ORIGINAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Circuit Court Judge
R. Markley Dennis, Jr. Circuit Court Judge

RECEIVED
JUL 09 2012
SC Court of Appeals

Case No. 2010-CP-10-2695

The Town of Hollywood, ... Appellant-Respondent,

v.

William Floyd a/k/a Jeff Floyd, Troy Readen and
Edward McCracken a/k/a Eddie McCracken, ... Respondents-Appellants.

RECORD ON APPEAL - VOLUME III

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DAVIDSON & LINDEMANN, P.A.
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Columbia, South Carolina 29202
(803) 806-8222

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INDEX

Volume I

Order Granting Summary Judgment to Plaintiff, filed September 7, 2010 1

Order Denying Defendant's Motion for Judgment Notwithstanding the Verdict, Motion for a New Trial, or in the Alternative, for New Trial Nisi Remittitur, filed October 4, 2010 9

Order Denying Motion for Reconsideration, filed October 19, 2010 11

Order Denying Plaintiff's Motion for a New Trial or in the Alternative Judgment Notwithstanding the Verdict and Granting Plaintiff's Motion for Attorney's Fees and Tax Costs, filed March 7, 2011 12

Verdict Form, filed September 23, 2010 17

Form 4 Judgment Form, filed September 23, 2010 19

Complaint, filed October 12, 2007 20

Notice of Motion and Motion for Temporary Injunction, filed October 12, 2007 26

Answer and Counterclaim, filed August 29, 2008 28

Town of Hollywood's Reply to Defendants' Counterclaims, filed September 4, 2008 39

Town of Hollywood's Notice of Motion and Motion for Summary Judgment, filed May 5, 2010 44

Town of Hollywood's Memorandum and Points of Authorities in Support of Motion for Summary Judgment, filed May 5, 2010 48

Town of Hollywood's Notice of Lodgment of Exhibits, with Exhibits I, L, M, and N, filed May 5, 2010 71

Motion for Reconsideration, filed September 22, 2010 113

Motion for Attorney Fees and Motion to Tax Costs (with attachments), filed September 22, 2010 116

Defendant's Notice of Motion and Motion for Judgment Notwithstanding of Verdict and Motion for a New Trial, or in the Alternative, for New Trial Nisi Remittitur, filed September 23, 2010 126

Transcript of Hearing, September 1, 2010 136

Trial Transcript 158

Edward Holton

Direct Examination by Mr. Goldstein 159

Cross-Examination by Mr. Buyck 213

Redirect Examination by Mr. Goldestin 264

Recross-Examination by Mr. Buyck 273

Jackie Seward

Direct Examination by Mr. Goldstein 274

Cross-Examination by Mr. Buyck 276

Anne Boone

Direct Examination by Mr. Goldstein 276

Cross-Examination by Mr. Buyck 289

Redirect Examination by Mr. Goldstein 294

Richard Threatt

Direct Examination by Mr. Goldstein 295

Cross-Examination by Mr. Buyck 305

Redirect Examination by Mr. Goldstein 313

Colin Campbell

Direct Examination by Mr. Goldstein 317

Cross-Examination by Ms. Monoc 324

Matthew Wolf

Direct Examination by Mr. Goldstein 328

Matthew Wolf

Cross-Examination by Mr. Buyck 385

Redirect Examination by Mr. Goldstein 419

Recross Examination by Mr. Buyck 428

Volume II

Mary Wells Wolf

Direct Examination by Mr. Goldstein 434

Cross-Examination by Ms. Monoc 448

Redirect Examination by Mr. Goldstein 452

Oliver T. Wood, Jr.

Direct Examination by Mr. Goldstein 452

Phillip Michael Rourk

Direct Examination by Mr. Goldstein 463

Cross-Examination by Mr. Buyck 467

Direct Examination by Mr. Goldestin 469

Cross-Examination by Mr. Buyck 486

Curtis Lybrand

Direct Examination by Mr. Goldstein 490

Direct Examination by Mr. Goldstein 493

Cross-Examination by Mr. Buyck 514

Redirect Examination by Mr. Goldestin 532

Recross Examination by Mr. Buyck 538

Eddie McCracken

Direct Examination by Mr. Goldstein 540

Cross-Examination by Ms. Monoc 550

Redirect Examination by Mr. Goldestin 562

Recross Examination by Ms. Monoc 565

George Johnson

Direct Examination by Mr. Goldstein 565

Cross-Examination by Mr. Buyck 573

Redirect Examination by Mr. Goldestin 582

Recross Examination by Mr. Buyck..... 585

Troy Readen

Direct Examination by Mr. Goldstein 586

Cross-Examination by Ms. Monoc 598

Redirect Examination by Mr. Goldestin 606

Recross Examination by Ms. Monoc 609

William J. Floyd

Direct Examination by Mr. Goldstein 609

Cross-Examination by Mr. Buyck 649

Redirect Examination by Mr. Goldestin 669

Recross Examination by Mr. Buyck..... 671

Motion for Directed Verdict 674

Jacqueline Heyward

Direct Examination by Mr. Buyck 699

Jacqueline Heyward

Cross-Examination by Mr. Goldstein 714

Redirect Examination by Mr. Buyck 730

Althea Salters

Direct Examination by Mr. Buyck 732

Cross-Examination by Mr. Goldstein 740

Redirect Examination by Mr. Buyck 744

Recross Examination by Mr. Goldstein 745

William J. Floyd

Direct Examination by Mr. Goldstein 746

Re-Cross Examination by Mr. Buyck 748

Motion for Directed Verdict 750

Jury Charge 762

Jury Question 786

Jury Question 787

Allen Charge 788

Verdict 791

Plaintiff's Trial Exhibit #1 794

Plaintiff's Trial Exhibit #2 804

Plaintiff's Trial Exhibit #3 805

Plaintiff's Trial Exhibit #4 806

Plaintiff's Trial Exhibit #5 807

Plaintiff's Trial Exhibit #6 811

Plaintiff's Trial Exhibit #7 812

Plaintiff's Trial Exhibit #8 813

Plaintiff's Trial Exhibit #9 814

Plaintiff's Trial Exhibit #10 816

Plaintiff's Trial Exhibit #11 817

Plaintiff's Trial Exhibit #12 832

Plaintiff's Trial Exhibit #13 833

Plaintiff's Trial Exhibit #14 834

Plaintiff's Trial Exhibit #15 836

Plaintiff's Trial Exhibit #16 839

Plaintiff's Trial Exhibit #17 855

Volume III

Plaintiff's Trial Exhibit #18 900

Plaintiff's Trial Exhibit #19 904

Plaintiff's Trial Exhibit #20 910

Plaintiff's Trial Exhibit #21 911

Plaintiff's Trial Exhibit #22 912

Plaintiff's Trial Exhibit #23 914

Plaintiff's Trial Exhibit #24 972

Plaintiff's Trial Exhibit #25 974

Plaintiff's Trial Exhibit #26 976

Plaintiff's Trial Exhibit #28 977

Plaintiff's Trial Exhibit #29 988

Plaintiff's Trial Exhibit #30 989

Plaintiff's Trial Exhibit #31 990

Plaintiff's Trial Exhibit #32 991

Plaintiff's Trial Exhibit #34 992

Plaintiff's Trial Exhibit #36 993

Plaintiff's Trial Exhibit #37 994

Plaintiff's Trial Exhibit #38 995

Plaintiff's Trial Exhibit #39 996

Plaintiff's Trial Exhibit #40 997

Plaintiff's Trial Exhibit #41 998

Plaintiff's Trial Exhibit #42 999

Plaintiff's Trial Exhibit #43 1000

Plaintiff's Trial Exhibit #44 1001

Plaintiff's Trial Exhibit #45 1002

Plaintiff's Trial Exhibit #46 1003

Plaintiff's Trial Exhibit #47 1004

Plaintiff's Trial Exhibit #48 1006

Plaintiff's Trial Exhibit #49 1011

Plaintiff's Trial Exhibit #50 1013

Plaintiff's Trial Exhibit #51 1023

Plaintiff's Trial Exhibit #53 1058

Plaintiff's Trial Exhibit #54 1071

Plaintiff's Trial Exhibit #55 1073

Defendants' Trial Exhibit #1 1074

Defendants' Trial Exhibit #2 1075

Defendants' Trial Exhibit #3 1076

Defendants' Trial Exhibit #4 1079

Defendants' Trial Exhibit #5 1082

Defendants' Trial Exhibit #6 1107

Defendants' Trial Exhibit #8 1111

Defendants' Trial Exhibit #9 1112

Defendants' Trial Exhibit #10 1115

Defendants' Trial Exhibit #11 1116

Court's Exhibit #1 1142

Court's Exhibit #2 1143

Court's Exhibit #3 1145

Court's Exhibit #4 1158

Court's Exhibit #5 1164

Court's Exhibit #6 1168

Court's Exhibit #7 1169

Court's Exhibit #8 1170

Court's Exhibit #9 1171

Affidavit of Jeff Floyd, filed July 23, 2010 1172

Notice of Appeal, filed May 19, 2011 1175

Certificate of Counsel 1176

DLSCN 09/09/11

STATE OF SOUTH CAROLINA

TITLE TO REAL ESTATE

COUNTY OF CHARLESTON

KNOW ALL MEN BY THESE PRESENTS, That GENE SAUSSER and ANNETTE SAUSSER in the State aforesaid, in consideration of the sum of FOUR HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS, to the Grantor(s) in hand paid at and before the sealing of these presents by the Grantee(s) the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said GARY D MAY, his heir(s) and assign(s) forever,

ALL that certain lot, piece or parcel of land with the buildings and improvements thereon, situate, lying and being in the State of South Carolina, County of Charleston, being shown and designated as Lot 12 on a plat by Alpha Surveying, Inc., entitled "PLAT SHOWING THE SUBDIVISION OF A 10.08 ACRE TRACT LOCATED IN HOLLYWOOD, SC. TO BE KNOWN AS STONO PLANTATION EXTENSION, dated February 20, 1985 and recorded on March 29, 1985, in Plat Book BD, Page 108, in the RMC Office for Charleston County, South Carolina. Said lot having such metes, bounds, buttings and dimensions as reference to said plat will more fully and at large appear.

THIS Conveyance is made SUBJECT TO any and all restrictions, easements and/or rights-of-way affecting the above-described property as recorded in the RMC Office for Charleston County, South Carolina.

BEING the same property conveyed to the Grantors herein by deed of Stono Plantation Development, Co., dated April 2, 1985 and recorded in Book H144 at page 663 in the RMC Office for Charleston County.

TMS# 248-00-00-044

GRANTEES ADDRESS: 5125 Stono Plantation Dr. Hollywood, S.C. 29455.

TOGETHER with all and Singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident appertaining.

TO HAVE AND TO HOLD all and singular the said Premises before mentioned unto the Grantee(s) hereinabove named, and Grantee(s)



Heirs and Assigns forever.

And the Grantor(s) do(es) hereby bind the Grantor(s) and the Grantor's(s') Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the Grantee(s) hereinabove named, and the Grantee's Heirs and Assigns against the Grantor(s) and the Grantor's(s') Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the Grantor's(s') hand(s) and seal(s) this 1st day of June, in the year of our Lord Two Thousand Five.

SIGNED, SEALED AND DELIVERED in the Presence of:

Kim Woodward

Gene Sausser by Annette Sausser his atty in fact

GENE SAUSSER

ANNETTE SAUSSER

STATE OF SOUTH CAROLINA]
]
COUNTY OF CHARLESTON]

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by Gene Sausser and Annette Sausser this 1st day of June, 2005.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 2/17/09

DLSCN 08/08/11

DLSCN 09/09/11

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.

2. The Property was transferred by GENE SAUSSER and ANNETTE SAUSSER to GARY D MAY, on June 1, 2005.

3. The Deed is:
a. XXXX subject to the deed recording fee as a transfer for consideration paid or to be paid in money or month's worth.

4. Check one of the following if either item 3a or item 3b above has been checked.
a.XXXX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $480,000.00.

5. Check YES____ or NO XXXX to the following:
A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer.

6. The DEED recording fee is computed as follows:
a.XXXX the amount listed in item 4 above.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:
GRANTEE

8. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

GRANTEE

GARY D MAY
PRINT OR TYPE NAME HERE

SWORN to before me this
1st day of June, 2005.

NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 2/17/09

DLSCN 09/09/11

BK V539PG254

RECORDER'S PAGE
This page must remain with the Original Document

C. J Manos

Recording Fee 10.00
State Fee 1248.00
County Fee 528.00
Postage _____
Total 1786.00
A

FILED
V 539-251
2005 JUN -7 AM 11:39
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

PID VERIFIED BY ASSESSOR
REP _____
DATE 6/24/05

RECEIVED FROM RMC
JUN 27 2005
PEGGY A. MOSELLY
CHARLESTON COUNTY AUDITOR

(843) 958-4800 2 COURTHOUSE SQUARE CHARLESTON, SOUTH CAROLINA 29402-0726

DLSCN 09/09/11

STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
COUNTY OF CHARLESTON)

BK M 329PG894

KNOW ALL MEN BY THESE PRESENTS:

That I, HENRY PITTS EVANS, the undersigned Grantors, in the State aforesaid, for and in consideration of the sum of Three Hundred Fifty Five Thousand and 00/100 ($355,000.00) Dollars to me in hand paid at and before the sealing of these presents by MATTHEW J. WOLF and KATHERINE L. WOLF , in the state aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto the said MATTHEW J. WOLF and KATHERINE L. WOLF, their heirs and assigns, forever, the following described real property, to-wit:

SEE EXHIBIT A ATTACHED HERETO

GRANTEES' ADDRESS: 5111 Landing Creek Lane
Hollywood, SC 29449

DEPOSITION EXHIBIT
Hayward 1

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging or in anywise incident or appertaining thereto.

TO HAVE AND TO HOLD, all and singular, the said Premises aforementioned unto the said Grantees above named, their heirs and assigns forever.

AND, with respect to that portion of the said Premises lying above the mean high water mark only and subject to the matters described herein, HENRY PITTS EVANS does hereby bind himself and his heirs and assigns, to warrant and forever defend, all and singular, the said portion of the Premises unto the said MATTHEW J. WOLF and KATHERINE L. WOLF, their heirs and

PLAINTIFF'S EXHIBIT 1

assigns, against him and his heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereon.

AND, with respect to that portion of the said Premises lying below the mean high water mark, to have and to hold, all and singular, that portion of the said Premises unto the said MATTHEW J. WOLF and KATHERINE L. WOLF, their heirs and assigns forever, to that neither the said HENRY PITTS EVANS, nor his heirs or assigns, or any other person or persons, claiming under him, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid portion of the Premises or appurtenances, or any part or parcel thereof, forever.

WITNESS the Grantor's hand and seal this 28th day of June, 1999.

Signed, Sealed and Delivered
In the Presence of:

Barbara Harper
First Witness

Second Witness

HENRY PITTS EVANS

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 28th day of June, 1999 by Henry Pitts Evans.

Notary Public for South Carolina
My Commission Expires: 2/12/2003
(SEAL)

DLSCN 09/09/11

DLSCN 09/09/11

EXHIBIT A

ALL that lot, piece or parcel of land, situate, lying and being in St. Paul's Parish. County of Charleston, State of South Carolina, shown and designated as LOT 13 on a plat entitled "Plat Showing The Subdivision of a 10.00 Acre Tract Located in Hollywood, S.C. To Be Known As Stono Plantation Extension", made by Alpha Surveying, Inc., dated February 20, 1985, and recorded in the RMC Office for Charleston County, South Carolina in Plat Book BD, at Page 108 on March 29, 1985. Said lot having such size, shape, location, contents, dimensions, buttings and boundings as will be shown by reference thereto.

SUBJECT to any and all applicable restrictions and easements of record.

BEING the same property conveyed to Henry Pitts Evans by deed of Stono Plantation Development Co., a South Carolina General Partnership, dated 4/14/95 and recorded in Book N-254, Page 755 in the RMC Office for Charleston County.

TMS NO. 248-00-00-043

ALSO

ALL that lot, piece, or parcel of land, situate, lying and being in St. Paul's Parish, County of Charleston, State of South Carolina, containing 2.38 Acres of Marsh, more or less, as shown and designated as MARSH, 2.38 Acres, BEING ADDED TO LOT 13, as more fully shown and designated on a plat by A. H. Schwacke, III, R.L.S. S.C. Reg. 13855, dated April 27, 1996, entitled "Plat Showing the Subdivision of Marsh Tract Being Added to Lots 13 & 14, Stono Plantation Extension, Town of Hollywood, Charleston County, South Carolina: recorded on April 7, 1997, in Plat Book EB at Page 703 in the RMC Office for Charleston County, South Carolina. Said parcel having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully and at large appear.

BEING the same property conveyed to Henry Pitts Evans by deed of Stono Plantation Development Co., a South Carolina General Partnership, dated 5/1/97 and recorded 5/21/97 n Book H-284, page 894 in the RMC Office for Charleston County.

PART OF TMS NO. 248-0-00-007

DLSCN 09/09/11

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

AFFIDAVIT

Date of Transfer of Title
(Closing Date) June 28, 1999

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information:

2. The property being transferred is 5111 Landing Creek Lane, Hollywood, SC 29449 BY Henry Pitts Evans TO Matthew J. Wolf and Katherine L. Wolf ON June 28, 1999.

3. Check one of the following: **The DEED is**

(a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
(b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity or is a transfer to a trust or as a distribution to a trust beneficiary.
(c) _____ EXEMPT from the deed recording fee because (exemption # _____)

4. Check on of the following if either item 3(a) or item 3(b) above has been checked.
(a) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $ 355,000.00.
(b) _____ The fee is computed on the fair market value of the realty, which is $_____.
(c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is $_____.

5. Check YES_____ or NO X To the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is $ 0.

6. The DEED Recording Fee is computed as follows:
(a) 355,000.00 the amount listed in item 4 above
(b) _____ the amount listed in item 5 above (no amount place zero)
(c) 355,000.00 Subtract Line 6(b) from Line 6(a) and place the result.

7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

X _____
Grantor
HENRY PITTS EVANS
Print or Type Name Here

Sworn to before me this 28th day of June, 1999

_____
Notary Public for South Carolina
My Commission Expires: 2/12/2003
(SEAL)

DLSCN 09/09/11

FORREST W. COMPTON
ATTORNEY AT LAW
1224 WAPPOO ROAD
CHARLESTON SOUTH CAROLINA 29407

BK M 329PG898

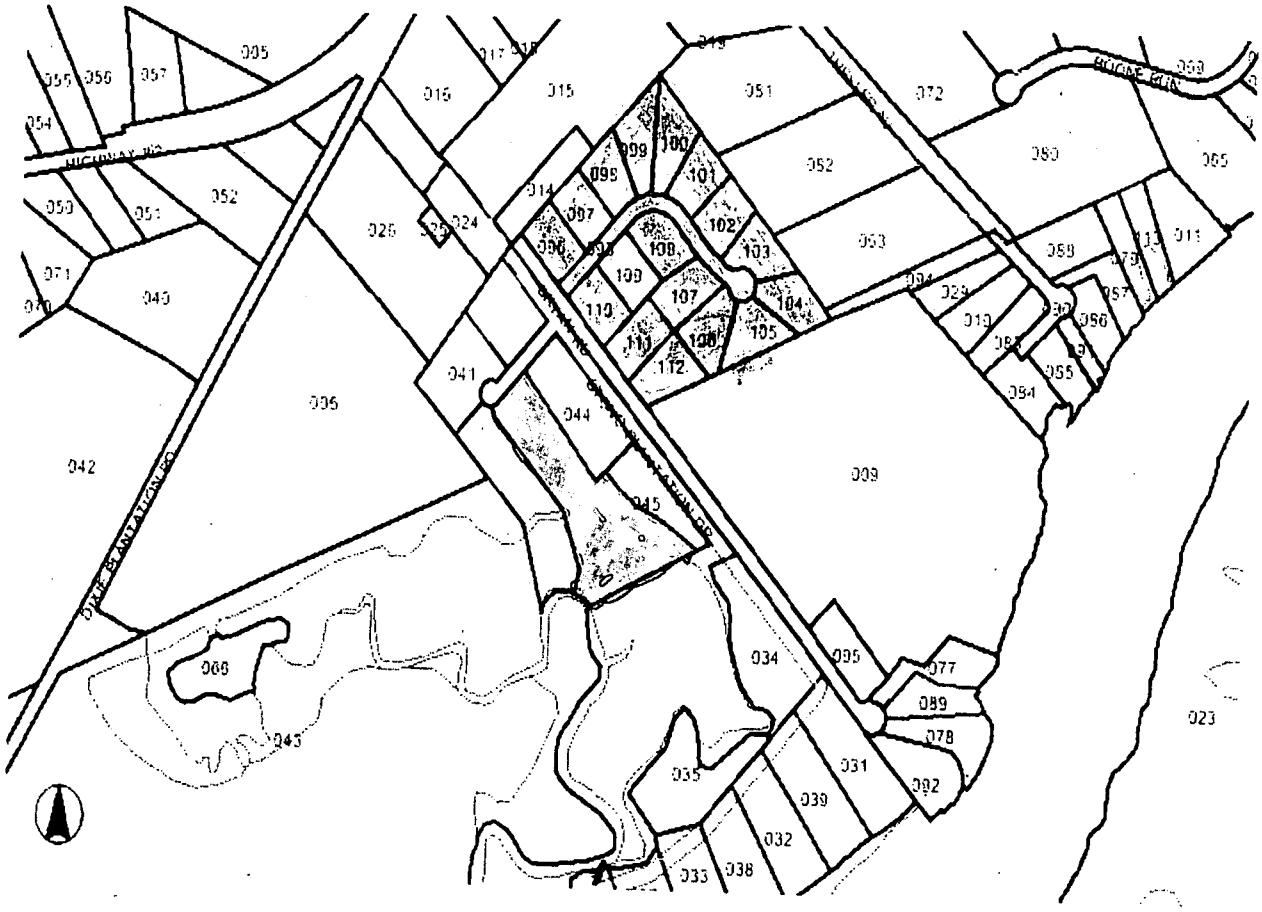
FILED
M329-894
99 JUN 30 AM 8:36
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

Recording Fee	10.00
State Fee	923.00
County Fee	390.50
Postage	
TOTAL	1323.50 A

TMS VERIFIED
BAC MLM
DTD 7/6/99

Recorded this 30 day of JUN Year 99
On Property Record Card
Peggy A Mosley
Auditor Charleston County

DLSCN 09/09/11



PLAINTIFF'S EXHIBIT 9-A

DEPOSITION EXHIBIT Hayward 3

http://ccgisweb.charlestoncounty.org/website/Charleston/MapFrame.htm 11/5/2008

DLSCN 09/09/11

"SMALL BUT PROGRESSIVE"
TOWN OF HOLLYWOOD
6316 HIGHWAY 162
P.O. BOX 519
HOLLYWOOD, SOUTH CAROLINA 29449-0519
(843) 889-3222
FAX (843) 889-3636
1-800-735-8583 TTY

HERBERT GADSON, Mayor

EZELL G. MIDDLETON, Mayor Pro Tem
JOSEPH DUNMEYER, SR, Council Member
JOHN DUNMYER, III, Council Member
FRED R. MITCHELL, Council Member
NED R. MITCHELL, Council Member
FRAN ROBERTS, Council Member

PHYLLIS M. BOONE, Clerk/Treasurer

September 6, 2000

James Loftis
5160 Bryan Road
Hollywood, SC 29455

Dear Mr. Loftis:

It has come to my attention that you are attempting to construct a fence across a public right-of-way. Please understand this is not permitted and if you attempt to do so the Town of Hollywood will take all legal action available to be certain the road remains open.

Sincerely,

N. Steven Steinert

NSS/dm
cc: Mayor Herbert Gadson

PLAINTIFF'S EXHIBIT 20

DEPOSITION EXHIBIT
Wolfe 8

TOH 032

DLSCN 09/09/11



Wide Awake

Dedication Ceremony

Please join us for the dedication of

Wide Awake Park

Ceremony will be held at 5053 Trexler Ave.

Saturday, March 27, 2010 at 3:00 pm

Guest Speaker: Dr. Bernard Powers, Jr.

History Professor, College of Charleston

Casual Attire. Refreshments will be served.

We hope to see you there!



Call Hollywood Town Hall at 843-889-3222 for more information.

PLAINTIFF'S EXHIBIT 2

Mar 30 10 08:53a William Floyd 8437621929 p.1

DLSCN 09/09/11

THE TOWN OF HOLLYWOOD
and
CHARLESTON BANK CONSORTIUM
PRESENTS
THE OFFICAL GROUND BREAKING OF THE

"HOLLY GROVE" SUBDIVISION
ON BAPTIST HILL ROAD
ON
JUNE 25, 2009 AT 10:00 AM



Housing application will be available at site.

Contact Charleston Bank Consortium for more information and applications
766-6676

PLAINTIFF'S EXHIBIT
22

DISCN 09/09/11

OWNER Town of Hol

Sale Date 11/19/2005

6.54 Acres.

THIS PROPERTY IS LOCATED IN FLOOD ZONE X, AS PER FEMA MAP COMMUNITY-PANEL No. 450091 0010 C DATED 17 NOVEMBER 2004. IT IS THE OWNER'S / BUILDER'S RESPONSIBILITY TO VERIFY THIS FLOOD ZONE WITH LOCAL AUTHORITIES PRIOR TO BUILDING.

NO EXPLANATION IS MADE TO THOSE PERSONS FOR WHICH THIS DRAWING WAS PREPARED. IT IS NOT TRANSFERABLE TO SUBSEQUENT OWNERS. THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE SOLE PROPERTY OF GEORGE A.Z. JOHNSON, JR., INC. IT SHALL NOT BE REPRODUCED OR USED IN ANY WAY, WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF F. STEVEN JOHNSON PLS, SC REG No. 10058. COPYRIGHT © 2009, F. Steven Johnson

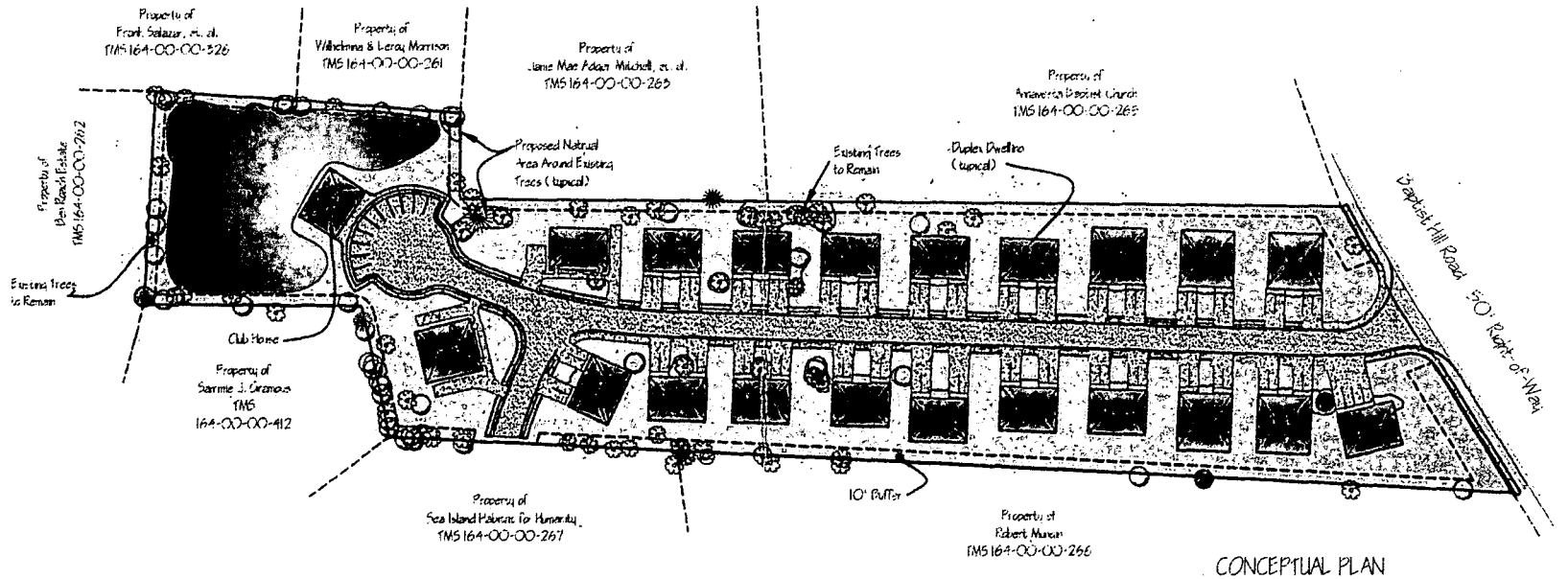
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THESE CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS

Legend:

- Proposed Pond
- Proposed Duplex Dwelling
- Willow Tree
- Oak Tree
- Gum Tree
- Pine Tree

NORTH



CONCEPTUAL PLAN
FOR AFFORDABLE HOUSING AT THE
BAPTIST HILL ROAD SITE TMS No. 164-00-00-236
OWNED BY THE TOWN OF HOLLYWOOD

Scale 1" = 100'

100' 0' 100' 200' 300'

50'

GEORGE A.Z. JOHNSON, JR., INC.
ENGINEERS · PLANNERS · LAND SURVEYORS
6171 SAVANNAH HIGHWAY
RAVENEL, SOUTH CAROLINA 29470
(843) 889.1492 · Charleston No. 722.3892 · Edisto No. 889.1495

Job No. 22339 Drawn By: Barb Skerritt

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STREET NAME	MAP	PARISH	GRID	SUBDIVISION	MAINT
Bucknell Dr	43	North Chas-2	D3,D4	College Heights	County
Buckner St	35	James Island-1	C2	Green Acres	
Budds Av	49	North Chas-8	F2	Waylyn	County
Buenavista Ln	13	Hollywd-Meggett	C4		E911
Buffalo Av	49	North Chas-8	D1		City
Bufflehead Dr	30	Kiawah Island-2	D3,E3,F3,F2		Private
Bufflehead Dr	31	Kiawah Island-3	A2,B2		Private
Buist Av	50	North Chas-9	C1		City
Buist Av	50	North Chas-9	C2,D2		S- 59
Buist Hanahan Rd	13	Hollywd-Meggett	D1		Private
Buist Hanahan Rd	6	St Pauls-5	F4		Private
Bull Run Ln	5	St Pauls-4	D1		Private
Bull St	39	Charleston-1	C2,D2	Harleston Village	S- 555
Bulldog Dr	46	North Chas-5	A2		County
Bulls Island Rd	65	Christ Church-4	C4		S-1170
Bulls Island Rd	68	Christ Church-7	C1		S-1170
Bulow Landing Rd	4	St Pauls-3	B4,C4		County
Bulrush Ln	29	Kiawah Island-1	E3	Night Heron	Private
Bumblebee Rd	33	Wadmalaw Island	C4		Private
Bundy Ln	49	North Chas-8	D2	Surprise	Comm
Bunker Hill Rd	70	St James-Santee-2	D3	South Santee	Comm
Bunkhouse Dr	17	St Andrews-4	A3,A4	Ponderosa	County
Bur Clare Dr	37	James Island-3	E1,F1	Bur Clare	S- 948
Burbage Rd	3	St Pauls-2	C4		Private
Burden Creek Rd	25	Johns Island-4	D1,E1	Burden Creek	County
Burden's Rd	9	St Pauls-8	B3		Private
Burger St	21	St Andrews-8	D1,D2	Ashleyville	City
Burgess Dr	35	James Island-1	D2		Comm
Burgin Rd	70	St James-Santee-2	D3	South Santee	Comm
Burke St	48	North Chas-7	D2	Chas Farms	S- 347
Burlington Av	17	St Andrews-4	D1	Magnolia Ranch	S- 936
Burnett Dr	36	James Island-2	B3	Clearview	County
Burnham Ct	15	St Andrews-2	A3		City
Burningtree Rd	35	James Island-1	E1,E2	Country Club Est II	S-2267
Burnley Rd	17	St Andrews-4	D4	Shaftesbury	City
Burns Ln	39	Charleston-1	D2		City
Burnswick Dr	23	Johns Island-2	A4	Fenwick Hills	S-1723
Burris Rd	20	St Andrews-7	E1,E2	Essex Village	County
Burroughs Hall	30	Kiawah Island-2	C2	Vanderhorst Plntn	Private
Burton Ln	51	North Chas-10	D3,D4	Fetteressa	S- 145
Busch Av	49	North Chas-8	F2	Waylyn	S- 773
Business Cir	44	North Chas-3	A4		City

