

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
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PRINCIPAL CLERK

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SENATE BILL DRS15186-MW-75

Short Title: Req. DOT to Indemnify Wilmington for Map Act. (Public)

Sponsors: Senator Lee (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO INDEMNIFY
3 THE CITY OF WILMINGTON AND THE WILMINGTON URBAN AREA
4 METROPOLITAN PLANNING ORGANIZATION FOR MAP ACT DAMAGES

5 Whereas, the proposed Hampstead Bypass (R-3300) extends from the Wilmington
6 Bypass in New Hanover County to U.S. Highway 17 in Pender County; and

7 Whereas, the Transportation Corridor Official Map Act, Article 2E of Chapter 136 of
8 the General Statutes (Map Act), authorized local governments, the North Carolina Department
9 of Transportation (NCDOT), the North Carolina Turnpike Authority, regional transportation
10 agencies, and the Wilmington Urban Area Metropolitan Planning Organization (WMPO) to
11 preserve and protect transportation corridors; and

12 Whereas, due to the possibility of encroaching development and to protect and
13 preserve a transportation corridor for the Hampstead Bypass, the WMPO adopted a transportation
14 corridor official map on November 16, 2011; and

15 Whereas, the WMPO had the corridor protection map filed with the New Hanover
16 County and Pender County Register of Deeds; and

17 Whereas, even though the WMPO filed the corridor protection map, it did so acting
18 on behalf of and in concert with the NCDOT; and

19 Whereas, S.L. 2015-151, enacted on July 16, 2015, provided that the NCDOT shall
20 defend, indemnify, and hold harmless the WMPO and its members for claims arising out of
21 actions taken by the WMPO pursuant to the Map Act; and

22 Whereas, S.L. 2019-35, enacted on June 21, 2019, repealed the Map Act and thereby
23 repealed the indemnification of the WMPO by the NCDOT; and

24 Whereas, to reinstate these protections upon which the WMPO relied in furthering
25 the construction of the Hampstead Bypass; and

26 Whereas, the City of Wilmington also adopted and filed transportation corridor
27 official maps for Military Cutoff Road (U-4751) and the Martin Luther King/Kerr Ave. Project
28 (U-3338); and

29 Whereas, the City of Wilmington filed these corridor protection maps for and on
30 behalf of the NCDOT; and

31 Whereas, the Map Act and G.S. 160A-458.4 were repealed after the City of
32 Wilmington filed these corridor protection maps; Now, therefore,
33 The General Assembly of North Carolina enacts:

34 **SECTION 1.** The Department of Transportation shall defend, indemnify, and hold
35 harmless the Wilmington Urban Area Metropolitan Planning Organization and its members
36 against any claims, civil actions, and proceedings arising out of the filing or amendment of a



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1 transportation corridor official map in accordance with Article 2E of Chapter 136 of the General
2 Statutes, as it existed before its repeal, for the proposed Hampstead Bypass (R-3300) that extends
3 from the Wilmington Bypass in New Hanover County to U.S. Highway 17 in Pender County.

4 **SECTION 2.** The Department of Transportation shall defend, indemnify, and hold
5 harmless the City of Wilmington and its members and employees against any claims, civil
6 actions, and proceedings arising out of the filing or amendment of all transportation corridor
7 official maps, including for Military Cutoff Road (U-4751) and the Martin Luther King/Kerr
8 Ave. Project (U-3338), filed by the City of Wilmington in accordance with Article 2E of Chapter
9 136 of the General Statutes and G.S. 160A-458.4 as they existed before their repeal.

10 **SECTION 3.** This act is effective when it becomes law and applies retroactively to
11 June 13, 2019.