

Utility to pay \$3.25M for strip of land in Charleston

By: David Baugher | September 13, 2021

A landowner has reached a \$3.25 million settlement with a public utility over the utility's condemnation of a 1.33-acre strip of land in Charleston, the landowner's attorneys report.

Richard Bybee and Jeff Tibbals of Bybee & Tibbals in Mt. Pleasant report that their client, Xiphias Holdings, objected to the valuation of multiple parcels of land located where South Carolina Electric and Gas Company wished to construct a transmission line for the new Hugh Leatherman Terminal.

"This was also an interesting case because the property values in that area of Charleston have been increasing significantly as the character of the neighborhood changes," Tibbals said. "It has gone from industrial to more office, retail and residential use."

He said the utility, which now does business as Dominion Energy South Carolina, Inc., initially offered only \$1,786,800, but the landowner's appraisers put the value at close to \$4 million. The major issue in the case revolved around the value of impacted buildings on the land, which are currently occupied by a sign-making business.

"It was the utility company's theory that the buildings did not enhance the value of the property," and the company contended that the land actually would have been worth considerably more had the buildings not been there, Tibbals said. "For at least one of the parcels, the appraiser for the utility company had a higher value than our appraiser, but the difference in this case was the damages."



Bybee



Tibbals

The two sides reached the settlement in June. Marvin Infinger served as mediator. The attorneys said that per the agreement the buildings would remain standing, but there would be restrictions regarding ongoing maintenance.

Sean Foerster of Rogers Townsend in Columbia and Jay Bressler of Dominion represented the utility. Neither Foerster nor the utility's media relations line responded to a request for comment on the matter.

SETTLEMENT REPORT – EMINENT DOMAIN

Amount: \$3.25 million

Injuries alleged: Taking of 1.33 acres

Mediator: Marvin Infinger

Date of settlement: June 2021

Most helpful experts: Pledger "Jody" Bishop (appraisal), Eric Tobias (structural engineer), Chappy McKay (general contractor), George E. (Jake) Knight Jr. (appraiser)

Attorneys for defendant: Richard Bybee and Jeff Tibbals of Bybee & Tibbals in Mt. Pleasant

Attorneys for plaintiffs: Sean Foerster of Rogers Townsend in Columbia and Jay Bressler of Dominion Energy South Carolina

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