

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 438

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

Sponsors: Representative Winslow.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 23, 2023

A BILL TO BE ENTITLED

1 AN ACT TO STAY THE CONCLUSIVENESS OF THE NORTH CAROLINA GEODETIC
2 SURVEY MAP OF THE COMMON BOUNDARY BETWEEN FRANKLIN COUNTY
3 AND GRANVILLE COUNTY AND TO ALLOW FRANKLIN COUNTY AND
4 GRANVILLE COUNTY TO SURVEY THE CURRENTLY RECOGNIZED COMMON
5 BOUNDARY.
6

7 The General Assembly of North Carolina enacts:

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

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

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

30 **SECTION 4.** The General Assembly recognizes that if the boundary line as rendered
31 by the NCGS survey were to become effective one year after its submission by the NCGS and
32 receipt by the counties, it would create difficulties for the residents of Franklin County and
33 Granville County. Therefore, notwithstanding the provisions of G.S. 153A-18(a), the boundary
34 line rendered by the NCGS survey shall not become conclusive as to the location of the boundary
35 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.