

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1025

Short Title: Survey Registration Changes.

(Public)

Sponsors: Representatives Stamey; and Payne.

Referred to: Judiciary I.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROVIDING MAPPING REQUIREMENTS FOR
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 ~~January 1, 1984, September 30, 1991,~~ shall have having an outside marginal size of not more than either 18 inches by 24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, nor less than eight and one-half inches by 14 inches, and shall include a and having a minimum one and one-half inch border on the left side and a minimum one-half inch border on each side. on the other sides shall be deemed to meet the size requirements for recording under this section. ~~Registers of deeds may require a one and one-half inch border on one side for binding. 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 a specific size within the limits of these requirements: 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 ~~a specific size is specified~~ specific sizes other than the combination of all three sizes have been specified, shall be required to submit

1 said size specifications to the North Carolina Association of Registers of Deeds for
2 inclusion on a master list of all such counties. The list shall be available in each register
3 of deeds office by October 1, 1991. ~~posted in each register of deeds office. All counties~~
4 ~~currently operating under statutes or other laws setting forth regulatory size will be allowed to~~
5 ~~continue to use such sizes as are currently in use until January 1, 1984, on or before which time~~
6 ~~they shall modify their size to conform to those shown above.~~ For purposes of this section,
7 the terms 'plat' and 'map' are synonymous.

8 (b) Plats to Be Reproducible. – Each plat presented for recording shall be a
9 reproducible ~~plat in linen, film, mylar or other similar, transparent and permanent material~~
10 plat, either original ink on polyester film (mylar), or a reproduced drawing, transparent
11 and archival (as defined by the American National Standards Institute), and submitted in
12 this form. ~~White prints may be submitted provided the filing officer has access to reproductive~~
13 ~~facilities to make a permanent master copy thereof by a process from which a direct copy can~~
14 ~~be made. In any case the process~~ The recorded plat must be such that the public may
15 obtain legible copies. A direct or photographic copy of each recorded plat shall be
16 placed in the plat book or plat file maintained for that purpose and properly indexed for
17 use. ~~All filing officers are authorized to make permanent master copies of plats that have been~~
18 ~~recorded and filed before January 1, 1984, and may return the originals to the person offering~~
19 ~~them for reeordation.~~

20 (c) Information Contained in Title of Plat. – The title of each plat shall contain the
21 following information: property designation, name of ~~owner,~~ owner (the name of owner
22 shall be shown for indexing purposes only and is not to be construed as title
23 certification), location to include township, county and state, the date or dates the survey
24 was made; scale in feet per inch or scale ratio in words or figures and bar graph; name
25 and address of surveyor or firm preparing the plat.

26 (d) Certificate; Form. – There shall appear on each plat a certificate by the person
27 under whose supervision such survey or such plat was made, stating the origin of the
28 information shown on the plat, including recorded deed and plat references shown
29 thereon. The ratio of precision as calculated by latitudes and departures before any
30 adjustments must be shown. Any lines on the plat that were not actually surveyed must
31 be clearly indicated and a statement included revealing the source of information. The
32 execution of such certificate shall be acknowledged before any officer authorized to
33 take acknowledgments by the registered land surveyor preparing the plat. All plats to be
34 recorded shall be probated as required by law for the registration of deeds. Where a plat
35 consists of more than one sheet, only the first sheet must contain the certification and all
36 subsequent sheets must be signed and sealed.

37 The certificate required above shall include the source of information for the survey
38 and data indicating the accuracy of closure of the plat before adjustments and shall be in
39 substantially the following form:

40 'I,, certify that this plat was drawn under my supervision from (an actual
41 survey made under my supervision) (deed description recorded in Book, page
42, etc.) (other); that the boundaries not surveyed are ~~shown as broken lines plotted~~
43 clearly indicated as drawn from information found in Book, page; that the
44 ratio of precision as calculated is 1:.....; that this plat was prepared in accordance with

1 G.S. 47-30 as amended. Witness my original signature, registration number and seal this
2 day of, A.D., 19.....

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Seal or Stamp

Surveyor

Registration Number'

9 The certificate of the Notary shall read as follows:

10 'North Carolina, County.

