

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1100
Committee Substitute Favorable 4/28/97

Short Title: Register of Deeds' Matters.

(Public)

Sponsors:

Referred to:

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 G.S. 1-50(a)(1) is repealed.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

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- 20 (10) Repealed by Session Laws 1977, c. 886, s. 1.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

1 customers or members unless an inverse condemnation action or
2 proceeding is commenced within three years after the utility service line
3 has been constructed or by October 1, 1984, whichever is later.

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

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

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

10 **"§ 130A-99. Register of deeds to preserve copies of birth and death records.**

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

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

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

23 "(a) Prohibition. – No public official may destroy, sell, loan, or otherwise dispose
24 of any public record, except in accordance with ~~G.S. 121-5~~, G.S. 121-5 and G.S. 130A-99,
25 without the consent of the Department of Cultural Resources. Whoever unlawfully
26 removes a public record from the office where it is usually kept, or alters, defaces,
27 mutilates or destroys it shall be guilty of a Class 3 misdemeanor and upon conviction
28 only fined not less than ten dollars (\$10.00) nor more than five hundred dollars
29 (\$500.00)."

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

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

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

42 When the custodian of any official records of any county, city, municipality, or other
43 subdivision of government certifies to the Department that such records have no further

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

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

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

14 **"§ 39-32.3. Recordation of plat showing control corners.**

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

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

26 **"§ 47-30. Plats and subdivisions; mapping requirements.**

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

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

39 Provided, that all registers of deeds where specific sizes other than the combination of all
40 three sizes have been specified, shall be required to submit said size specifications to the
41 North Carolina Association of Registers of Deeds for inclusion on a master list of all such
42 counties. The list shall be available in each register of deeds office by October 1, 1991.
43 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 may be returned to the person indicated on the plat.

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

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

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

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

Seal or Stamp

Surveyor
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~~

1 of the foregoing instrument. Witness my hand and official stamp or seal, this..... day of
2, 19.....

3
4 Seal or Stamp

5 Notary Public

6 My Commission expires.....!

7
8 Nothing in this requirement shall prevent the recording of a map that was prepared in
9 accordance with a previous version of G.S. 47-30 as amended, properly signed, and
10 notarized under the statutes applicable at the time of the signing of the map. However, it
11 shall be the responsibility of the person presenting the map to prove that the map was so
12 prepared.

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

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

23 (1) An accurately positioned north arrow coordinated with any bearings
24 shown on the plat. Indication shall be made as to whether the north
25 index is true, magnetic, North Carolina grid ('NAD 83' or 'NAD 27'), or
26 is referenced to old deed or plat bearings. If the north index is magnetic
27 or referenced to old deed or plat bearings, the date and the source (if
28 known) ~~such~~ the index was originally determined shall be clearly
29 indicated.

30 (2) The azimuth or course and distance of every property line surveyed
31 shall be shown. Distances shall be in feet or meters and decimals
32 thereof. The number of decimal places shall be appropriate to the class
33 of survey required.

34 (3) All plat distances shall be by horizontal or grid measurements. All lines
35 shown on the plat shall be correctly plotted to the scale shown.
36 Enlargement of portions of a plat are acceptable in the interest of clarity,
37 where shown as inserts. Where the North Carolina grid system is used
38 the grid factor shall be shown on the face of the plat. If grid distances
39 are used, it must be shown on the plat.

40 (4) Where a boundary is formed by a curved line, the following data must
41 be given: actual survey data from the point of curvature to the point of
42 tangency shall be shown as standard curve data, or as a traverse of
43 bearings and distances around the curve. If standard curve data is used

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

1 be sufficient to accurately reproduce the subject lands from the control
2 or reference points used.

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

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

7 a. That the survey creates a subdivision of land within the area of a
8 county or municipality that has an ordinance that regulates
9 parcels of land;

10 b. That the survey is located in ~~such a~~ portion of a county or
11 municipality that is unregulated as to an ordinance that regulates
12 parcels of land;

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

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

17 e. That the information available to the surveyor is such that the
18 surveyor is unable to make a determination to the best of ~~his or~~
19 ~~her~~ the surveyor's professional ability as to provisions contained
20 in (a) through (d) above.

