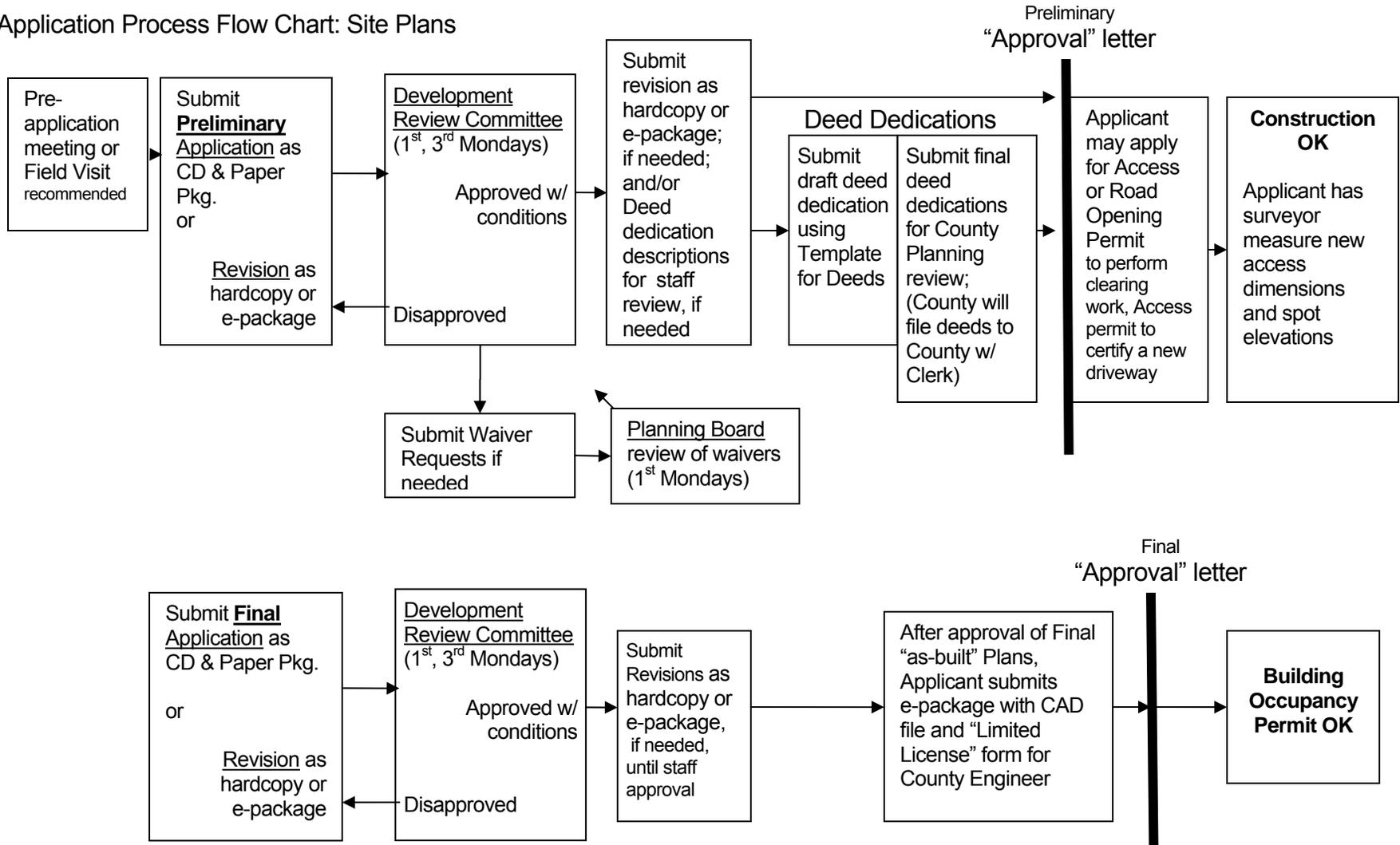
Application Process Flow Chart: Minor Subdivisions



Application Process Flow Chart: Major Subdivisions



Application Process Flow Chart: Site Plans



3. New Jersey County Planning Enabling Act

40:27-1. Planning board; members; appointment and term; expenses

The board of chosen freeholders may create a county planning board of not less than five nor more than nine members. The members of such planning board shall be the director of the board of chosen freeholders, one member of the board of chosen freeholders, to be appointed by the director, the county engineer, if the board exceed six in number, and other citizens who may not hold any other county office and who shall be appointed by such director of the board of chosen freeholders with the approval of that body. One of the remaining members shall be appointed for two years, two shall be appointed for three years, and all additional remaining members shall be appointed for four years, and thereafter their successors shall be appointed for the term of three years from and after the expiration of the terms of their predecessors in office. All members of the county planning board shall serve as such without compensation, but may be paid expenses incurred in the performance of duties.

40:27-1.1. Alternate members; appointment; resolution

The board of chosen freeholders may, by resolution, provide for the appointment of alternate members to the county planning board in accordance with the following:

- a. Where the county planning board consists of six members or less, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint one alternate citizen member;
- b. Where the county planning board consists of more than six members, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint two alternate citizen members. These members shall be designated by the director as "Alternate No. 1" and "Alternate No. 2" and shall participate in the planning board's decision in rotation during the absence or disqualification of any citizen member;
- c. Where the county engineer is a member of the planning board, the director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint the assistant or deputy county engineer to serve as an alternate to the county engineer;
- d. The director of the board of chosen freeholders, with the approval of a majority of the board of freeholders, may appoint a member of the board of chosen freeholders to serve as an alternate to the two freeholder members.

Alternate members shall be appointed for terms to expire at the same time as the terms of the regular members for whom they are alternates. An alternate member shall be entitled to sit with and participate as a member in any hearing before the board. Any alternate member who has attended the full hearing or hearings may participate in the board's decision during the absence or disqualification of any regular member for whom he is an alternate.

L.1975, c. 186, s. 1, eff. Aug. 16, 1975.

40:27-2. Duties of board; master plan; Municipal co-operation

The county planning board shall make and adopt a master plan for the physical development of the county. The master plan of a county, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the county planning board's recommendations for the

development of the territory covered by the plan, and may include, among other things, the general location, character, and extent of streets or roads, viaducts, bridges, waterway and waterfront developments, parkways, playgrounds, forests, reservations, parks, airports, and other public ways, grounds, places and spaces; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban development, and such other features as may be important to the development of the county.

The county planning board shall encourage the co-operation of the local Municipalities within the county in any matters whatsoever which may concern the integrity of the county master plan and to advise the board of chosen freeholders with respect to the formulation of development programs and budgets for capital expenditures.

