

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 233

Transportation Committee Substitute Adopted 3/24/99

House Committee Substitute Favorable 5/13/99

House Committee Substitute #2 Favorable 7/8/99

House Committee Substitute #3 Reported Without Prejudice 7/9/99

Short Title: ROW Plans/TIP Funding Allocations.

(Public)

Sponsors:

Referred to:

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE TRANSMISSION AND FILING OF RIGHT-OF-WAY PLANS BY THE DEPARTMENT OF TRANSPORTATION AND TO PROVIDE THAT ANY FUNDS ALLOCATED IN A SPECIFIC YEAR TO A TRANSPORTATION DIVISION AND UNDER OR OVER OBLIGATED SHALL BE ADDED TO THE NEXT YEAR'S ALLOCATION TO THE TRANSPORTATION DIVISION.

The General Assembly of North Carolina enacts:

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

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

(a) A copy of the cover sheet and plan and profile sheets of the final right-of-way plans for all Department of Transportation projects, on those projects for which plans are prepared, under which right-of-way or other interest in real property is acquired or access is controlled shall be certified by the Department of Transportation to the register of deeds of the county or counties within which the project is located. The Department shall

1 certify said plan sheets to the register of deeds within two weeks from their formal  
2 approval by the Board of Transportation.

3 (b) The copy of the plans certified to the register of deeds shall consist of a Xerox,  
4 photographic, or other permanent ~~copy-copy~~, except for plans electronically transmitted  
5 pursuant to subsection (b1) of this section, and shall measure approximately ~~20 inches by~~  
6 ~~12 inches~~ 17 inches by 11 inches including no less than one and one-half inches binding  
7 space on the left-hand side.

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

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

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

23 (e) The register of deeds in each county shall collect a fee from the Department of  
24 Transportation of five dollars (\$5.00) for each original or amended plan and profile sheet  
25 recorded."

26 Section 2. G.S. 136-17.2A is amended by adding a new subsection to read:

27 "(h) Each year, the Secretary shall calculate the amount of funds allocated in that  
28 year to each division, the amount of funds obligated, and the amount the obligations  
29 exceeded or were below the allocation. The target amounts obtained according to  
30 subsection (b) of this section shall be adjusted to account for any differences between  
31 allocations and obligations reported for the previous year. The new target amounts shall  
32 be used to fulfill the requirements of subsection (d) of this section for the next update of  
33 the Transportation Improvement Program. The adjustment to the target amount shall be  
34 allocated by division."

35 Section 3. Section 1 of this act becomes effective January 1, 2000. Sections 2  
36 and 3 of this act are effective when they become law.