

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 328
Finance Committee Substitute Adopted 5/19/99
House Committee Substitute Favorable 6/7/00

Short Title: D.O.T. Right-of-Way Plan Filing.

(Public)

Sponsors:

Referred to:

March 11, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE FEE PAYABLE TO THE REGISTER OF DEEDS FOR
3 THE FILING OF RIGHT-OF-WAY PLANS BY THE DEPARTMENT OF
4 TRANSPORTATION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 136-19.4 reads as rewritten:

7 "**§ 136-19.4. Registration of right-of-way plans.**

8 (a) A copy of the cover sheet and plan and profile sheets of the final right-of-way
9 plans for all Department of Transportation projects, on those projects for which plans are
10 prepared, under which right-of-way or other interest in real property is acquired or access
11 is controlled shall be certified by the Department of Transportation to the register of
12 deeds of the county or counties within which the project is located. The Department shall
13 certify said plan sheets to the register of deeds within two weeks from their formal
14 approval by the Board of Transportation.

15 (b) The copy of the plans certified to the register of deeds shall consist of a Xerox,
16 photographic, or other permanent copy, except for plans electronically transmitted
17 pursuant to subsection (b1) of this section, and shall measure approximately 17 inches by

1 11 inches including no less than one and one-half inches binding space on the left-hand
2 side.

3 (b1) With the approval of the county in which the right-of-way plans are to be filed,
4 the Department may transmit the plans electronically.

5 (c) Notwithstanding any other provision in the law, upon receipt of said original
6 certified copy of the right-of-way plans, the register of deeds shall record said right-of-
7 way plans and place the same in a book maintained for that purpose, and the register of
8 deeds shall maintain a cross-index to said right-of-way plans by number of road affected,
9 if any, and by identification number. No probate before the clerk of the superior court
10 shall be required.

11 (d) If after the approval of said final right-of-way plans the Board of
12 Transportation shall by resolution alter or amend said right-of-way or control of access,
13 the Department of Transportation, within two weeks from the adoption by the Board of
14 Transportation of said alteration or amendment, shall certify to the register of deeds in the
15 county or counties within which the project is located a copy of the amended plan and
16 profile sheets approved by the Board of Transportation and the register of deeds shall
17 remove the original plan sheets and record the amended plan sheets in lieu thereof.

18 (e) The register of deeds in each county shall collect a fee from the Department of
19 Transportation of twenty-one dollars (\$21.00) for the first page and five dollars (\$5.00)
20 for each additional page for each original or amended plan and profile sheet recorded."

21 Section 2. This act becomes effective January 1, 2001.