

**GUIDANCE FOR THE IMPLEMENTATION
OF TRANSPORTATION CORRIDOR OFFICIAL MAPS
BY LOCAL GOVERNMENT PLANNING AND
BUILDING INSPECTIONS OFFICIALS**

In 1987, the General Assembly provided a number of right-of-way protection measures designed to clarify and enhance the ability of the North Carolina Department of Transportation (NCDOT) and the local governments to protect rights-of-way for future highway projects. One of these measures is the authority to adopt and establish Transportation Corridor Official Maps, more commonly referred to as "Official Maps". (It should be noted that, in highway planning terminology, the word corridor generally refers to a broad area of study in which a number of specific highway alignments may be considered. Since an Official Map more accurately reflects what is considered an alignment as opposed to a corridor, the term alignment will be used throughout the remainder of this text.)

The statute allows for Official Maps to be adopted by either the Department of Transportation or the municipal government through whose corporate limits or extraterritorial jurisdiction the project extends. Even though the authority granted to the NCDOT is not restricted to those areas outside of the municipal jurisdictions, generally, the NCDOT will limit its involvement to non-municipal projects.

Once an Official Map is adopted by either the Board of Transportation or the local city council, a copy of the map should be provided to the local planning and building inspections official through whose jurisdiction the project extends. The Official Map will most likely consist of a map or a series of map pages identifying the proposed right-of-way and its relationship to the various properties along the project alignment. The map will likely measure 12 inches by 20 inches to allow for the required recording by the Register of Deeds.

The primary purpose of the Official Map is to reserve and protect the alignment for a future highway project. The reservation is accomplished by placing temporary restrictions on private property until the NCDOT or the city can acquire the needed right-of-way. The restrictions are in the form of a prohibition on the issuance of building permits or the approval of subdivisions on property lying within the Official Map alignment. These restrictions apply for a period of three years, which begins when the building permit or subdivision is requested.

Although the statutes are ambiguous in this area, reason dictates that the restrictions apply only to the portion of the property that lies within the adopted alignment. This means that a building permit would be allowable or a subdivision approvable if it avoids the Official Map alignment. There is no reason, for example, to deny a property owner the use of a large tract of property just because a small portion of the property lies within an Official Map alignment.

It should be clear from the above discussion that the primary responsibility for the successful implementation of the Official Map rests with the local planners and building inspectors, who form the front line in this effort to protect future highway rights-of-way. It is therefore important that proper procedures be put in place to ease the administrative burden and assure the successful operation of an Official Map program.

The following is intended to provide some ideas and guidelines for local planners and building inspectors in setting up procedures for responding to the adoption of an Official Map in their jurisdiction. The ideas discussed below are not intended to be a complete list, but are offered as a basis for building a sound and consistent system for administering an Official Map program.

One of the first steps required should be to establish a system to identify the properties affected by the Official Map designation. This is necessary so that when a building permit or subdivision is requested for an affected property, the request can be flagged and treated in a different manner. This flagging system can be accomplished in a number of ways, with the Transportation Corridor Official Map Guidance

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most appropriate method dependent upon local circumstances. One suggested method would be to transfer the Official Map alignment to the Official Zoning map or another appropriate map that is referred to on a regular basis. In this way the information on the affected properties is readily available and can be checked when the zoning for the building permit or subdivision is verified. For those jurisdictions with more sophisticated parcel identification systems, the individual properties can be appropriately identified.

Since the date of the application for the building or subdivision is critical in determining when the three-year reservation period begins, the proper documentation of this event is essential. This documentation can be accomplished in many ways, with the appropriate method being dependent on local circumstances. One possibility would be to complete the requested building permit application form, but void it by clearly noting on each copy that the permit was denied because the property was located within the Official Map alignment. This method results in all the pertinent information being provided on one form and provides a copy for both the property owner and the local jurisdiction.

While the above approach would work in the case of building permit request, some other means will be required when a subdivision is requested. In this situation, it might be appropriate to prepare a form letter that notifies the property owner that the proposed subdivision involves property that is protected by an adopted Official Map. Then, the property owner may, if feasible, revise the subdivision to reserve the Official Map alignment and use the remaining portions of his property, or submit the original subdivision proposal and initiate the three-year time period. In either case the Department of Transportation or the city has an obligation to acquire the property at or before the end of the three-year period. The form letter should indicate the original date of submittal, for, according to the statute, this is the date that constitutes the beginning of the three-year period.

The statute requires that the Secretary or his designee (Manager of Program Development Branch) be notified within ten days of any request for a building permit or subdivision within an Official Map alignment. This seems to apply to both NCDOT and locally adopted Official Maps on state system streets. As an additional step, it is requested that a copy of each request also be provided to the District Engineer of the Division of Highways. A system should be established for the timely notification of these groups, with a form letter possibly being the appropriate mechanism.

Local officials should be aware that the statute provides the property owner with two forms of relief from the restrictions imposed by Official Map designation. The first is a variance procedure that allows the property owner to petition for a variance from the requirements of the statute. This is similar to the variance process used in local zoning matters. In the case of a locally adopted map, the petition would likely be heard by the local Board of Adjustments. For NCDOT-adopted maps, the procedure requires the property owner to petition the Manager of Program Development Branch. In either event, a variance can be granted only upon a showing that no reasonable return can be earned from the land, even with the tax benefits authorized in the statute; and the requirements of the statute result in practical difficulties or unnecessary hardships.

The other form of relief comes from the ability of the property owner to request the advance acquisition of his property. The NCDOT will consider advance acquisition only in cases where a

legitimate hardship can be documented. Hardships are generally defined as medical or financial emergencies, beyond the control of the property owner, that are worsened by the property being within the future highway alignment. Requests for advance acquisition by the NCDOT of properties lying within an adopted Official Map alignment should be submitted to the Manager of Program Development Branch. Some cities may have their own advance acquisition funds and policies. In the case of a locally adopted Official Map, local policies and practices should be checked as well.

At the end of the three-year reservation period, the property must either be acquired by the city or the NCDOT, or the property owner must be allowed to proceed with the building or development plans. If at this time the right-of way acquisition phase of the project is still scheduled for the future, the property may be acquired using protective purchase procedures.