

**Draft – March 22, 2016 Councilman Cerrato provided to Council**

Text Amendment to Article 5 of the UDO

As indicated in our email to Ms Weddle dated March 8, 2016, both Councilman Benton and I have prepared a text amendment to Article 5 of the UDO. It is our hope to begin a dialogue for the Council to better understand both the legal advantages, disadvantages and potential liabilities.

**SECTION 5.02 PROOF OF OWNERSHIP\* Pre-Application Meeting and Sketch Plan.**

- (A) The applicant shall schedule a pre-application meeting with the **UDO Administrator** to provide **“Certificate of Title” of ownership of land**, and to review a Sketch Plan of the proposed development.

Also as a matter of interest, before the Division of Coastal Management can evaluate a permit application, CAMA and its implementing regulations require the applicant to demonstrate title to the property in question. NC Statute 113-229 (b) requires the application to include “a copy of the deed or other instrument under which the applicant *claims title* to the property adjoining the property in question.”

Similarly, the rules require a CAMA major permit application to include “a copy of a deed or other instrument under which the applicant claims title.”

15A N.C Administrative Code 07J.0204 (b) (4), indicates, that requirement “must be met” before DCM can find an application complete.

Moreover, a deed that declares “NO OPINION OF TITLE or PREPARED WITHOUT TITLE EXAM,” indicates that the deed is not claiming proof of ownership and the deed is invalid.

It is presently unclear whether or not the previous CAMA Representative requested and received proof of title for Palm Cove, Cedar Point, Riverside Drive and Mad Inlet. These need to be verified.

Councilman Mark Benton & Rich Cerrato