

April 28, 2014

Via Hand Delivery

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
1231 Gervais Street  
Columbia, South Carolina 29201

Re: *Columbia Venture, LLC v. Richland County*  
Appellate Case No. 2013-001067  
HSB File No. 11404.0008

**RECEIVED**

APR 28 2014

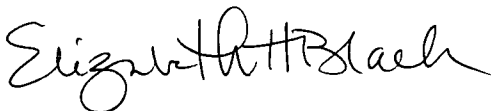
**S.C. Supreme Court**

Dear Mr. Shearouse:

With apologies to the Court, I discovered that Appellant Columbia Venture, LLC's Amended Designation of Matter to be Included in the Record on Appeal filed on April 23, 2014, inadvertently omitted the cross reference indices described in footnote 2. The drafts of the cross reference indices are attached hereto for filing. I have also included a certificate of service. Please return a clocked copy of the corrected Amended Designation of Matter to be Included in the Record on Appeal with attached draft indices to me via my courier.

Thank you for your attention to this matter, and please contact me should you have any questions or need anything further. I apologize for any inconvenience or confusion this may have caused.

Very truly yours,



Elizabeth H. Black

Enclosures

cc: M. McMullen Taylor, Esq.  
Thomas E. Lydon, Esq.  
Weston Adams, III, Esq.  
Pope D. Johnson, III, Esq.  
John D. Echeverria, Esq.  
(via email and U.S. Mail)

RECEIVED

APR 28 2014

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

John Hamilton Smith, Special Referee

Case No. 2010-CP-40-8943R

RECEIVED

APR 23 2014

S.C. Supreme Court

Columbia Venture, LLC,

v.

Appellant,

Richland County,

Respondent.

**AMENDED DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL<sup>1</sup>**

Appellant, Columbia Venture, LLC, proposes the following matter to be included  
in the Record on Appeal:

**Orders:**

1. Order Denying Plaintiff's Motion to Reconsider, Etc. of April 22, 2013.
2. Order of March 19, 2013.
3. Order Denying Plaintiff's Motion to Reconsider, Alter, or Amend of February 13, 2013.
4. Order Granting in Part and Denying in Part Defendant's Motions for Partial Summary Judgment of September 11, 2012.

<sup>1</sup> Appellant Columbia Venture, LLC filed its Designation of Matter to be Included in the Record on Appeal on July 25, 2013, and filed its Additional Designation of Matter to be Included in the Record on Appeal on December 23, 2013. In response to the Supreme Court's Order of February 20, 2014, Appellant herein amends its Designation of Matter to be Included in the Record on Appeal and, in accordance with the Court's Order of March 3, 2014, will serve the Amended Record on Appeal on Respondent on or before May 2, 2014.

5. Order Denying Plaintiff's Motion to Reconsider, Alter, or Amend of September 4, 2012.
6. Order Granting Partial Summary Judgment to Defendant on Physical Takings Claim, and Denying Partial Summary Judgment to Plaintiff on Physical Takings Claim of August 9, 2012.
7. Order Granting Defendant Richland County's Motion for Protective Order of July 20, 2012.
8. Consent Order of Reference of May 22, 2012.
9. Consent Order to Restore to the Docket Pursuant to Rule 40(j) and Agreements of the Parties of December 23, 2010.
10. Consent Order to Strike from Docket Pursuant to Rule 40(j) and Consent Scheduling Order of January 5, 2010.
11. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6), SCRPC of December 2, 2009.
12. Order Denying Defendant's Motion to Dismiss Pursuant to Rule 12(b)(7), SCRPC of December 2, 2009.
13. Order Denying Defendant's Motion to Strike Pursuant to Rule 12(f), SCRPC of December 2, 2009.
14. Consent Order of May 2, 2005.

**Pleadings:**

15. Summons and Complaint of August 19, 2004.
16. Amended and Supplemental Complaint of October 5, 2009.
17. Defendant Richland County's Notice of Motion and Motion to Dismiss Pursuant to SCRPC 12(b)(6) of October 9, 2009.
18. Plaintiff Columbia Venture's Memorandum of Law in Opposition to Defendant's Motions to Dismiss Pursuant to SCRPC 12(b)(6) and 12(b)(7), SCRPC and Motion to Strike Pursuant to Rule 12(f), SCRPC of October 21, 2009.
19. Defendant Richland County's Memorandum in Support of its Motion to Dismiss Pursuant to SCRPC 12(b)(6) of October 22, 2009.
20. Defendant Richland County's Answer to Plaintiff's First Amended and Supplemental Complaint of December 8, 2009.

