

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 454*

Short Title: Surveying and Plat Recording Changes. (Public)

Sponsors: Representative Arp.
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government I, if favorable, Regulatory Reform

March 27, 2017

A BILL TO BE ENTITLED
AN ACT TO MODERNIZE AND MAKE CHANGES TO THE RECORDING
REQUIREMENTS FOR PLATS AND SUBDIVISIONS AND TO ELIMINATE THE USE
OF CONTROL CORNERS IN FAVOR OF GRID CONTROL IN THE PREPARATION
OF PLATS AND SUBDIVISIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 47-30 reads as rewritten:

"§ 47-30. Plats and subdivisions; mapping requirements.

(a) Size Requirements. – All land plats presented to the register of deeds for recording in the registry of a county in North Carolina after September 30, 1991, having an outside marginal size of either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, ~~and and, for landscape format,~~ having a minimum one and one-half inch border on the left side or, for portrait format, one and one-half inch border on the top side and a minimum one-half inch border on the other sides shall be deemed to meet the size requirements for recording under this section. Where size of land areas, or suitable scale to assure legibility require, plats may be placed on two or more sheets with appropriate match lines. Counties may specify either:

- (1) Only 18 inches by 24 inches;
- (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;
- (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches; or
- (4) A combination of all three sizes.

Provided, that all registers of deeds where specific sizes other than the combination of all three sizes have been specified, shall be required to submit said size specifications to the North Carolina Association of Registers of Deeds for inclusion on a master list of all such counties. The list shall be available in each register of deeds office by October 1, 1991. For purposes of this section, the terms "plat" and "map" are synonymous.

(b) Plats to Be Reproducible. – Each plat presented for recording shall be a reproducible plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute), and submitted in this form. The recorded plat must be such that the public may obtain legible copies. A direct or photographic copy of each recorded plat shall be placed in the plat book or plat file maintained for that purpose and properly indexed for use. In those counties in which the register has made a security copy of the plat from which legible copies can be made, the original plat may be submitted in the form of black line on white paper instead of transparent and archival and may be returned to the person indicated on the plat.



1 (c) Information Contained in Title of Plat. – The title of each plat shall contain the
2 following ~~information-information~~:

3 (1) ~~The property designation, designation.~~

4 (2) ~~The name of owner (the the owner; provided, however, that the name of~~
5 ~~owner shall be shown for indexing purposes only and is not to be construed~~
6 ~~as title certification), location-certification.~~

7 (3) ~~The location, to include township, county and state, the county and State,~~
8 ~~and the township or city, if applicable.~~

9 (4) ~~The date or dates the survey was made; made.~~

10 (5) ~~The scale or scale ratio in words or figures and bar graph; graph.~~

11 (6) ~~The name and address of surveyor or firm preparing the plat, plat, including~~
12 ~~the firm name and firm license number, if applicable.~~

13 (7) ~~The dates and descriptions of revisions made after original signing.~~

14 ~~The information required pursuant to this subsection shall be listed prominently on the plat.~~
15 ~~Information listed in the notes contained on the plat does not satisfy the requirements of this~~
16 ~~subsection.~~

17 (d) Certificate; Form. – There shall appear on each plat a certificate by the person under
18 whose supervision the survey or plat was made, stating the ~~origin of reference source for the~~
19 ~~boundary information for the surveyed property~~ shown on the plat, including recorded deed and
20 plat references shown thereon. The ratio of precision or positional accuracy before any
21 adjustments must be shown. Any lines on the plat that were not actually surveyed must be
22 clearly indicated and a statement included revealing the source of information. Where a plat
23 consists of more than one sheet, only one sheet must contain the certification and all other
24 sheets must be signed and sealed. Multiple sheet plats shall be identified as a map set.

25 The certificate required above shall include (i) the source of information for the survey and
26 survey, (ii) data indicating the ratio of precision or positional accuracy of the survey before
27 adjustments-adjustments, and (iii) the seal and signature pursuant to Chapter 89C of the
28 General Statutes, and shall be in substantially the following form:

29 "I, _____, certify that this plat was drawn under my supervision from an actual survey
30 made under my supervision (deed description recorded in Book _____, page _____, etc.) (other);
31 that the boundaries not surveyed are clearly indicated as drawn from information found in Book
32 _____, page _____; that the ratio of precision or positional accuracy as calculated is ~~4-~~ _____; that
33 this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original
34 signature, ~~registration~~-license number and seal this _____ day of _____, A.D., _____.

