

# UNIFORM PROCEDURES FOR COMPLYING WITH PLAT LAWS

Effective July 1, 2012

(PURSUANT TO ACT 599 OF THE GEORGIA GENERAL ASSEMBLY)

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The following statutes pertaining to maps and plats are mandated by provisions of Act 599 (HB 655) enacted by the Georgia General Assembly earlier this year. In addition to statutory provisions, policies and procedures have been adopted to promote uniformity in applying statutory provisions throughout the state.

The following laws and policies and procedures shall apply to **ALL** plats filed on or after July 1, 2012:

## **Preparation**

Maps and plats to be filed and recorded in the Office of the Clerk of Superior Court (hereinafter referred to as “clerk”) shall be prepared with the minimum standards and specifications adopted in rules and regulations of the State Board of Registration of Professional Engineers and Land Surveyors (visit Board Rules at [www.lsrp.com/ga.html](http://www.lsrp.com/ga.html) to view the rules and regulations).<sup>1</sup>

## **Material**

Maps or plats shall be a good legible copy commercial print reproduced from an original.<sup>2</sup>

[Note: The material used for preparing a map or plat is no longer provided for by law (for example, the plat does not have to be prepared on a Mylar or any other recommended medium). The responsibility for professional preparation of maps and plats in conformity with law is the responsibility of the engineer or surveyor preparing such documents and not clerks of superior court. Thus, the clerk shall not be responsible for policing the integrity of such records. However, if the quality of a map or plat submitted for filing does not meet the standards set forth herein, the clerk may refuse to file the document.]

## **Caption<sup>3</sup>**

The following provisions apply to all maps or plats sealed by a land surveyor and which depict and describe real property boundaries.

By law, maps and plats that do not meet the following requirements shall not be sealed by the surveyor or engineer preparing them or recorded by the clerk.

Maps or plats shall have a title or name which shall be contained in the caption and the caption shall also provide the following information:

- County, city, town, or village, land district and land lot, and subdivision, if the property lies within a particular subdivision;
- Date of plat preparation and the date of the field survey;
- Scale, stated and shown graphically;

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<sup>1</sup> O.C.G.A. § 15-6-67(b)

<sup>2</sup> O.C.G.A. § 15-6-67(b)(1)(A)

<sup>3</sup> O.C.G.A. § 15-6-67(b)(2)

- Name, address, telephone number, and registration number of the land surveyor or the statement that he or she is the county surveyor and is not required by law to be a registered surveyor; and

All reproductions of original maps or plats shall bear the original signature, in a contrasting color of ink, of the registrant placed across the registration seal in order to be a valid or recordable map or plat.

### **Size<sup>4</sup>**

Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches in size.

[Note: Many superior court clerks do not have plat cabinets or storage systems that accommodate plats larger than 18 inches by 24 inches. By law, plats up to 24" x 36" in size may be filed. O.C.G.A. § 15-6-68 requires the clerk to provide public access to all plats. Access can be facilitated through electronic means. However, local surveyors and engineers are encouraged to limit production of plats larger than the storage system of the clerk's office where a plat is to be filed can accommodate because, when plats are submitted that can not be stored in such system, alternative means of physical storage may have to be employed.]

When an original map or plat is submitted to the clerk for filing and recordation, the clerk is authorized to accept the plat for recordation only upon receiving the following:

- A minimum of two properly signed reproductions of the original physical plat and
- A digital copy that has been created at full scale, properly signed and in Tagged Image File Format (TIFF) and having a 200 DPI resolution.

### **Medium**

The digital copy shall be submitted to the clerk on a Compact Disc (CD).

[Note: The party submitting the digital copy of a plat on CD should verify that the digital image submitted to the clerk is an exact copy of the physical plat submitted for recordation. However, the clerk and or his or her staff should conduct a physical inspection of each digital plat to verify that it is, indeed, an exact copy of the physical plat to be filed, recorded and transmitted to the Georgia Superior Court Clerks' Cooperative Authority for inclusion in the statewide plat database. Extreme caution should be exercised to avoid filing and recording inexact documents.]