11 I, a Notary Public of the County and State aforesaid, certify that....., a
12 registered land surveyor, personally appeared before me this day and acknowledged the
13 execution of the foregoing instrument. Witness my hand and official stamp or seal,
14 this..... day of, 19.....

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Seal-Stamp

Notary Public My Commission

expires'

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Nothing in this requirement shall prevent the recording of a map that was prepared
in accordance with a previous version of G.S. 47-30 as amended, properly signed and
notarized under the statutes applicable at the time of the signing of the map. However, it
shall be the responsibility of the person presenting the map to prove that the map was so
prepared.

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(e) Method of Computation. – An accurate method of computation shall be used
to determine the acreage and ratio of precision shown on the plat. Area by estimation is
not acceptable nor is area by planimeter, area by scale, or area copies from another
source, except in the case of tracts containing inaccessible sections or areas. In such
case the surveyor may make use of aerial photographs or other appropriate aids to
determine the acreage of such inaccessible areas when such areas are bounded by
natural and visible monuments. The methods used must be fully stated and explained on
the face of the plat and all accessible areas of the tract shall remain subject to all
applicable standards of this section.

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

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- (1) An accurately positioned north arrow coordinated with any bearings shown on the plat. Indication shall be made as to whether the north index is true, magnetic, North Carolina ~~grid,~~ grid ('NAD 83' or 'NAD 27'), or is referenced to old deed or plat bearings. If the north index is magnetic or referenced to old deed or plat bearings, the date and the source (if known) such index was originally determined shall be clearly indicated.
- (2) The azimuth or courses and distances as surveyed of every line shall be shown. Distances shall be in feet or meters and decimals thereof.

- 1 The number of decimal places shall be appropriate to the class of
2 survey required.
- 3 (3) All plat lines shall be by horizontal (level) or grid measurements. All
4 information shown on the plat shall be correctly plotted to the scale
5 shown. Enlargement of portions of a plat are acceptable in the interest
6 of clarity, where shown as inserts on the same sheet. Where the North
7 Carolina grid system is used the grid factor shall be shown on the face
8 of the plat and a designation as to whether horizontal ground distances
9 or grid distances were used.
- 10 (4) Where a boundary is formed by a curved line, the following data must
11 be given: actual survey data from the point of curvature to the point of
12 tangency shall be shown as standard curve data, or as a traverse of
13 bearings and distances around the curve. If standard curve data is used
14 the bearing and distance of the long chord (from point of curvature to
15 point of tangency) must be shown on the face of the plat.
- 16 (5) Where a subdivision of land is set out on the plat, all streets and lots
17 shall be carefully plotted with dimension lines indicating widths and
18 all other information pertinent to reestablishing all lines in the field.
19 This shall include bearings and distances sufficient to form a
20 continuous closure of the entire perimeter.
- 21 (6) Where control corners have been established in compliance with G.S.
22 39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and
23 pertinent information as required in the reference statute shall be
24 plotted on the plat. All other corners which are marked by monument
25 or natural object shall be so identified on all plats, and where practical
26 all corners of adjacent owners in the boundary lines of the subject tract
27 which are marked by monument or natural object must be shown with
28 a distance from one or more of the subject tract's corners.
- 29 (7) The names of adjacent landowners along with lot, block or parcel
30 identifier and subdivision designations or other legal reference where
31 applicable, shall be shown where they could be determined by the
32 surveyor.
- 33 (8) All visible and apparent rights-of-way, watercourses, utilities,
34 roadways, and other such improvements shall be accurately located
35 where crossing or forming any boundary line of the property shown.
- 36 (9) Where the plat is the result of a survey, one or more corners shall, by a
37 system of azimuths or courses and distances, be accurately tied to and
38 coordinated with a horizontal control monument of some United States
39 or State Agency survey system, such as the ~~National North Carolina~~
40 Geodetic Survey (~~formerly U.S. Coast and Geodetic Survey~~) system,
41 where such monument is within 2,000 feet of ~~said corner~~ the subject
42 property. Where the North Carolina Grid System coordinates of said
43 monument are on file in the North Carolina Department of
44 Environment, Health, and Natural Resources, the coordinates of both

