

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1100

Short Title: Register of Deeds' Matters.

(Public)

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Sponsors: Representative Russell.

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Referred to: Judiciary II, if favorable, Finance.

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April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS UPON  
2 OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, TO AUTHORIZE  
3 THE REMOVAL AND DESTRUCTION OF CERTAIN DEATH AND BIRTH  
4 CERTIFICATES, TO IMPROVE THE PROCEDURES FOR RECORDING MAPS  
5 AND PLATS, AND TO AUTHORIZE THE STUDY OF LAND TITLE  
6 REGISTRATION PROCEDURES.  
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 1-50(a)(1) is repealed.

10 Section 2. G.S. 1-52 reads as rewritten:

11 **"§ 1-52. Three years.**

12 Within three years an action –

13 (1) Upon a contract, obligation or liability arising out of a contract, express  
14 or implied, except those mentioned in the preceding sections or in G.S.  
15 1-53(1).

16 (2) Upon a liability created by statute, either state or federal, unless some  
17 other time is mentioned in the statute creating it.

18 (3) For trespass upon real property. When the trespass is a continuing one,  
19 the action shall be commenced within three years from the original  
20 trespass, and not thereafter.

- 1 (4) For taking, detaining, converting or injuring any goods or chattels,  
2 including action for their specific recovery.
- 3 (5) For criminal conversation, or for any other injury to the person or rights  
4 of another, not arising on contract and not hereafter enumerated.
- 5 (6) Against the sureties of any executor, administrator, collector or guardian  
6 on the official bond of their principal; within three years after the breach  
7 thereof complained of.
- 8 (7) Against bail; within three years after judgment against the principal; but  
9 bail may discharge himself by a surrender of the principal, at any time  
10 before final judgment against the bail.
- 11 (8) For fees due to a clerk, sheriff or other officer, by the judgment of a  
12 court; within three years from the rendition of the judgment, or the  
13 issuing of the last execution thereon.
- 14 (9) For relief on the ground of fraud or mistake; the cause of action shall  
15 not be deemed to have accrued until the discovery by the aggrieved  
16 party of the facts constituting the fraud or mistake.
- 17 (10) Repealed by Session Laws 1977, c. 886, s. 1.
- 18 (11) For the recovery of any amount under and by virtue of the provisions of  
19 the Fair Labor Standards Act of 1938 and amendments thereto, said act  
20 being an act of Congress.
- 21 (12) Upon a claim for loss covered by an insurance policy which is subject to  
22 the three-year limitation contained in lines 158 through 161 of the  
23 Standard Fire Insurance Policy for North Carolina, G.S. 58-44-15(c).
- 24 (13) Against a public officer, for a trespass, under color of his office.
- 25 (14) An action under Chapter 75B of the General Statutes, the action in  
26 regard to a continuing violation accrues at the time of the latest  
27 violation.
- 28 (15) For the recovery of taxes paid as provided in G.S. 105-267 and G.S.  
29 105-381.
- 30 (16) Unless otherwise provided by statute, for personal injury or physical  
31 damage to claimant's property, the cause of action, except in causes of  
32 actions referred to in G.S. 1-15(c), shall not accrue until bodily harm to  
33 the claimant or physical damage to his property becomes apparent or  
34 ought reasonably to have become apparent to the claimant, whichever  
35 event first occurs. Provided that no cause of action shall accrue more  
36 than 10 years from the last act or omission of the defendant giving rise  
37 to the cause of action.
- 38 (17) Against a public utility, electric or telephone membership corporation,  
39 or a municipality for damages or for compensation for right-of-way or  
40 use of any lands for a utility service line or lines to serve one or more  
41 customers or members unless an inverse condemnation action or  
42 proceeding is commenced within three years after the utility service line  
43 has been constructed or by October 1, 1984, whichever is later.

1 (18) Against any registered land surveyor as defined in G.S. 89C-3(9) or any  
2 person acting under his supervision and control for physical damage or  
3 economic or monetary loss due to negligence or a deficiency in the  
4 performance of surveying or platting as defined in G.S. 1-47(6).

