



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

DATE: March 22, 2022

TO: Joint Legislative Transportation Oversight Committee

FROM: Daniel Johnson  
General Counsel

SUBJECT: Map Act Report

Pursuant to Section 34.9 of S.L. 2018-5, the North Carolina Department of Transportation (NCDOT) makes the following account of all claims and causes of action seeking compensation for damages arising from the recordation of a transportation corridor map under Article 2E of Chapter 136 of the General Statutes as of the date of this report.

The Transportation Corridor Official Map Act (Map Act) was enacted in 1987 to provide NCDOT with the authority to record corridor maps that imposed restrictions on a landowner's rights to improve, develop, and subdivide property within the corridor, which restrictions may remain indefinitely. The Map Act did not require NCDOT to purchase the property at the time of the filing of a future corridor map.

Starting in 1989, NCDOT filed 27 separate maps that affected approximately 8,500 parcels of land. In June of 2016, the North Carolina Supreme Court ruled that the filing of a transportation corridor map pursuant to the Map Act resulted in a taking of the property owners' rights to improve, develop and subdivide their property. Under state law, whether a property owner should be paid for the property -- and how much -- are determined on a case-by-case basis. NCDOT has completed 15 road projects involving approximately 3,500 of these parcels more than two years ago, which should bar any claims for damages due to the statute of limitations.

Of the 5,000 parcels that have remained vulnerable to an inverse condemnation claim due to Map Act restrictions, the NCDOT has acquired approximately 4,079 parcels through either direct acquisition of the property or settlement of inverse condemnation lawsuits at a total cost of approximately \$989,991,946 million. Approximately \$596 million dollars of that sum has gone to settle 657 such inverse condemnation lawsuits; 50 of these lawsuits are pending. It is anticipated that it may cost up to approximately \$75 million to resolve the remaining, filed claims. One claim is on appeal from a preliminary hearing.

The Department has paid contracted legal counsel \$16,081,127 in relation to Map Act claims and causes of action.

If you have any further questions, please contact me at 919-707-2829 or [dhjohnson4@ncdot.gov](mailto:dhjohnson4@ncdot.gov).

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