PLAINTIFF'S EXHIBIT 23

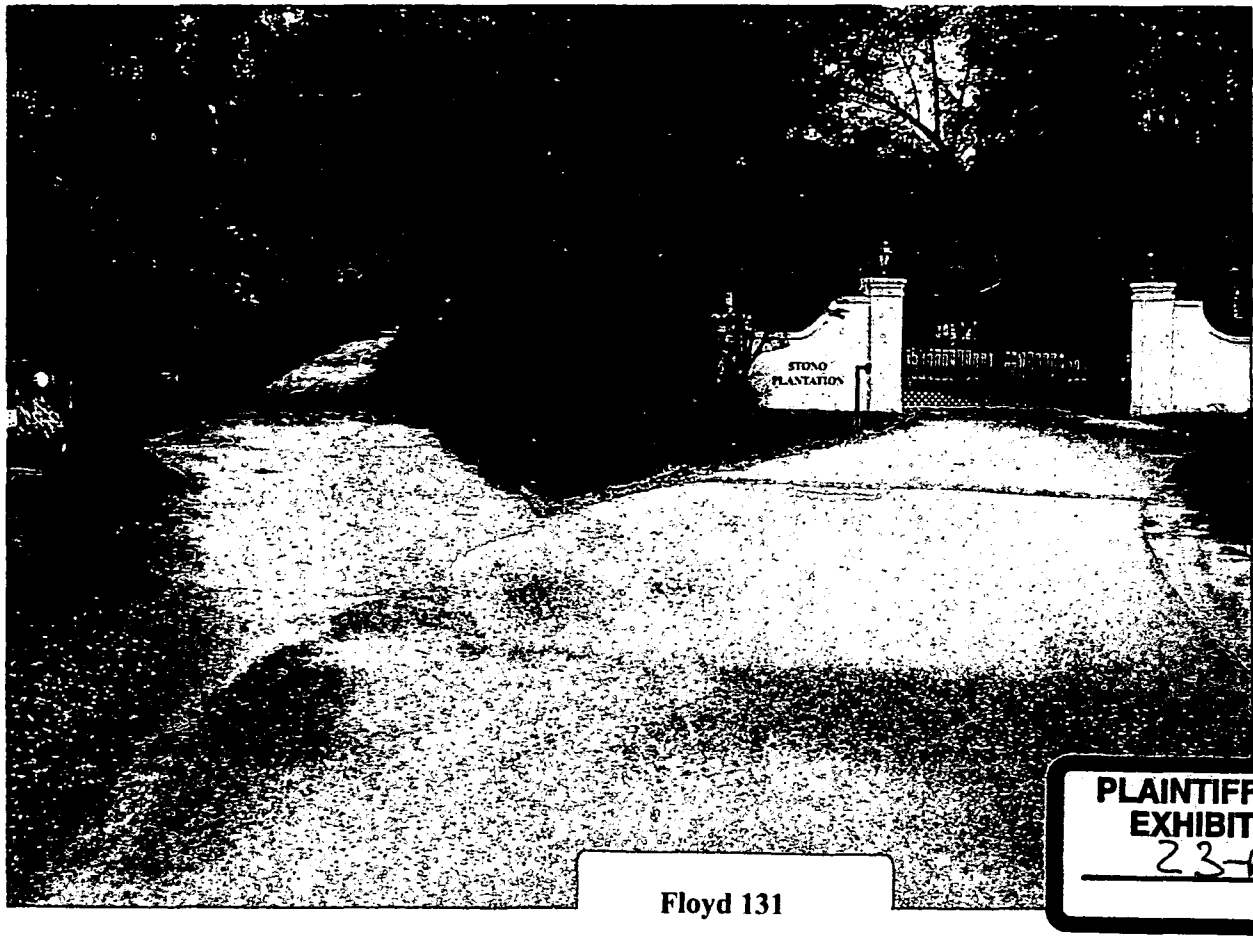
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STREET NAME	MAP	PARISH	GRID	SUBDIVISION	MAINT
Brookbank Av	35	James Island-1	E3	Bayfront	S-1300
Brookbank Av Ext	35	James Island-1	E3	Bayfront	County
Brookfield St	21	St Andrews-8	D2	Ashleyville	City
Brookhaven Ct	55	Mt Pleasant-1	E3	Hobcaw Creek Plntr	Town
Brooks St	61	Sullivans Island	E3		S- 853
Brookside Dr	50	North Chas-9	B1,C1		City
Broomsedge Ln	29	Kiawah Island-1	C2	Middlewoods East	Private
Broomstraw Hill Rd	65	Christ Church-4	A3,A4		Comm
Brossy Cir	45	North Chas-4	B4	Evanston MH Pk	Private
Broughton Rd	21	St Andrews-8	E3	The Crescent	City
Broughton Rd	21	St Andrews-8	E3	The Crescent	S- 933
Brown & Smith Ln	35	James Island-1	D3		City
Brown Dr	36	James Island-2	C2,C3	Clearview	County
Brown Hill Rd	71	McClellanville	E3,E4		S-1081
Brown Meadow Ln	8	St Pauls-7	F2		County
Brown Sparrows Way	33	Wadmalaw Island	D2		County
Brown Sugar Retreat	57	Mt Pleasant-3	C1	Molasses Creek	Town
Brown Way	12	Ravenel	C3	Ravenel Acres	County
Brownell Av	61	Sullivans Island	E3,F3		S- 417
Browning Dr	21	St Andrews-8	C2	East Oak Forest	City
Brownswood Rd	22	Johns Island-1	F4		S-1442
Brownswood Rd	23	Johns Island-2	A2,A3,A4		S-1442
Brownswood Rd	24	Johns Island-3	F1		S-1442
Bruce St	36	James Island-2	B3	Stiles Point	County
Brunson Rd	8	St Pauls-7	D1	Penny Creek	Comm
Bryan Rd	7	St Pauls-6	B4	Hollywood	County
Bryans Dairy Rd	27	Johns Island-6	B1,B2	Legareville	S- 967
Bryant St	48	North Chas-7	A3	Russelldale	S-1403
Bryce Road	37	James Island-3	E2		Private
Bryhawke Cir	45	North Chas-4	C2,D2	Bryhawke	City
Bryjo Pl	18	St Andrews-5	C4	Old Town Acres	S- 929
Buccaneer Rd	59	Isle of Palms-1	D2,E2,F2	Goat Island	Private
Buchanan St	51	North Chas-10	B3,C3	Union Heights	S- 374
Buck Hall Ct	57	Mt Pleasant-3	D2	Baytree	Town
Buck Hall Landing Rd	69	St James-Santee-1	E4	Buck Hall	Federal
Buck Hall Rd	69	St James-Santee-1	E3,E4	Buck Hall	S-2155
Buck Pond Rd	45	North Chas-4	B1,B2	Forest Hills III	City
Buckeye Rd	7	St Pauls-6	B2,C2		Private
Buckfield Dr	43	North Chas-2	B3	Deer Haven MH Pk	Private
Buckhorn Rd	12	Ravenel	A3	Buckfield Farms	Private
Buckhorn Rd	6	St Pauls-5	C3	Buckfield Farms	Private
Buckingham Dr	18	St Andrews-5	D2	Parkshore	City

DLSCN 09/09/11

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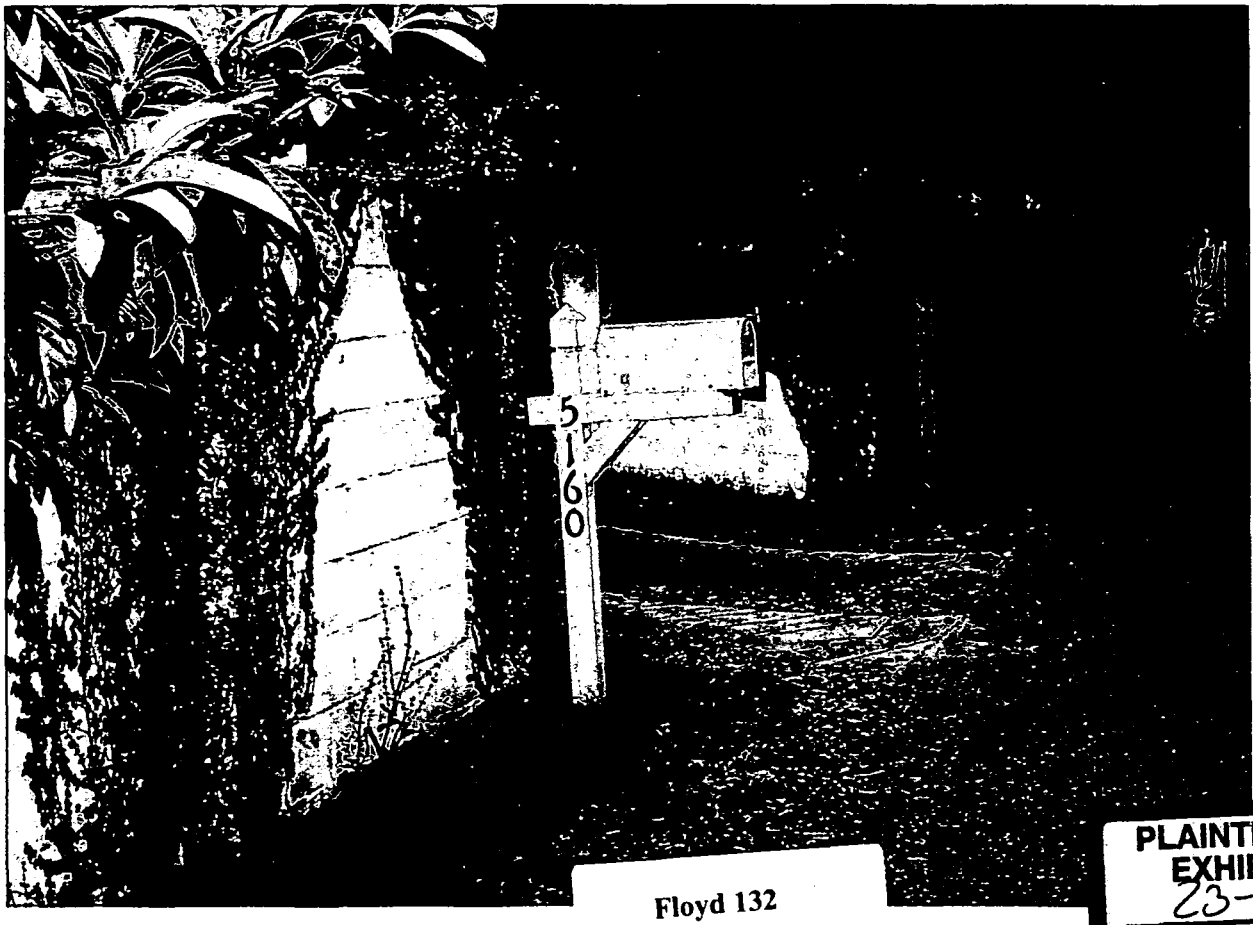
PLAINTIFF'S
EXHIBIT
23-A

Floyd 131

DLSCN 09/09/11

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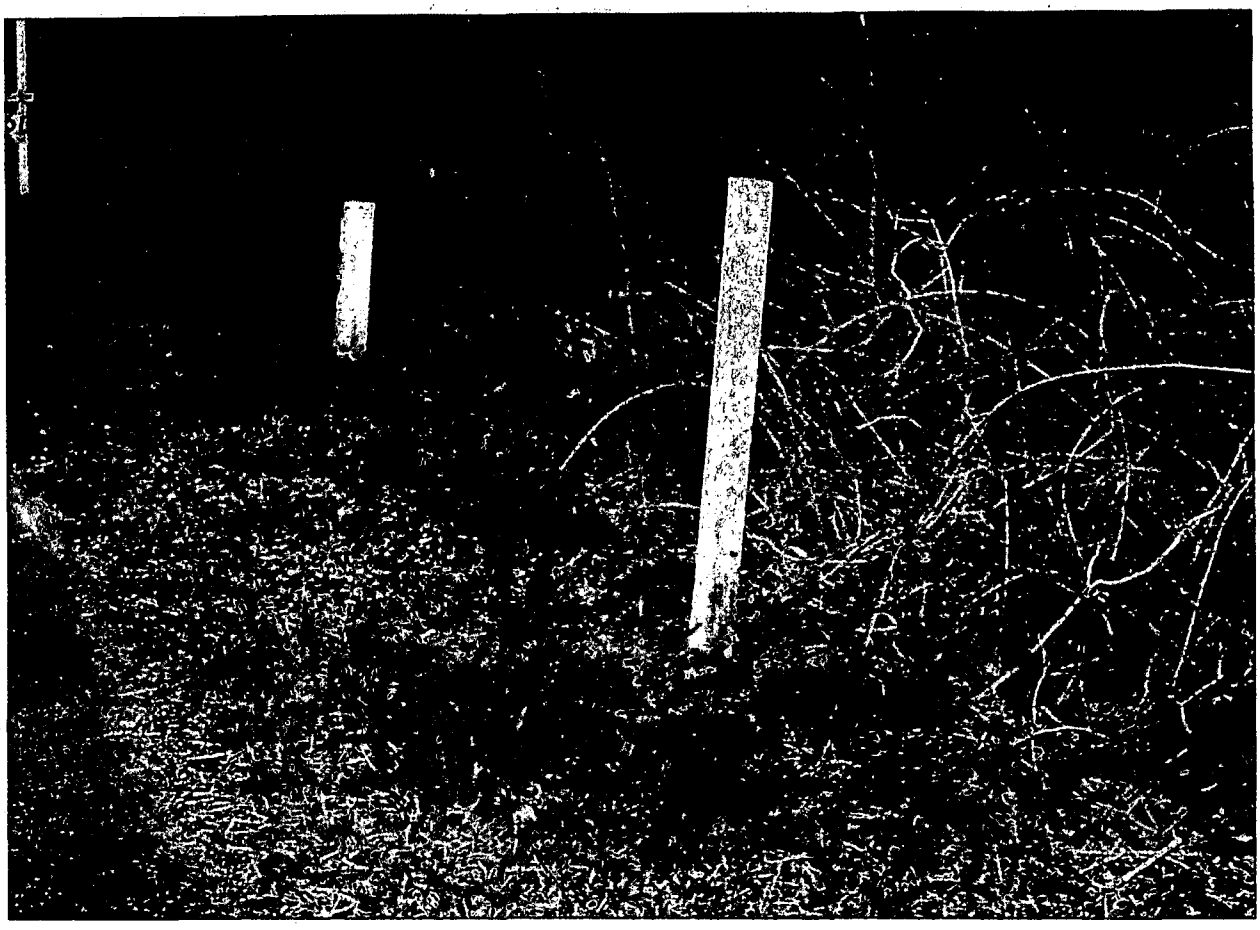


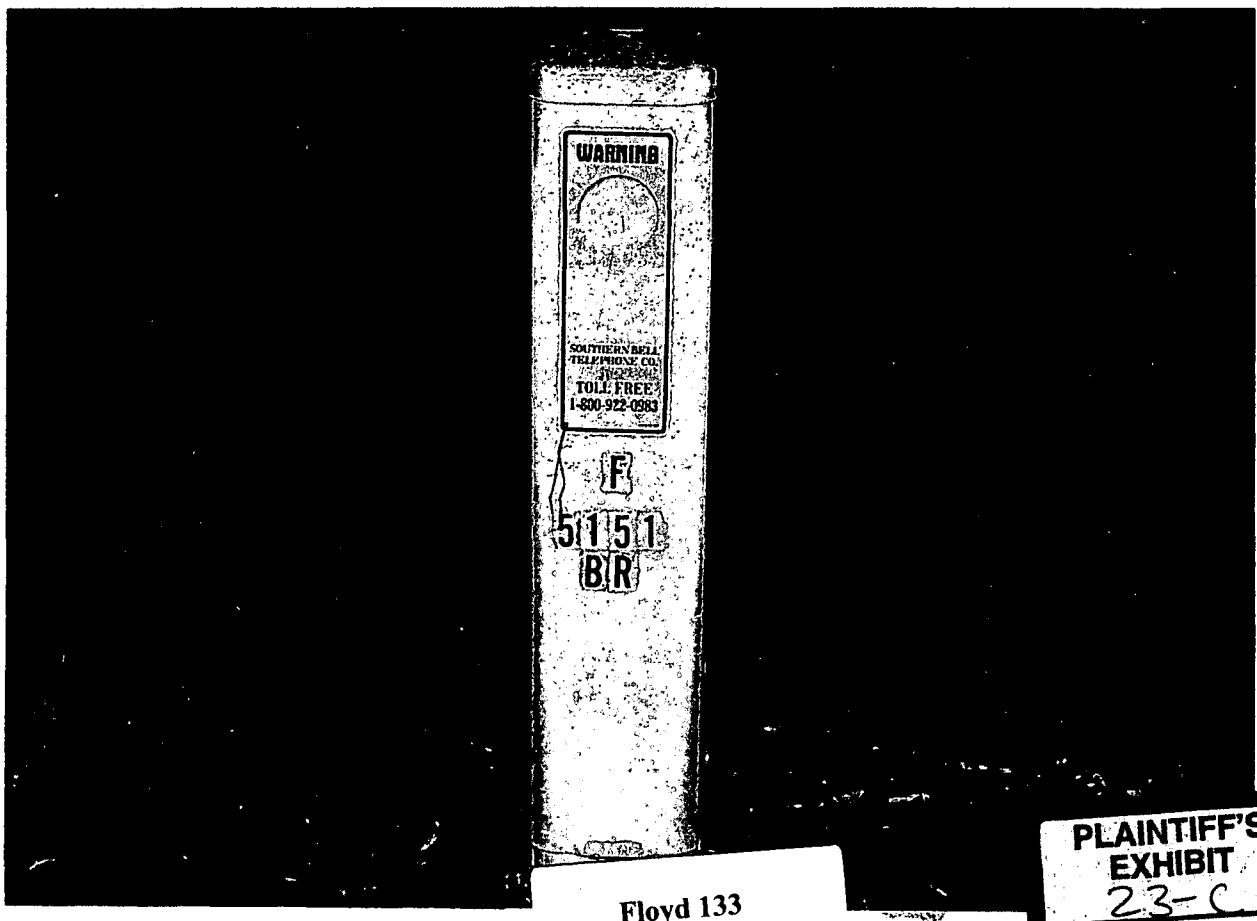


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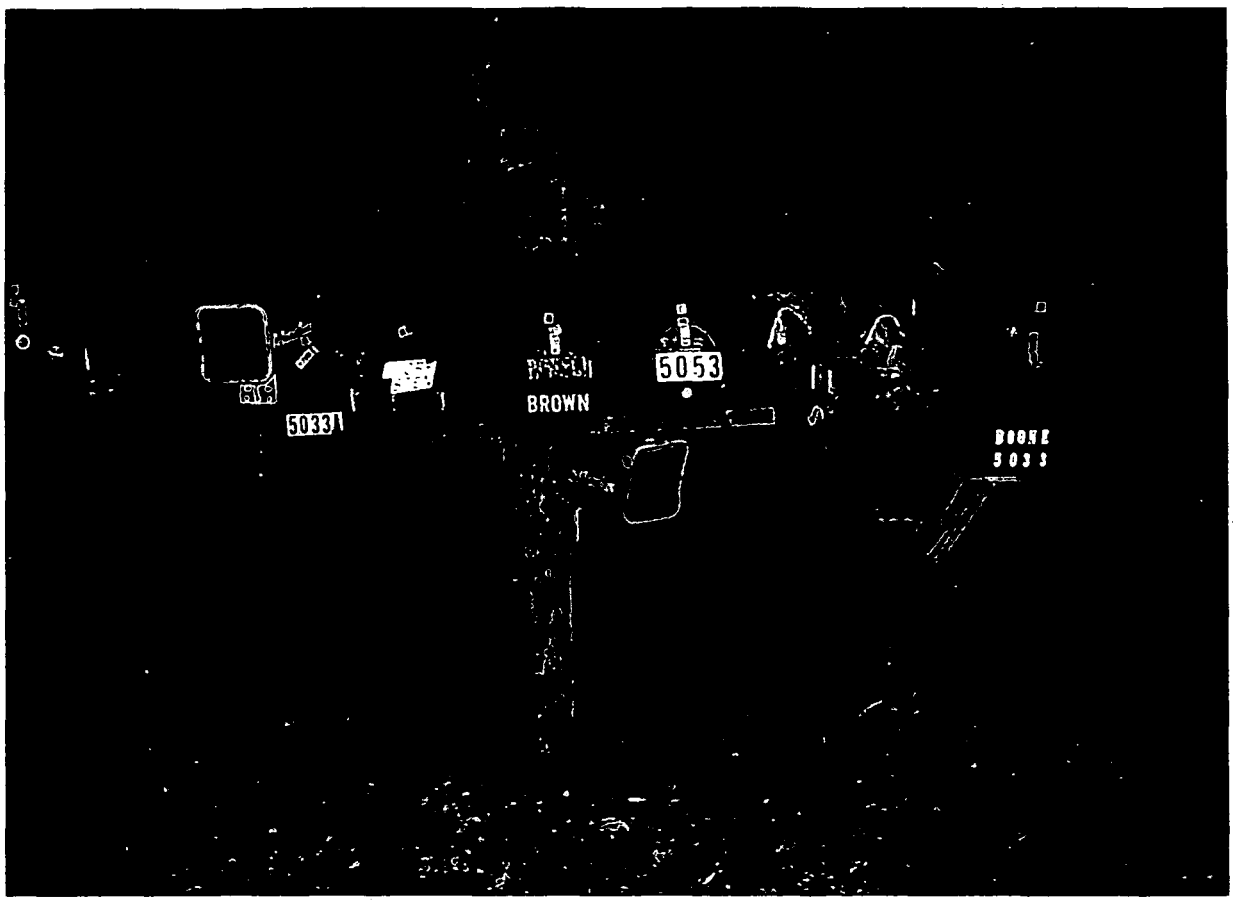