5 (19) Upon the official bond of a public officer."

6 Section 3. G.S. 130A-99 reads as rewritten:

7 **"§ 130A-99. Register of deeds to preserve copies of birth and death records.**

8 (a) The register of deeds of each county shall file and preserve the copies of birth  
9 and death certificates furnished by the local registrar under the provisions of G.S. 130A-  
10 97, and shall make and keep a proper index of the certificates. These certificates shall be  
11 open to inspection and examination. Copies or abstracts of these certificates shall be  
12 provided to any person upon request. Certified copies of these certificates shall be  
13 provided only to those persons described in G.S. 130A-93(c).

14 (b) The register of deeds may remove from the records and destroy copies of birth  
15 certificates for persons born in counties other than the county in which the office of the  
16 register of deeds is located. The register of deeds may remove from the records and  
17 destroy copies of death certificates for persons who died in counties other than the county  
18 in which the office of the register of deeds is located."

19 Section 4. G.S. 132-3(a) reads as rewritten:

20 **"§ 132-3. Destruction of records regulated.**

21 (a) Prohibition. – No public official may destroy, sell, loan, or otherwise dispose  
22 of any public record, except in accordance with ~~G.S. 121-5~~, G.S. 121-5 and G.S.130A-99,  
23 without the consent of the Department of Cultural Resources. Whoever unlawfully  
24 removes a public record from the office where it is usually kept, or alters, defaces,  
25 mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction  
26 only fined not less than ten dollars (\$10.00) nor more than five hundred dollars  
27 (\$500.00)."

28 Section 5. G.S. 121-5(b) reads as rewritten:

29 **"§ 121-5. Public records and archives.**

30 (b) Destruction of Records Regulated. – No person may destroy, sell, loan, or  
31 otherwise dispose of any public record without the consent of the Department of Cultural  
32 ~~Resources~~ Resources, except as provided in G.S. 130A-99. Whoever unlawfully removes  
33 a public record from the office where it is usually kept, or alters, mutilates, or destroys it  
34 shall be guilty of a Class 3 misdemeanor and upon conviction only fined at the discretion  
35 of the court.

36 When the custodian of any official State records certifies to the Department of  
37 Cultural Resources that such records have no further use or value for official and  
38 administrative purposes and when the Department certifies that such records appear to  
39 have no further use or value for research or reference, then such records may be  
40 destroyed or otherwise disposed of by the agency having custody of them.

41 When the custodian of any official records of any county, city, municipality, or other  
42 subdivision of government certifies to the Department that such records have no further  
43 use or value for official business and when the Department certifies that such records

1 appear to have no further use or value for research or reference, then such records may be  
2 authorized by the governing body of said county, city, municipality, or other subdivision  
3 of government to be destroyed or otherwise disposed of by the agency having custody of  
4 them. A record of such certification and authorization shall be entered in the minutes of  
5 the governing body granting the authority.

6 The North Carolina Historical Commission is hereby authorized and empowered to  
7 make such orders, rules, and regulations as may be necessary and proper to carry into  
8 effect the provisions of this section. When any State, county, municipal, or other  
9 governmental records shall have been destroyed or otherwise disposed of in accordance  
10 with the procedure authorized in this subsection, any liability that the custodian of such  
11 records might incur for such destruction or other disposal shall cease and determine."

12 Section 6. G.S. 39-32.3 reads as rewritten:

13 **"§ 39-32.3. Recordation of plat showing control corners.**

14 Upon designating a control corner and affixing a permanent marker, said person, firm  
15 or corporation shall cause to be filed in the office of the register of deeds of the county in  
16 which the real estate development is located a map or plat showing the location of the  
17 control corner or corners and permanent marker or markers with adequate and sufficient  
18 description to enable a surveyor to locate such control corner or marker. ~~The register of~~  
19 ~~deeds shall not accept for registration or record any map or plat of a real estate subdivision or~~  
20 ~~development made after July 1, 1947, unless the location of such control corner or corners is~~  
21 ~~shown thereon.~~ No map or plat of a real estate subdivision or development made after July  
22 1, 1947, shall be certified for recording pursuant to G.S. 47-30.2 unless the location of  
23 control corners is shown thereon."

