

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 438
Mar 22, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40245-LMx-66

Short Title: Franklin/Granville Recognized Common Boundary. (Local)

Sponsors: Representative Winslow.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO STAY THE CONCLUSIVENESS OF THE NORTH CAROLINA GEODETIC SURVEY MAP OF THE COMMON BOUNDARY BETWEEN FRANKLIN COUNTY AND GRANVILLE COUNTY AND TO ALLOW FRANKLIN COUNTY AND GRANVILLE COUNTY TO SURVEY THE CURRENTLY RECOGNIZED COMMON BOUNDARY.

The General Assembly of North Carolina enacts:

SECTION 1. The legal boundary line between Franklin County and Granville County was described in Chapter LXIII of the Session Laws of 1874-1875. In the many years since the boundary was last legally described, the exact location of the boundary line became uncertain. Pursuant to G.S. 153A-18, the boards of commissioners of Franklin County and Granville County adopted resolutions on March 7, 2016, and April 4, 2016, respectively, to request that the North Carolina Geodetic Survey (hereinafter "NCGS") perform a survey of the legal boundary line and present a proposed map for consideration by both counties.

SECTION 2. Pursuant to G.S. 153A-18(a), if the NCGS survey map is not ratified by the counties requesting the survey within one year from its receipt by the counties, the NCGS survey map will become conclusive as to the location of the legal boundary line and the chief of the NCGS must (i) record the survey map in the office of the register of deeds of both counties and in the Office of the Secretary of State and (ii) notify the affected counties' governing bodies and the affected property owners in writing of the reestablished boundary line.

SECTION 3. The boundary line between Franklin County and Granville County as rendered by the NCGS survey differed significantly from the boundary line that both counties have used for many years and that is currently reflected in Geographic Information Systems (GIS) maps. The boundary line currently used by the counties is referred to for the purposes of this act as the "GIS Boundary Line." The significant differences between the GIS Boundary Line and the boundary line rendered by the NCGS survey indicate that unintentional modifications to the operative boundary line have occurred over time, substantially affecting, among other things, taxation, school attendance, zoning maps, and elections within and between Franklin County and Granville County.

SECTION 4. The General Assembly recognizes that if the boundary line as rendered by the NCGS survey were to become effective one year after its submission by the NCGS and receipt by the counties, it would create difficulties for the residents of Franklin County and Granville County. Therefore, notwithstanding the provisions of G.S. 153A-18(a), the boundary line rendered by the NCGS survey shall not become conclusive as to the location of the boundary unless (i) the boundary line is ratified by Franklin County and Granville County or (ii) the



1 boundary line is not ratified by Franklin County and Granville County and the General Assembly
2 does not take action as provided in Section 5 of this act.

3 **SECTION 5.** The General Assembly authorizes Franklin County and Granville
4 County to maintain in place all recognized government functions currently in effect based on the
5 GIS Boundary Line currently in use by both counties, including taxing, elections, education, and
6 any other recognized government function, through and until December 31, 2025, and the
7 previous exercise of recognized government functions based on the GIS Boundary Line currently
8 in use by both counties shall not be subject to challenge on the basis of the location of the
9 boundary line. If, on January 1, 2026, Franklin County and Granville County have not ratified
10 the location of the boundary line as rendered by the NCGS survey and the General Assembly has
11 taken no action to amend or modify the legal boundary between Franklin County and Granville
12 County, the NCGS survey plat shall become conclusive as to the location of the legal boundary
13 between Franklin County and Granville County and the chief of the NCGS shall take all actions
14 required by G.S. 153A-18.

15 **SECTION 6.** Franklin County and Granville County shall cooperate to cause the
16 GIS Boundary Line currently used by both counties as the operative boundary line to be surveyed,
17 and Franklin County and Granville County shall submit to the North Carolina General Assembly
18 for ratification the completed survey of the GIS Boundary Line and a proposed amended legal
19 boundary based on the survey no later than April 30, 2025.

20 **SECTION 7.** Franklin County, Granville County, the elected and appointed officials,
21 and employees of Franklin County and Granville County shall not incur any liability under any
22 local or general law, ordinance, rule, or regulation for any act or failure to act relating to taxation,
23 school attendance, land use controls, elections, or any other governmental function as it relates
24 to the currently used boundary line of Franklin County and Granville County.

25 **SECTION 8.** This act is effective when it becomes law.