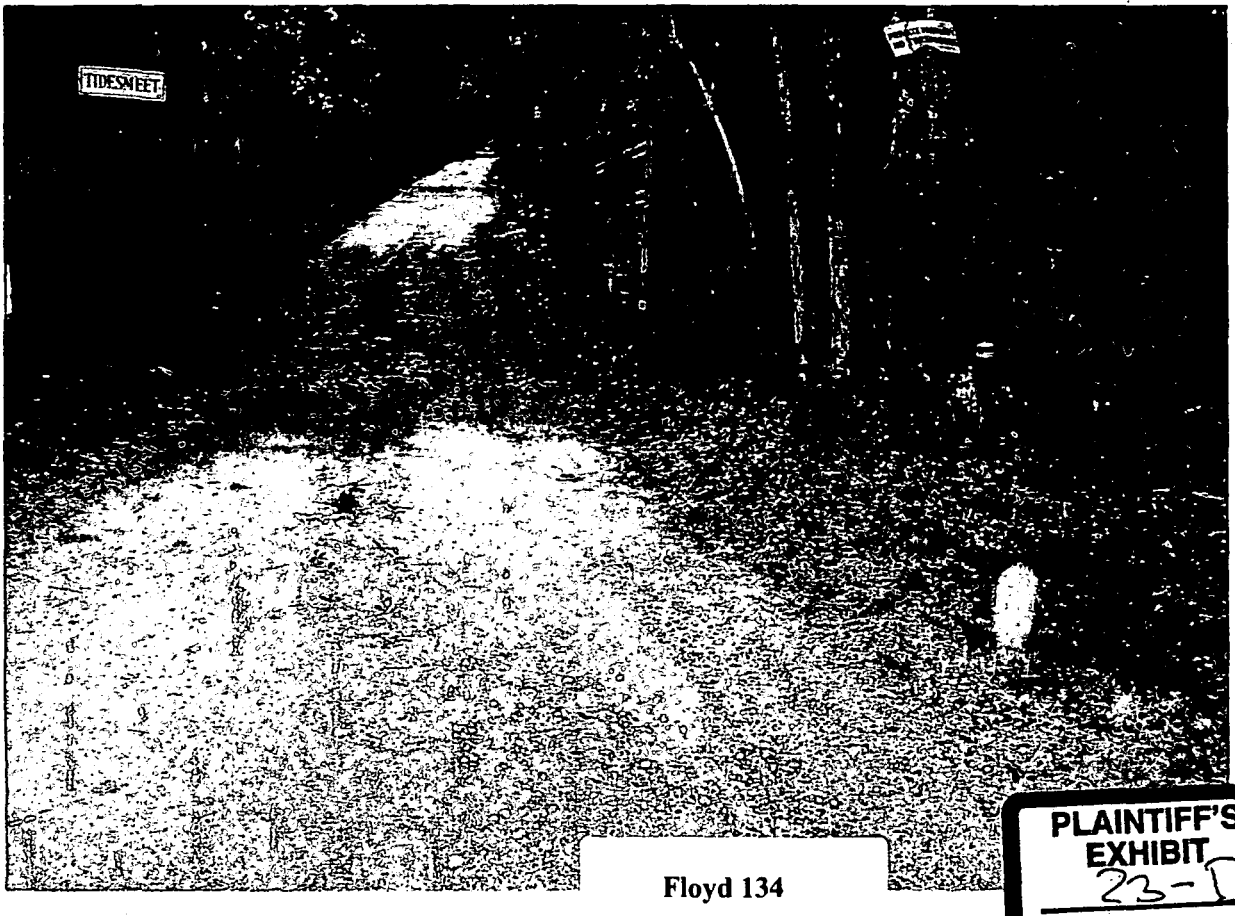


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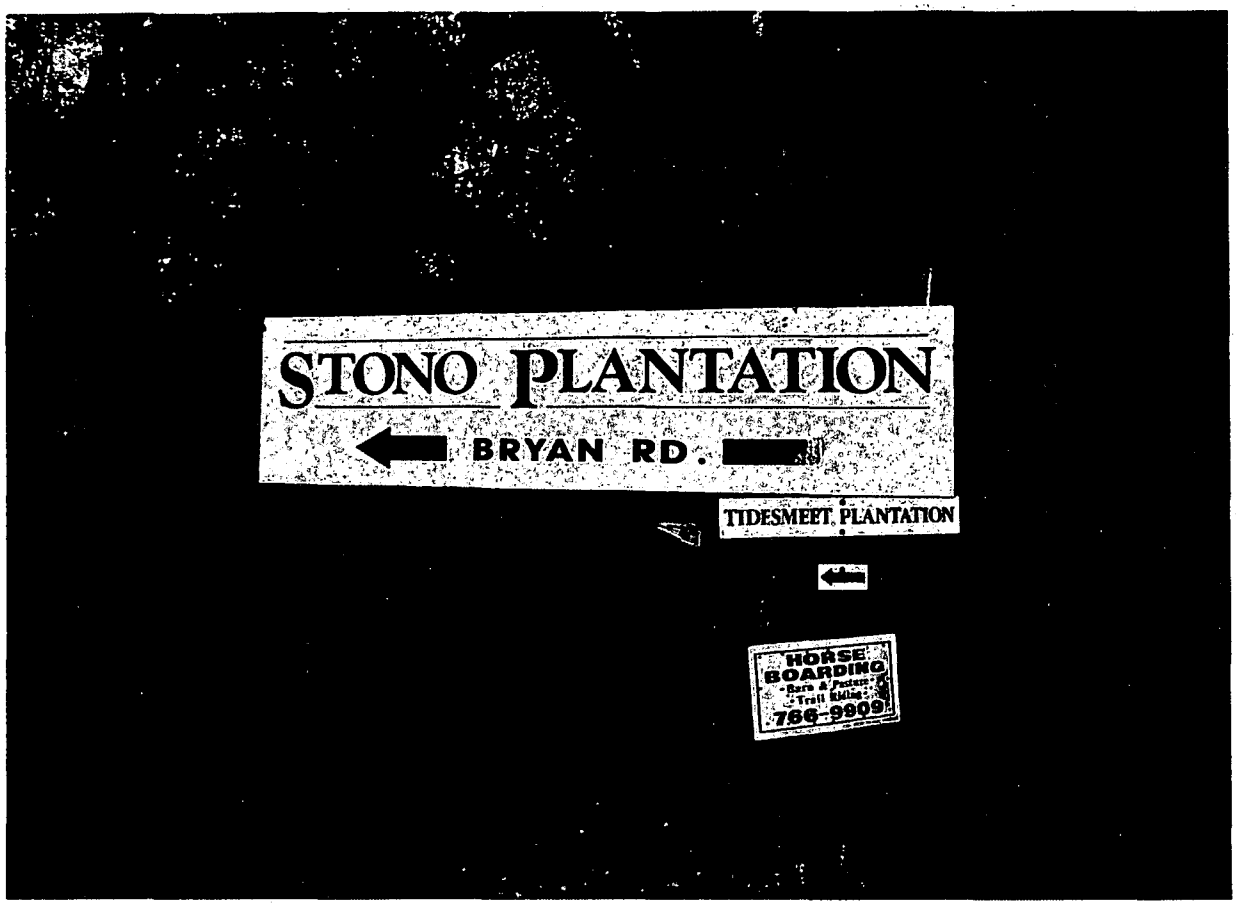