40:27-3. Employees; experts; master plan part of improvement; bonds

The county planning board may employ experts and pay for their and such other expenses as may be deemed necessary for the making of the master plan and for the carrying out of such other duties as are herein prescribed, except that such board may expend only such sums as may be appropriated by the board of chosen freeholders or be placed at its disposal through gift. The making of the master plan shall be regarded as essential preliminary studies incidental to the later carrying out of capital improvement projects over an indefinite period of years and may be funded by serial notes or bonds to be issued by the county, the terms of which shall not exceed five years.

40:27-4. Hearing before plan adopted; notice of hearing; resolution; vote required; Municipal master plan, official map or ordinance

a. Before adopting the master plan or any part thereof or any amendment thereof the board shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county and by the transmission by delivery or by certified mail, at least 20 days prior to such hearing, of a notice of such hearing and a copy of the proposed master plan, or part thereof or any proposed amendment thereof to the Municipal clerk and secretary of the planning board of each Municipality in the county. The adoption of the plan or part or amendment thereof shall be by resolution of the board carried by the affirmative vote of not less than 2/3 of the members of the board. The resolution shall refer especially to the maps and descriptive and other matter intended by the board to form the whole or part of the plan or amendment and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the secretary of the board. An attested copy of the master plan or any amendments thereof shall be certified to the board of chosen freeholders, to the county park commission, if such exists, and to the legislative body of every Municipality within the county.

b. In order to maximize the degree of co-ordination between Municipal and county plans and official maps, the county planning board shall be notified in regard to the adoption or amendment of any Municipal master plan, official map or ordinance under the "Municipal Planned Unit Development Act (1967)." A copy of any such proposed plan, map or

amendment shall be forwarded to the county planning board for review and report at least 20 days prior to the date of public hearing thereon.

c. Within 30 days after the adoption of a zoning ordinance, subdivision ordinance, master plan, official map, capital improvement program, or amendments thereto, a copy of said document shall be transmitted to the county planning board for its information and files.

Amended by L.1968, c. 285, s. 2, eff. July 1, 1969.

40:27-5. Adding to county map; changes submitted to board; map considered binding

The board of chosen freeholders in any county after receiving the advice of the county planning board is hereby empowered to adopt and establish and thereafter as often as the board may deem it for the public interest, to change or to add to an official county map, showing the highways, roadways, parks, parkways, and sites for public buildings or works, under county jurisdiction, or in the acquisition, financing or construction of which the county has participated or may be called upon to participate. Such map shall be deemed to have been established to conserve and promote the public health, safety, convenience, and welfare. Before acting thereon in the first instance and before adopting any amendments thereto such board of chosen freeholders, after notice of time and place has been given by one publication for each of 3 successive weeks in a newspaper of general circulation in the county and after written notice to the county engineer, county planning board, county park commission, if such exists, and such other county officers and departments as the board shall designate and to the Municipal clerk and secretary of the planning board of each Municipality in the county, shall hold a public hearing or hearings thereon at which such representatives entitled to notice and such property owners and others interested therein as shall so desire shall be heard.

Before holding any such public hearing such board of chosen freeholders shall submit such proposed change or addition to the county planning board for its consideration and advice and shall fix a reasonable time within which such county planning board may report thereon, not, however, less than 20 days; upon receipt of such report from the county planning board or upon the failure of such board to report within the time limit so fixed such board of chosen freeholders may thereupon act upon the proposed change, but any action adverse to the report of the county planning board shall require the affirmative vote of the majority of all the members of such board of chosen freeholders.

When approved in whole or part by the board of chosen freeholders in any county, such county official map or part thereof shall be deemed to be binding upon the board of chosen freeholders of the county and the several county departments thereof, and upon other county boards heretofore or hereafter created under special laws, and no expenditure of public funds by such county for construction work or the acquisition of land for any purpose enumerated in section 40:27-2 of this Title shall be made except in accordance with such official map.

Nothing herein prescribed shall be construed as restricting or limiting the powers of boards of chosen freeholders from repairing, maintaining and improving any existing street, road, viaduct, bridge or parkway not shown on such official maps, which does not involve the acquisition of additional land or of park commissions as otherwise provided by law.

Amended by L.1964, c. 239, s. 1, eff. Dec. 23, 1964; L.1968, c. 285, s. 3, eff. July 1, 1969.

40:27-6. Buildings and highways; permits; hearing; penalty; enjoining construction

No building shall be erected in the bed of any highway adopted and shown as a part of the official county map unless a permit therefore is issued by the board of chosen freeholders. For such purpose such board is hereby created a discretionary administrative body, and shall when so acting be deemed an independent statutory body and all its transactions when so acting shall be separately recorded in minutes independent of the minutes of the board of chosen freeholders when acting as a legislative body. When so acting it shall have power by a vote of a majority of all its members to grant or withhold such a permit.

In such a meeting the board shall have power in considering the application for a permit for a specific building, by a vote of a majority of all its members, to grant a permit for a building in such a highway, which will as little as practicable increase the cost of opening such highway, or tend to cause a change of such official map, and such board shall impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety and general welfare of the public and shall inure to the benefit of the county. Before taking such action the board shall give a public hearing at which parties in interest and others shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. The board shall refuse a permit where the land of the Applicant within the mapped highway is already earning a fair return, or where he is in no way injured by placing his building outside of the mapped highway.

Whoever shall construct or begin the construction of such a building without a permit shall forfeit and pay a penalty of not more than one hundred dollars (\$100.00) for each day that work on such structure continues. The county may bring an action to enjoin such construction and may also recover the penalty by a civil action in any court of competent jurisdiction.

Amended by L.1953, c. 37, p. 646, s. 53, eff. March 19, 1953.

