

# **Bond Case Briefs**

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## **INVERSE CONDEMNATION - NORTH CAROLINA**

### **Bell v. City of New Bern**

**Court of Appeals of North Carolina - May 6, 2014 - Slip Copy - 2014 WL 1795136**

Landowners sued the Town of Trent Woods for inverse condemnation, negligence, nuisance, trespass, and a permanent injunction, arising out of flooding damage allegedly caused by the construction of a sewer pump station on an intense watershed overflow lot and inadequate storm drain pipes.

Trent Woods' claimed that it was entitled to governmental immunity

The Court of Appeals held that a review of plaintiffs' complaint established that the actions giving rise to plaintiffs' claims involved the negligent maintenance of Trent Woods' storm drainage system.

Because it is well established that municipalities are not performing governmental acts when maintaining storm drains, governmental immunity does not apply, and the trial court properly denied the motion to dismiss based on governmental immunity.