## **Clerk's Duties for Filing, Recordation and Providing Access to Plats<sup>5</sup>**

The clerk shall enter manually or electronically the filing date, plat book number, and page number (or other unique identifier utilized in the system in which plats are permanently stored) on the original drawing plats and shall cause the same information to be entered electronically on the digital copy presented for filing.

The clerk shall note the date and time of the filing of a plat for record on the face of the plat.<sup>6</sup>

The clerk shall return the original physical copy of the plat with the filing information on it to the land surveyor or the person filing the same for record.

The clerk shall permanently retain one original physical and one digital copy of the plat. Both the filing information and plat shall serve as evidence of the original drawing. The physical copy, the digital copy, or both may be displayed to the public in compliance with Code Section 15-6-68.

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<sup>4</sup> O.C.G.A. § 15-6-67(b)(3)

<sup>5</sup> O.C.G.A. § 15-6-67(b)(1)(B)

<sup>6</sup> O.C.G.A. § 15-6-68(d)

[Note: A method must be provided for electronically making a permanent notation of the filing date, plat book number and page number on each digital plat. This data should be the same as the data stamped, written or otherwise placed on the physical copy of the paper copy of the corresponding plat.]

## **Planning and Zoning Approval of Plats<sup>7</sup>**

### ***When Approval Required***

Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, no plat of subdivision of land within the municipality or the county shall be filed or recorded in the office of the clerk of the superior court of a county without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on the plat by the secretary or other designated person of the municipal or county planning commission or governing authority.

The clerk of the superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required Code Section 15-6-68.

### ***When Approval Not Required***

Notwithstanding any other provision of this subsection to the contrary, no approval of the municipal or county planning commission or governing authority shall be required if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.

***Any plat of survey containing thereon a certification from the a licensed surveyor that the provisions relative to this subsection do not require approval of the municipal or county planning commission or governing authority shall entitle such plat to filing and recordation.***

### ***Penalty for False Certification of Exemption from Approval***

Any licensed surveyor who fraudulently certifies that a plat of survey does not require the approval specified in this subsection shall be guilty of a misdemeanor.

[Note: If a plat has a licensed surveyor stating that approval of the appropriate planning and zoning commission or governing authority as required by O.C.G.A. § 15-6-67(d), **the plat should be filed and recorded** without approval from such commission or authority. Superior court clerks are not 'plat police' and, therefore, are not required to monitor plats to ensure compliance for planning and zoning approval when a plat contains a surveyor's certification exempting a plat from approval.]

## **Retention of and Access for Plats<sup>8</sup>**

The clerk of each superior court shall provide books, binders, or any other alternative system, either manual or electronic, for providing public access to maps and plats.

For all electronic images of plats submitted to the clerk on or after July 1, 2012, the clerk shall provide necessary equipment for printing either an entire full-size copy of each recorded plat or copies of sections of each entire recorded plat, printed in full scale.

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<sup>7</sup> O.C.G.A. § 15-6-67(d)

<sup>8</sup> O.C.G.A. § 15-6-68

[Note: If the clerk does not have a printer that provides for reproduction of a plat to the exact size and scale submitted for filing, the clerk must provide for 'full-scale' printing of the plat in sections so that the party requesting the copy can view each section in its actual size. Printing from the GSCCCA real estate information system provides a mechanism for providing full-scale, sectional prints if the clerk's software program does not accommodate such printing].

The clerk of superior court shall provide an electronic, computer-based indexing system in which shall be indexed all maps or plats under the caption or name of the subdivision, if any, under the name of the owner or owners of the property mapped or platted, and also under the land lot number and district number if the land lies in that portion of the state which has been surveyed into land lots and districts.

[Clerk Note: Some plats do not list the property owner but may only list for whom a plat is prepared. Pursuant to mandatory indexing standards promulgated by the Georgia Superior Court Clerks' Cooperative Authority, such plats should be indexed according to the property and plat owner.]

In counties of this state that are divided into land lots, the clerk of superior court shall provide an electronic, computer-based system for maintaining and searching a record for each land lot and land district by listing all surveys made for each lot and where they are recorded.