

First Jersey Title Reports

*a periodic newsletter from First Jersey
to keep you up to date with the changes in Title Services.*

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REQUIREMENTS FOR SETTING OF CORNER MARKERS.

On January 29, 2003, Governor James McGreevy signed Assembly Bill 2908 permitting property owners to waive requirements for setting of corner markers. If the property owner so chooses not to have the corners staked then the written waiver **MUST BE OBTAINED BY THE ULTIMATE USER.**

STATE OF NEW JERSEY ASSEMBLY, No. 2908

The Senate Community and Urban Affairs Committee reports favorably Assembly Bill No. 2908 (1R).

This bill provides that when a property survey is performed, appropriate corner markers shall be set either by a licensed land surveyor or under the supervision of a licensed land surveyor. Corner markers would be set at each property corner not previously marked by a property marker, unless the actual corner is not accessible, or unless a written waiver signed by the ultimate user is obtained and retained for a period of not less than six years by the surveyor performing the survey. Whenever a written waiver to omit corner markers is obtained, the bill requires that the following notation be included on the plat or plan of survey:

"A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. , c. (C.)(now before the Legislature as this bill) and N.J.A.C.13:40-5.1(d)."

Failure to comply with the bill's provisions would subject the licensee to a penalty of not greater than \$2,500 for each violation, to be imposed pursuant to section 9 of P.L.1978, c.73 (C.45:1-22). The bill is modeled after the provisions of current regulations promulgated by the State Board of Professional Engineers and Land Surveyors concerning the practice of land surveying and the preparation of land surveys and contained in N.J.A.C. 13:40-5.1(d). The purpose of the bill is to assure that the ultimate user of a property continues to have an option to waive and direct not to set corner markers when a land survey is being done for that person.