24 Section 7. G.S. 47-30 reads as rewritten:

25 **"§ 47-30. Plats and subdivisions; mapping requirements.**

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

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

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

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

10 (c) Information Contained in Title of Plat. – The title of each plat shall contain the  
 11 following information: property designation, name of owner (the name of owner shall be  
 12 shown for indexing purposes only and is not to be construed as title certification),  
 13 location to include township, county and state, the date or dates the survey was made;  
 14 scale or scale ratio in words or figures and bar graph; name and address of surveyor or  
 15 firm preparing the plat.

16 (d) Certificate; Form. – There shall appear on each plat a certificate by the person  
 17 under whose supervision such survey or such plat was made, stating the origin of the  
 18 information shown on the plat, including recorded deed and plat references shown  
 19 thereon. The ratio of precision before any adjustments must be shown. Any lines on the  
 20 plat that were not actually surveyed must be clearly indicated and a statement included  
 21 revealing the source of information. ~~The execution of such certificate shall be acknowledged~~  
 22 ~~before any officer authorized to take acknowledgments by the registered land surveyor preparing~~  
 23 ~~the plat. All plats to be recorded shall be probated as required by law for the registration of~~  
 24 ~~deeds.—~~Where a plat consists of more than one sheet, only one sheet must contain the  
 25 certification and all other sheets must be signed and sealed.

26 The certificate required above shall include the source of information for the survey  
 27 and data indicating the ratio of precision of the survey before adjustments and shall be in  
 28 substantially the following form:

29 ‘I, ....., certify that this plat was drawn under my supervision from an actual  
 30 survey made under my supervision (deed description recorded in Book ....., page .....,  
 31 etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from  
 32 information found in Book ....., page .....; that the ratio of precision as calculated is  
 33 1:.....; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my  
 34 original signature, registration number and seal this ..... day of ....., A.D., 19.....

35  
 36 Seal or Stamp

37  
 38  
 39 Surveyor

40  
 41  
 42  
 43 Registration Number'

The certificate of the Notary shall read as follows:

~~North Carolina, .....County.~~

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

Seal or Stamp

Notary Public

My Commission expires.....!

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.

(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 copied 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. In such case the methods used must be stated on the plat and all accessible areas of the tract shall remain subject to all applicable standards of this section.

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

- (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 ('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 course and distance of every property line surveyed shall be shown. Distances shall be in feet or meters and decimals thereof. The number of decimal places shall be appropriate to the class of survey required.
- (3) All plat distances shall be by horizontal or grid measurements. All lines shown on the plat shall be correctly plotted to the scale shown. Enlargement of portions of a plat are acceptable in the interest of clarity, where shown as inserts. Where the North Carolina grid system is used the grid factor shall be shown on the face of the plat. If grid distances are used, it must be shown on the plat.

