

Bond Case Briefs

Municipal Finance Law Since 1971

EMINENT DOMAIN - SOUTH CAROLINA

South Carolina Department of Transportation v. Powell

Supreme Court of South Carolina - August 8, 2018 - S.E.2d - 2018 WL 3748876

The Department of Transportation (DOT) filed a condemnation notice.

The Circuit Court granted partial summary judgment and determined that landowner was not entitled to compensation for any diminution in value of his remaining property due to the rerouting of a major highway which previously was easily accessible from his property. Landowner appealed. The Court of Appeals affirmed. Landowner appealed.

The Supreme Court of South Carolina held that a genuine issue of material fact existed as to the amount of compensation landowner was entitled to for any diminution in the value of his remaining property as a result of the State's taking of property through condemnation action.

A genuine issue of material fact existed as to the amount of compensation landowner was entitled to for any diminution in the value of his remaining property as a result of the State's taking of property through condemnation action, precluding summary judgment in action to determine just compensation for landowner following a taking to reroute major highway, which eliminated landowner's easy access to highway.