

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1038  
Finance Committee Substitute Adopted 4/25/01

Short Title: Public Right-of-Way Declaration.

(Public)

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Sponsors:

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Referred to:

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April 5, 2001

1 A BILL TO BE ENTITLED

2 AN ACT TO PROVIDE THAT WHERE DEEDS REFERENCE A RIGHT-OF-WAY  
3 BASED ON AN UNRECORDED LOST PLAT, THE SUPERIOR COURT IN A  
4 SPECIAL PROCEEDING MAY DECLARE THE RIGHT-OF-WAY DEDICATED  
5 TO PUBLIC USE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 4 of Chapter 1 of the General Statutes is amended by  
8 adding a new section to read:

9 "**§ 1-44.3. Dedication of public right-of-way.**

10 Whenever a deed recites the existence of a street, based on a plat that was  
11 unrecorded and where there was no ordinance requiring the plat to be recorded, and the  
12 plat has been lost, but a copy of the portion of the plat has been found showing that  
13 there is a right-of-way, and where the road has in fact been open to the public, and the  
14 owners of two-thirds of the lots abutting the section of road in question are petitioners in  
15 a special proceeding requesting that the right-of-way be declared to have been dedicated  
16 as a public road right-of-way, the clerk of superior court may issue an order declaring  
17 the section of right-of way to be dedicated to public use upon finding those facts."

18 **SECTION 2.** This act is effective when it becomes law.