- 1           (4)    Where a boundary is formed by a curved line, the following data must  
2           be given: actual survey data from the point of curvature to the point of  
3           tangency shall be shown as standard curve data, or as a traverse of  
4           bearings and distances around the curve. If standard curve data is used  
5           the bearing and distance of the long chord (from point of curvature to  
6           point of tangency) must be shown on the plat.
- 7           (5)    Where a subdivision of land is set out on the plat, all streets and lots  
8           shall be accurately plotted with dimension lines indicating widths and  
9           all other information pertinent to reestablishing all lines in the field.  
10          This shall include bearings and distances sufficient to form a continuous  
11          closure of the entire perimeter.
- 12          (6)    Where control corners have been established in compliance with G.S.  
13          39-32.1, 39-32.2, 39-32.3, and 39-32.4, as amended, the location and  
14          pertinent information as required in the reference statute shall be plotted  
15          on the plat. All other corners which are marked by monument or natural  
16          object shall be so identified on all plats, and where practical all corners  
17          of adjacent owners along the boundary lines of the subject tract which  
18          are marked by monument or natural object shall be shown.
- 19          (7)    The names of adjacent landowners, or lot, block, parcel, subdivision  
20          designations or other legal reference where applicable, shall be shown  
21          where they could be determined by the surveyor.
- 22          (8)    All visible and apparent rights-of-way, watercourses, utilities, roadways,  
23          and other such improvements shall be accurately located where crossing  
24          or forming any boundary line of the property shown.
- 25          (9)    Where the plat is the result of a survey, one or more corners shall, by a  
26          system of azimuths or courses and distances, be accurately tied to and  
27          coordinated with a horizontal control monument of some United States  
28          or State Agency survey system, such as the North Carolina Geodetic  
29          Survey where such monument is within 2,000 feet of the subject  
30          property. Where the North Carolina Grid System coordinates of said  
31          monument are on file in the North Carolina Department of  
32          Environment, Health, and Natural Resources, the coordinates of both  
33          the referenced corner and the monuments used shall be shown in X  
34          (easting) and Y (northing) coordinates on the plat. The coordinates  
35          shall be identified as based on 'NAD 83,' indicating North American  
36          Datum of 1983, or as 'NAD 27,' indicating North American Datum of  
37          1927. The tie lines to the monuments shall also be sufficient to  
38          establish true north or grid north bearings for the plat if the monuments  
39          exist in pairs. Within a previously recorded subdivision that has been  
40          tied to grid control, control monuments within the subdivision may be  
41          used in lieu of additional ties to grid control. Within a previously  
42          recorded subdivision that has not been tied to grid control, if horizontal  
43          control monuments are available within 2,000 feet, the above

1 requirements shall be met; but in the interest of bearing consistency with  
2 previously recorded plats, existing bearing control should be used where  
3 practical. In the absence of Grid Control, other appropriate natural  
4 monuments or landmarks shall be used. In all cases, the tie lines shall  
5 be sufficient to accurately reproduce the subject lands from the control  
6 or reference points used.

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

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

11 a. That the survey creates a subdivision of land within the area of a  
12 county or municipality that has an ordinance that regulates  
13 parcels of land;

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

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

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

21 e. That the information available to the surveyor is such that the  
22 surveyor is unable to make a determination to the best of his or  
23 her professional ability as to provisions contained in (a) through  
24 (d) above.

25 However, if the plat contains the certificate of a surveyor as stated in a.,  
26 d., or e. above, then the plat shall have, in addition to said surveyor's  
27 certificate, a certification of approval, or no approval required, as may  
28 be required by local ordinance from the appropriate government  
29 authority before the plat is presented for recordation. If the plat contains  
30 the certificate of a surveyor as stated in b. or c. above, nothing shall  
31 prevent the recordation of the plat if all other provisions have been met.

32 (g) Recording of Plat. — For purposes of recording, the register of deeds shall not be  
33 responsible for. In certifying a plat for recording pursuant to G.S. 47-30.2, the Review  
34 Officer shall not be responsible for reviewing or certifying as to the following  
35 requirements of this section:

36 (1) ~~The provisions of subsection~~ Subsection (b), as to archival;

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

38 (3) ~~The provisions of subsection~~ Subsection (e); or

39 (4) ~~The provisions of subdivisions~~ Subdivisions (2) through (9) of subsection  
40 (f).

41 ~~A plat, when proven and probated as provided herein for deeds and other conveyances, when~~  
42 certified pursuant to G.S. 47-30.2 and presented for recording, shall be recorded in the  
43 plat book or plat file and when so recorded shall be duly indexed. Reference in any

1 instrument hereafter executed to the record of any plat herein authorized shall have the  
2 same effect as if the description of the lands as indicated on the record of the plat were set  
3 out in the instrument.

