



Gift of Property Application Review Process

Contact Information

Perquimans County Planning and Zoning Office Phone: 252.426.2027
104 Dobbs St
PO Box 45
Hertford, NC 27944
Website: <https://perquimanscountync.gov/departments/planning-and-zoning>

Step 1: Application Submittal and Acceptance

A gift of property application is required for the transfer of land using a deed of gift in Perquimans County, pursuant to the restrictions and stipulations in Section 801A (6) in the Perquimans County Subdivision Regulations. The applicant must submit a complete application packet consisting of the following:

- Completed Gift of Property Application
- Boundary Survey
- Copy of Proposed Deed of Gift
- All other documentation in the application checklist
- Any other documentation deemed necessary by Planning Staff
- Number of Copies Submitted:
 - 1 Copy of ALL documents and one electronic copy if available

On receiving the application, staff shall determine completeness. If the application is deemed incomplete, the applicant may correct deficiencies and resubmit the application for completeness determination. Applications not corrected within 45 calendar days shall be deemed withdrawn.

Step 2: Staff Review and Action

Once an application is determined complete, it will be reviewed by the appropriate staff. Staff shall discuss any outstanding concerns with the applicant, who must address those concerns to obtain approval. Staff shall approve, approve subject to conditions, or disapprove the application. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the Zoning Ordinance, Subdivision Regulations, and Manufactured Home and Manufactured Home Park Ordinance.





Gift of Property Application

OFFICIAL USE ONLY

Date Received: _____ Received by: _____

Date Completed: _____ Confirmed by: _____

Subject Property Tax Map No.: _____

Proposed number of lots: _____ Is residual parcel over 10 acres? _____

If no, remind applicant to request ARHS's preliminary approval of residual lot when applying for septic tank permit for proposed lot(s).

Contact and Survey Information

Title of Survey: _____

Property Owner(s): _____

Mailing Address: _____

Phone: _____ Email: _____

Owner(s) Request and Signature(s)

I/We hereby certify that I/we am/are the owner(s) of the property located at _____. I/We hereby request a Deed of Gift Subdivision at this location. I/We acknowledge that this Application is for a single lot to my/our child or grandchild. Furthermore, I/we acknowledge that this is the one and only such gift in Perquimans County given to this child or grandchild from me/us during the last ten (10) year period and that the resultant lot is equal to or exceeds the standards of the County as shown in the Subdivision Regulations and that restrictions are placed pursuant to Section 801A (6) of the Perquimans County Subdivision Regulations in the Deed of Gift to the child or grandchild. As the owner(s) of the property, I/we request approval of the proposed Deed of Gift and related Boundary Survey.

Respectfully yours,

Signature of Owner/Grantor

Date

Signature of Owner/Grantor

Date

Sworn to and subscribed before me, this the _____ day of _____, 20____.

Notary Public _____ County of _____,

State of _____

My commission expires: _____

APPLICATION FOR GIFT OF PROPERTY
CHECKLIST OF INFORMATION AND ITEMS NEEDED PRIOR TO APPROVAL & RECORDATION
OF BOUNDARY SURVEY

To confirm compliance with Section 801(A)(6) of the Perquimans County Subdivision Regulations, complete and return pages 1 and 2 of this Application for Gift of Property, and provide additional information, as follows:

- Completed application
- Copy of proposed Deed of Gift
- Boundary Survey with Certification Statements and references to residual parcel, if any (see Note #1 below).
- Water availability: _____.
- Proposed sewage system: _____ (attach ARHS's septic system permit or preliminary approval if applicable)
- My/our ownership of parent tract is evidenced by deed recorded in Real Estate Book _____, Page _____
OR Will File Number _____ (Attach copy of relevant section of will).
- My/our parent tract is Parcel No. _____.
- Size of Parent Tract: _____ acres.
- Linear street frontage width: _____ and depth: _____ of parent tract.
- Proposed acres of gift parcel: _____.
- Proposed street frontage width: _____ and depth: _____ of gift parcel.

FOR OFFICE STAFF USE

- Parent tract zoned: _____. Future Land Use Classification: _____.
- Review and consultation with Soil & Water Conservation staff _____.
- May need to establish drainage easements on property lines depending upon Drainage plan requirements.
- Disclosure statement referencing Section 402(B)(5), 402(D)(1), 402(I), and 402(J) of the Perquimans County Subdivision Regulations regarding grading, drainage and erosion control.
- Other (Specify): _____.
- Other (Specify): _____.

NOTES: (1) Per Section 303.1(B), any lot of less than 10 acres, including any residual parcel, must obtain a certificate or letter from the Health Department stating that a septic system may be approved for the lot(s); and (2) Per Section 303.2, all lots subdivided from a tract since December 31, 1998 shall be included in determining when the maximum number has been reached and when full review procedure shall be required.

Section 801 Definition of a Subdivision

A) All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) as pertaining to Expedited (Minor) or Major Subdivisions and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

6) The gift by a property owner of a single lot to his or her child or grandchild or to each of his or her children or grandchildren where no new road is involved, provided that only one such gift per child or grandchild be made during a ten year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations and provided that the following restrictions are placed in the Deed of Gift to the child or grandchild:

"But this conveyance is made subject to the following restrictions which shall run with the land: That prior to the sale or transfer of the aforesaid lot and right-of-way to anyone other than the Grantors or either of them or to a child or grandchild of the Grantors, the aforesaid lot shall be brought into compliance with the Subdivision Regulations of Perquimans County in effect at the time of the recording of the present Deed of Gift, including, but not limited to, regulations that require the construction of a paved access road to the lot and the installation of required utilities. However, these restrictions will not apply to any transfer made to secure a loan or to any sale or transfer of the property as part of a foreclosure proceeding or to any subsequent sale or transfer by a Mortgagee who or which has purchased the property at a foreclosure sale."

The burden shall be on any conveyer of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.

Section 308 Certificates

308.1 Certificates to be Applied to the Face of Plat

A) Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book ____, Page ____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building lines, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of the County Board of Commissioners of Perquimans County.

Date/Owner

Owner

F) Certificate of Subdivision Review Officer

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of Perquimans County.

Date

Perquimans County Subdivision Review Officer