40:27-6.1. Definitions

As used in this act and in chapter 27 of Title 40 of the Revised Statutes, unless the context otherwise requires:

"County master plan" and "master plan" means a composite of the master plan for the physical development of the county, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the county planning board pursuant to Revised Statutes 40:27-2;

"County planning board" means a county planning board established by a county pursuant to R.S. 40:27-1 to exercise the duties set forth in such chapter, and means, in any county having adopted the provisions of the "Optional County Charter Law" (P.L.1972, c. 154; C. 40:41A-1 et seq.), any department, division, board or agency established pursuant to the administrative code of such county to exercise such duties, but only to the degree and extent that the requirements specified in such chapter for county planning boards do not conflict with the organization and structure of such department, division, agency or board as set forth in the administrative code of such county;

"Official county map" means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S. 40:27-5;

"Site plan" means a plan of an existing lot or plot or a subdivided lot on which is shown topography, location of all existing and proposed buildings, structures, drainage facilities, roads, rights-of-way, easements, parking areas, together with any other information required by and at a scale specified by a site plan review and approval resolution adopted by the board of chosen freeholders pursuant to this act;

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this act, if no new streets are created: (1) divisions of land found by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size, (2) divisions of property by testamentary or intestate provisions, (3) divisions of property upon court order, including but not limited to judgments of foreclosure, (4) consolidation of existing lots by deed or other recorded instrument and (5) the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the Municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the Municipality. The term "subdivision" shall also include the term "resubdivision."

"Subdivision applications" means the application for approval of a subdivision pursuant to the "Municipal Land Use Law" (P.L.1975, c. 291; C. 40:55D-1 et seq.) or an application for approval of a planned unit development pursuant to the "Municipal Land Use Law" (P.L.1975, c. 291; C. 40:55D-1 et seq.).

L.1968, c. 285, s. 1, eff. July 1, 1969. Amended by L.1979, c. 216, s. 27.

40:27-6.2. Review and approval of all subdivisions of land; procedures; engineering and planning standards

The board of freeholders of any county having a county planning board shall provide for the review of all subdivisions of land within the county by said county planning board and for the approval of those subdivisions affecting county road or drainage facilities as set forth and limited hereinafter in this section. Such review or approval shall be in accordance with procedures and engineering and planning standards adopted by resolution of the board of chosen freeholders. These standards shall be limited to:

- a. The requirement of adequate drainage facilities and easements when, as determined by the county engineer in accordance with county-wide standards, the proposed subdivision will cause storm water to drain either directly or indirectly to a county road, or through any drainage way, structure, pipe, culvert, or facility for which the county is responsible for the construction, maintenance, or proper functioning;
- b. The requirement of dedicating rights-of-way for any roads or drainage ways shown on a duly adopted county master plan or official county map;
- c. Where a proposed subdivision abuts a county road, or where additional rights-of-way and physical improvements are required by the county planning board, such improvements shall be subject to recommendations of the county engineer relating to the safety and convenience of the traveling public and may include additional pavement widths, marginal access streets, reverse frontage and other county highway and traffic design features necessitated by an

increase in traffic volumes, potential safety hazards or impediments to traffic flows caused by the subdivision;

d. The requirement of performance guarantees and procedures for the release of same, maintenance bonds for not more than 2 years duration from date of acceptance of improvements and agreements specifying minimum standards of construction for required improvements. The amount of any performance guarantee or maintenance bond shall be set by the planning board upon the advice of the county engineer and shall not exceed the full cost of the facility and installation costs or the Applicant's proportionate share thereof, computed on the basis of his acreage related to the acreage of the total drainage basin involved plus 10% for contingencies. In lieu of providing any required drainage easement a cash contribution may be deposited with the county to cover the cost or the proportionate share thereof for securing said easement. In lieu of installing any such required facilities exterior to the proposed plat a cash contribution may be deposited with the county to cover the cost of proportionate share thereof for the future installation of such facilities. Any and all moneys received by the county to insure performance under the provisions of this act shall be paid to the county treasurer who shall provide a suitable depository therefore. Such funds shall be used only for county drainage projects or improvement for which they are deposited unless such projects are not initiated for a period of 10 years, at which time said funds shall be transferred to the general fund of the county, provided that no assessment of benefits for such facilities as a local improvement shall thereafter be levied against the owners of the lands upon which the Applicant's prior contribution had been based. Any moneys or guarantees received by the county under this paragraph shall not duplicate bonds or other guarantees required by Municipalities for Municipal purposes.

e. Provision may be made for waiving or adjusting requirements under the subdivision resolution to alleviate hardships which would result from strict compliance with the subdivision standards. Where provision is made for waiving or adjusting requirements criteria shall be included in the standards adopted by the board of chosen freeholders to guide actions of the county planning board.

Notice of the public hearing on a proposed resolution of the board of chosen freeholders establishing procedures and engineering standards to govern land subdivision within the county, and a copy of such resolution, shall be given by delivery or by certified mail to the Municipal clerk and secretary of the planning board of each Municipality in the county at least 10 days prior to such hearing.

L.1968, c. 285, s. 4, eff. July 1, 1969.

40:27-6.3. Submission of subdivision application to board for review and approval; report to Municipal authority

Each subdivision application shall be submitted to the county planning board for review and, where required, approval prior to approval by the local Municipal approving authority. County approval of any subdivision application affecting county road or drainage facilities shall be limited by and based upon the rules, regulations and standards established by and duly set forth in a resolution adopted by the board of chosen freeholders. The Municipal approval authority shall either defer taking final action on a subdivision application until receipt of the county planning board report thereon or approve the subdivision application subject to its timely receipt of a favorable report

thereon by the county planning board. The county planning board shall report to the Municipal authority within 30 days from the date of receipt of the application. If the county planning board fails to report to the Municipal approving authority within the 30-day period, said subdivision application shall be deemed to have been approved by the county planning board unless, by mutual agreement between the county planning board and Municipal approving authority, with approval of the Applicant, the 30-day period shall be extended for an additional 30-day period, and any such extension shall so extend the time within which a Municipal approving authority shall be required by law to act thereon.

L.1968, c. 285, s. 5, eff. July 1, 1969. Amended by L.1971, c. 371, s. 1, eff. July 1, 1971.

40:27-6.4. Review of subdivision application; withholding of approval

The county planning board shall review each subdivision application and withhold approval if said proposed subdivision does not meet the subdivision approval standards previously adopted by the board of chosen freeholders, in accordance with section 4 of this act. In the event of the withholding of approval, or the disapproval of, a subdivision application, the reasons for such action shall be set forth in writing and a copy thereof shall be transmitted to the Applicant.

L.1968, c. 285, s. 6, eff. July 1, 1969.

40:27-6.5. Certification of subdivision plat; acceptance for filing

The county recording officer shall not accept for filing any subdivision plat unless it bears the certification of either approval or of review and exemption of the authorized county planning board officer or staff member indicating compliance with the provisions of this act and standards adopted pursuant thereto, in addition to all other requirements for filing a subdivision plat including compliance with the provisions of "The Map Filing Law" (P.L.1960, c. 141). In the event the county planning board shall have waived its right to review, approve or disapprove a subdivision by failing to report to the Municipal approval authority within the 30-day period or the mutually agreed upon 30-day extension period, as outlined in section 5 above, the subdivision shall be deemed to have county planning board approval, and at the request of the Applicant, the secretary of the county planning board shall attest on the plat to the failure of the county planning board to report within the required time period, which shall be sufficient authorization for further action by the Municipal planning board and acceptance thereof for filing by the county recording officer.