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

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

32 (1) ~~The provisions of subsection (b).~~ Subsection (b) of this section, as to
33 archival;

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

35 (3) ~~The provisions of subsection (e).~~ Subsection (e) of this section; or

36 (4) ~~The provisions of subdivisions (2) through (9).~~ Subdivisions (1) through
37 (10) of subsection (f).

38 A plat, when ~~proven and probated as provided herein for deeds and other conveyances, when~~
39 certified pursuant to G.S. 47-30.2 and presented for recording, shall be recorded in the
40 plat book or plat file and when so recorded shall be duly indexed. Reference in any
41 instrument hereafter executed to the record of any plat herein authorized shall have the
42 same effect as if the description of the lands as indicated on the record of the plat were set
43 out in the instrument.

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

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

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

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

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

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

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

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

37 **"§ 47-30.2. Review Officer.**

38 (a) The board of commissioners of each county shall, by resolution, designate by
39 name a person experienced in mapping or land records management as Review Officer to
40 review each map and plat before it is presented to the register of deeds for recording. The
41 person designated Review Officer shall, if possible, be certified as a property mapper
42 pursuant to G.S. 147-54.4. The resolution designating the Review Officer shall be

1 recorded in the county registry and indexed on the grantor index in the name of the
2 Review Officer.

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

6
7 'State of North Carolina

8 County of

9
10 I, _____ Review Officer of _____ County, certify that the map
11 or plat to which this certification is affixed meets all statutory requirements for recording.

12
13 _____
14 Review Officer

15 Date'
16

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

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

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

35 Section 10. G.S. 153A-321 reads as rewritten:

36 "**§ 153A-321. Planning agency.**

37 A county may by ordinance create or designate one or more agencies to perform the
38 following duties:

- 39 (1) Make studies of the county and surrounding areas;
40 (2) Determine objectives to be sought in the development of the study area;
41 (3) Prepare and adopt plans for achieving these objectives;

- 1 (4) Develop and recommend policies, ordinances, administrative
2 procedures, and other means for carrying out plans in a coordinated and
3 efficient manner;
- 4 (5) Advise the board of commissioners concerning the use and amendment
5 of means for carrying out plans;
- 6 (6) Exercise any functions in the administration and enforcement of
7 various means for carrying out plans that the board of commissioners
8 may direct;
- 9 (7) Perform any other related duties that the board of commissioners may
10 direct.

11 An agency created or designated pursuant to this section may include but shall not be
12 limited to one or more of the following, ~~with any staff that the board of commissioners~~
13 ~~considers appropriate:~~ following:

- 14 (1) A planning board or commission of any size (not less than three
15 members) or composition considered appropriate, organized in any
16 manner considered appropriate;
- 17 (2) A joint planning board created by two or more local governments
18 according to the procedures and provisions of Chapter 160A, Article 20,
19 Part 1."

20 Section 11. G.S. 153A-332 reads as rewritten:

21 **"§ 153A-332. Ordinance to contain procedure for plat approval; approval**
22 **prerequisite to plat recordation; statement by owner.**

23 A subdivision ordinance adopted pursuant to this Part shall contain provisions setting
24 forth the procedures to be followed in granting or denying approval of a subdivision plat
25 before its registration.

26 The ordinance shall provide that the following agencies be given an opportunity to
27 make recommendations concerning an individual subdivision plat before the plat is
28 approved:

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

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

- 35 (1) The board of commissioners,
- 36 (2) The board of commissioners on recommendation of a planning agency,
37 or
- 38 (3) A designated planning agency.

