

Current Process for Geographically Positioning Ill-defined, Unmarked, or Poorly Marked County Boundaries

County boundary lines set in state law

- General Assembly describes county boundary lines in statute.

Time passes

- Passage of time and growth in society has led to confusion over locations of county boundary lines described in statute. (2014 Act No. 262, Section 1 (A)(2))

Technology exists to provide permanent markers of boundary lines

- General Assembly tasks SCGS with geographically positioning the County Boundary Lines described in statute whenever anyone believes a county boundary is ill-defined, unmarked, or poorly marked. (SC Code Section 27-2-105(A)(1))

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A portion of the county boundary currently in state law is geographically positioned onto a plat

- SCGS works with county personnel to analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with current statutory descriptions. (SC Code Section 27-2-105(A)(1)) (See SCGS Informal Policy attached)
- County plat with geographical positions for the county boundaries will be drafted, signed and sealed by a licensed South Carolina Professional Land Surveyor, and approved by the Chief of the SCGS. (SC Code Section 27-2-105(A)(4))

Backup notifications ensure all impacted know, if they didn't already, and have chance to disagree

- Within 30 days of the Chief of SCGS approving the county plat with geographical positions for the county boundary, SCGS will provide the following: (SC Code Section 27-2-105(A)(3)&(B)(1)-(4))
 - copies to the administrator of each affected county;
 - notice and copies to the public through its official website and/or other means it considers appropriate; and
 - written notification to affected parties, which include: (1) governing body of an affected county; (2) governing body of a political subdivision of the state; (3) elected official, other than a statewide elected official; (4) property owner or an individual residing in the certification zone (send certified letter to these people); (5) business entity located in the certification zone; and (6) nonresident individual who owns/leases real property situated in the certification zone. (See #1 - #4 on attached pages)
 - An affected party that disagrees with the geographic positioning of the county boundary described in statute, may file request for a contested case hearing with the SC Administrative Law Court (ALC) within 60 days of receiving notice. The party may appeal the decision of the ALC if they desire.

Geographic positions of the portion of the county boundary currently in state law takes effect

- When the plat is no longer subject to appeal, the Chief of the SCGS shall provide the geographically positioned map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the cover letter is the date the boundary takes effect. (SC Code Section 27-2-105(B)(5)-(6))

State Code updated to reflect the geographic positions of the entire county boundary

- When all portions of a county boundary are resolved, the SCGS shall prepare a unique boundary description and forward that description in a form suitable for the General Assembly to amend all of the boundaries for a county. SC Code Section 27-2-105(B)(7))

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NOTE: If two counties find through the geographic positioning process that they have been utilizing boundaries that are different than those set in statute, the counties may adjust the boundaries set in statute through annexation.

SCGS Informal Policy

Prior to SCGS starting their work, SCGS notifies the administrators of the effected counties. The county administrator will create a delegation of other officials to work with the SCGS on the project. If assistance from the county is provided, it is done so as a mutual agreement between the county administrator and the SCGS. The SCGS will work to collect historical land records for documentary evidence of boundaries and perform fieldwork to locate monuments and corroborating evidence and position on State Plane Coordinates.

When SCGS has preliminary findings regarding the boundaries, SCGS shares these findings with the county administrator and delegation. This information is shared to identify any impacts to property owners. If property owners are impacted by the clarification of the boundary, a collaborative decision is made between the SCGS and the counties on the necessity of a public meeting. Letters of notification are sent to the impacted individuals. Contained within the letter is the purpose and explanation of the project, and the time, date, and location of the public meeting. This will be done prior to SCGS certifying a final plat of survey.

Once county delegations and county councils are satisfied that all issues have been resolved, the SCGS completes the project by certifying the plat of the clarified county boundary. At that time, the certified plat is provided to the appropriate parties pursuant to SC Code Section 27-2-105(A)(3) (i.e., copies to administrators, written notification to affected parties, etc.). When an affected party receives this written notification, said party has 60 days to file an appeal and request for a contested case hearing with Administrative Law Court (ALC). After the 60 day filing process ends, and if no appeals are filed, a cover letter from the Chief of the SCGS is signed identifying the project as complete. The certified plat of survey, along with the cover letter, is submitted to the SC Secretary of State, each county's Register of Deeds Offices, and the SC Department of Archives.