21. Notice of Motion and Motion of Defendant Richland County for Summary Judgment of Plaintiff's Due Process Claims of September 20, 2011.
22. Defendant Richland County's Motion for Protective Order of October 31, 2011.
23. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on All Claims of March 14, 2012.
24. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on Claim of Regulatory Taking of March 14, 2012.
25. Notice of Motion and Motion of Defendant Richland County for Summary Judgment on Claim of Physical Taking of March 14, 2012.
26. Columbia Venture, LLC's Notice of Motion and Motion for Partial Summary Judgment of March 14, 2012.
27. Plaintiff's Motion to Reconsider, Alter, or Amend of August 20, 2012.
28. Plaintiff Columbia Venture's Deposition Designation of Gregory Pearce of September 12, 2012.
29. Defendant Richland County's Objections to Deposition Designations of Gregory Pearce of September 14, 2012.
30. Plaintiff's Motion to Reconsider, Alter, or Amend of September 21, 2012.
31. Plaintiff's Motion to Reconsider, Alter, or Amend Order Entered March 19, 2013, of March 29, 2013.

**Transcripts:**

32. Motions Hearing Transcript of July 18, 2012: Pages 1-178.
33. Trial Transcript of September 10, 2012: Pages 15-47, 54-67, 71, 79-82, 90-135, 159-162, 178-184, 189-192, 198-204, 212-232, 236-247, 271.
34. Trial Transcript of September 11, 2012: Pages 281-285, 290-294, 300-302, 306, 326-327, 344, 367-369, 376-386, 399-404, 420-423, 448-454.
35. Trial Transcript of September 12, 2012: Pages 474-475, 483-488, 503, 519-523, 546-551, 572-574, 583-589, 621-625, 643-646, 652-653, 667-718.
36. Trial Transcript of September 13, 2012: Pages 731-812, 814-819, 852-889, 892, 897-903, 909-910, 937-943.

37. Trial Transcript of September 14, 2012: Pages 958, 963-965, 967, 976, 987-989, 1008, 1016-1021, 1090-1092.
38. Trial Transcript of September 17, 2012: Pages 1104-1115, 1122-1152, 1173-1175, 1182-1203, 1229-1267, 1287-1306, 1310-1315, 1323-1335, 1341, 1343, 1354-1356.
39. Trial Transcript of September 18, 2012: Pages 1390-1400, 1426-1441, 1444-1445, 1456-1459, 1478, 1482-1585.
40. Trial Transcript of September 19, 2012: Pages 1593-1801.
41. Trial Transcript of September 20, 2012: Pages 1807-1908.
42. Trial Transcript of November 13, 2012: Pages 2127-2145, 2148, 2156-2157, 2180-2183, 2187-2189, 2198-2204, 2237-2238, 2249-2254, 2267, 2274-2282.
43. Trial Transcript of November 14, 2012: Pages 2307-2450, 2456, 2476-2497, 2517-2518, 2544-2545, 2548-2599.
44. Trial Transcript of November 15, 2012: Pages 2619-2623, 2634, 2650-2652.
45. Trial Transcript of November 16, 2012: Pages 2689-2736, 2758-2795, 2855-2861.
46. Trial Transcript of December 20, 2012: Pages 2928-2929.
47. Redacted Transcript of Deposition of Gregory Pearce taken October 27, 2011, per Designations, Objections, and Counter Designations: Pages 11-15, 23-27, 42-51, 56-58, 60-63, 92-97, 103-104, 131-139, 160-162, 199-200.
48. Redacted Transcript of Deposition of J. Milton Pope taken August 24, 2011, per Designations, Objections, and Counter Designations: Pages 5-8, 15-21, 34-41, 71-72, 95-97, 117, 121-122, 126, 134-138, 160, 181.
49. Transcript of Deposition of Herman Wilson Tillotson, Jr. taken March 12, 2012, per Designations, Objections, and Counter Designations: Pages 9-44, 53-60, 73-74.
50. Redacted Transcript of Deposition of Douglas P. Wendel, taken July 12, 2011, per Designations, Objections, and Counter Designations: Pages 10, 77, 123-126, 130-132, 165, 180-183.

