

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-41
SENATE BILL 490**

AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO ALLOW THE CITY MANAGER TO SETTLE CLAIMS AGAINST THE CITY WHEN THE AMOUNT OF THE CLAIMS DO NOT EXCEED THE CITY'S INSURANCE DEDUCTIBLE.

The General Assembly of North Carolina enacts:

SECTION 1. Section 29.1 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, is repealed.

SECTION 2. Section 29.2 of the Charter of the City of Wilmington, being Chapter 495 of the 1977 Session Laws, as amended by Chapter 617 of the 1981 Session Laws, reads as rewritten:

"Sec. 29.2. Settlement of claims by city manager. The city manager may settle claims against the city for:

(1) Personal injury or for damages to property when the amount involved does not exceed the sum of ~~twenty five hundred dollars (\$2500)~~, two thousand five hundred dollars (\$2,500) or such other amount approved by the city council, and does not exceed the actual loss sustained, including loss of time, medical expenses, and any other expense actually incurred; and

(2) The taking of small portions of private property which are needed for street or utility rights-of-way, or rounding of corners at street intersections, or storm sewer rights-of-way, when the amount involved in any such settlement does not exceed the sum of ~~twenty five hundred dollars (\$2500)~~, two thousand five hundred dollars (\$2,500) or such other amount approved by the city council, and does not exceed the actual loss sustained.

Settlement of a claim by the city manager pursuant to this section shall constitute a complete release of the city from any and all damages sustained by the person involved in such settlement in any manner arising out of the accident, occasion, or taking complained of. All such releases shall be approved by the city attorney."

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 14th day of May, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives