
EMINENT DOMAIN - SOUTH CAROLINA

Applied Building Sciences, Inc. v. South Carolina Department of Commerce, Division of Public Railways

Supreme Court of South Carolina - January 17, 2024 - S.E.2d - 2024 WL 174157

Engineering firm that was tenant in building condemned for public use asserted an inverse condemnation claim against Division of Public Railways, as condemnor, seeking reimbursement of reestablishment expenses.

The Circuit Court granted Division's motion for summary judgment. Firm appealed, and case was certified for review.

The Supreme Court held that:

- Reestablishment expenses related to the moving of small businesses, farms, and non-profit organizations are separate from constitutional just compensation, and
- The $50,000 statutory limit on reimbursement of reestablishment expenses does not violate the federal and state takings clauses.

Reestablishment expenses related to the moving of small businesses, farms, and non-profit organizations due to a condemnation for public use are separate from constitutional just compensation in an eminent domain action.

The $50,000 statutory limit on reimbursement of reestablishment expenses related to the moving of small businesses, farms, and non-profit organizations due to a condemnation for public use does not violate the takings clauses of the Federal and State Constitutions.

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