51. Redacted Transcript of Deposition of Douglas P. Wendel, taken October 25, 2011, per Designations, Objections, and Counter Designations: Pages 7, 31-35, 47-49.
52. Redacted Transcript of James E. Wiseman, III, taken September 1, 2011, per Designations, Objections, and Counter Designations: Pages 14-15, 31, 43-44, 49-51, 60-63, 77-80, 83-84, 89-90, 93-96, 112-118, 151-155.

**Exhibits and Documents:**

53. Plaintiff's Trial Exhibits (PTEs) in full: 004, 008, 011, 012, 013, 017, 018, 020, 022, 024, 026, 027, 031, 032, 034, 047, 051, 056, 057, 060, 061, 062, 067, 081, 108, 109, 110, 114, 117, 118, 119, 120, 123, 125, 127, 133, 135, 146, 147, 150, 157, 162, 166, 169, 170, 183, 184, 185, 186, 190, 191, 199, 203, 204, 207, 208, 209, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 229, 230, 231, 233, 234, 236, 237, 238, 239, 246, 247, 251, 252, 254, 255, 262, 264, 275, 283, 285, 287, 294, 299, 301, 302, 304, 306, 307, 308, 311, 314, 319, 320, 323, 335, 337, 338, 345, 346, 349, 350, 360, 362, 369, 374, 378, 381, 396, 397, 417, 430, 449, 452, 474, 498, 499, 500, 502, 504, 516, 517, 518, 520, 521, 523, 527, 529, 533, 534, 535, 536, 542, 543, 549, 551, 553, 554, 555, 556, 560, 567, 572, 573, 574, 575, 576, 578, 580.
54. PTEs in part:
  - a. 003: pages FEMA001, inside cover, i-iii, 6-9, 22-25, Congaree River-Saluda River Data Table, 65-67, Community Map History Table, 69-71, Congaree River Flood Profiles Tables;
  - b. 010: pages COSD001-00569 – COSD001-00573, COSD001-00579 – COSD001-00581, COSD001-00598, COSD001-00614 – COSD001-00619;
  - c. 112: pages DEF-00002173 - DEF-00002177, DEF-00002195 – DEF-00002196;
  - d. 113: pages DEF-00001511, DEF-00001529 – DEF-00001533;
  - e. 195: pages DEF-00012293, DEF-00012298;
  - f. 211: first 33 pages of pdf;
  - g. 235: pages COSD001-00639, COSD001-00652 – COSD001-00654, COSD001-00665 – COSD001-00669;
  - h. 250A: pages DEF-00012743.002, DEF-00012767.002, DEF-00012800.002 – DEF-00012810.002;

- i. 286: pages COSD001-00307 – COSD001-00311, COSD001-00317 – COSD001-00320, COSD001-00334 – COSD001-00335. COSD001-00349 – COSD001-00355;
- j. 303: pages COSD001-00386 – COSD001-00390, COSD001-00395, COSD001-00403 – COSD001-00404, COSD001-00419 – COSD001-00420, COSD001-00424, COSD001-00438 – COSD001-00442;
- k. 305: pages COSD001-00446 – COSD001-00450, COSD001-00453, COSD001-00458, COSD001-00471 – COSD001-00473, COSD001-00479, COSD001-00489 – COSD001-00493;
- l. 326: page CVMcNair000998;
- m. 334: pages FEMA-002-001093, FEMA-002-001100 – FEMA-002-001105, FEMA-002-001116 – FEMA-002-001120;
- n. 336: pages FEMA-002-001060, FEMA-002-001065 – FEMA-002-001070, FEMA-002-001075 – FEMA-002-001082;
- o. 379: pages FEMA-001-000001 – FEMA-001-000005, FEMA-001-000018 – FEMA-001-000019, FEMA-001-000029, FEMA-001-000032, FEMA-001-000036, FEMA-001-000038, FEMA-001-000054 – FEMA-001-000058;
- p. 382: pages FEMA-001-000066 – FEMA-001-000070, FEMA-001-000078 – FEMA-001-000079, FEMA-001-000091 – FEMA-001-000095, FEMA-001-000106 – FEMA-001-000113;
- q. 394: pages CV006287 – CV006658;
- r. 425: pages CV006098 – CV006210;
- s. 497: pages CV013556 – CV013564;
- t. 528: pages 2-9, 37, 52-58 of pdf;
- u. 550: pages DEF-00002945 – DEF-00002956;
- v. 577: pages SELC000029 – SELC000030;
- w. 581: pages CV005579 – CV005602.

