

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** August 5, 2024

**SUBJECT:** County Border Survey

**PRESENTER:** Harry Rising, Tax Administrator

**ATTACHMENT:** Yes

1. Resolution – Buncombe County
2. Resolution – Rutherford County
3. Resolution - Polk County
4. Resolution - Transylvania County
5. NCDPS Memorandum

#### SUMMARY OF REQUEST:

The boundaries of Henderson County have not been definitively surveyed by accepted modern methods since the inception of the County in 1838 and there are numerous ambiguities and uncertainties in the definition of those boundaries, leading to incorrect tax listing of property. The North Carolina Department of Public Safety provides guidance to counties in a memorandum dated February 19, 2019, (attached) outlining the process for requesting a survey by the North Carolina Geodetic Survey (NCGS) for the purpose of reconciling said ambiguities and uncertainties. It further requires the appointment of one or more special commissioners or contact agents to assist NCGS with existing county records as required. There is no cost to the county for this project.

#### BOARD ACTION REQUESTED:

The Board is requested to approve the four resolutions (attached) to authorize Henderson County to participate in the NCGS County Border Survey; one resolution for each of the neighboring Counties.

#### Suggested Motion:

*I move the Board approve the Resolutions Authorizing County Line Surveying of Rutherford, Transylvania, Buncombe and Polk Counties and the appointment of Harry Rising as special Commissioner to the North Carolina Geodetic Survey for this project as presented.*

# Henderson County Board of Commissioners

1 Historic Courthouse Square • Suite 1 • Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 692-9855 • www.hendersoncountync.gov

**Rebecca K. McCall**  
Chairman  
**J. Michael Edney**  
Vice-Chairman



**William G. Lapsley**  
**Daniel J. Andreotta**  
**David H. Hill**

## *RESOLUTION*

### *AUTHORIZING COUNTY LINE SURVEYING*

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- WHEREAS,** the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and
- WHEREAS,** there exists several ambiguous or uncertain boundary sections between Henderson County and its neighboring counties; and
- WHEREAS,** the survey can be done at the invitation of the counties involved at no cost to the county government; and
- WHEREAS,** the County Assessor is responsible under NCGS 105-303(b)(1) for the listing of all real property; and
- WHEREAS,** the ability to assess and levy property taxes fairly and accurately within Henderson County can only be accomplished by clear and accurate record of county boundaries and adjoining properties.

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners that;

1. The Board of Commissioners hereby appoints Harry Rising, Henderson County Tax Administrator, as Henderson County's Special Commissioner of Boundaries in accordance with the North Carolina Department of Public Safety guidelines dated February 19, 2019.
2. The North Carolina Geodetic Survey office be formally requested to perform a survey of the boundary between Henderson and Transylvania Counties to resolve ambiguous and uncertain boundary sections that may exist between the counties.
3. The Land Records office of the Henderson County Tax Department record the results of the survey as part of the permanent listing system of the county.
4. This resolution shall be in full force and effect upon adoption.

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*Approved on this 5<sup>th</sup> day of August 2024.*

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REBECCA K. MCCALL, CHAIRMAN  
HENDERSON COUNTY  
BOARD OF COMMISSIONERS

ATTEST:

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DENISA A. LAUFFER, CLERK TO THE BOARD



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# North Carolina Department of Public Safety

## Emergency Management

Roy Cooper, Governor  
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

### MEMORANDUM

To: County Officials

From: Ronald Harding, PLS  
State and County Boundary Surveyor

Subject: How to formally request NCGS to resurvey an ambiguous/uncertain county boundary section

Date: February 19, 2019

The North Carolina Geodetic Survey ("NCGS") has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries as per General Statute (GS) 153A-18a:

[www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_153A/GS\\_153A-18.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-18.html)

#### § 153A-18a. Uncertain or disputed boundary.

*(a) If two or more counties are uncertain as to the exact location of the boundary between them, they may cause the boundary to be surveyed, marked, and mapped. The counties may appoint special commissioners to supervise the surveying, marking, and mapping. A commissioner so appointed or a person surveying or marking the boundary may enter upon private property to view and survey the boundary or to erect boundary markers.*

Note: NCGS would conduct this survey work only upon the formal request of the counties adjoining each uncertain county line and would do so at no cost to the affected counties.