#1 - Non-Impact Notification sent via U.S. Mail

SCGS classifies property owners as “non-impact” when they are minimally affected, their residence or business is not found to be in the adjacent county or the majority of their property is not found to be in the adjacent county. Those that will not experience any change to their circumstances. SCGS generally works with the counties to determine who is not impacted and who is significantly impacted.

Sample Letter

CHAD WALLDORF, Chairman
HOWELL CLYBORNE, JR.
EMERSON F. GOWER, JR.

SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

FRANK A. RAINWATER
Executive Director

June 13, 2017

Re: 400 Old Island Ford Road, Spartanburg County: TMS/PID 2-08-00-076.00

Dear Sir or Madam,

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

Please consider this letter the official notification that the re-established survey has been certified as of June 13, 2017. The certified plat of this re-establishment survey may be found on the SCGS' website:

http://rfa.sc.gov/geodetic/cb_projectlist/cherspar and at the respective counties Assessor's office. If you would like to review the plat, in person, please call those offices to schedule an appointment; Cherokee: (864)487-2552 and Spartanburg: (803)684-8526.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm.

The reason for this letter is two-fold:

The first reason is to inform you of how the re-established Cherokee-Spartanburg boundary will/might affect you as a property owner. Included, with this letter, is an aerial photograph showing your property, the re-established Cherokee-Spartanburg county line and the parcel (property) lines used by each county.

For the property referenced in this letter, we perceive no significant impacts. A significant impact is defined as a residence or place of business being found in a different county based on the proposed re-established boundary.

The second reason is to inform you that you may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the SCGS or their consultants, and then the ACL will render a ruling.

Contact information for the ALC is:

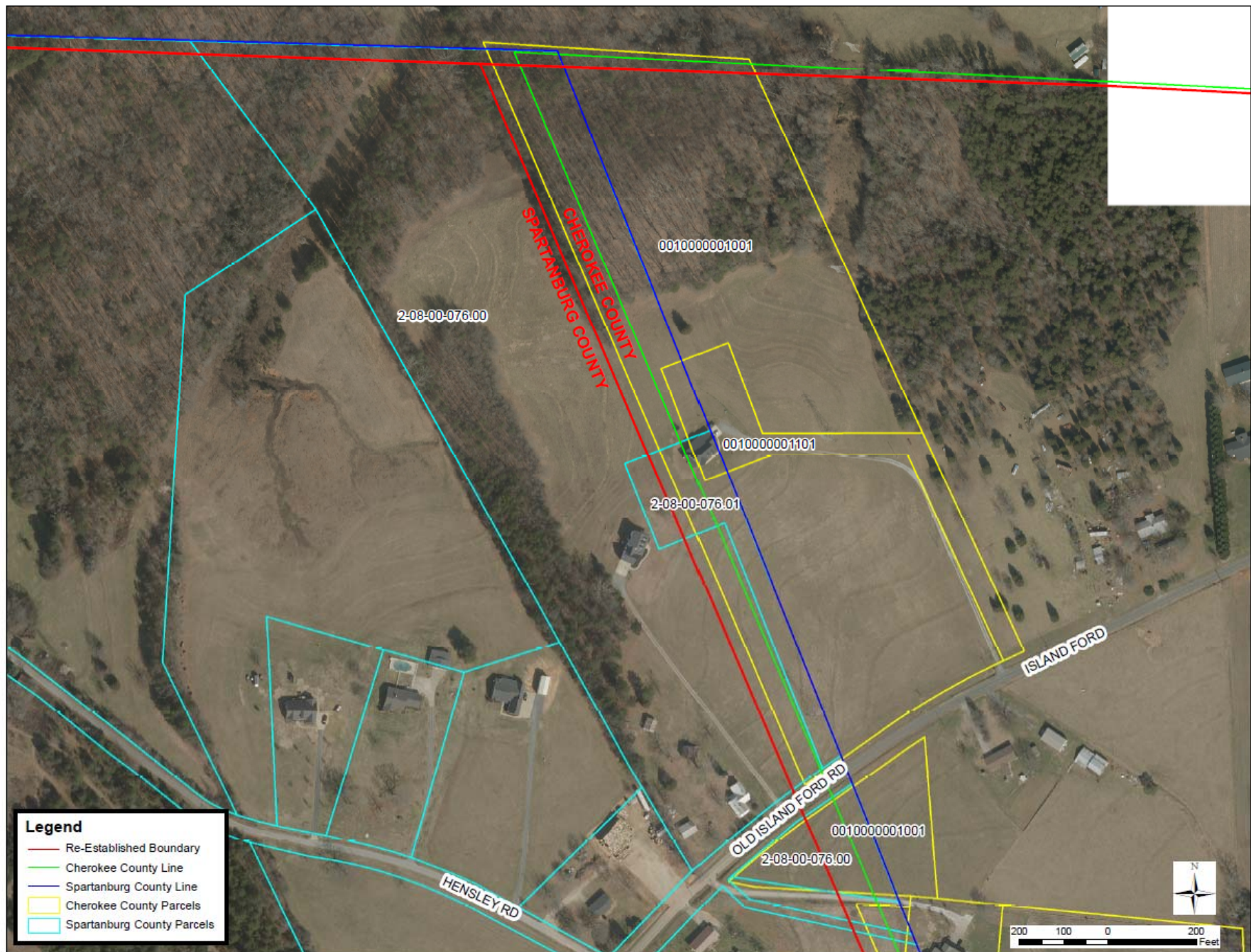
South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201
Voice: (803) 734-0550; Fax (803) 734-6400; Website: <http://www.scalc.net/>