1 the referenced corner ~~shall be computed~~ and the monuments used shall
2 be shown in X (easting) and Y (northing) ordinates on the map-plat.
3 The coordinates shall be identified as based on 'NAD 83,' indicating
4 North American Datum of 1983, or as 'NAD 27,' indicating North
5 American Datum of 1927. The tie lines to the monuments shall also be
6 sufficient to establish true north or grid north bearings for the plat if
7 the monuments exist in pairs. Within a previously recorded
8 subdivision that has been tied to grid control, control monuments
9 within the subdivision may be used in lieu of additional ties to grid
10 control. Within a previously recorded subdivision that has not been
11 tied to grid control, if horizontal control monuments are available
12 within 2,000 feet, the above requirements shall be met; but in the
13 interest of bearing consistency with previously recorded plats, existing
14 bearing control should be used where practical. In the absence of Grid
15 Control, other appropriate natural monuments or landmarks shall be
16 used. In all cases, the tie lines shall be sufficient to accurately
17 reproduce the subject lands from the control or reference points used.

18 (10) A vicinity map shall appear on the face of the plat.

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

22 a. That the survey creates a subdivision of land within the area of
23 a county or municipality that has an ordinance that regulates
24 parcels of land;

25 b. That the survey is located in such portion of a county or
26 municipality that is unregulated as to an ordinance that
27 regulates parcels of land;

28 c. That the survey is of an existing parcel or parcels of land;

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

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

35 However, if the plat contains the certificate of a surveyor as stated in
36 a., d., or e. above, then the plat shall have, in addition to said
37 surveyor's certificate, a certification of approval, or no approval
38 required, as may be required by local ordinance from the appropriate
39 government authority before the plat is presented for recordation. If
40 the plat contains the certificate of a surveyor as stated in b. or c. above,
41 nothing shall prevent the recordation of the plat if all other provisions
42 have been met.

43 (g) Recording of Plat. – For purposes of recording, the register of deeds shall not
44 be responsible for

- 1 (1) The provisions of subsection (b), as to archival;
2 (2) The provisions of subsection (d), except for the notary certificate;
3 (3) The provisions of subsection (e); or
4 (4) The provisions of subdivisions (2) through (9) of subsection (f).

5 A plat, when proven and probated as provided herein for deeds and other conveyances,
6 when presented for recording, shall be recorded in the plat book or plat file and when so
7 recorded shall be duly indexed. Reference in any instrument hereafter executed to the
8 record of any plat herein authorized shall have the same effect as if the description of
9 the lands as indicated on the record of the plat were set out in the instrument.

10 (h) Nothing in this section shall be deemed to prevent the filing of any plat
11 prepared by a registered land surveyor but not recorded prior to the death of the
12 registered land surveyor. However, it is the responsibility of the person presenting the
13 map to prove that the plat was so prepared. For preservation these plats may be filed
14 without notary acknowledgement or probate, in a special plat file.

15 (i) Nothing in this section shall be deemed to invalidate any instrument or the
16 title thereby conveyed making reference to any recorded plat.

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

20 (k) The provisions of this section shall apply to all 100 counties in North
21 Carolina. Where local law is in conflict with this section, the provisions in this section
22 shall apply. Failure of a plat to conform in all requirements of this statute shall be
23 sufficient grounds for the register of deeds to refuse to accept the plat for recordation.

24 (l) The provisions of this section shall not apply to the registration of highway
25 right-of-way plans provided for in G.S. 136-19.4 nor to registration of roadway corridor
26 official maps provided in Article 2E of Chapter 136.

27 (m) Any map prepared by a registered land surveyor and submitted for inclusion
28 on the public record, whether submitted alone or attached to a deed or other instrument,
29 shall conform to the standards of practice for land surveying in North Carolina, as
30 defined in the Board rules of the North Carolina State Board of Registration for
31 Professional Engineers and Land Surveyors. In the interest of the public welfare, and to
32 assure that maps have not been altered prior to submission for recording, and in
33 accordance with G.S. 89C-26, the maps shall have an original personal signature and
34 original seal as approved by the North Carolina State Board for Registration for
35 Professional Engineers and Land Surveyors. Nothing in this subsection shall prohibit
36 the recordation of a document that includes an attachment not prepared by a registered
37 land surveyor."

38 Sec. 2. This act becomes effective October 1, 1991.