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Landowner secures verdicts against town, county

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An unusual case involving two condemnation actions tied to a single property squeezed between a pair of road-widening projects ended with jury verdicts totaling almost $500,000 against Charleston County and the town of Mount Pleasant.

Rosebud Properties owns the land, which is L-shaped and abuts Bowman Road and a portion of U.S. 17 known as Johnnie Dodds Boulevard. The town was widening Bowman at the same time the county was overseeing construction on Johnnie Dodds.

Rosebud's attorney, William E. Applegate IV of Yarborough Applegate in Charleston, said both projects closed off access to his client's property, which is leased to a bicycle shop. The town filed a condemnation action against Rosebud for the section of land it needed for its project, while the county refused to offer any compensation, he added.

Rosebud Property

Rosebud filed an inverse condemnation action against the county and later won a $329,400 jury verdict in that case, along with an additional $129,347 in attorneys' fees and $16,184 in costs, according to Applegate. The county's attorneys could not be reached for comment.

Meanwhile, the town had initially offered Rosebud $700 for the slice of land it needed for the Bowman Road project. Later, the town put $20,350 on the table, but Rosebud rejected both offers. It had an appraisal saying the property was worth $626,000.

The dispute, which was consolidated with the county action, ended with a $71,000 jury verdict against the town. The town also agreed to pay $13,400 in interest to Rosebud.

The town's attorney, David G. Pagliarini of Hinchey, Murray & Pagliarini in Daniel Island, said the verdict was a "huge victory" for his client in light of Rosebud's much higher demand. He added that the town had offered to settle the case for $150,000 before trial.

William E. Applegate IV

David B. Lail

VERDICT REPORT

CONDEMNATION ACTION

Case name: *Rosebud Properties v. County of Charleston and Town of Mt. Pleasant v. Rosebud Properties*

Case number: 2012-CP-10-5461 (county) and 2011-CP-10-245 (town)

Court: Charleston County Court of Common Pleas

Judge: Robert M. Young

Date of verdicts: April 18, 2013, finalized in November

Amount: $474,891 against county, including attorneys' fees and costs, and $85,000 against town, including interest on award.

Attorneys for plaintiff: William E. Applegate IV and David B. Lail (Charleston)

Attorneys for defendants: For town: David G. Pagliarini (Daniel Island); for county: Joseph Dawson III and Bernard E. Ferrara Jr. (North Charleston)

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