If you own several parcels along the re-established boundary, you may receive several letters from this agency. Please let us know if you are not the current owner of this property. If any of this property is leased, using the contact information below, please provide us with the name and address of the current tenants of this property.

Cordially,



David K. Ballard, PLS
Manager, County Boundary Program
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
(803) 896-7710;
Email: david.ballard@rfa.sc.gov



The above information was verified as accurate by Revenue and Fiscal Affairs via email on July 12 and 18, 2017.

#2 - Significant Impact Notification sent via Certified Mail, Return Receipt Requested

SCGS classifies property owners as "significant impact" when they are found to be in the adjacent county or the majority of their property is found to be in the adjacent county. SCGS generally works with the counties to determine who is not impacted and who is significantly impacted.

Sample Letter

CHAD WALLDORF, Chairman
HOWELL CLYBORNE, JR.
EMERSON F. GOWER, JR.

SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE

FRANK A. RAINWATER
Executive Director

June 13, 2017

Re: 284 Green Valley Dr, Spartanburg County: TMS/PID 2-19-00-197.00

Dear Sir or Madam,

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

Please consider this letter the official notification that the re-established survey has been certified as of June 13, 2017. The certified plat of this re-establishment survey may be found on the SCGS' website: http://rfa.sc.gov/geodetic/cb_projectlist/cherspar and at the respective counties Assessor's office. If you would like to review the plat, in person, please call those offices to schedule an appointment; Cherokee: (864)487-2552 and Spartanburg: (803)684-8526.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm.

The reason for this letter is two-fold:

The first reason is to inform you of how the re-established Cherokee-Spartanburg boundary will/might affect you as a property owner. Included, with this letter, is an aerial photograph showing your property, the re-established Cherokee-Spartanburg county line and the parcel (property) lines used by each county.

For the property referenced in this letter, it appears that there is or may be a significant impact. A significant impact is defined as a residence or place of business being found in a different county based on the proposed re-established boundary.

The second reason is to inform you that you may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the SCGS or their consultants, and then the ACL will render a ruling.