35 Seal or Stamp

36
37 _____
38 Professional Land Surveyor
Registration-License Number"

39 Nothing in this requirement shall prevent the recording of a map that was prepared in
40 accordance with a previous version of G.S. 47-30 as amended, properly signed, and notarized
41 under the statutes applicable at the time of the signing of the map. However, it shall be the
42 responsibility of the person presenting the map to prove that the map was so prepared. The
43 presence of the personal signature and seal of a professional land surveyor shall constitute a
44 certification that the map conforms to the standards of practice for land surveying in this State
45 as defined in the rules of the North Carolina State Board of Examiners for Engineers and
46 Surveyors.

47 (e) Method of Computation. – An accurate method of computation shall be used to
48 determine the acreage and either the ratio of precision or the positional accuracy shown on the
49 plat. Area by estimation is not acceptable nor is area by planimeter, area by scale, or area
50 copied from another source, except in the case of tracts containing inaccessible sections or
51 areas. In such case the surveyor may make use of aerial photographs or other appropriate aids

1 to determine the acreage of any inaccessible areas when the areas are bounded by natural and
2 visible monuments. In such case the methods used must be stated on the plat and all accessible
3 areas of the tract shall remain subject to all applicable standards of this section.

4 (f) Plat to Contain Specific Information. – Every plat shall contain the following
5 specific information:

6 (1) An accurately positioned north arrow coordinated with any bearings shown
7 on the plat. Indication shall be made as to whether the north index is true,
8 magnetic, North Carolina grid ("~~NAD 83" or "NAD 27"~~), ("NAD 83,"
9 "NAD 27," or other published horizontal datum), or is referenced to old deed
10 or plat bearings. If the north index is magnetic or referenced to old deed or
11 plat bearings, the date and the source (if known) the index was originally
12 determined shall be clearly indicated. North Carolina grid reference shall
13 include the horizontal datum and the realization reference.

14 (2) The azimuth or course and distance of every property line surveyed shall be
15 shown. Distances shall be in U.S. Survey feet or meters and decimals
16 thereof. The number of decimal places shall be appropriate to the class of
17 survey required.

18 (3) All plat distances shall be by horizontal ground or horizontal grid
19 measurements. All lines shown on the plat shall be correctly plotted to the
20 scale shown. Enlargement of portions of a plat are acceptable in the interest
21 of clarity, where shown as inserts. Where the North Carolina grid system is
22 used the combined grid factor shall be shown on the face of the plat. If grid
23 distances are used, it must be ~~shown~~ indicated on the plat.

24 ...

25 (6) ~~Where control corners have been established in compliance with G.S.~~
26 ~~39 32.1, 39 32.2, 39 32.3, and 39 32.4, as amended, the location and~~
27 ~~pertinent information as required in the reference statute shall be plotted on~~
28 ~~the plat. All other corners which are marked by monument or natural object~~
29 ~~shall be so identified on all plats, and where practical all corners of adjacent~~
30 ~~owners along the boundary lines of the subject tract which are marked by~~
31 ~~monument or natural object shall be shown.~~

32 (7) The names of adjacent landowners, or lot, block, parcel, subdivision
33 designations or other legal ~~reference~~ reference, where applicable, shall be
34 shown where they could be determined by the surveyor. Nonverified tax
35 map information is not sufficient to meet the requirement of this subdivision.

36 (8) All visible and apparent rights-of-way, watercourses, utilities, roadways, and
37 other such improvements shall be accurately located where crossing or
38 forming any boundary line of the property shown. Nothing in this
39 subdivision shall be construed to modify the notification responsibility of
40 persons engaged in excavation or demolition pursuant to G.S. 87-122.

41 (9) Where the plat is the result of a survey, one or more corners shall, ~~by a~~
42 ~~system of azimuths or courses and distances, be accurately tied to and~~
43 ~~coordinated with a horizontal control monument of some United States or~~
44 ~~State Agency survey system, such as the North Carolina Geodetic Survey~~
45 ~~where the monument is within 2,000 feet of the subject property. Where the~~
46 ~~North Carolina Grid System coordinates of the monument are on file in the~~
47 ~~North Carolina Geodetic Survey Section in the Division of Emergency~~
48 ~~Management of the Department of Public Safety, the coordinates of both the~~
49 ~~referenced corner and the monuments used shall be shown in X (easting) and~~
50 ~~Y (northing) coordinates on the plat. The coordinates shall be identified as~~
51 ~~based on "NAD 83," indicating North American Datum of 1983, or as "NAD~~