39 From the ~~time that~~ effective date of a subdivision ordinance ~~that is filed with the register~~
40 ~~of deeds of the~~ adopted by the county, no subdivision plat of land within the county's
41 jurisdiction may be filed or recorded until it has been submitted to and approved by the
42 appropriate board or agency, as specified in the subdivision ordinance, and until this
43 approval is entered in writing on the face of the plat by ~~the chairman or head of the board or~~

1 ~~agency—~~an authorized representative of the county. ~~The register of deeds may not file or~~
2 ~~record—~~Review officer, pursuant to G.S. 47-30.2, shall not certify a plat of a subdivision of
3 land located within the territorial jurisdiction of the county that has not been approved in
4 accordance with these provisions, and the clerk of superior court may not order or direct
5 the recording of a plat if the recording would be in conflict with this section. ~~The owner of~~
6 ~~land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a~~
7 ~~statement on the plat stating whether any land shown thereon is within the subdivision regulation~~
8 ~~jurisdiction of the county."~~

9 Section 12. G.S. 160A-361 reads as rewritten:

10 **"§ 160A-361. Planning agency.**

11 Any city may by ordinance create or designate one or more agencies to perform the
12 following duties:

- 13 (1) Make studies of the area within its jurisdiction and surrounding areas;
- 14 (2) Determine objectives to be sought in the development of the study area;
- 15 (3) Prepare and adopt plans for achieving these objectives;
- 16 (4) Develop and recommend policies, ordinances, administrative
17 procedures, and other means for carrying out plans in a coordinated and
18 efficient manner;
- 19 (5) Advise the council concerning the use and amendment of means for
20 carrying out plans;
- 21 (6) Exercise any functions in the administration and enforcement of various
22 means for carrying out plans that the council may direct;
- 23 (7) Perform any other related duties that the council may direct.

24 An agency created or designated pursuant to this section may include, but shall not be
25 limited to, one or more of the following, ~~with such staff as the council may deem appropriate:~~
26 following:

- 27 (1) A planning board or commission of any size (with not less—fewer than
28 three members) or composition deemed appropriate, organized in any
29 manner deemed appropriate;
- 30 (2) A joint planning board created by two or more local governments
31 pursuant to Article 20, Part 1, of this Chapter."

32 Section 13. G.S. 160A-373 reads as rewritten:

33 **"§ 160A-373. Ordinance to contain procedure for plat approval; approval**
34 **prerequisite to plat recordation; statement by owner.**

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

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

- 40 (1) The city council,
- 41 (2) The city council on recommendation of a planning agency, or
- 42 (3) A designated planning agency.

1 From and after the ~~time that~~ effective date of a subdivision ordinance that is filed with
2 ~~the register of deeds of the county, adopted by the city,~~ no subdivision plat of land within
3 the city's jurisdiction shall be filed or recorded until it shall have been submitted to and
4 approved by the council or appropriate agency, as specified in the subdivision ordinance,
5 and until this approval shall have been entered on the face of the plat in writing by ~~the~~
6 ~~chairman or head of the agency,~~ an authorized representative of the city. The ~~register of~~
7 ~~deeds shall not file or record~~ Review Officer, pursuant to G.S. 47-30.2, shall not certify a
8 plat of a subdivision of land located within the territorial jurisdiction of a city that has not
9 been approved in accordance with these provisions, nor shall the clerk of superior court
10 order or direct the recording of a plat if the recording would be in conflict with this
11 section. ~~The owner of land shown on a subdivision plat submitted for recording, or his~~
12 ~~authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon~~
13 ~~is within the subdivision regulation jurisdiction of any city."~~

14 Section 14. G.S. 161-10(a)(3) reads as rewritten:

15 "(3) Plats. – For each original or revised plat recorded ~~nineteen dollars~~
16 ~~(\$19.00);~~ twenty-one dollars (\$21.00) per sheet or page; for furnishing a
17 certified copy of a plat three dollars (\$3.00)."

18 Section 15. G.S. 89C-26 is repealed.

19 Section 16. The Legislative Research Commission may study the procedures
20 for land title registration pursuant to Chapter 43 of the General Statutes and make
21 recommendations for revision and improvement. The Commission shall submit its report
22 to the 1998 Regular Session of the 1997 General Assembly.

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