55. Defendant's Trial Exhibits in full: 2, 3, 4, 5, 10, 12, 13, 14, 17, 18, 19, 21, 40, 45, 55, 62, 66, 67, 72, 76, 87, 93, 129, 130, 133, 140, 141, 142, 146, 156, 160.

56. Defendant's Trial Exhibits in part:

- a. 44: page DEF-00012652;
  - b. 51: cover letter;
  - c. 82: pages 1-4, 15 of pdf;
  - d. 151: page DEF-00002130.
57. Deposition Exhibits to Deposition of Gregory Pearce taken October 27, 2011, per Designations and Counter Designations: Pearce Cross-Reference Sheet (attached),<sup>2</sup> Plaintiff's Exhibits 147, 148, 166, 168, 173, 179, 180, 186, 187.
58. Deposition Exhibits to Deposition of J. Milton Pope taken August 24, 2011, per Designations and Counter Designations: Pope Cross-Reference Sheet (attached), Plaintiff's Exhibits 122, 123, 146, 147.
59. Deposition Exhibits to Deposition of Herman Wilson Tillotson, Jr., taken March 12, 2012, per Designations and Counter Designations: Tillotson Cross-Reference Sheet (attached), Plaintiff's Exhibits 004, 015, 017, 019, 021, 118, 207, 208.
60. Deposition Exhibits to Depositions of Douglas P. Wendel, taken July 12, 2011, and October 25, 2011, per Designations and Counter Designations: Wendel Cross-Reference Sheet (attached), Defendant's Exhibits 42, 45, 136.
61. Deposition Exhibits to Deposition of James E. Wiseman, III, taken September 1, 2011, per Designations and Counter Designations: Wiseman Cross-Reference Sheet (attached), Defendant's Exhibits 160, 162, 171, 172, 180, 181, 182, 197, 198, 199.
62. Appendix to Plaintiff Columbia Venture's Omnibus Memorandum in Opposition to Defendant's Various Motions for Summary Judgment of July 13, 2012, including attached Cross-Reference Index.
63. Appendix to Plaintiff's Motion to Reconsider, Alter, or Amend Order Entered March 19, 2013, of March 29, 2013, Item 9 (Richand County Regulations – Division 3 – Preservation of Council Actions, § 2-39 through § 2-48).

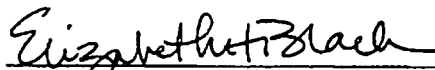
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<sup>2</sup> The cross-reference sheets described in items 57, 58, 59, 60, 61, and 62 are attached hereto in draft format. As they include a column identifying the page number where the document referenced appears in the Record on Appeal, the cross-reference sheets will be finalized with page numbers for inclusion in the Record on Appeal to be served on Respondent and filed with the Court.

64. Index to Plaintiff's Reply to Defendant's Memorandum in Opposition to Plaintiff's Motion to Reconsider, Alter, or Amend of April 15, 2013, Tab 3 (Certified Copy of Richland County Code of Ordinances (various)).

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Manton M. Grier, SC Bar No. 2265  
James Y. Becker, SC Bar No. 64661  
Elizabeth H. Black, SC Bar No. 76067  
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April 23, 2014

Attorneys for Appellant Columbia Venture,  
LLC

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

John Hamilton Smith, Special Referee

Case No. 2010-CP-40-8943R  
Appellate Case No. 2013-001067

**RECEIVED**

APR 23 2014

S.C. Supreme Court

Richland County,

Respondent,

v.

Columbia Venture, LLC,

Appellant.