27," indicating North American Datum of 1927. The tie lines to the monuments shall also be sufficient to establish true north or grid north bearings for the plat if the monuments exist in pairs. Within a previously recorded subdivision that has been tied to grid control, control monuments within the subdivision may be used in lieu of additional ties to grid control. Within a previously recorded subdivision that has not been tied to grid control, if horizontal control monuments are available within 2,000 feet, the above requirements shall be met; but in the interest of bearing consistency with previously recorded plats, existing bearing control should be used where practical. In the absence of grid control, other appropriate natural monuments or landmarks shall be used, shall be labeled with coordinates on the plat, shown as "X" (easting) and "Y" (northing) coordinates, traceable to a published geodetic datum or the North Carolina State Plane Coordinate System, or both. The plat should include, at a minimum, the referenced horizontal datum and realization (i.e., "NAD 83 (2011)") as well as the data or method used to establish those coordinates, or both. If the bearings shown on the map are not referenced to the same datum as the grid coordinates shown, then either (i) the coordinates of a second point shall be labeled and the two labeled points tied together by a single azimuth or course and distance or (ii) the plat shall include, in written and graphical form, the conversion from plat bearings to reference bearings. Control monuments within a previously recorded subdivision may be used in lieu of grid control. In the interest of consistency with previously recorded plats, existing bearing control may be used where practical. Where no horizontal control monument of any United States or state agency survey system, such as the North Carolina Geodetic Survey, is located within 2,000 feet of the subject property, ties to other appropriate natural monuments or landmarks may be used in lieu of grid coordinates. In all cases, the tie lines shall be sufficient to accurately reproduce the subject lands from the control or reference points used.

(10) A vicinity map (location map) and legend shall appear on the plat.

(11) Notwithstanding any other provision contained in this section, it is the duty of the surveyor, by a certificate on the face of the plat, to certify to one of the following:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of ~~land;~~land.
- b. That the survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of ~~land;~~land.
- c. Any one of the following:
 1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing ~~street;~~street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

2. That the survey is of an existing feature, such as a building or other structure, or natural feature, such as a ~~waterecourse;~~ ~~or~~watercourse.

3. That the survey is a control survey. For the purposes of this subsection, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.

4. That the survey is of a proposed easement for a public utility as defined in G.S. 62-3.

d. That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of ~~subdivision;~~subdivision.

e. That the information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

If the plat contains the certificate of a surveyor as stated in sub-subdivisions b. or c. of this subdivision, nothing shall prevent the recordation of the plat if all other provisions have been met. However, if the plat contains the certificate of a surveyor as stated in sub-subdivisions a., d., or e. above, ~~of this subdivision,~~ then the plat shall have, in addition to said surveyor's certificate, a certification of approval, or no approval required, as may be required by local ordinance from the appropriate government authority and the county review officer as provided in G.S. 47-30.2 before the plat is presented for recordation. ~~If the plat contains the certificate of a surveyor as stated in b. or c. above, nothing shall prevent the recordation of the plat if all other provisions have been met.~~The signing and sealing of the certification as required in subsection (d) of this section shall satisfy the certification requirement contained in this subsection.

...
 (h) Nothing in this section shall be deemed to prevent the filing of any plat prepared by a ~~registered professional~~ land surveyor but not recorded prior to the death of the ~~registered professional~~ land surveyor. However, it is the responsibility of the person presenting the map to the Review Officer pursuant to G.S. 47-30.2 to prove that the plat was so prepared. For preservation these plats may be filed without signature, notary acknowledgement or probate, in a special plat file.

...
 (j) The provisions of this section shall not apply to boundary plats of State lines, county lines, areas annexed by ~~municipalities~~ municipalities, nor to plats of municipal boundaries, whether or not required by law to be recorded.

...
 (m) Maps attached to deeds or other instruments and submitted for recording in that form must be no larger than 8 1/2 inches by 14 inches and comply with either this subsection or subsection (n) of this section. ~~Such a map shall either (i) have the original signature of a registered land surveyor and the surveyor's seal as approved by the State Board of Registration for Professional Engineers and Land Surveyors, or (ii) be a copy of a map, already on file in the public records, that is certified by the custodian of the public record to be a true and accurate copy of a map bearing an original personal signature and original seal. The presence of the original personal signature and seal shall constitute a certification that the map conforms to the standards of practice for land surveying in North Carolina, as defined in the rules of the North~~

Carolina State Board of Registration for Professional Engineers and Land Surveyors. A map submitted for recording pursuant to this subsection shall conform to one the following standards:

(1) An original map that meets the requirements of subsections (c) through (f) of this section and that bears the signature of a professional land surveyor and the surveyor's seal as approved by the State Board of Examiners for Engineers and Surveyors.

(2) A copy of a previously recorded map that is certified by the custodian of the public record to be a true and accurate copy of the map.

(n) A map that does not meet the requirements of subsection (m) of this section may be attached to a deed or other instrument submitted for recording in that form for illustrative purposes only if it meets both of the following requirements:

(1) It is no larger than 8 1/2 inches by 14 inches.

(2) It is conspicuously labelled, "THIS MAP IS MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS."

...."

SECTION 2. Article 5A of Chapter 39 of the General Statutes is repealed.

SECTION 3. This act is effective when it becomes law and applies to plats and subdivisions submitted for recording on or after that date.