

**ARTICLE XII
OFFICIAL MAP****§ 102-122. Establishment.**

Pursuant to N.J.S.A. 40:55D-1 et seq., there is hereby established an official map which is titled "Official Map, Borough of Somerville, Somerset County, New Jersey," dated _____, now filed in the office of the Borough Clerk. The Official Map shall be deemed conclusive with respect to the location and width of public areas, whether or not such areas are improved or unimproved or are in actual physical existence.

§ 102-123. Reservation of Public Areas.

If the Borough Master Plan or Official Map provides for the reservation of designated streets, public drainage ways, flood control basins, or public areas within the proposed development, the Board may require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses before approving the subdivision or site plan. The following provisions shall apply to the such reservation:

- A. The Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer.
- B. Unless during such period or extension thereof the Borough shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations.
- C. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation. The determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation.
- D. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation of areas on the Master Plan or Official Map.
- E. The provisions of this section shall not apply to streets and roads, flood control basins or public drainage ways necessitated by the subdivision or land development and required for final approval.

§ 102-124. Permits for Structures to Comply with Map.

For the purpose of preserving the integrity of the Official Map of the Borough of Somerville, no permit shall be issued for any building or structure in any public area as shown on the Official Map or shown on a plat filed pursuant to this chapter before adoption of the Official Map.

§ 102-125. Lots to Abut Street.

No permit for the erection of any building or structure shall be issued unless the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the Official Map or shall be (1) an existing State, county or Borough street or highway, or (2) a street shown upon a plat approved by the Planning Board, or (3) a street on a plat duly filed in the office of the county recording officer prior to the passage of this chapter or any prior law which required prior approval of plats by the governing body or other authorized body. Before any such permit shall be issued, (1) such street shall have been certified to be suitably improved to the satisfaction of the governing body or such suitable improvement shall have been assured by means of a performance guaranty in accordance with standards and specifications for road improvements approved by the governing body, as adequate in respect to the public health, safety and general welfare of the special circumstance of the particular street and, (2) it shall have been established that the proposed access conforms with the standards of the any access management code adopted pursuant to the State Highway Access Management Act by the Commissioner of the Transportation in the case of a State highway, with the standards of any access management code adopted by the county in the case of a county road or highway, and with the standards of any Borough access management code adopted in the case of a Borough street or highway.

§ 102-126. Appeals.

Relief from the decisions of any administrative officer involving the provisions of this article may be appealed in accordance with the procedures set forth in Article VII, Appeals; provided that a developer may file an application for relief without prior application to an administrative officer, in accordance with the procedures set forth in Article VII.