GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

S SENATE BILL 398

Short Title:	Req. DOT to Indemnify Wilmington for Map Act.	(Public)
Sponsors:	Senator Lee (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

March 31, 2021

A BILL TO BE ENTITLED

 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO INDEMNIFY THE CITY OF WILMINGTON AND THE WILMINGTON URBAN AREA METROPOLITAN PLANNING ORGANIZATION FOR MAP ACT DAMAGES

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

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

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

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

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

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

Whereas, S.L. 2019-35, enacted on June 21, 2019, repealed the Map Act and thereby repealed the indemnification of the WMPO by the NCDOT; and

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

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

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

Whereas, the Map Act and G.S. 160A-458.4 were repealed after the City of Wilmington filed these corridor protection maps; Now, therefore,

The General Assembly of North Carolina enacts:

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



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

SECTION 2. The Department of Transportation shall defend, indemnify, and hold

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

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