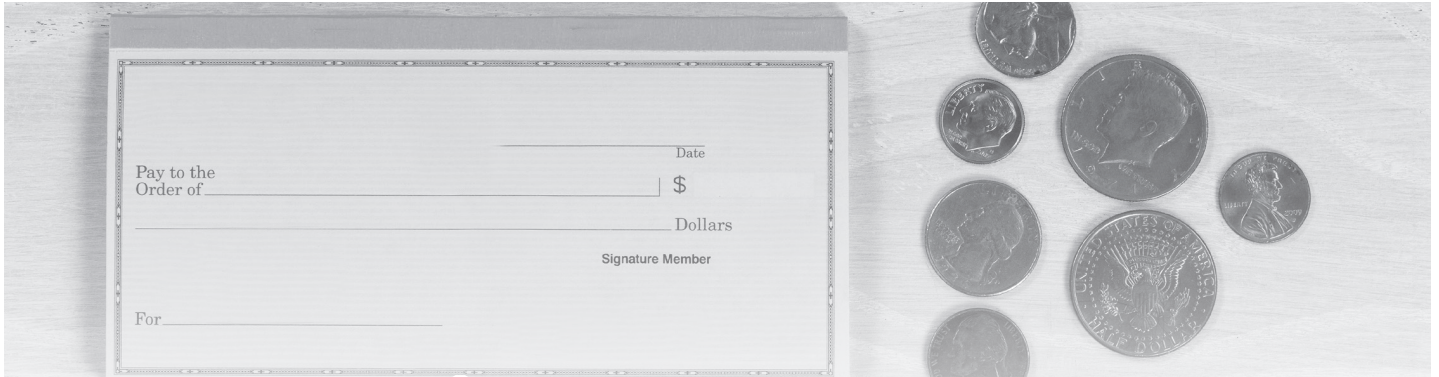


NORTH CAROLINA LAWYERS WEEKLY

OCTOBER 5, 2015 | VOL. 28, NO. 31 | NCLAWYERSWEEKLY.COM | \$9.00 PER COPY



NCDOT pays \$652K* to settle Map Act case *Siblings waited nearly 20 years for payment*

■ PHILLIP BANTZ

They had to wait nearly two decades for the check, but two siblings have received compensation from the North Carolina Department of Transportation for damage that was done to their family farmland in an eminent domain action.

Two other siblings in the Hatcher family died before the \$652,862 settlement was reached earlier this year, according to Durham attorney Jason Campbell, who represented the surviving siblings.

Both are now in their 70s, he said. The DOT identified a portion of their 78-acre farm in Guilford County as being in the path of the proposed Greensboro Urban Loop beltway in a Map Act filing in 1996.

DOT officials have used the Map Act to freeze property development and drive down the cost of land that will, at some point, be taken for proposed road projects. Now, though, a ruling from the state Court of Appeals in Kirby has turned the tables on the DOT by requiring the agency to pay for property that has been damaged by the Map Act. The state is facing hundreds of lawsuits from property owners as it appeals the decision.

"They [DOT officials] can wait until it's the right time for them, regardless of whether it's the right or wrong time for you," Campbell said of the state's use of the Map Act. "They can string you along for a long time."

EMINENT DOMAIN

MAP ACT

Amount: \$652,862

Case name: NCDOT v. Dewey Hatcher, et. al.

Court: U.S. District Court, Anderson

Case number: 13-CVS-8107

Mediator: Thomas Duncan

Date of settlement: Approved July 30; payment received Aug. 4

Attorney for plaintiff: Hilda Burnett-Baker of Raleigh

Attorneys for defendant: Jason Campbell, Stanley Abrams and Kenneth Bryan of the NC Eminent Domain Law Firm in Durham

Developers had been interested in buying the Hatchers' land, but backed away after learning of the Map Act filing, according to Campbell. He said the siblings had received offers as high as \$40,000 an acre in the mid-2000s.

But when the state finally condemned 13 acres of the siblings' farmland to build the beltway, DOT officials only offered less than \$250,000 based on an appraised value of \$8,000 an acre, Campbell said. He argued that in taking the 13 acres for the beltway, the DOT also damaged the remaining property.

"This was beautiful farmland and the DOT ran a freeway through it from one corner to the next," he said. "If you have a roach in your salad you're not going to pluck it out and eat the rest."

Noelle Talley, a spokeswoman for the state Attorney General's Office, which represented the DOT, declined to comment. An attempt to speak with DOT spokesman Mike Charbonneau also was unsuccessful.

The DOT had argued that the Hatchers' land was not worth as much as they thought because it lacked access to the municipal sewer system, which would hinder dense development on the property.

But the city of Greensboro undermined the DOT's argument when it asserted that the property could be connected to the sewer line for an adjoining subdivision, Campbell said.

The revelation led to the settlement on the eve of trial.

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**Each case is unique and must be evaluated on its individual merits. Past results do not guarantee future outcomes.*