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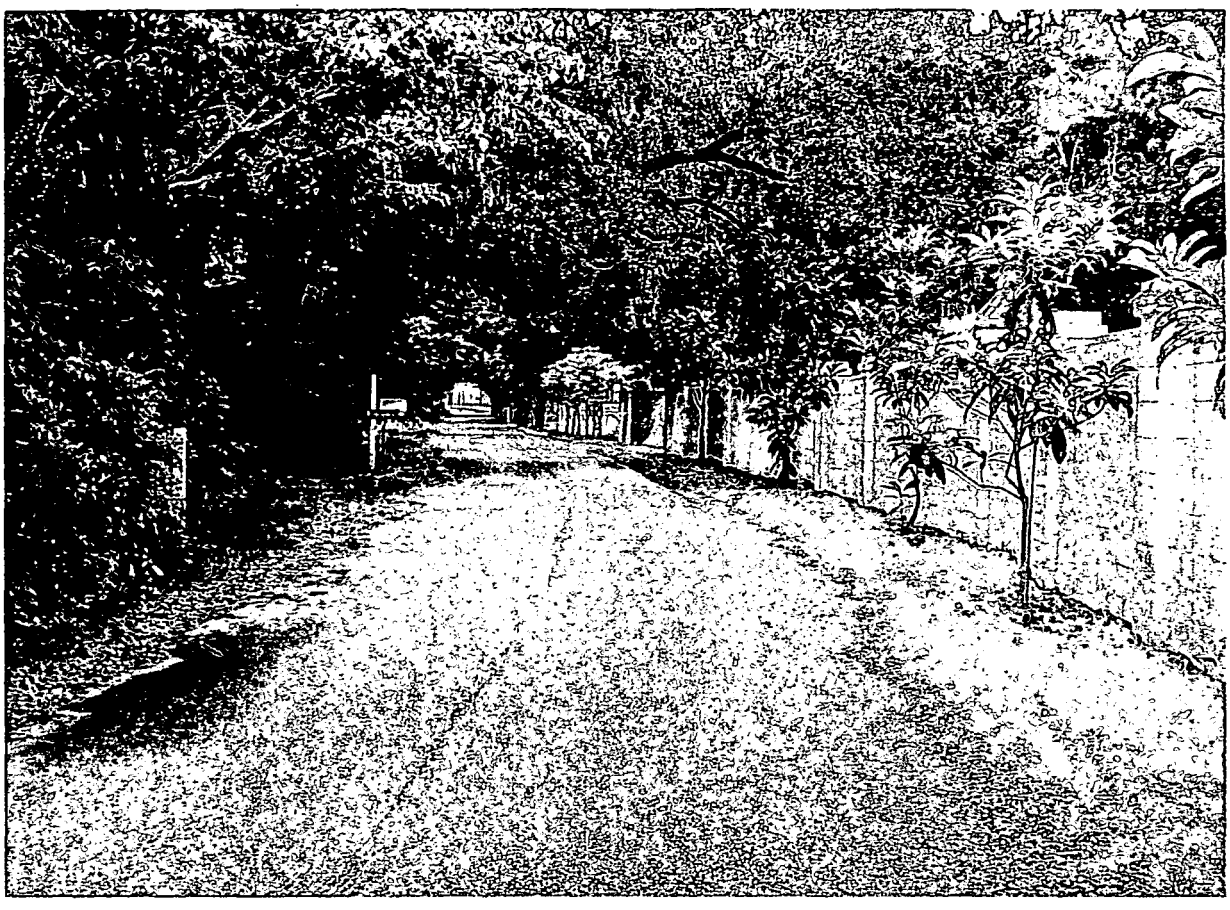
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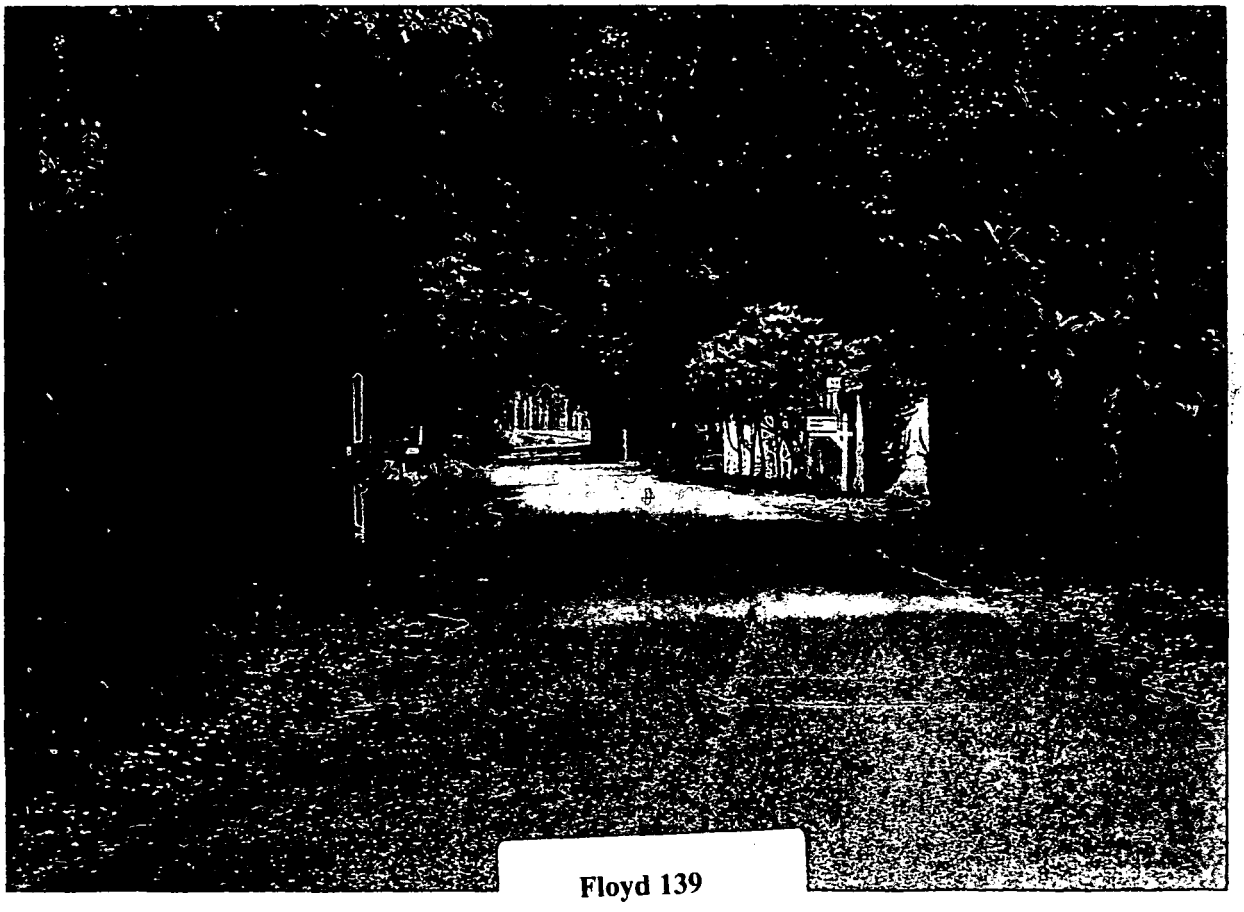
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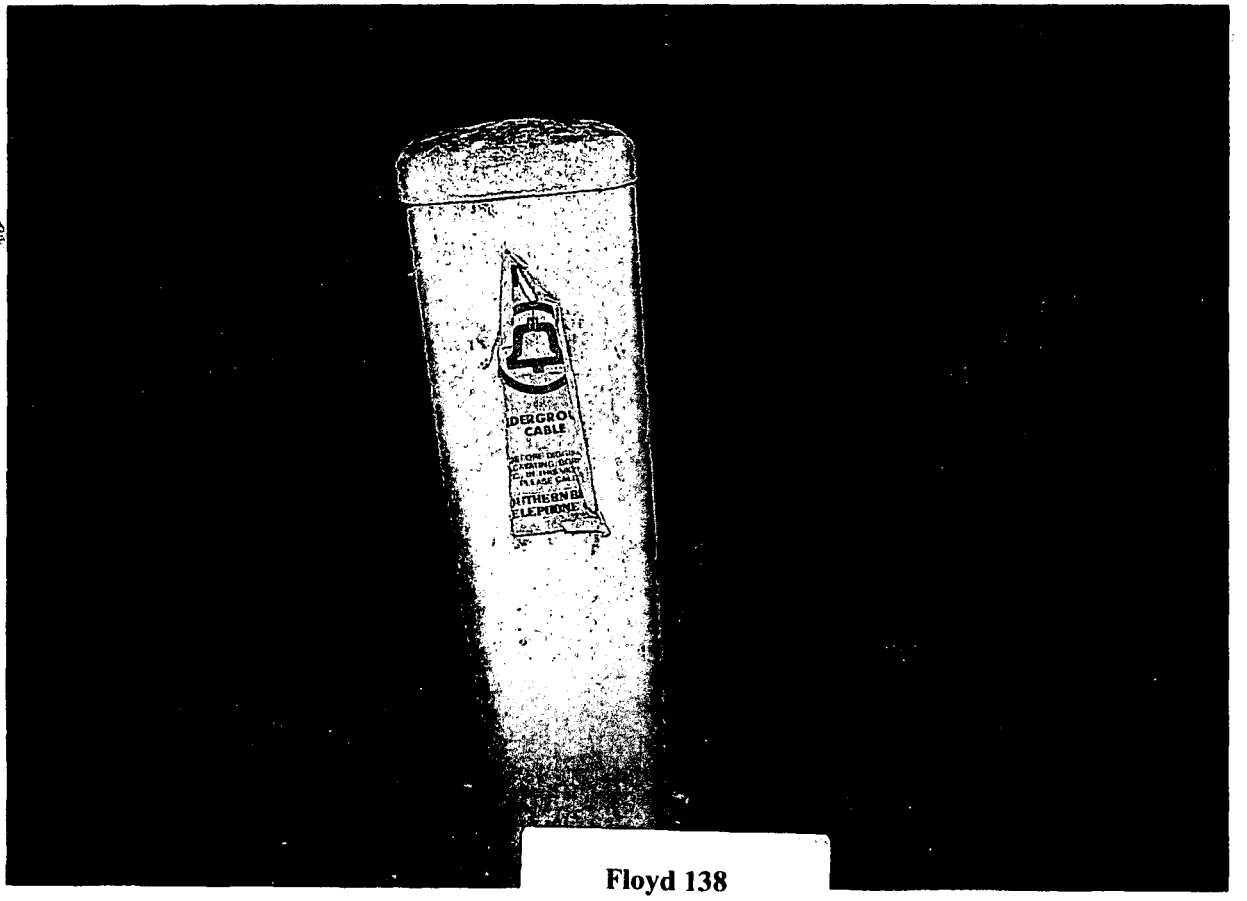




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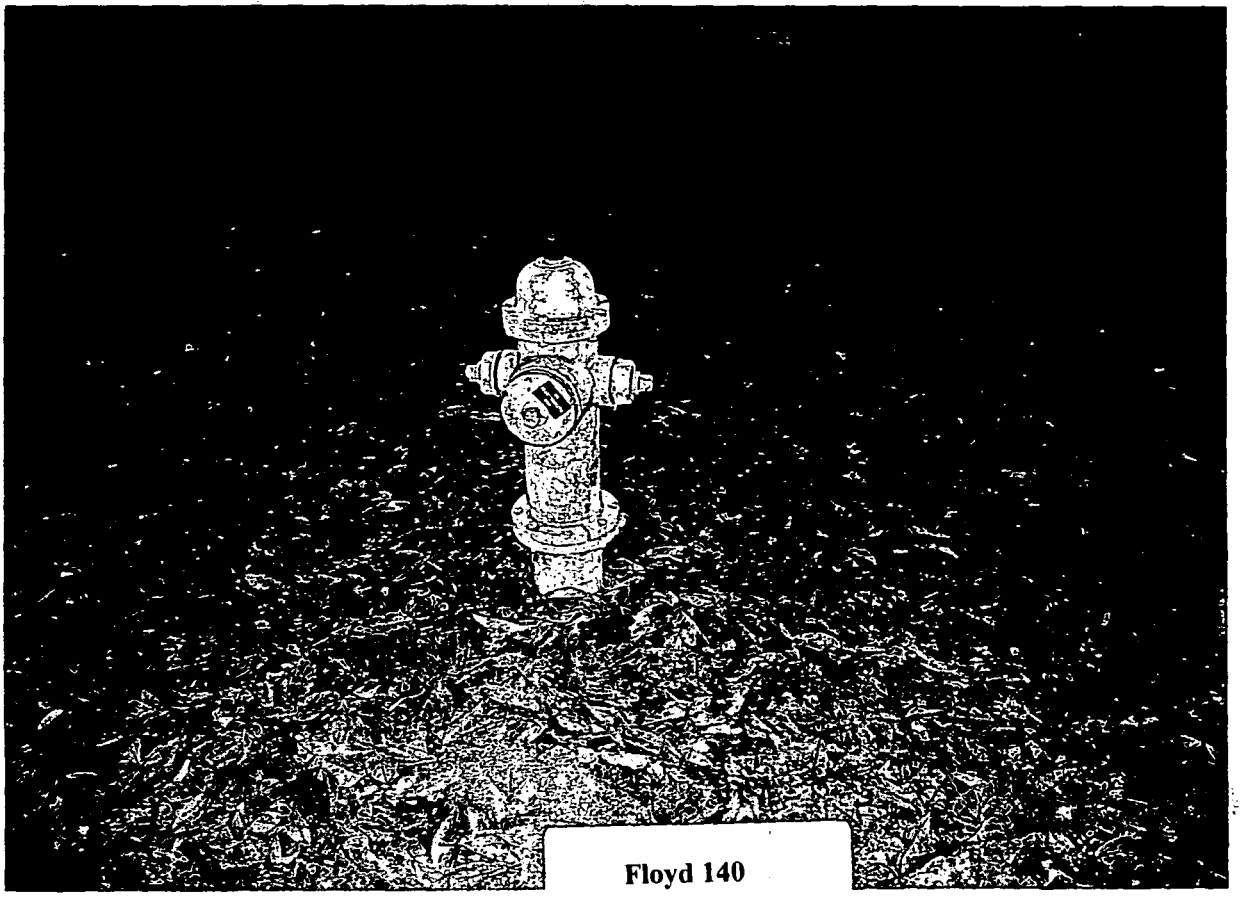




