

## Nuisance Protection: Agreement Recording, GIS, and Record Notice of Proximity

### Why are these important?

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## Nuisance Protection

- Various elements can help mitigate and decrease complaints and litigation
- May not prevent all actions, or guarantee favorable outcome
- Allows departments and agencies to track districts
- Record notice of proximity, maps, signs, statements, plat designations

## Planning with Districts

- Tracking important for current and future land use planning
- State and local agencies need to know where districts exist
- Can help avoid conflicts and complaints

## Record Notice of Proximity

§ 106-741. Record notice of proximity to farmlands.

- (a) Any county that has a computerized land records system may require that such records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a poultry, swine, or dairy qualifying farm or within 600 feet of any other qualifying farm or within one-half mile of a voluntary agricultural district.
- Does not mean that you will win in litigation, but may force plaintiff to cover costs associated with mitigating the nuisance
  - No program is known have information attached to the title of the property at this time

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## Recording of Conservation Agreements

- Required under N.C.G.S. § 121-42
- Many programs do not do this yet, although some are planning to start
- Must be done in conjunction with Register of Deeds Office

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## GIS

- Shows the location of districts/farms – and buffers
- Needs to be updated with additions and withdrawals
- Used in conjunction with paper maps
- Relationship between administering agency, register of deeds, and GIS department required

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## Conclusion

- Record notice provision, recording of agreements, and GIS can all work together
- Work with members of community before process is started
- Work with departments and agencies to form system, before program begins if possible