L.1968, c. 285, s. 7, eff. July 1, 1969.

40:27-6.6. Review and approval of site plans for land development along county roads or affecting county drainage facilities

The governing body of any county having a county planning board may provide for the review of site plans for land development along county roads or affecting county drainage facilities as provided in subsection e. of this section and for the approval of such development as hereinafter set forth and limited for the purpose of assuring a safe and efficient county road system. Such review and approval shall be in conformance with procedures and standards adopted by resolution or ordinance as appropriate of the governing body. Notice of the public hearing on a proposed resolution or ordinance of the governing body establishing procedures and standards to govern the review and regulation of land development along county roads or affecting county drainage facilities as provided in subsection e. of this section, and a copy of such resolution or ordinance, shall be given by delivery or by certified mail to the Municipal clerk, secretary of the planning board and secretary of

the board of adjustment of each Municipality in the county at least 10 days prior to such hearing. These procedures and standards shall be limited to:

- a. The submission of a site plan, prior to the issuance of a Municipal building permit, drawn in accordance with standards in the resolution or ordinance for any proposed land development, excluding single family residential development but including proposed commercial, industrial, multifamily structures containing five or more units, or any other land development requiring off-street parking area or producing surface runoff in excess of standards set forth in the site plan review and approval resolution or ordinance of the governing body.
- b. The requirement of dedication of additional right-of-way in accordance with the county master plan adopted by the county planning board or an official county map adopted by the governing body. Where by reason of special or unusual conditions said total additional right-of-way is to be secured from just one side of an existing road, only one-half of the additional right-of-way may be required to be dedicated.
- c. The requirement of physical improvements subject to recommendations of the county engineer relating to the safety and convenience of the traveling public, including drainage facilities, or other highway and traffic design features as may be deemed necessary on such county road or roads in accordance with the engineering and planning standards established in the site plan review and approval resolution or ordinance of the governing body.
- d. The requirement of performance and payment guarantees and procedures for the release of same, maintenance bonds of not more than 2 years' duration from the date of acceptance of improvements, cash contributions, and agreements specifying minimum standards of construction for required improvements. Procedures for, and limitations on the requirement of such guarantees or cash contributions shall be governed by the provisions of this act.
- e. The requirement of adequate drainage facilities and easements when, as determined by the county engineer in accordance with county-wide standards, the proposed site plan will cause storm water to drain either directly or indirectly to a county road or through any drainage-way, structure, pipe, culvert or facility for which the county is responsible for the construction, maintenance or proper functioning.

Site plans for land development not along a county road that include less than 1 acre of impervious surfaces are exempt from county site plan review.

L.1968, c. 285, s. 8, eff. July 1, 1969. Amended by L.1981, c. 50, s. 1, eff. Feb. 25, 1981.

40:27-6.7. Report of approval or disapproval to local authority; time limit; extension

The Municipal or other local agency or individual with authority to approve the site plan or issue a building permit shall defer action on any application requiring county approval pursuant to section 7 of this act until the same shall have been submitted to the county planning board for its approval of the site plan. The county planning board shall have 30 days from the receipt of a site plan to report to the appropriate local authority. In the event of disapproval, such report shall state the specific reasons therefore. If the county planning board fails to report to the Municipal approving

or issuing authority within the 30-day period, said site plan shall be deemed to have been approved by the county planning board. Upon mutual agreement between the county planning board and the Municipal approving authority, with approval of the Applicant, the 30-day period may be extended for an additional 30-day period.

L.1968, c. 285, s. 9, eff. July 1, 1969.

40:27-6.8. Resolution vesting power to review and approve subdivisions and site plans with director

The county planning board may by resolution vest its power to review and approve subdivisions, pursuant to the provisions of sections 4 through 6 of this act, and the power to review and approve site plans pursuant to the provisions of sections 8 and 9 of this act with the county planning director and a designated committee of members of said county planning board.

L.1968, c. 285, s. 10, eff. July 1, 1969.

40:27-6.9. Appeal by aggrieved persons; hearing; decision

If said action is taken by the planning director and a committee of the board, said Applicant may file an appeal in writing to the county planning board within 10 days after the date of notice by certified mail of the said action. Any person aggrieved by the action of the county planning board in regard to subdivision review and approval or site plan review and approval may file an appeal in writing to the board of chosen freeholders within 10 days after the date of notice by certified mail of said action. The county planning board or the board of chosen freeholders to which an appeal is taken shall consider such appeal at a regular or special public meeting within 45 days from the date of its filing. Notice of said hearing shall be made by certified mail at least 10 days prior to the hearing to the Applicant and to such of the following officials as deemed appropriate for each specific case: the Municipal clerk, Municipal planning board, board of adjustment, building inspector, zoning officer, board of chosen freeholders and the county planning board. The board to which appeal is taken shall render a decision within 30 days from the date of the hearing.

L.1968, c. 285, s. 11, eff. July 1, 1969.

40:27-6.10. Filing copy of planning and zoning ordinances with boards; notice of proposed revision of ordinance

In order that county planning boards shall have a complete file of the planning and zoning ordinances of all Municipalities in the county, each Municipal clerk shall file with the county planning board a copy of the planning and zoning ordinances of the Municipality in effect on the effective date of this act and shall notify the county planning board of the introduction of any revision or amendment of such an ordinance which affects lands adjoining county roads or other county lands, or lands lying within 200 feet of a Municipal boundary, or proposed facilities or public lands shown on the county master plan or official county map. Such notice shall be given to the county planning board at least 10 days prior to the public hearing thereon by personal delivery or by certified mail of a copy of the official notice of the public hearing together with a copy of the proposed ordinance.

L.1968, c. 285, s. 12, eff. July 1, 1968.

40:27-6.11. Application to board of adjustment involving land fronting county road, adjoins other county lands or is within 200 feet of Municipal boundary; notice

The county planning board shall be notified of any application to the board of adjustment under Revised Statute 40:55-39 in such cases where the land involved fronts upon an existing county road or proposed road shown on the official county map or on the county master plan, adjoins the other county land or is situated within 200 feet of a Municipal boundary. Notice of hearings on such applications shall be furnished by the appellant in accordance with P.L.1965, c. 162 (C. 40:55-53).

