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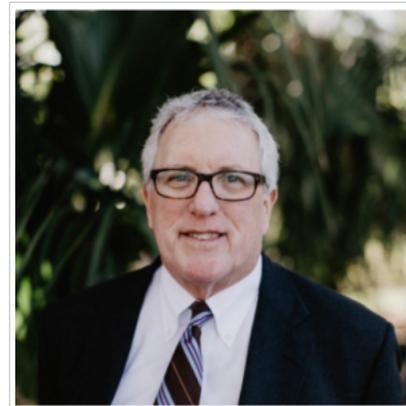
Developers settle eminent domain claim for \$3.25M

By: Bill Cresenzo ◉ March 30, 2021

The South Carolina Department of Transportation has paid \$3.25 million to settle an eminent domain claim with property developers after it installed a median that limited access to an 80-acre tract in Berkeley County, the developers' attorneys report.

Richard Bybee and Jeffrey Tibbals of Bybee & Tibbals of Mount Pleasant report that the DOT filed the condemnation action in 2016 so it could build a new mile-long median on Clements Ferry Road, which fronts the property. The property's owners had planned to develop the 80 acres into a retail and a housing development, Bybee said.

Before the median was replaced, the property had multiple access points that would have allowed traffic to turn left into the property. The new road configuration offers only one access point, without a dedicated turning lane, and at a spot that fronted wetlands on the property.



Since the new configuration diminishes access to the property, it reduced the property's fair market value. The DOT's initial proposal for the reduction in value was only \$98,000. Bybee said. Ultimately the two sides settled for the \$3.25 million figure in February.



The developers still plan to develop the property in some fashion but are still figuring out how to proceed, Bybee said. Tibbals

David Pagliarini of Hinchey, Murray & Pagliarini in Charleston represented the DOT. He could not be reached for comment.

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SETTLEMENT REPORT – EMINENT DOMAIN**Amount:** \$3.25 million**Injuries alleged:** Reduction of access to 80-acre property**Case name:** South Carolina Department of Transportation vs. McAlister-Togant ClementsFerry, LLC, Hofford Cainhoy, LLC, Bennett Cainhoy I, LLC, Bennett Cainhoy II, LLC and First Federal Savings & Loan Association, of Charleston,**Court:** Berkeley County Circuit Court**Case No.:** 2016-CP-08-203**Date of settlement:** Feb. 21**Mediator:** Marvin Infinger of Charleston**Attorneys for defendants:** Richard Bybee and Jeffrey Tibbals of Bybee & Tibbals in Mount Pleasant**Attorney for plaintiff:** David Pagliarini of Hinchey, Murray & Pagliarini in CharlestonTagged with: EMINENT DOMAIN

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