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### MEMORANDUM

August 10, 1981

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TO: The Clerks of the Circuit Courts of Maryland

FROM: Bonnie A. Travieso, Assistant Attorney General

SUBJECT: Real Property Article, §3-108(c)(2)

There have been a number of questions raised concerning the effect of §3-108(c)(2) as recently amended by Chapter 99 of the Laws of 1981. That section now provides that every subdivision plat filed in the land records:

...shall be submitted for recordation using black ink in transparent mylar, or linen or black-line photo process comparable to original quality that will conform to archival standards. ...

This amendment affects three changes. First, it permits the filing of plats on mylar rather than linen. Secondly, it requires that all plats be drawn in black ink or black line photo process, whether on mylar or linen. And finally, it requires that any plats produced by black-line photo process conform to archival standards.

There has been a good deal of confusion caused by the phrase "black ink on transparent mylar, or linen" and some have questioned whether black ink is required on linen. I feel that

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the intention of the legislature clearly was to require black ink on mylar and on linen and that is the interpretation which should be adopted.

Another recurring question is what grade of mylar is acceptable. After consultation with Dr. Edward C. Pappenfuse, State Archivist, and Robert L. Ward, Program Director of the Property Map Division of the Department of Assessments and Taxation, I have concluded that the minimum acceptable thickness is 3 mil. (.003 inches) and the maximum acceptable thickness is 5 mil. (.005 inches).

Because the change in the law may create hardship where a plat has been drawn before July 1, 1981, I see no reason why you cannot accept non-conforming plats which had been submitted to the county planning board or similar agency before the effective date of the act. Dr. Pappenfuse has indicated that this will be acceptable to him.

I hope this clears up some of the confusion generated by this enactment. If you have any further questions, please feel free to call me.

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cc: Dr. Edward C. Pappenfuse, State Archivist  
Robert L. Ward, Program Director  
Property Map Division  
Department of Assessments and Taxation