If adjoining counties have an ambiguous or uncertain county boundary section(s), the Board of County Commissioners of the affected counties may formally request the NCGS County Boundary Program to resurvey the ambiguous or uncertain county boundary section(s) by:

1. Passing a resolution recognizing that the county line is uncertain or ambiguous
2. Appointing one or more special commissioners or designating a contact agent to assist NCGS
3. Submitting a written request to NCGS for the section(s) to be resurveyed and including the following:
  - The county document issued for item #1
  - The contact agent(s) or special commissioner(s) selected for item #2

Note: Each Board of County Commissioners may appoint a special commissioner or designate a county employee to be the contact agent who would assist NCGS by providing county records (e.g. deeds, maps, and other archived information).



Throughout each county line resurvey project, NCGS and the respective affected counties would work in partnership to produce a product that would supply the needs of each county as well as meet the requirements of GS 153A-18a. Furthermore, the County Manager and the Board of County Commissioners of each affected county need to be informed of the project's progress.

After the resurvey project has been completed, the Board of County Commissioners of each affected county would review the plat. Upon agreeing on the location of the county line, the Commissioners must pass a resolution that the plat is the true definition of the line's location as further stipulated in GS 153A-18(a).

**§ 153A-18a. Uncertain or disputed boundary.**

*....Upon ratification of the survey by the board of commissioners of each county, a map showing the surveyed boundary shall be recorded in the office of the register of deeds of each county in the manner provided by law for the recordation of maps or plats and in the Secretary of State's office. The map shall contain a reference to the date of each resolution of ratification and to the page in the minutes of each board of commissioners where the resolution may be found. Upon recordation, the map is conclusive as to the location of the boundary. Upon reestablishing all, or some portion, of a county boundary, and if after the NCGS submits the results of the survey to the requesting counties, and the requesting counties have not ratified the reestablished boundary within one year of receiving the (map) survey plat denoting the location of the reestablished boundary, the survey plat will become conclusive as to the location of the boundary and will be recorded in the Register of Deeds in each affected county and in the Secretary of State's office. The Chief of the NCGS (State Surveyor) will notify each affected party in writing of the action taken.*

Upon meeting all parts of GS 153A-18(a), the plat would become a legal document defining the county line location and then NCGS would:

- Prepare all the necessary plats and Mylar drawings
- Record the resurvey with the North Carolina Department of the Secretary of State
- Supply each affected county with the Mylar drawings for recordation

**Changing the location of an existing county boundary**

In contrast to General Statute 153A-18(a) that governs uncertain or ambiguous boundary sections, G.S. §153A-17 governs changes in existing county boundaries:

[www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_153A/GS\\_153A-17.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-17.html)

**G.S. §153A-17. Existing boundaries.**

*The boundaries of each county shall remain as presently established, until changed in accordance with law. (1973, c. 822, s. 1.)*

Therefore, if the affected counties elect to have a new line surveyed and to change the county line from its original location (as defined by law), then that change would need to be ratified by the North Carolina General Assembly.

Ronald Harding, PLS (L-3475)

State and County Boundary Surveyor

Direct line: 919-948-7836 / Main office: 919-733-3836

Fax: 919-733-4407

Email: ron.harding@ncdps.gov



Throughout each county line resurvey project, NCGS and the respective affected counties would work in partnership to produce a product that would supply the needs of each county as well as meet the requirements of GS 153A-18a. Furthermore, the County Manager and the Board of County Commissioners of each affected county need to be informed of the project's progress.

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