L.1968, c. 285, s. 13, eff. July 1, 1969.

40:27-6.12. Continuation of board's authority to review and approve land subdivision

Any county planning board exercising the authority of review and approval of land subdivision pursuant to the provisions of chapter 27 of Title 40 of the Revised Statutes and chapter 412 of the laws of 1948 supplementary thereto is authorized to continue to exercise such authority thereunder for the period of 1 year after the effective date of this act or until the board of chosen freeholders of the county adopts a resolution governing land subdivision pursuant to this act, whichever occurs first.

L.1968, c. 285, s. 14, eff. July 1, 1969.

40:27-6.13. Notice of hearing on granting variance or establishing or amending official Municipal map; contents

Whenever a hearing is required before a zoning board of adjustment or the governing body of a Municipality in respect to the granting of a variance or establishing or amending an official Municipal map involving property adjoining a county road or within 200 feet of an adjoining Municipality, and notice of said hearing is required to be given, the person giving such notice shall also, at least 10 days prior to the hearing, give notice thereof in writing by certified mail to the county planning board. The notice shall contain a brief description of the property involved, its location, a concise statement of the matters to be heard and the date, time and place of such hearing.

L.1968, c. 285, s. 15, eff. July 1, 1969.

40:27-8. Existing boards continued in conformity with this chapter

County planning boards lawfully in existence on June eighth, one thousand nine hundred and thirty-five, if continued after January first, one thousand nine hundred and thirty-six, shall be reconstituted in accordance with the provisions of this chapter.

4. 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.

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.
- 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.

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)

(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.

.

.....

Municipal Clerk

(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.

(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.

(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.

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.

5. Deed Templates

Bridge Maintenance Easement

Drainage Easement-- Point Discharge

Drainage Easement—Sheet Flow

ROW dedication

Sight Easement

Sight Triangle Easement

Deed Language For Sight Triangle Restriction

Slope Easement

Prepared by:

Dennis R. McConnell, Esq.

DEED OF EASEMENT

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____, County of Sussex and State of New Jersey. The legal description is:

ATTACHED HERETO AS SCHEDULE A.

It is the intent and purpose of this Deed to grant unto The County of Sussex an absolute and exclusive easement including the right to maintain, repair, rebuild and/or install a bridge and bridge maintenance area within the above described premises including the right to maintain, repair, rebuild and/or install slopes surrounding said bridge or any replacement of same along with appurtenances on, over and around County Bridge No. _____ on the above described premises. The County of Sussex, its agents, subcontractors, representatives and employees shall have the right to enter into and upon so much of the herein described premises as shall be reasonably necessary to effectuate the purposes of the easement herewith granted in order to conduct such inspections, maintenance and repairs as shall be reasonably necessary in order to assure the continuing efficient functioning of the bridge on and across the herein described premises. However, nothing

contained in this Deed of Easement in any way obligates or requires the County of Sussex to maintain or improve said bridge or the surrounding slopes to the benefit of Grantor or other Third Parties.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

I.

STATE OF NEW JERSEY)

SS :

COUNTY OF)

I Certify that on _____, 20_

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ secretary of the corporation named in this Deed;
- (b) this person is attesting witness to the signing of this Deed by the proper corporate officer who is the _____ President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its

voluntary act duly authorized by a proper resolution of its Board of Directors;

- (d) this person signed this proof to attest to the truth of these facts; and
- (e) the full and actual consideration paid or to be paid for the transfer of title is \$0.00 (Such consideration is defined in N.J.S.A. 46:15-5)

Signed and sworn to before me
on _____, 20__.

Secretary

II.

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20__, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as President and Secretary of _____ Corporation, the entity named in this Deed;
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity

Notary

Prepared by:

Dennis R. McConnell, Esq.

DEED OF EASEMENT FOR DRAINAGE

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the of _____, Block No. _____, Lot No..

Property. The property consists of the land in the _____ of _____, County of Sussex and State of New Jersey. The legal description is:

AS REFLECTED IN DEED BOOK _____ at PAGE _____

It is the intent and purpose of this Deed to grant unto the County of Sussex an absolute and exclusive easement, in perpetuity, for discharge onto and conveyance of storm water over all or any portion of the above described property from an existing " _____ " pipe or crossdrain, flow of which is being directed across and through the premises described herein, where the County of Sussex, its agents and assigns are authorized to enter on said premises at any time for the express purpose of installing or to otherwise establish, improve and maintain any storm water drainage system thereon. The County of Sussex further reserves the right to upgrade the diameter of said " _____ " to " _____ " diameter. Nothing herein shall require the County of Sussex to maintain, improve or install a storm drainage system hereon.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed

anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20____, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Prepared by:

Dennis R. McConnell, Esq.

DEED OF EASEMENT FOR DRAINAGE

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____ County of Sussex and State of New Jersey. The legal description is:

(ANNEXED HERETO AS SCHEDULE "A")

It is the intent and purpose of this Deed is to grant unto the County of Sussex an absolute and exclusive easement, in perpetuity, for discharge onto and conveyance of surface and storm water emanating from Sussex County Route _____, flow of which is being directed across the adjoining premises of Grantor as described in Deed Book _____, at page _____. Nothing herein shall require the County of Sussex to maintain, improve or install a storm drainage system hereon.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

Prepared by:

Dennis R. McConnell, Esq.

DEED

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, a portion of Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____, County of Sussex and State of New Jersey. The legal description is:

ATTACHED HERETO AS SCHEDULE A.

It is the intent and purpose of this Deed to grant unto the County of Sussex the right of way in fee, in perpetuity, for road purposes thereby authorizing the County, its agents and assigns, and general public to pass in, over and upon all or a portion thereof for travel and maintenance of the public roadway now designated as County Route _____.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

I.

STATE OF NEW JERSEY)

SS :

COUNTY OF)

I Certify that on _____, 20_

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ secretary of the corporation named in this Deed;
- (b) this person is attesting witness to the signing of this Deed by the proper corporate officer who is the _____ President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person signed this proof to attest to the truth of these facts; and
- (e) the full and actual consideration paid or to be paid for the transfer of title is \$0.00 (Such consideration is defined in N.J.S.A. 46:15-5)

Signed and sworn to before me

Secretary

on _____, 20__.

II.

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20__, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as President and Secretary of _____ Corporation, the entity named in this Deed;
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity

Notary

Prepared by:

Dennis R. McConnell, Esq.

DEED FOR SIGHT EASEMENT

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____, County of Sussex and State of New Jersey. The legal description is:

ATTACHED HERETO AS SCHEDULE A.