Contact information for the ALC is:

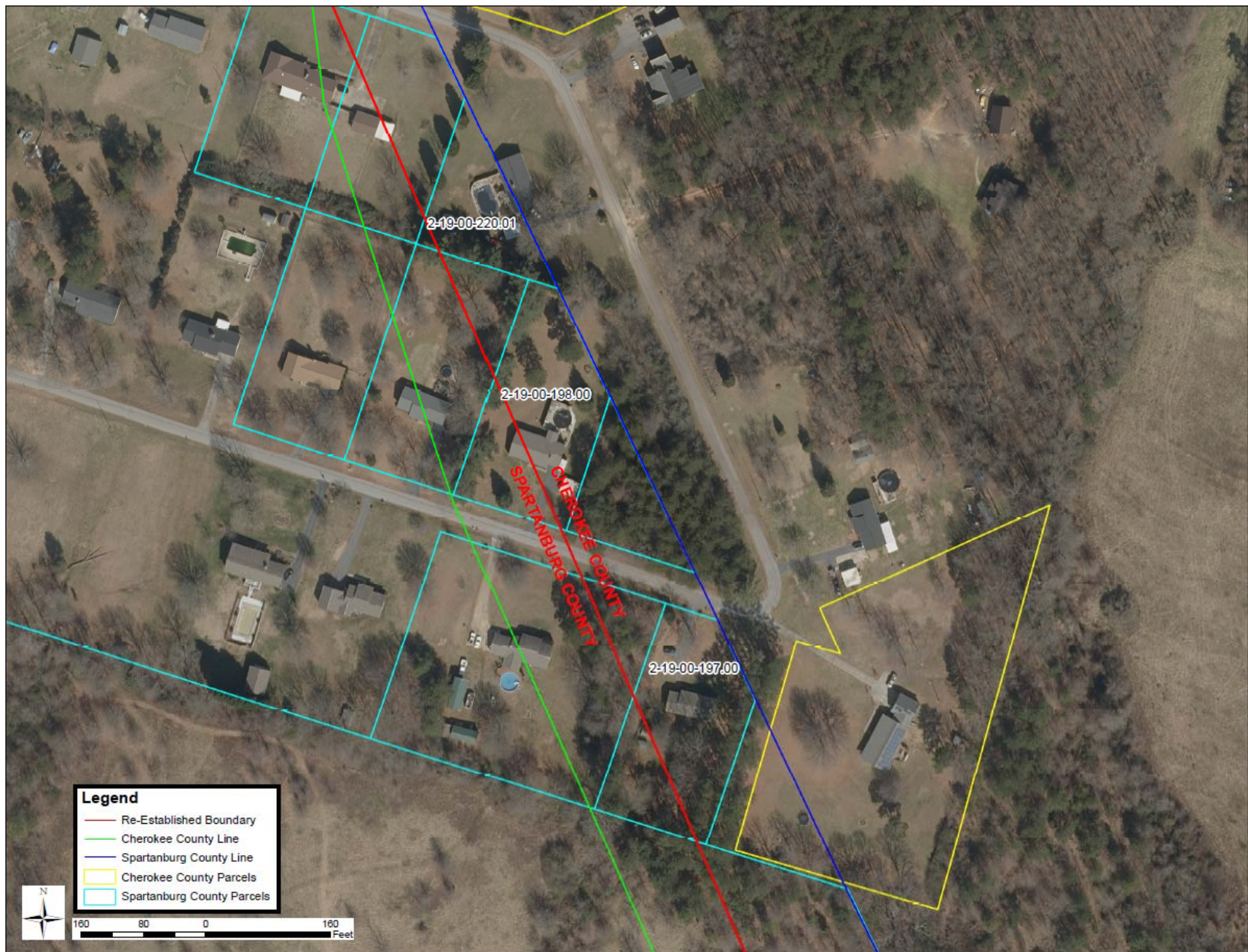
South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201
Voice: (803) 734-0550; Fax (803) 734-6400; Website: <http://www.scalc.net/>

If you own several parcels along the re-established boundary, you may receive several letters from this agency. Please let us know if you are not the current owner of this property. If any of this property is leased, using the contact information below, please provide us with the name and address of the current tenants of this property.

