

# LAND RECORDS

Number 32 October 2006

## WHEN IS PLAT REVIEW OFFICER CERTIFICATION REQUIRED?

■ Charles Szypszak

Since 1997, North Carolina law has required that any plat to be presented to the register of deeds first be reviewed and certified by a county review officer, unless the plat is of a type that is the subject of a statutory exception from review. This Bulletin describes the requirements for review officer approval and addresses some common misconceptions.

### Process Overview

The review officer requirements are to apply uniformly in all North Carolina counties. G.S. 47-30(k). Local governments are not empowered to create their own exceptions to the review officer requirements. Although local governments may define their own exceptions from local *subdivision review*, plats that are the subject of such local exceptions from land use board approval still must go to the review officer before they can be recorded with the register. The law specifically provides that if a local government creates an “exception to the definition of subdivision,” meaning that the particular boundary change is not subject to local subdivision review, the applicability of this exception must be certified by the surveyor and this must be verified by the review officer’s certification. G.S. 47-30(f)(11)(d).

The statute says that the review officer “shall review *expeditiously* each map or plat required to be submitted to the Officer before the map or plat is presented to the register of deeds for recording.” G.S. 47-30.2(b). The “expeditiously” requirement does not set a certain time limit within which the review must be completed, but this requirement means that the county must follow a process that quickly and efficiently attends to requests for review by those seeking to register a plat. The process should take into consideration the time-sensitive nature of many real estate transactions involving recorded plats as well as the need to handle all submissions carefully and in proper order.

Review officers check plats for title block information, which includes the owner’s name (which is important for indexing purposes), the property designation and the township, county, and state in which it is located, the date the survey was made, the scale or scale ratio, and the preparing surveyor’s name and address. G.S. 47-30(c). Review officers also check for compliance with plat size and reproducibility requirements and for the surveyor’s certificate and seal. G.S. 47-30(a), (b), (d). They

also confirm information on the plan about subdivision approval, G.S. 153A-332, G.S. 160A-373; any required surveyor certification about the subdivision ordinance if the plat is not excluded from the review officer requirement, G.S. 47-30(f)(11); the location of control corners, G.S. 39-32.3; and an indication of any new or changed streets, G.S. 136-102.6(d).

G.S. 47-30.2(b) provides that the review officer certifies plats to be presented *for recording*. A certification is an official act in connection with a plat that has been presented with the intent to record it with the register. There is no provision for affixing a certificate upon a copy of such a plat that someone is not then intending to present to the register of deeds.

The registration of noncompliant plats can cause serious title problems. Plats can be an important source of information about a grantor's intent. When property is subdivided or boundaries are adjusted, the plat depicts the new lines and reflects compliance with land use laws. The review officer process serves as an important safeguard to ensure that the requirements for subdivisions and for recording plats are followed. Serious problems can result when the review process is ignored or circumvented.

### Review Officer Certification

Counties are required by G.S. 47-30.2(a) to designate one or more review officers to review plats for compliance with all statutory requirements *for recording*. The names of the appointed review officers must be recorded with the register of deeds. When a review officer has determined that a plat is compliant and may be recorded, he or she places a certificate on the plat in substantially the following form:

State of North Carolina  
County of \_\_\_\_\_

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

\_\_\_\_\_  
Review Officer

\_\_\_\_\_  
Date

G.S. 47-30.2(b). The register of deeds is prohibited from recording a nonexempt plat unless it contains this review officer certification. A register is therefore not empowered to make the certification. The review officer must examine a plat subject to his or her review

for compliance with the statutory requirements, and a register may rely on the review officer's certification of compliance. If a register notices a problem with statutory compliance, the register may bring the problem to the review officer's attention, but the statute does not give the register any authority to overrule the review officer's determination.

Among the requirements that *the review officer* will examine is the requirement for a surveyor's certificate about the survey's preparation, which must be substantially in 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 bound 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., \_\_\_\_\_.

Seal or Stamp

\_\_\_\_\_  
Surveyor  
Registration Number

G.S. 47-30(d). A plat need not comply with the *current surveyor certificate* requirement if when it was signed it complied with the surveyor certificate requirement then in effect. The presenter is responsible for proving that the plat was so prepared. G.S. 47-30(d).

The statutes also contain an exception from recording prerequisites for a plat prepared by a registered land surveyor but not registered before the surveyor's death. Such a survey may be filed "for preservation" provided that the review officer first certifies that the plat meets this exception. G.S. 47-30(h). Consequently, such a plat still must be reviewed by the review officer. The statute does not explain the significance of recording "for preservation," but a reasonable interpretation is that the plat should be filed by some method that indicates to those examining it that it was filed for this purpose and not simply registered in the ordinary course.