**CERTIFICATE OF SERVICE**

This is to certify that I caused a copy of the foregoing Appellant's Amended Designation of Matter to be Included in the Record on Appeal to be served on the following individuals in the manner expressed below and addressed as follows:

**Via U.S. Mail & Email:**

M. McMullen Taylor  
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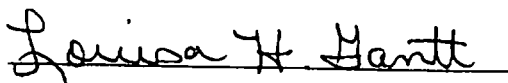
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April 23, 2014



**Index to Gregory Pearce's Designated Deposition Exhibits:  
Cross-Referenced Locations in the Record on Appeal, if Applicable**

<b>Designated Deposition Exhibit</b>	<b>Description</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
PLTF Exh. 147	Richland County Council Meeting Minutes (February 2, 1999)	PTE 147	
PLTF Exh. 148	Pearce/Wislinski email chain (December 21, 2005)	None	
PLTF Exh. 166	Richland County Council Proposed Action and Report (January 22, 1999)	PTE 166	
PLTF Exh. 168	Minutes of Richland County Council Development and Services Committee (January 26, 1999)	PTE 020	
PLTF Exh. 173	Newspaper article, "\$1 Billion Plan for Congaree Myrtle Beach Developer Envisions 'City Within Reach' in Richland County" (February 21, 1999)	None	
PLTF Exh. 179	Newspaper article, "Burroughs & Chapin Won't Abandon Plan Company Hopes to Change Floodway Designation and Beef Up Levees to Build Massive Development" (October 7, 2000)	None	
PLTF Exh. 180	Taylor email to Barnhill, Wolfe, and Smith (October 25, 2000)	None	
PLTF Exh. 186	Richland County Council Meeting Minutes (March 20, 2001)	PTE 186	
PLTF Exh. 187	Newspaper article, "Project Faces New Hurdle" (March 21, 2001)	None	

**Index to J. Milton Pope's Designated Deposition Exhibits:  
Cross-Referenced Locations in the Record on Appeal, if Applicable**

<b>Designated Deposition Exhibit</b>	<b>Description</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
PLTF Exh. 122	Newspaper article, "FEMA Clears Way for River Project" (August 20, 1999)	None	
PLTF Exh. 123	Richland County Council Meeting Minutes (September 7, 1999)	PTE 123	
PLTF Exh. 146	Chambers memorandum to McSwain and L. Smith (February 2, 1999)	PTE 146	
PLTF Exh. 147	Richland County Council Meeting Minutes (February 2, 1999)	PTE 147	

**Index to Herman Wilson Tillotson, Jr.'s Designated Deposition Exhibits:  
Cross-Referenced Locations in the Record on Appeal, if Applicable**

<b>Deposition Exhibit</b>	<b>Description</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
PLTF Exh. 4	Chronology of Green Diamond Project (July 18, 2001)	PTE 004	
PLTF Exh. 15	Richland County Council Proposed Action and Report (January 22, 1999)	PTE 166	
PLTF Exh. 17	Holland letter Buckley with attachments (January 22, 1999)	PTE 017	
PLTF Exh. 19	Miller letter to Holland (January 26, 1999)	PTE 018	
PLTF Exh. 21	Richland County Regular Session Minutes (excerpt) (February 2, 1999)	in PTE 147	
PLTF Exh. 118	Hester letter to Gregory with draft permit application attached (May 4, 1999)	PTE 118	
PLTF Exh. 207	Tillotson letter to McSwain (December 11, 1998)	PTE 207	
PLTF Exh. 208	Tillotson letter to Gregory (February 17, 1999)	PTE 208	

**Index to Douglas P. Wendel's Designated Deposition Exhibits:  
Cross-Referenced Locations in the Record on Appeal, if Applicable**

<b>Designated Deposition Exhibit</b>	<b>Description</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
Defendant Exhibit 42	Newspaper article, "Levee Work Expected to Be OK 'd" (May 28, 1999)	None	
Defendant Exhibit 45	Tillotson letter to Gregory (May 27, 1999)	Defendant's Trial Exhibit 2	
Defendant Exhibit 136	Handwritten Columbia Venture meeting notes (March 29, 1999)	None	
Defendant Exhibit 238	Newspaper article, "Reducing Flood Area Won't Hurt Either Side of River, Developer Says" (May 21, 1999)	None	

**Index to James E. Wiseman, III's Designated Deposition Exhibits:  
Cross-Referenced Locations in the Record on Appeal, if Applicable**

<b>Designated Deposition Exhibit</b>	<b>Description</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
Defendant Exhibit 160	Project Status Report from Lockwood Greene (April 12, 2000)	PTE 323	
Defendant Exhibit 162	Draft Timetable for Richland County Approvals (June 15, 2000)	None	
Defendant Exhibit 171	Handwritten Columbia Venture Political Roundtable Notes (August 9, 2000)	None	
Defendant Exhibit 172	Wolfe letter to Rogers with draft agreement attached (August 17, 2000)	None	
Defendant Exhibit 180	Burroughs & Chapin Board of Directors Meeting Minutes (September 26, 2000)	None	
Defendant Exhibit 181	Wendel memorandum to Columbia Venture members (September 28, 2000)	None	
Defendant Exhibit 182	Public Statement – Congaree Task Force for Economic and Environmental Responsibility (October 26, 2000)	None	
Defendant Exhibit 197	McSwain letter to Wiseman (February 16, 2001)	Defendant's Trial Exhibit 149	
Defendant Exhibit 198	Wiseman letter to McSwain (February 19, 2001)	None	
Defendant Exhibit 199	K. Smith letter to Wiseman (February 20, 2001)	None	

**Cross-Reference Index to  
Appendix to Plaintiff's Omnibus Memorandum in Opposition to Defendant's Various  
Motions for Summary Judgment  
(Submitted July 13, 2012)**

<b>Number</b>	<b>Description</b>	<b>Omnibus Page Range</b>	<b>Duplicate of Exhibit in Record</b>	<b>Location in Record</b>
1	1981 US Department of Geological Survey	1-66	None	
2	Chronology of Green Diamond Project (July 18, 2001)	67-83	PTE 004	
3	Flood Insurance Study for Richland County (July 17, 1995)	84-100	PTE 003	
4	FEMA 37 - FIS Guidelines and Specifications for Study Contractors	101-104	None	
5	B. Manning letter to Richland County Council (May 26, 1998)	105-106	PTE 236	
6	D. Manning fax to McSwain (May 29, 1998)	107-110	PTE 008	
7	McSwain letter to Buckley (July 14, 1998)	111-112	PTE 012	
8	Newspaper article, "Floodway: Federal Agency Designates 5,300 Acres in Richland Co. as Flood-prone, Worrying Developers Along the Congaree River" (July 22, 1998)	113-116	PTE 551	
9	Buckley letter to McSwain (July 28, 1998)	117-118	PTE 013	
10	Reinstatement of and Amendment to Purchase and Sale Agreement and Purchase and Sale Agreement and various attachments (various)	119-132	in PTE 275	
11	Tillotson letter to McSwain with annotations (December 11, 1998)	133-134	PTE 014	
12	Richland County Council Proposed Action and Report (January 22, 1999)	135-142	PTE 166	
13	Tillotson letter to Holland (January 20, 1999)	143-144	in PTE 017	
14	Buckley letter to McSwain (January 21, 1999)	145	None	
15	Holland letter Buckley with attachments (January 22, 1999)	146-149	in PTE 017	
16	Minutes of Richland County Council	150-153	PTE 020	

