

Bond Case Briefs

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EMINENT DOMAIN - SOUTH CAROLINA

Carolina Convenience Stores, Inc. v. City of Spartanburg

Supreme Court of South Carolina - August 31, 2016 - S.E.2d - 2016 WL 4537656

Convenience store owner brought inverse condemnation and negligence against city following city police department's bulldozing of a section of the store to gain access to a suspect who had fled into the store and taken an employee hostage.

The Circuit Court granted summary judgment in favor of city on inverse condemnation claim and entered judgment on jury verdict in favor of city on negligence claim. Store owner appealed. The Court of Appeals affirmed. Store owner petitioned for writ of certiorari, which was granted.

On an issue of apparent first impression, the Supreme Court of South Carolina held that city's actions in bulldozing section of convenience store to gain access to suspect who had fled into store and taken employee hostage was not compensable taking.

City's actions in bulldozing section of convenience store to gain access to suspect who had fled into store and taken an employee hostage did not constitute a compensable taking through inverse condemnation pursuant to the state constitution. Framers of the state constitution did not intend that law enforcement operate under the fear that their actions could lead to takings-based liability.