

Lowcountry Landowners Win Hotly Contested Private Property Takings Case

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A South Carolina Federal Judge awarded \$4.4 million and more than \$90,000 in attorneys' fees and costs to a Beaufort County family who contested the U.S. Government's offer of "just compensation" for its condemnation of their private property. The Government has appealed the award of just compensation.

"This is an important victory for private landowners," said Nexsen Pruet's Paul Dominick. "The federal government went to extremes to keep our clients from using more than 250 acres of their private property while offering to pay them a fraction of what the property was worth. The Court agreed that the Government's valuation was unjust."

In 2016, the federal government placed a permanent, restrictive easement on over 269 acres of property located in northern Beaufort County because the property is in the flight path of jets using the U.S. Marine Corps Air Station in Beaufort. The Government valued the damage to the property at \$937,000. The landowners decided to contest the Government's valuation.

"We worked with a reputable appraiser to assess the fair market value of the property and damages caused by the easement," said Nexsen Pruet's Alexandra Austin. "The final award was more than four times the amount of compensation offered by the Government."

U.S. District Court Judge Richard Gergel appointed a distinguished panel, including former Chief Justice of the S.C. Supreme Court Jean Toal, to consider the issue of just compensation in this complex case. The final award was based on evidence presented to the panel over a three-day trial and arguments before Judge Gergel.

Regulatory takings and just compensation can be difficult topics for private landowners to navigate on their own. Property can be condemned by local, state and federal governments for a variety of reasons, but the landowners are entitled to be justly compensated for the taking of their property interests.

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