Number	Description	Omnibus Page Range	Duplicate of Exhibit in Record	Location in Record
	Development and Services Committee (January 26, 1999)			
17	Miller letter to Holland (January 26, 1999)	154	PTE 018	
18	Richland County Council Meeting Minutes (February 2, 1999)	155-156	in PTE 147	
19	County Administrator Report of Council Actions (February 2, 1999)	157-160	None	
20	Richland County Council Meeting Minutes (February 2, 1999)	161-171	PTE 147	
21	Livingston letter to Buckley (February 17, 1999)	172-173	PTE 022	
22	Lockwood Greene Telephonic Report (February 18, 1999)	174	None	
23	Tillotson letter to Gregory (February 17, 1999)	175-188	PTE 208	
24	McSwain letter to Gregory (February 19, 1999)	189	PTE 024	
25	Assignment of Purchase and Sale Agreement to Columbia Venture, LLC (February 19, 1999)	190-192	None	
26	General Warranty Deed from Burwell D. Manning, Jr. to Columbia Venture, LLC (February 19, 1999)	193-198	None	
27	General Warranty Deed from Elizabeth K. Manning to Columbia Venture, LLC (February 19, 1999)	199-204	None	
28	General Warranty Deed from Burwell D. Manning, Jr. and Eastern Corn and Grain Company, Inc. to Columbia Venture, LLC (February 19, 1999)	205-209	None	
29	Reinstatement of and Amendment to Purchase and Sale Agreement and Purchase and Sale Agreement and various attachments (various)	210-212	in PTE 275	
30	Newspaper article, \$1 Billion Plan for Congaree Myrtle Beach Developer Envisions 'City Within Reach' in Richland County (February 21, 1999)	213-214	Pearce Dep. Ex. 173	
31	McSwain letter to Buckley (February 26, 1999)	215	PTE 026	

Number	Description	Omnibus Page Range	Duplicate of Exhibit in Record	Location in Record
32	Armstrong letter to Thurmond (March 19, 1999)	216	None	
33	McSwain letter to Marquez with attachment (April 7, 1999)	217-219	PTE 027	
34	Greene letter to Hester (May 13, 1999)	220-221	PTE 119	
35	Davison letter to McSwain with FEMA Floodplain Management Bulletin 1-98 attached (May 19, 1999)	222-230	PTE 031	
36	Newspaper article, Levee Work Expected to Be OK'd (May 28, 1999)	231-232	Wendel-Dep. Ex. 42	
37	County Administrator's Report of Council Actions Regular Session Meeting (September 7, 1999)	233-236	PTE 032	
38	Knudsen memorandum to Pearce with attachments (November 30, 1999)	237-238	in PTE 125	
39	Columbia Venture Financial Statements for the Period from February 17, 1999 (Date of Inception) to December 31, 1999 and Independent Auditors' Report (December 31, 1999)	239-247	PTE 203	
40	PowerPoint on Flood Hazards Along the Congaree River (January 24, 2000)	248-267	None	
41	Congaree River Restudy - Chronology of Events (February 8, 2000)	268-269	None	
42	General Summary of Hydraulic Analysis of the Congaree River in Lexington and Richland Counties, South Carolina, as Presented in August 12, 1999, Revised Preliminary Flood Insurance Studies (FISs) (March 10, 2000)	270-274	None	
43	Newspaper article, "Development is 'Risky' Says FEMA Head The Director of the Federal Emergency Management Agency Criticizes Burroughs & Chapin's Plan to Develop in a Flood Plain"(April 25, 2000)	275-277	None	
44	Richland County Revised Preliminary	278-281	in PTE 305	

Number	Description	Omnibus Page Range	Duplicate of Exhibit in Record	Location in Record
	Flood Insurance Study (August 12, 1999)			
45	Appeal Resolution for Congaree River in Richland and Lexington Counties, South Carolina (September 26, 2000)	282-316	PTE 204	
46	Buckley letter to K. Smith, Jeffcoat, and Coble (October 10, 2000)	317-323	PTE 523	
47	Buckley letter to Wendel (November 22, 2000)	324-325	PTE 345	
48	Holman letter to Richland County Council with draft ordinance attached (March 16, 2001)	326-328	PTE 183	
49	Richland County Council Minutes and Council Report re Encroachments in a Floodway (March 20, 2001 and February 9, 2001)	329-336	PTE 051	
50	Richland County Council Meeting Minutes (March 20, 2001)	337-343	PTE 186	
51	Ellerbe letter to K. Smith (March 20, 2001)	344-345	PTE 184	
52	Lucas letter to L. Smith with draft ordinance attached (March 29, 2001)	346-350	PTE 362	
53	Richland County Ordinance No. 022-01HR (April 17, 2001)	351-378	PTE 374	
54	Richland County Flood Insurance Study (August 20, 2001)	379-382	in PTE 382	
55	FEMA's Technical Report for the Final Flood Elevation Determination (August 20, 2001)	383-385	None	
56	Van Sant and Wingard Appraisal (excerpts) (November 6, 2002)	386-389	in PTE 394	
57	SELC Board of Trustees Meeting Minutes (November 7, 2003)	390-393	None	
58	Management Agreement (December 30, 2003)	394-401	None	
59	K. Smith email (January 22, 2004)	402	None	
60	Holman email to K. Smith (January 22, 2004)	403	None	
61	Linder email to Adams and Holman (February 23, 2004)	404	None	
62	Linder email to Holman (February 24,	405	None	