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

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

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

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

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

22 (m) Except as provided in subsection (n), any map submitted for inclusion on the  
23 public record, whether submitted alone or attached to a deed or other instrument, shall be  
24 prepared by a registered land surveyor. Such a map shall either (i) have an original  
25 personal signature and original seal as approved by the North Carolina State Board of  
26 Registration for Professional Engineers and Land Surveyors or (ii) be a copy of a map,  
27 already on file in the public record, that is certified by the custodian of the public record  
28 to be a true and accurate copy of a map bearing an original personal signature and  
29 original seal. The presence of the original personal signature and seal shall constitute a  
30 certification that the map conforms to the standards of practice for land surveying in  
31 North Carolina, as defined in the rules of the North Carolina State Board of Registration  
32 for Professional Engineers and Land Surveyors.

33 (n) A map that does not meet the requirements of subsection (m) of this section  
34 may be attached to a deed or other instrument submitted for inclusion in the public record  
35 only for illustrative purposes and only if the map is conspicuously labelled, "THIS MAP  
36 IS NOT A CERTIFIED SURVEY AND NO RELIANCE MAY BE PLACED IN ITS  
37 ACCURACY."

38 Section 8. Chapter 47 of the General Statutes is amended by adding a new  
39 section to read:

40 "**§ 47-30.2. Review Officer.**

41 (a) The board of commissioners of each county shall, by resolution, designate by  
42 name a person experienced in mapping or land records management as Review Officer to  
43 review each map and plat before it is presented to the register of deeds for recording. The

1 person designated Review Officer shall, if possible, be certified as a property mapper  
2 pursuant to G.S. 147-54.4. The resolution designating the Review Officer shall be  
3 recorded in the county registry and indexed on the grantor index in the name of the  
4 Review Officer.

5 (b) The Review Officer shall review each map or plat before it is presented to the  
6 register of deeds for recording and certify that it complies with all statutory requirements  
7 for recording. The certification shall be in substantially the following form:

8  
9 'State of North Carolina

10 County of

11  
12 I, \_\_\_\_\_ Review Officer of \_\_\_\_\_ County, certify that the map  
13 or plat to which this certification is affixed meets all statutory requirements for recording.

14  
15 \_\_\_\_\_ Review Officer

16  
17 Date'

18  
19 (c) The register of deeds shall not accept for recording any map or plat that does  
20 not have affixed a certification as provided in subsection (b) of this section."

21 Section 9. G.S. 136-102.6(d) reads as rewritten:

22 "(d) The right-of-way and construction plans for such public streets in residential  
23 subdivisions, including plans for street drainage, shall be submitted to the Division of  
24 Highways for review and approval, prior to the recording of the subdivision plat in the  
25 office of the register of deeds. The plat or map required by this section shall not be  
26 recorded by the register of deeds without a certification pursuant to G.S. 47-30.2 and, if  
27 determined to be necessary by the Review Officer, a certificate of approval by the  
28 Division of Highways of the plans for the public street as being in accordance with the  
29 minimum standards of the Board of Transportation for acceptance of the subdivision  
30 street on the State highway system for maintenance. The Review Officer shall not certify  
31 a map or plat subject to this section unless the new streets or changes in existing streets  
32 are delineated either public or private. The certificate of approval shall not be deemed an  
33 acceptance of the dedication of such streets on the subdivision plat or map. Final  
34 acceptance by the Division of Highways of such public streets and placing them on the  
35 State highway system for maintenance shall be conclusive proof that the streets have  
36 been constructed according to the minimum standards of the Board of Transportation."

37 Section 10. G.S. 153A-332 reads as rewritten:

38 "**§ 153A-332. Ordinance to contain procedure for plat approval; approval**  
39 **prerequisite to plat recordation; statement by owner.**

40 (a) A subdivision ordinance adopted pursuant to this Part shall contain provisions  
41 setting forth the procedures to be followed in granting or denying approval of a  
42 subdivision plat before its registration.

1 (b) The ordinance shall provide that the following agencies be given an  
2 opportunity to make recommendations concerning an individual subdivision plat before  
3 the plat is approved:

- 4 (1) The district highway engineer as to proposed streets, highways, and  
5 drainage systems;
- 6 (2) The county health director as to proposed water or sewerage systems;
- 7 (3) Any other agency or official designated by the board of commissioners.