Cordially,



David K. Ballard, PLS
Manager, County Boundary Program
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
(803) 896-7710;
Email: david.ballard@rfa.sc.gov




The above information was verified as accurate by Revenue and Fiscal Affairs via email on July 12 and 18, 2017.

#3 - Agency Notification sent via Email

When the first county boundary line was being geographically positioned the Director of Revenue and Fiscal Affairs sent an email to all State Agency heads and asked if they would like to be notified directly or would assign someone as a point of contact. Some agencies responded that they did not want notification.

The list of agencies that wanted notification, and are provided notification, are as follows: (1) Department of Social Services); (2) State Election Commission; (3) Judicial Department; (4) Department of Transportation; (5) University of South Carolina; (6) Clemson University; (7) SC Forestry Commission; (8) SC Commission on Indigent Defense; (9) SC Patients' Compensation Fund; (10) SC Conservation Bank; (11) Department of Corrections; (12) State Law Enforcement Division (SLED); (13) Court Administration; and (14) Department of Disabilities and Special Needs.

Sample Email



Mon 7/3/2017 11:30 AM
Ballard, David <David.Ballard@rfa.sc.gov>
Certification of the Re-establishment of a portion of the Cherokee Spartanburg and Cherokee York Boundaries

To: Derrick, Barbara; Leach, Brian; Chief Justice-elect Donald Beatty; Hall, Christy; Derrick Huggins; Emily Watts (wattsek@scdot.org); Gerald Vander Mey; Harry Blount; Snider, Howard; Ryan, Hugh; James D. Scurry; Jeffrey L. Baumann; John Harmon; Laura Haselden; Brown, Lawrence; Paul Magargle; Randy B. Bradley; Richard Lacy; Rosalyn Frierson; Sharon Scott; Tanya DeOliveira; Coston, Terry; Terry Parham; Tom Osmer; Waring, Tom; Yelena Kalashnikova

Cc: Rainwater, Frank; Wellslager, Matt

Dear Sirs or Madams,

The South Carolina Geodetic Survey (SCGS), a section of the Revenue and Fiscal Affairs Office (RFA), was authorized via Act 262 of 2014 to clarify and monument the locations of county boundaries as they are defined in SC Code of Laws. A letter from the Executive Director of the Revenue and Fiscal Affairs Office (RFA) was sent to your agency's director asking if they, or someone within your agency, should be notified when sections of county boundaries have been re-established/clarified. If a reply in the affirmative was received by us, you were added to a group mail out list for notification.

Please consider this the official notice to "Affected Parties," as required by the SC Code of Law; Section 27-2-105. A section of boundary between Cherokee and Spartanburg Counties and Cherokee and York Counties has been re-established and the plats of survey have been certified by a contractor working for the SCGS and by the SCGS. A public meeting was held in the Spartanburg County Council Chambers on April 6th, regarding the Cherokee/Spartanburg boundary and it went well. SCGS and county officials were able to address the concerns of the citizens that were present, the biggest concern being if resident's children will be able to continue going to their present schools. The adjacent school districts were able to work out a solution to allow the children to continue attending classes in their current school districts until graduation. Also, A public meeting was held in the Cherokee County Council Chambers on May 18th, regarding the Cherokee/York boundary and it went well.

Jurisdictionally there were approximately 20 significant impacts or changes of residences or buildings from one county to another on the Cherokee Spartanburg section. There were around 9 on the Cherokee York section.

The certified surveys, presentation, and historical information have been posted:

Cherokee Spartanburg- http://rfa.sc.gov/geodetic/cb_projectlist/cherspar
Cherokee York- http://rfa.sc.gov/geodetic/cb_projectlist/cheryork

You may appeal the determination of the re-establishment survey with the South Carolina Administrative Law Court (ALC) by filing a "Request for Contested Case Hearing FORM." There will be a \$150 fee associated with the filing, per Administrative Law Court Rule 71C. As per Act 262 of 2014 there is a 60-day window for appeal from the date of this letter. The ACL will review any evidence that you may have to refute the findings of the re-establishment survey, the ACL will also review the evidence used by the SCGS or their consultants, and then the ACL will render a ruling.