It is the intent and purpose of this Deed to grant unto The County of Sussex an absolute and exclusive easement, in perpetuity, to establish a permanent restriction against the use of any portion thereof for any structure, growth, or physical impediment that would in any manner infringe upon a free and open line of sight over the same.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the

—

first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

I.

STATE OF NEW JERSEY)

SS :

COUNTY OF _____)

I Certify that on _____, 20__

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ secretary of the corporation named in this Deed;
- (b) this person is attesting witness to the signing of this Deed by the proper corporate officer who is the _____ President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person signed this proof to attest to the truth of these facts; and
- (e) the full and actual consideration paid or to be paid for the transfer of title is \$0.00 (Such consideration is defined in N.J.S.A. 46:15-5)

Signed and sworn to before me on _____, 20__.

Secretary

II.

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20____, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as President and Secretary of _____ Corporation, the entity named in this Deed;
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity

Notary

Prepared by:

Dennis R. McConnell, Esq.

DEED FOR SIGHT TRIANGLE EASEMENT

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____ County of Sussex and State of New Jersey. The legal description is:

ATTACHED HERETO AS SCHEDULE A.

It is the intent and purpose of this Deed to grant unto The County of Sussex an absolute and exclusive easement, in perpetuity, to establish a permanent restriction against the use of any portion thereof for any structure, growth, or physical impediment that would in any manner obstruct vision [sight line] between a height of two (2) feet and ten (10) feet through the easement area described herein, as measured above the center line grade of the County road and the intersecting road or driveway.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone

else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

By: _____

By: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

I.

STATE OF NEW JERSEY)

SS :

COUNTY OF)

I Certify that on _____, 20__

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ secretary of the corporation named in this Deed;
- (b) this person is attesting witness to the signing of this Deed by the proper corporate officer who is the _____ President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person signed this proof to attest to the truth of these facts; and
- (e) the full and actual consideration paid or to be paid for the transfer

of title is \$0.00 (Such consideration is defined in N.J.S.A. 46:15-5)

Signed and sworn to before me
on _____, 20__.

Secretary

II.

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20__, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as President and Secretary of _____ Corporation, the entity named in this Deed;
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity

Notary

DEED LANGUAGE FOR SIGHT TRIANGLE RESTRICTION

The following deed restriction language should appear in the property deed(s) for sight triangles associated with driveway which access the County Road:

There is hereby established a permanent restriction in perpetuity against the use of any portion of the premises described in Schedule _____ for any structure, growth, or physical impediment that would in any manner infringe upon a free and open line of sight over the same at an elevation of between 2 feet and 10 feet measured above the centerline of the County Road and centerline of the driveway. This restriction is created for the benefit and safety of the public and shall run with the land and shall be binding on the Grantee, their heirs, successors and assigns.

Prepared by:

Dennis R. McConnell, Esq.

DEED FOR SLOPE EASEMENT

This Deed is made on _____, 20____,

BETWEEN _____, whose address is

referred to as the Grantor,

AND THE COUNTY OF SUSSEX, a political subdivision of the State of New Jersey, with administrative offices located at One Spring Street, Newton, New Jersey 07860.

referred to as the Grantees

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) an easement in the property described below to the Grantee. This transfer is made without monetary consideration.

Tax Map Reference. (N.J.S.A. 46:15-1.1) Municipality of the _____ of _____, Block _____, Lot _____.

Property. The property consists of the land in the _____ of _____, County of Sussex and State of New Jersey. The legal description is:

ATTACHED HERETO AS SCHEDULE A.

It is the intent and purpose of this Deed to grant unto The County of Sussex an absolute and exclusive easement including the right to maintain, repair, rebuild and/or install slopes over, through and across premises delineated on Schedule A. The County of Sussex, its agents, subcontractors, representatives and employees shall have the right to enter into and upon so much of the herein described premises as shall be reasonably necessary to effectuate the purposes of the easement herewith granted in order to conduct such inspections, maintenance and repairs as shall be reasonably necessary in order to assure the continuing efficient functioning of the slope into and across the herein described premises. However, nothing contained in this Deed of Easement in any way obligates or requires the County of Sussex to maintain or improve said slope to the benefit of Grantor or other Third Parties.

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

BY: _____

BY: _____

STATE OF NEW JERSEY)

SS:

COUNTY OF)

I CERTIFY that on _____, 20____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed; and
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).

I.

STATE OF NEW JERSEY)

SS :

COUNTY OF)

I Certify that on _____, 20__

personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the _____ secretary of the corporation named in this Deed;
- (b) this person is attesting witness to the signing of this Deed by the proper corporate officer who is the _____ President of the corporation;
- (c) this Deed was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of

Directors;

- (d) this person signed this proof to attest to the truth of these facts; and
- (e) the full and actual consideration paid or to be paid for the transfer of title is \$0.00 (Such consideration is defined in N.J.S.A. 46:15-5)

Signed and sworn to before me
on _____, 20__.

Secretary

II.

STATE OF NEW JERSEY)

SS:

COUNTY OF _____)

I CERTIFY that on _____, 20__, _____, _____, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person);

- (a) was the maker of the attached Deed;
- (b) was authorized to and did execute this Deed as President and Secretary of _____ Corporation, the entity named in this Deed;
- (c) made this Deed for \$0.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and
- (d) executed this Deed as the act of the entity

Notary

6. County Ordinances

Protection of County Roads

**RESOLUTION RE: PROHIBITING DUMPING, DISCHARGE, OR
PLACING OBSTRUCTIONS UPON OR ACROSS
COUNTY ROADS OR DRAINAGE**

WHEREAS, N.J.S.A. enables the Board of Chosen Freeholders of the County of to enact regulations to protect roads and road services by Resolution; and

WHEREAS, the Board of Chosen Freeholders deems it advisable to enact regulations to protect the County roads and road surfaces to ensure the safety of the traveling public; and

WHEREAS, N.J.S.A. 40:24-2 prescribes penalties for violations of County Resolutions.

NOW THEREFORE BE IT RESOLVED by the Board of Chosen Freeholders of the County of and State of New Jersey, as follows:

1. No person shall obstruct or damage any County road by depositing, placing, dumping, throwing or spilling stones, earth, debris, snow, ice, leaves, brush, or hazardous waste (as defined by N.J.S.A. 13:1e-51(K) as amended, or by any applicable state or federal law) or other materials or things thereon, nor shall any person place any of the above upon a County road so as to create a hazard to the traveling public.