### Exceptions

There are three categories of exceptions to the review officer requirement: special categories of plats governed by particular statutes; illustrative plats

containing required legends; and certain kinds of plats that need not comply with current requirements but that must be certified as such by a surveyor.

**Plats Subject to Particular Statutes**

These four categories of plats are not subject to G.S. 47-30 and instead have special requirements:

*Highway right-of-way plans* are governed by G.S. 136-19.4, which provides that the Department of Transportation shall certify a copy of the cover sheet, plan, and profile sheets of right-of-way plans to the register of deeds in the county where the road project is located. The certified copies are to be approximately 17 inches by 11 inches and are to be recorded in a special book for this purpose.

*Transportation corridor official maps* are governed by G.S. 136-44.50, which authorizes local, regional, and state authorities to adopt official maps that show roads and rail lines. A certified copy of the map must be filed with the register in a special file. The map must be 20 inches by 12 inches, including a border of no less than 1 ½ inches on the left side.

*Annexation maps* are governed by G.S. Chapter 160A, Article 4A, which requires a municipality extending its limits to record a map of the annexed area with the register of deeds. These maps do not have to meet any particular requirements. They do not have to be prepared by a registered land surveyor, and they do not have to meet any size requirement.

*Condominium plans* are governed by G.S. 47C-2-109 and have their own detailed requirements. Although condominium plans are not expressly exempted from review officer certification, they are part of a separate statutory scheme and appear not to be subject to the general plat recording rules.

**Illustrative Plats**

The review officer’s certification is not required for plats or maps attached only for illustration purposes to deeds or other instruments that are no larger than 8 1/2 inches by 14 inches and contain the language required by G.S. 47-30(n), which is as follows:

THIS MAP IS NOT A CERTIFIED SURVEY  
AND HAS NOT BEEN REVIEWED BY A  
LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE  
LAND DEVELOPMENT REGULATIONS.

An attached map that contains this statement is exempt from review officer certification. For a plat attached to an instrument to be registered without this legend, it

must have the original signature and seal of a registered land surveyor, or be a certified copy of a plat that bears such an original signature and seal, and it must be reviewed and certified by the review officer before it can be registered. G.S. 47-30(m).

A question sometimes arises about whether an attached plat may be recorded without review officer approval if it has the illustrative plat legend and also has an original surveyor’s stamp and signature. A register may reasonably require review officer approval of such a plat. Subsection (n) begins with the following: “A map that does not meet the requirements of subsection (m) . . . ” This indicates that when a plat does fit the description of (m) (it has an original surveyor’s signature and stamp or is a copy of a recorded plat with them) it is subject to that rule, including the review officer approval requirement, even if it also otherwise could fit the description of an illustrative plat under (n).