Contact information for the ALC is:

South Carolina Administrative Law Court; Edgar A. Brown Building; 1205 Pendleton Street; Columbia, SC 29201
Voice: (803) 734-0550; Fax (803) 734-6400; Website: <http://www.scalc.net/>

You are welcome to contact me to discuss this boundary.

David K. Ballard, PLS
South Carolina Geodetic Survey
5 Geology Rd
Columbia, SC 29212
803.896.7710 (Office)
803.466.7999 (Mobile)
david.ballard@rfa.sc.gov
<http://rfa.sc.gov/geodetic>

The above information was verified as accurate by Revenue and Fiscal Affairs via email on July 12 and 18, 2017.

#4 - Elected Officials Notification sent via U.S. Mail

Elected Officials notified include: (1) Senator(s); (2) Representatives; (3) Clerks of Court; (4) County Council Members; (5) County Treasurers; (6) School District Board Members; (7) Sheriff; (8) Coroner; (9) Solicitor; (10) State Treasurer; and (11) State Auditor.

Sample Letter

EDWARD B. GRIMBALL, Chairman
HOWELL CLYBORNE, JR.
EMERSON F. GOWER, JR.



FRANK A. RAINWATER
Executive Director

July 5, 2017

Re: *Re-establishment/Clarification of a Portion of the Cherokee/Spartanburg County Line*

Dear Jackie Williams,
Treasurer

The South Carolina Geodetic Survey (SCGS), a section of the Revenue and Fiscal Affairs Office, has begun a systematic program to re-establish South Carolina's county boundaries in accordance with the statutory descriptions. Throughout the state of South Carolina there is uncertainty and misinformation regarding the location of county boundaries, causing confusion about jurisdiction.

In the fall of 2013, Cherokee County and Spartanburg County contacted the South Carolina Geodetic Survey (SCGS) requesting the SCGS's assistance to clarify and re-establish their common boundary. Uncertainty regarding the location of the boundary that was established by the creation of Cherokee County in 1897 is causing confusion about jurisdiction. So that this confusion will not continue, Cherokee and Spartanburg counties committed to accurately determining the location of the boundary as defined by the SC Code of Laws, marking it with proper monuments, and referencing it to geographic coordinates.

The SCGS presented its findings and work performed in re-establishing the Cherokee-Spartanburg boundary at a public meeting. The meeting was held in the Spartanburg County Council Chambers, 366 N. Church Street, Main Level Suite 1000; Spartanburg, South Carolina 29303 on April 6th at 6:00 pm. SCGS and county officials were able to address the concerns of the citizens that were present, the biggest concern being if resident's children will be able to continue going to their present schools. The adjacent school districts were able to work out a solution to allow the children to continue attending classes in their current school districts until graduation.

Jurisdictionally there were approximately 20 significant impacts or changes of residences or buildings from one county to another on the Cherokee Spartanburg section.

Please consider this the official notice to "Affected Parties," as required by the South Carolina Code of Law §27-2-105. The re-established survey has been certified as of June 13, 2017. The certified surveys, presentation, and historical information have been posted on the SCGS' website: http://rfa.sc.gov/geodetic/cb_projectlist/cherspar. Anyone who disagrees with the certified surveys may appeal this determination to the Administrative Law Courts pursuant to §27-2-105.

If you have any questions, please feel free to contact us.

Cordially,

A handwritten signature in blue ink, appearing to read "DKB", written over a circular stamp.

David K. Ballard, PLS
Manager, County Boundary Program
SC Geodetic Survey
5 Geology Road
Columbia, SC 29212
(803) 896-7710
Email: david.ballard@rfa.sc.gov