

RESOLUTION NO.: R-2018-093

Authorizing the City Attorney's Office to institute a civil action in the Richland County Court of Common Pleas against Richland County seeking a determination as to the responsibility of stormwater maintenance lines on private property wherein the County has an easement but the property is located within the municipal limits

WHEREAS, the City intends to file a declaratory judgment action concerning the maintenance responsibility for storm drainage facilities on private property for which Richland County holds the easement, but the property on which they sit has been annexed into the City of Columbia; and,

WHEREAS, the City annexes parcels of property upon which there are storm drainage facilities under easement to Richland County; and,

WHEREAS, the Defendant Richland County obtained such easements by contract or consideration with the private property owners; and,

WHEREAS, it is necessary to file a civil action in order to get a declaratory judgment from the Court to determine which entity is responsible for the maintenance of stormwater lines on private property within the corporate limits of the City of Columbia for which Richland County holds the easement; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council this 2nd day of October 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 Richland County, seeking declaratory judgment and injunctive relief regarding the maintenance responsibility for storm drainage facilities on private property for which Richland County holds the easement, but the property on which they sit has been annexed into the City of Columbia.

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

Approved as to form:



City Attorney

ATTEST:


City Clerk

Introduced: 10/2/2018
Final Reading: 10/2/2018

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