

RESOLUTION NO.: R-2018-032

Authorizing the City Attorney's Office to institute a civil action in the Richland County Court of Common Pleas against Dominion Carolina Gas Transmission, LLC, with South Carolina Electric and Gas, Santee Cooper Power Cooperative and New Heights Church as interested parties seeking a Declaratory Judgment and Injunctive Relief regarding a prescriptive easement for an Access Road to the Harbison 2 Pump Station located at 5501 Broad River Road, Richland County TMS #06200-01-24

WHEREAS, the City intends to file a declaratory judgment action concerning an prescriptive easement on the subject property located at 5501 Broad River Road, Richland County TMS No. 06200-01-24; and,

WHEREAS, the City has used an access road on the subject property to access it's pump station since November 14, 1980, openly, notoriously, continuously, with uninterrupted enjoyment; and,

WHEREAS, the Defendant New Heights Church is the landowner, with Dominion Carolina Gas Transmission, LLC, South Carolina Electric and Gas, and Santee Cooper Power Cooperative having rights of way; and,

WHEREAS, it now appears Defendant Dominion Carolina Gas Transmission, LLC intends to erect a fence and gate blocking future access for the City to the Access Road; and,

WHEREAS, it is necessary to file a civil action in order to get a declaratory judgment from the Court declaring the City has a prescriptive easement and for an injunction and/or restraining order prohibiting Defendant Dominion Carolina Gas Transmission, LLC from blocking City's use and access to its Access Road; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council this 17th day of April, 2018 that the City Attorney is authorized to institute and prosecute a civil action, with or without a jury, in the Richland County Court of Common Pleas against Dominion Carolina Gas Transmission, LLC, with South Carolina Electric and Gas, Santee Cooper Power Cooperative and New Heights Church as interested parties, seeking declaratory judgment and injunctive relief regarding a prescriptive easement on the real property located at 5501 Broad River Road, Richland County TMS #06200-01-24. Upon the commencement of the civil action, the City Attorney is further authorized to request or consent to a referral of this matter to the Richland County Master-in-Equity.


Requested by:

Assistant City Manager Shealy




Mayor

Approved by:




City Manager *ACTING CITY MANAGER*

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 4/17/2018
Final Reading: 4/17/2018

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