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Jul 07 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

Case No. 2021-CP-10-04366

EX PARTE CHARLESTON HISTORIC
FOUNDATION

Appellant,

SE CALHOUN, LLC,

Respondent,

v.

CITY OF CHARLESTON and CITY
OF CHARLESTON BOARD OF
ARCHITECTURAL REVIEW,

Respondent.

CONSENT MOTION TO DISMISS APPEAL AND VACATE DECISION

This matter relates to an appeal from a decision of the City of Charleston Board of Architectural Review which denied architectural approval of a proposed structure in downtown Charleston. The matter pending before the Court of Appeals is an appeal of a decision of the Honorable Roger M. Young, Sr. denying the Appellants Preservation Society of Charleston and Historic Charleston's motions to intervene in the appeal, including the "pre-litigation mediation" that was scheduled under S.C. Code § 6-29-825.

After the motions to intervene were denied, representatives of the City of Charleston Board of Architectural Review, the City of Charleston and SE Calhoun, LLC mediated the matter unsuccessfully. No resolution was reached.

On May 27, 2022, SE Calhoun, LLC filed a dismissal of their notice of appeal of this matter. SE Calhoun, LLC has expressed their intent to submit another design to the Board of Architectural Review. As a result of the dismissal of the appeal by SE Calhoun, LLC, the parties agree this appeal to the Court of Appeals relating to Judge Young's denial of motions to intervene is moot and should be dismissed and ended. The Order of the Circuit Court entered by Judge Young on December 6, 2021 should be vacated.

We move:

CLAWSON and STAUBES, LLC

s/Timothy A. Domin
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(843) 577-2026
Attorney for City of Charleston and City of
Charleston Board of Architectural Review

We consent:

Duffy & Young, LLC

s/J. Rutledge Young, III
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Attorneys for Charleston Historic Foundation

SAXTON & STUMP, LLC

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LESEMANN & ASSOCIATES, LLC

s/Ellis R. Lesemann
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PROOF OF SERVICE

I certify that I have served the CONSENT MOTION TO DISMISS APPEAL AND VACATE DECISION upon the Appellant herein by mailing same via U.S. First Class Mail, postage prepaid, on July 7, 2022, addressed to:

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