8 (c) The ordinance may provide that final approval of each individual subdivision  
9 plat is to be given by:

- 10 (1) The board of commissioners,
- 11 (2) The board of commissioners on recommendation of a planning agency,  
12 or
- 13 (3) A designated planning agency.

14 (d) From the time that a subdivision ordinance is filed with the register of deeds of  
15 the county, no subdivision plat of land within the county's jurisdiction may be filed or  
16 recorded until it has been submitted to and approved by the appropriate board or agency,  
17 as specified in the subdivision ordinance, and until this approval is entered in writing on  
18 the face of the plat by the chairman or head of the board or agency. ~~The register of deeds~~  
19 ~~may not file or record~~ Review Officer, pursuant to G.S. 47-30.2, shall not certify a plat of a  
20 subdivision of land located within the territorial jurisdiction of the county that has not  
21 been approved in accordance with these provisions, and the clerk of superior court may  
22 not order or direct the recording of a plat if the recording would be in conflict with this  
23 section. The owner of land shown on a subdivision plat submitted for recording, or his  
24 authorized agent, shall sign a statement on the plat stating whether any land shown  
25 thereon is within the subdivision-regulation jurisdiction of the county."

26 Section 11. G.S. 160A-373 reads as rewritten:

27 "**§ 160A-373. Ordinance to contain procedure for plat approval; approval**  
28 **prerequisite to plat recordation; statement by owner.**

29 Any subdivision ordinance adopted pursuant to this Part shall contain provisions  
30 setting forth the procedures to be followed in granting or denying approval of a  
31 subdivision plat prior to its registration.

32 The ordinance may provide that final approval of each individual subdivision plat is  
33 to be given by

- 34 (1) The city council,
- 35 (2) The city council on recommendation of a planning agency, or
- 36 (3) A designated planning agency.

37 From and after the time that a subdivision ordinance is filed with the register of deeds  
38 of the county, no subdivision plat of land within the city's jurisdiction shall be filed or  
39 recorded until it shall have been submitted to and approved by the appropriate agency, as  
40 specified in the subdivision ordinance, and until this approval shall have been entered on  
41 the face of the plat in writing by the chairman or head of the agency. ~~The register of deeds~~  
42 ~~shall not file or record~~ Review Officer, pursuant to G.S. 47-30.2, shall not certify a plat of a  
43 subdivision of land located within the territorial jurisdiction of a city that has not been

1 approved in accordance with these provisions, nor shall the clerk of superior court order  
2 or direct the recording of a plat if the recording would be in conflict with this section. The  
3 owner of land shown on a subdivision plat submitted for recording, or his authorized  
4 agent, shall sign a statement on the plat stating whether or not any land shown thereon is  
5 within the subdivision-regulation jurisdiction of any city."

6 Section 12. G.S. 161-10(a)(3) reads as rewritten:

7 "(3) Plats. – For each original or revised plat recorded ~~nineteen dollars~~  
8 ~~(\$19.00);~~ twenty-one dollars (\$21.00) per sheet or page; for furnishing a  
9 certified copy of a plat three dollars (\$3.00)."

10 Section 13. G.S. 89C-26 is repealed.

11 Section 14. The Legislative Research Commission may study the procedures  
12 for land title registration pursuant to Chapter 43 of the General Statutes and make  
13 recommendations for revision and improvement. The Commission shall submit its report  
14 to the 1998 Regular Session of the 1997 General Assembly.

15 Section 15. Sections 3 through 6 of this act become effective January 1, 1997.  
16 The removal and destruction by a register of deeds of any out-of-county birth or death  
17 certificates prior to January 1, 1997, is declared valid and not in violation of G.S. 121-5  
18 or G.S. 132-3. Sections 7 through 13 of this act become effective October 1, 1997. The  
19 remaining sections of this act are effective when they became law. Section 2 of this act  
20 applies to claims that accrue on or after that date.