Number	Description	Omnibus Page Range	Duplicate of Exhibit in Record	Location in Record
	2004)			
63	Adams email to Linder (February 23, 2004)	406	None	
64	Linder email to Holman (February 24, 2004)	407	None	
65	Excerpts from Minutes of Richland County Planning Commission's Meeting (March 1, 2004)	408-418	PTE 047	
66	Holman letter to McSwain (March 4, 2004)	419-422	None	
67	Excerpts from minutes of Richland County Planning Commission's Meeting (March 5, 2004)	423-441	None	
68	K. Smith email to Holman (March 11, 2004)	442	None	
69	K. Smith email to Holman (March 22, 2004)	443	None	
70	K. Smith email to Holman (April 5, 2004)	444	None	
71	Boyd letter to Willoughby (June 10, 2005)	445-447	PTE 430	
72	Willoughby letter to Boyd (August 26, 2005)	448-449	PTE 157	
73	Plaintiff's Motion to Vacate (August 22, 2005)	450-451	None	
74	Order of Vacatur (November 18, 2005)	452-463	PTE 061	
75	Judgment in a Civil Case (November 18, 2005)	464	PTE 062	
76	Hearing Transcript (November 14, 2007)	465-469	None	
77	K. Smith Notes (undated)	470-471	PTE 350	
78	Newspaper article, "Building Our City - Green Diamond Project Revived" (November 30, 2007)	472-474	PTE 474	
79	Stipulation of Compromise Settlement (September 4, 2009)	475-477	PTE 525	
80	Order of Dismissal with Prejudice (September 8, 2009)	478	None	
81	Report of Carroll Barker with attachments (April 13, 2010)	479-482	None	

Number	Description	Omnibus Page Range	Duplicate of Exhibit in Record	Location in Record
82	Curriculum Vitae of A. Carroll Barker, Sr.	483-488	PTE 534	
83	List of Documents Provided to Carroll Barker (undated)	489-501	None	
84	Affidavit of Elizabeth Summers with exhibits (July 10, 2012)	502-517	None	
85	Excerpts from Brenda Carter deposition (March 2, 2011)	518-527	None	
86	Excerpts from Michael Criss deposition (May 11, 2011)	528-530	None	
87	Excerpts from George Gregory deposition (October 12, 2011)	531-533	None	
88	Excerpts from Robert Hughes deposition (June 22, 2011)	534-537	None	
89	Excerpts from T. Cary McSwain deposition (April 16, 2010)	538-541	None	
90	Excerpts from Gregory Pearce deposition (October 27, 2011)	542-550	None	
91	Excerpts from Ralph Pearson deposition (May 3, 2011)	551-562 602-603	None	
92	Excerpts from Milton Pope deposition (August 24, 2001)	563-574	None	
93	Excerpts from Harry Reed deposition (September 8, 2011)	575-576	None	
94	Excerpts from Kit Smith deposition (May 17 & 18, 2011)	577-599	None	
95	Draft Amended Ordinance (March 21, 2001)	600-601	PTE 360	
96	K. Smith email to Holman (January 14, 2008)	604-605	None	

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

John Hamilton Smith, Special Referee

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Case No. 2010-CP-40-8943R  
Appellate Case No. 2013-001067

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Richland County,

Respondent,

v.

Columbia Venture, LLC,

Appellant.

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**CERTIFICATE OF SERVICE**

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This is to certify that I caused a copy of the foregoing **Corrected** Appellant's Amended Designation of Matter to be Included in the Record on Appeal to be served on the following individuals in the manner expressed below and addressed as follows:

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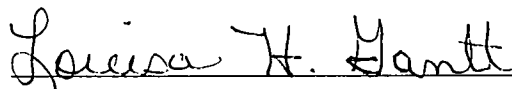
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April 28, 2014

  
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Louise H. Gantt