

Bond Case Briefs

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EMINENT DOMAIN - SOUTH CAROLINA

Ray v. City of Rock Hill

Supreme Court of South Carolina - August 4, 2021 - S.E.2d - 2021 WL 3378945

Landowner brought action against city for trespass and inverse condemnation arising from city's piping stormwater under her house.

The Circuit Court granted summary for city on inverse condemnation claim, after which the Circuit Court directed a verdict for city on trespass claim. Landowner appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. City petitioned for writ of certiorari, which was granted.

The Supreme Court held that:

- Factual issues about city's reconnection of city pipes to stormwater catch basin precluded summary judgment on inverse condemnation claim, but
- Statute of limitations barred recovery for damage caused by flow of water before city reconnected pipes.

Genuine issues of material fact existed as to whether city's reconnection of three city pipes to stormwater catch basin, which allowed water to resume flowing through pipe under landowner's house, was an affirmative, positive, aggressive act by city resulting in damage to landowner's property, precluding summary judgment on landowner's inverse condemnation claim.

Landowner's right of action against city for inverse condemnation was limited to three years from date she discovered, or by exercise of reasonable diligence should have discovered, she might have had a claim against city for city's piping stormwater under her house.