

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1025
Committee Substitute Favorable 5/14/91

Short Title: Survey Registration Changes.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW PROVIDING MAPPING REQUIREMENTS FOR
3 PLATS AND SUBDIVISIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S 47-30 reads as rewritten:

6 "**§ 47-30. Plats and subdivisions; mapping requirements.**

7 (a) Size Requirements. – All land plats presented to the register of deeds for
8 recording in the registry of a county in North Carolina after ~~January 1, 1984, September~~
9 ~~30, 1991, shall have having~~ an outside marginal size of ~~not more than either 18 inches by~~
10 ~~24 inches, 21 inches by 30 inches, or 24 inches by 36 inches, nor less than eight and one-~~
11 ~~half inches by 14 inches, and shall include a~~ and having a minimum one and one-half inch
12 border on the left side and a minimum one-half inch border on each side. on the other
13 sides shall be deemed to meet the size requirements for recording under this section.
14 ~~Registers of deeds may require a one and one-half inch border on one side for binding. Where~~
15 ~~size of land areas, or suitable scale to assure legibility require, plats may be placed on~~
16 ~~two or more sheets with appropriate match lines. Counties may specify a specific size~~
17 ~~within the limits of these requirements; either:~~

18 (1) Only 18 inches by 24 inches;

19 (2) A combination of 18 inches by 24 inches and 21 inches by 30 inches;

20 (3) A combination of 18 inches by 24 inches and 24 inches by 36 inches;

21 or

22 (4) A combination of all three sizes.

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

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

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

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

39 The certificate required above shall include the source of information for the survey
40 and data indicating the ~~accuracy of closure of the plat~~ ratio of precision of the survey
41 before adjustments and shall be in substantially the following form:

42 'I,, certify that this plat was drawn under my supervision from ~~(an actual~~
43 ~~survey made under my supervision)~~ an actual survey made under my supervision (deed
44 description recorded in Book, page, etc.) (other); that the boundaries not

1 surveyed are ~~shown as broken lines plotted~~ clearly indicated as drawn from information
2 found in Book, page; that the ratio of precision as calculated is 1:.....; that
3 this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original
4 signature, day of, A.D., 19.....

5
6 Seal or Stamp

7
8
9 Surveyor

10
11
12
13 Registration Number'

14 The certificate of the Notary shall read as follows:

15 'North Carolina,County.

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

20
21 ~~Seal Stamp~~ Seal or Stamp

22 Notary Public My Commission

23 expires.....!'
24

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

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

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

- 41 (1) An accurately positioned north arrow coordinated with any bearings
42 shown on the plat. Indication shall be made as to whether the north
43 index is true, magnetic, North Carolina ~~grid,~~ grid ('NAD 83' or 'NAD
44 27'), or is referenced to old deed or plat bearings. If the north index is

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

1 coordinated with a horizontal control monument of some United States
2 or State Agency survey system, such as the National-North Carolina
3 Geodetic Survey (formerly U.S. Coast and Geodetic Survey) system,
4 where such monument is within 2,000 feet of ~~said corner.~~ the subject
5 property. Where the North Carolina Grid System coordinates of said
6 monument are on file in the North Carolina Department of
7 Environment, Health, and Natural Resources, the coordinates of both
8 the referenced corner shall be computed and the monuments used shall
9 be shown in X (easting) and Y (northing) ordinates-coordinates on the
10 map-plat. The coordinates shall be identified as based on 'NAD 83,'
11 indicating North American Datum of 1983, or as 'NAD 27,' indicating
12 North American Datum of 1927. The tie lines to the monuments shall
13 also be sufficient to establish true north or grid north bearings for the
14 plat if the monuments exist in pairs. Within a previously recorded
15 subdivision that has been tied to grid control, control monuments
16 within the subdivision may be used in lieu of additional ties to grid
17 control. Within a previously recorded subdivision that has not been
18 tied to grid control, if horizontal control monuments are available
19 within 2,000 feet, the above requirements shall be met; but in the
20 interest of bearing consistency with previously recorded plats, existing
21 bearing control should be used where practical. In the absence of Grid
22 Control, other appropriate natural monuments or landmarks shall be
23 used. In all cases, the tie lines shall be sufficient to accurately
24 reproduce the subject lands from the control or reference points used.

25 (10) A vicinity map (location map) shall appear on ~~the face of the plat.~~

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

29 a. That the survey creates a subdivision of land within the area of
30 a county or municipality that has an ordinance that regulates
31 parcels of land;

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

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

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

39 e. That the information available to the surveyor is such that the
40 surveyor is unable to make a determination to the best of his or
41 her professional ability as to provisions contained in (a) through
42 (d) above.

43 However, if the plat contains the certificate of a surveyor as stated in
44 a., d., or e. above, then the plat shall have, in addition to said

1 surveyor's certificate, a certification of approval, or no approval
2 required, as may be required by local ordinance from the appropriate
3 government authority before the plat is presented for recordation. If
4 the plat contains the certificate of a surveyor as stated in b. or c. above,
5 nothing shall prevent the recordation of the plat if all other provisions
6 have been met.

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

9 (1) The provisions of subsection (b), as to archival;

10 (2) The provisions of subsection (d), except for the notary certificate;

11 (3) The provisions of subsection (e); or

12 (4) The provisions of subdivisions (2) through (9) of subsection (f).

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

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

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

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

28 (k) The provisions of this section shall apply to all ~~400~~—counties in North
29 Carolina. Where local law is in conflict with this section, the provisions in this section
30 shall apply. Failure of a plat to conform in all requirements of this statute shall be
31 sufficient grounds for the register of deeds to refuse to accept the plat for recordation.

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

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

- 1 the recordation of a document that includes an attachment not prepared by a registered
2 land surveyor."
3 Sec. 2. This act becomes effective October 1, 1991.