2. Any person who, while in the process of shoveling, plowing or otherwise removing snow or ice from a driveway or other accessway abutting a County road, causes any of said snow or ice to accumulate upon the paved portion of any County road shall immediately remove said snow or ice while giving due regard to the safety of those persons using the County road.

3. The discharge of waters or other liquids or semiliquids upon any County road, or into any gutter, drainage ditch, catch basin or portion thereof, in any manner whatsoever, shall be unlawful, but this shall not apply to waters that may flow or pass upon a County road by virtue of natural drainage or because of the slope or topography of the land.

4. The running of pipe or swale onto any County road,

or into any gutter, drainage ditch or catch basin is prohibited and shall be deemed a violation of this Resolution until written permission is secured from the County Engineer or his designee and the County Road Supervisor.

5. No structure, equipment or materials of any kind may be placed or stored upon any County road at any time or for any purpose unless expressly permitted by law or ordinance and placed in such a manner as not to impede or divert the natural flow of drainage waters upon or along such County road and the gutters or drainage thereof.

6. The obstruction of any gutter or drainage ditch, catch basin, or any portion thereof, serving a County road by filling or otherwise depositing stones, earth, dirt, debris, hazardous waste, or other materials or things thereon or by any other means shall be unlawful, but this shall not apply to such materials as may be carried or deposited thereon by the natural drainage of surface waters or by other natural causes.

7. Any person, firm or corporation violating any of the provisions of this Resolution shall, upon conviction thereof, be subject to a fine of not more than Two Hundred Dollars (\$200.00) or, in the case of an individual, be imprisoned in the County jail for a period not exceeding ninety (90) days, or both.

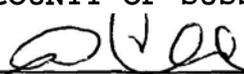
8. As provided by N.J.S.A. 40:24-8, all fines collected under this resolution shall be paid to the treasurer of the County of for the use of the County.

9. The Clerk of the Board of Chosen Freeholders of the County of shall cause to be published at least once in the newspaper circulating in the County a copy of this resolution before same shall be effective.

10. Certified copies of this Resolution shall be provided to the County Administrator, County Engineer, the Superintendent of the Division of Roads and Bridges; the County Counsel; Superior Court Administrator; Superintendent of the New Jersey State Police; and the Municipal Clerks and Chiefs of Police of every municipality in County.

**THE BOARD OF CHOSEN FREEHOLDERS
COUNTY OF SUSSEX**

By: _____


THOMAS J. CLARK

Freeholder Director

Certified as a true copy of
the Resolution adopted by
the Board on the 31ST day
of August, 1994.

Elaine A. Morgan

Elaine A. Morgan, Clerk
Board of Chosen Freeholders
County of Sussex

7. Bond Resolution

RESOLUTION RE: AUTHORIZATION FOR THE SUSSEX COUNTY BOARD OF CHOSEN FREEHOLDERS TO ADOPT A POLICY AND PROCEDURE USED TO DETERMINE THE TYPE AND VALUE OF BONDS REQUIRED UNDER CONDITIONS SET FORTH BY VARIOUS COUNTY RESOLUTIONS AND ORDINANCES GOVERNING WORK WITHIN COUNTY RIGHTS-OF-WAY AS REGULATED THROUGH THE ISSUANCE OF PERMITS BY THE OF ENGINEERING AND CERTAIN APPROVALS GRANTED BY THE SUSSEX COUNTY PLANNING BOARD ADMINISTERED BY THE DIVISION OF PLANNING

WHEREAS, the County of Sussex, has adopted regulatory mechanisms defining policy and procedures governing Road Opening Permits, Entrance Permits, Final Site Plan Approvals and Final Approvals; and

WHEREAS, pursuant to the established policies and procedures the Division of Engineering and Division of Planning must secure bonding sufficient in value to cover costs of work proposed and required within the County rights-of-way; and

WHEREAS, the bonding is needed to protect the public's interest when private or public entities perform work within a County right-of-way; and

WHEREAS, bonding will ensure and guarantee the proper completion of all work performed within the County rights-of-way and that all work will have been completed in conformance with County standards; and

WHEREAS, currently, there is no established procedure to determine the type or value of bonding required for Road Opening or Road Entrance Permits and County Planning Board Approvals involving proposed work within the County's right-of-way; and

WHEREAS, the Department of Engineering and Planning has drafted a Policy and Procedure to govern bonding in these situations and the same is attached hereto as Attachment A; and

WHEREAS, the Policy and Procedure within Attachment A serves to provide guidance when bonding is required for Permits issued by the Division of Engineering or Approvals granted by the Sussex County Planning Board; and

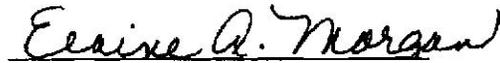
WHEREAS, the County of Sussex, after careful review of said Attachment A on the advice of the County Engineer, finds that adopting the Policy and Procedure outlined therein is in the best interest of the County and its intent to provide guidance for obtaining bonding; and

WHEREAS, these documents materially improve the County's ability to consistently comply with procedures established for issuance of Road Opening and Road Entrance Permits by the Division of Engineering and providing approvals through the Sussex County Planning Board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Chosen Freeholders of the County of Sussex, on the recommendation of the County Engineer, adopt the attached Policy and Procedure entitled "Procedure Governing Bonding Requirements for Division of Engineering Permits and County Planning Board Approvals"; and

BE IT FURTHER RESOLVED that a copy of this Resolution along with its Attachment be forwarded to the County Division of Engineering; County Division of Planning; and Municipal Clerks.

Certified as a true copy of a
Resolution adopted by the
Board of Chosen Freeholders
on the 23rd day of August, 2006.