**Surveyor Certification**

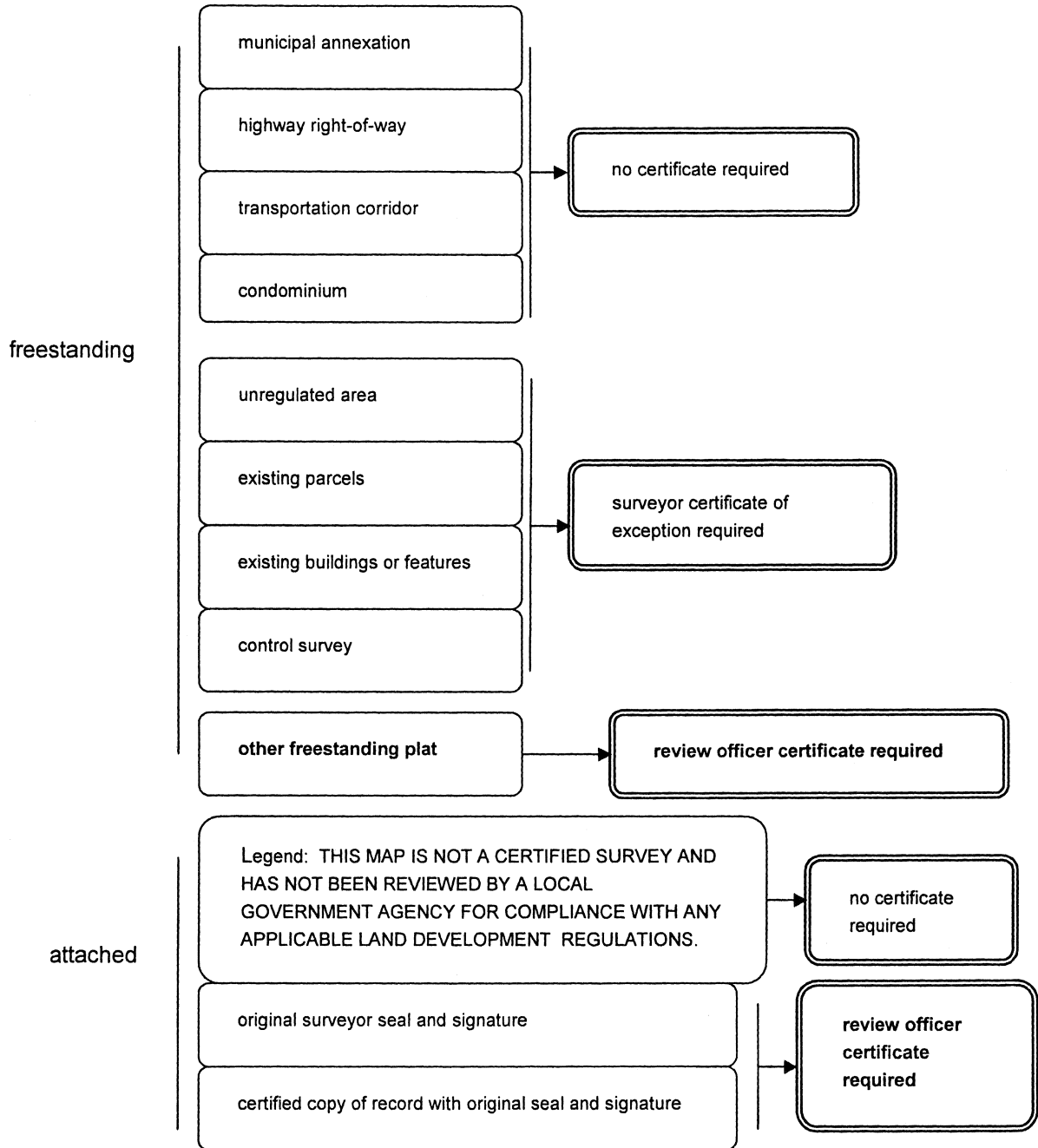
The following types of plats are exempt from review by a review officer and may therefore be recorded without a review officer’s certification, but must have a certificate signed by a surveyor stating that the survey is of the nature exempted:

- A survey located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land. G.S. 47-30(f)(11)(b).
- A survey of an existing parcel or parcels of land that does not create a new street or change an existing street. G.S. 47-30(f)(11)(c)(1).
- A survey of an existing building or other structure, or natural feature, such as a watercourse. G.S. 47-30(f)(11)(c)(2).
- A control survey. G.S. 47-30(f)(11)(c)(3).

G.S. 47-30.2(c). In essence, these kinds of plats have been determined not to implicate the concerns being addressed by the review officer requirement. The register may rely on the surveyor’s certification that the plat has these characteristics.

**Register Review Diagram**

The following diagram illustrates the review process and the exceptions:



This bulletin is published by the School of Government to address issues of interest to government officials. Public officials may print out or photocopy the bulletin under the following conditions: (1) it is copied in its entirety; (2) it is copied solely for distribution to other public officials, employees, or staff members; and (3) copies are not sold or used for commercial purposes.

Additional printed copies of this bulletin may be purchased from the School of Government. To place an order or browse a catalog of School of Government publications, please visit the School's Web site at <http://www.sog.unc.edu>, or contact the Publications Sales Office, School of Government, CB# 3330 Knapp Building, UNC Chapel Hill, Chapel Hill, NC 27599-3330; e-mail [sales@iogmail.io.unc.edu](mailto:sales@iogmail.io.unc.edu); telephone (919) 966-4119; or fax (919) 962-2707. For general inquiries, call the School of Government's main number, (919) 966-5381.

The School of Government of The University of North Carolina at Chapel Hill has printed a total of 218 copies of this public document at a cost of \$46.02 or \$0.21 each. These figures include only the direct costs of reproduction. They do not include preparation, handling, or distribution costs.

©2006

School of Government. The University of North Carolina at Chapel Hill  
 Printed in the United States of America

This publication is printed on permanent, acid-free paper in compliance with the North Carolina General Statutes