Elaine A. Morgan, Clerk
Board of Chosen Freeholders
County of Sussex

Department of Engineering and Planning
Administrative Procedure

Sussex County, New Jersey

Titled: Procedure Governing Bonding Requirements for Division of Engineering Permits and Sussex County Planning Board Approvals

Dated: Aug 23, 2006 **Revised:** No Revisions

1. Purpose and Need -The County of Sussex hereby establishes a policy outlining general procedures which can be applied by the Division of Engineering and Division of Planning when bonding is required for work within the County's right-of-way.
2. Definitions - For the purpose of this policy and procedure, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use for the purpose of this policy and procedure clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include future, words used in the plural number include singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
 - a. County right-of-way-any public Right-of Way owned or maintained by Sussex County generally for the purpose of transportation infrastructure.
 - b. County Route -any roadway or other thoroughfare operated by Sussex County.
 - c. Traveled Way -The portion of the roadway traversed by vehicles.
 - d. Applicant -An entity, public or private, proposing to perform work within the County's right-of-way. This will be inclusive of, but not limited to, Public or Private Utilities, Government Agencies, Private Individuals, or Partnerships and Corporations of any form.
 - e. Performance or Maintenance Bond -A bond issued by a firm that is licensed to do business in the State of New Jersey guaranteeing the proper and satisfactory completion of the proposed work.
 - f. Cash Bond: A certified check for the project amount made payable to the County of Sussex.
 - g. Letter of Credit: A letter ,from a financial institution licensed to conduct business in the State of New Jersey acting as an irrevocable guarantee of payment to the County of Sussex for the bonded work.
 - h. Maintenance Bonding Period -At the direction of the County Engineer, Maintenance bonds will be held by the County for a period of one (1) year from the date of acceptance by the County Division of Engineering of the completed work.
3. Prohibited Conduct -No Applicant may conduct work within the County's right-of-way without first obtaining Permits issued by the Sussex County Division of Engineering. An Applicant shall provide the County with appropriate bonding prior to the issuance of permits.
4. Exemptions-there are no exemptions from this requirement.

5. Responsibilities:
 - a. It is the responsibility of the Applicant to provide Sussex County with bonding as required by the permit or approval process and outlined below.
 - b. It is the responsibility of County Employees to administer and enforce this policy.
 - c. The Division of Engineering and Division of Planning shall coordinate acceptance and release of bonds impacting projects of mutual interest.

6. Bonding Requirements: Prior to performing any work within the County's right-of-way or as may be required through the Planning Process the County shall be provided a Bond by the Applicant equal in amount to that of the proposed work plus a ten (10) percent contingency.
 - a. Determination of Bonding amount:
 - i. The Applicant shall provide the County with an Engineer's Estimate or Quotation for proposed work. Estimates and Quotations shall, at minimum:
 1. Be itemized and correlated with unit quantities as represented on the applicants plan submittal.
 2. Have been established using industry acceptable prices.
 3. Utilize prevailing wage labor rates.
 4. Include mobilization and traffic control.
 - ii. The County Engineer shall review the provided estimate or quotation and either:
 1. Provide acceptance of same, or
 2. Based upon his professional judgment, modify the estimate or quotation to accurately reflect actual industry prices reflective of those born by the County of Sussex to complete the proposed work within a public right-of-way.
 - iii. Bonds for work scheduled one or more year(s) future shall include an inflation adjustment factor.
 - iv. Project estimates shall be adjusted when needed by the County Engineer to reflect as built project values, the adjusted estimate shall be used to determine the value of the Maintenance Bond.
 - b. Bond Amount and Type: The Applicant shall provide a Bond to the County of Sussex in compliance with the following (Unless otherwise approved by the County Engineer) the bonded amount will include the project estimate or quotation plus a ten (10) percent contingency:
 - i. Construction Bonding:
 1. Projects up to and including \$20,000.00 in estimated value: Cash Bond or Letter of Credit for the value of the proposed work.
 2. Projects exceeding \$20,000.00 in estimated value shall adhere to the following schedule:
 - a. Cash Bond or Letter of Credit, not required to exceed \$100,000.00:
 - i. \$20,000.00, plus

- ii. 20% of the value exceeding \$20,000.00; at the Applicants discretion the entire project value may be provided as a Cash Bond or Letter of Credit.
- b. Performance Bond:
 - i. Having a value equal to the project balance in excess of that provided by the Cash Bond or Letter of Credit. All Performance Bonds must be issued by a company licensed to do business in the State of New Jersey.
- ii. Maintenance Bond: A Maintenance bond shall be provided unless otherwise approved by the County Engineer for fifty (50) percent of the project estimate in accordance with the following:
 - 1. Bonding amounts as calculated under 6.b.i and adjusted per 6.a.iv shall be provided to the County at a rate of fifty (50) percent of the amount bonded there under. The type of bonding shall be as follows:
 - a. Maintenance Cash Bond valued at fifty (50) percent of the construction Cash Bond Value, adjusted when needed under 6.a.iv.
 - b. Maintenance Bond valued at fifty (50) percent of the Construction Performance Bond value, adjusted when needed under 6.a.i.v. All Maintenance Bonds must be issued by a company licensed to do business in the State of New Jersey.

Special Considerations:

- i. Municipal Projects: Consideration will be given by the County Engineer for acceptance of joint County/Municipal Performance and Maintenance bonds on a case-by-case basis. To be considered:
 - 1. The Applicant should send a written request to the County Engineer.
 - 2. The proposed work should not impact the County Route Traveled Way.
- ii. Utility Emergent Response Work: The County will accept annual bonds from Public and Private Utility Companies for the purpose of response to unplanned emergent work as conditions develop. The bonds will be subject to the conditions contained herein. The bonding amount shall be established by the County Engineer on an annual basis during the month of January. This does not apply to planned capital improvements or service connections.
- iii. The County will accept concurrent bonding from Applicants seeking both Sussex County Planning Board Approvals requiring bonding and issuance of Road Opening or Road Entrance Permits by the Division of Engineering.

7. **Bond Use:** The County may utilize bond funds to rectify substandard performance, workmanship or maintenance requirements related to the work performed under the bonding or disturbance or damage of adjacencies. The County shall provide the Applicant and the Bonding Company ten (10) days notice during which the Applicant shall remediate the deficiency. If the Applicant fails to remediate the deficiency within ten (10) days of the notice the County will utilize bonded funds to remediate the deficiency. Funds held in Cash Bond or Letter of Credit shall be utilized prior to pursuit of the applicants surety. Bond funds may be utilized for, in addition to other deficiencies, the remediation of any portion of the work or workmanship jeopardizing public safety.
8. **Release of Bond:**
 - a. **General:**
 - i. Bond release shall be approved by the County Engineer at the recommendation of the Division of Engineering and for bonding emanating from County Planning Board Approvals, the Division of Planning.
 - b. **Construction Bonding:**
 - i. Construction Bonds shall not be released until the County has accepted the final construction AND the Applicant has provided the County with the required Maintenance bonding.
 - c. **Maintenance Bonding:**
 - i. The Maintenance bond, unless otherwise approved by the County Engineer, shall not be released until the one year maintenance period has lapsed and all deficiencies, if any, have been corrected.
9. **Applicability:** The procedure outlined herein shall be utilized for all future and ongoing projects.
10. **Penalties** -Unbonded work performed within the County's right-of-way will be subject to permit violation assessments.