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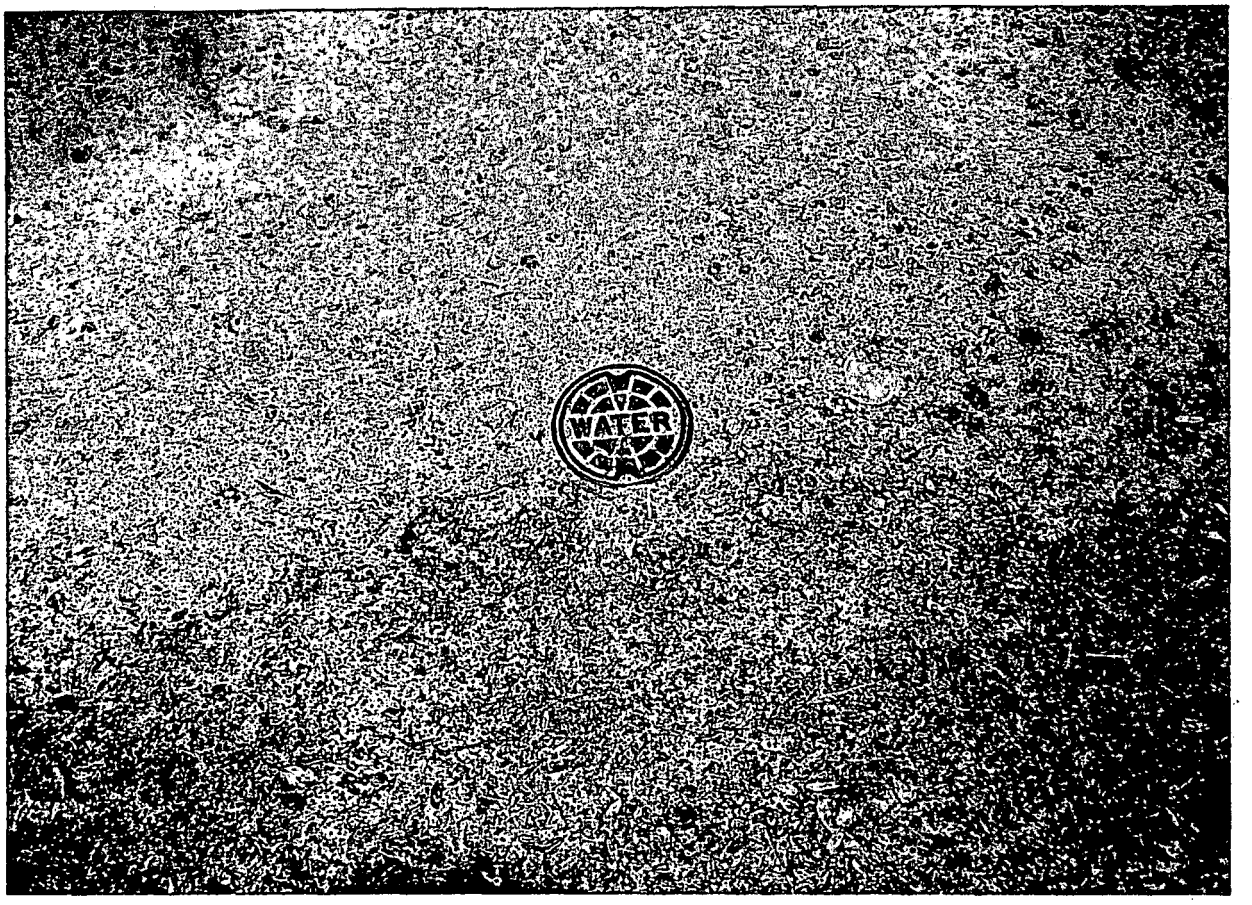
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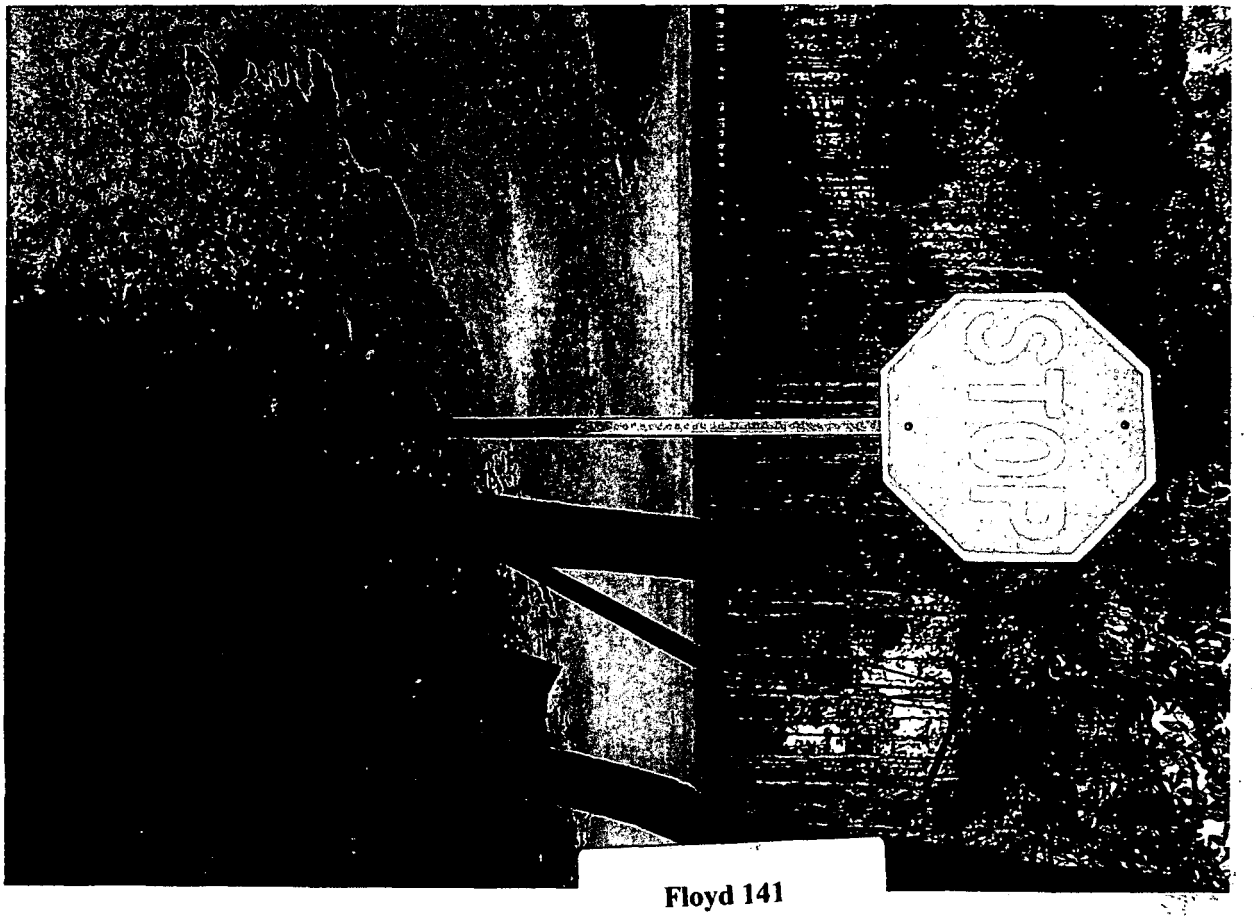




Floyd 140

DLSCN 09/09/11





Floyd 141

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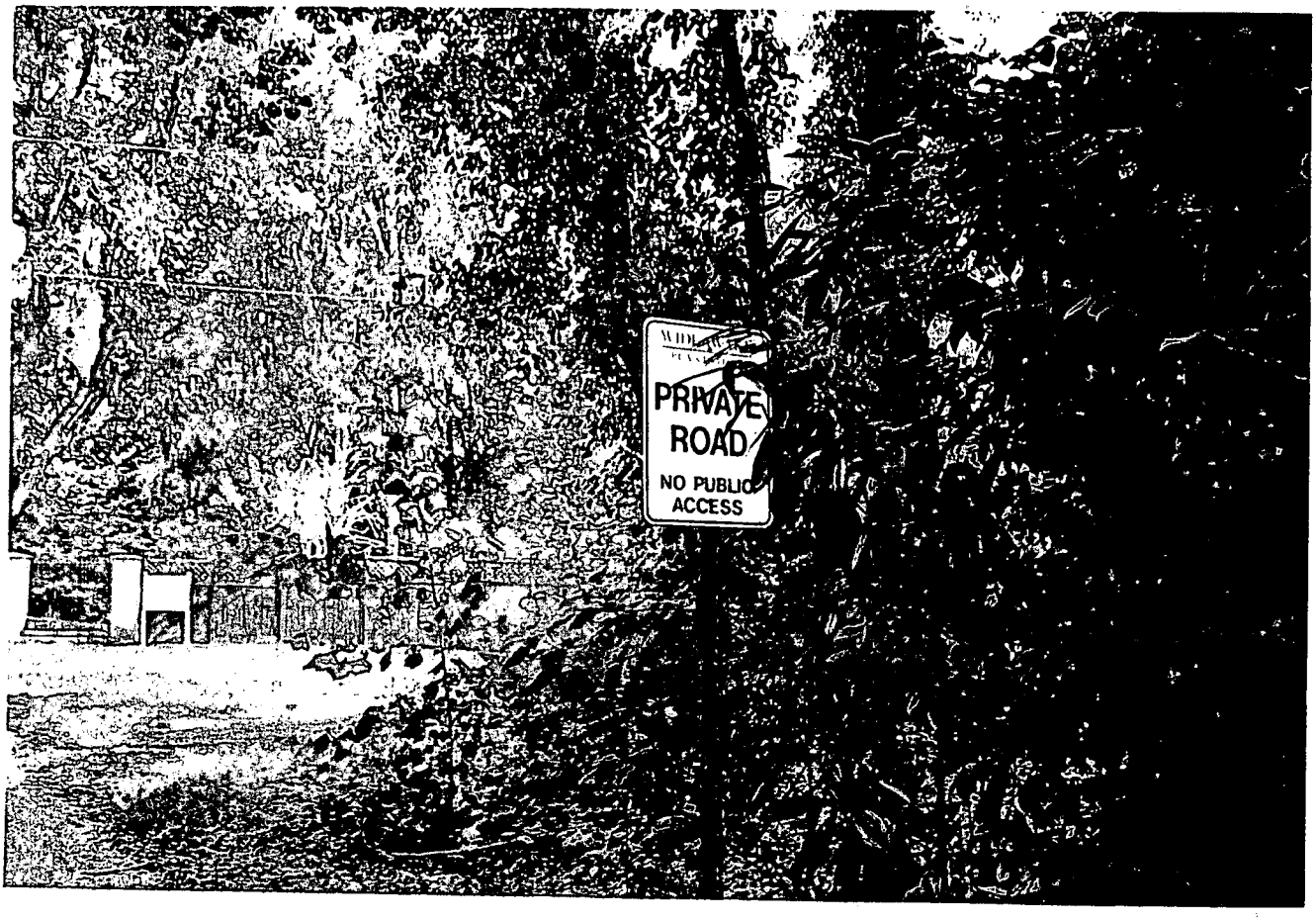
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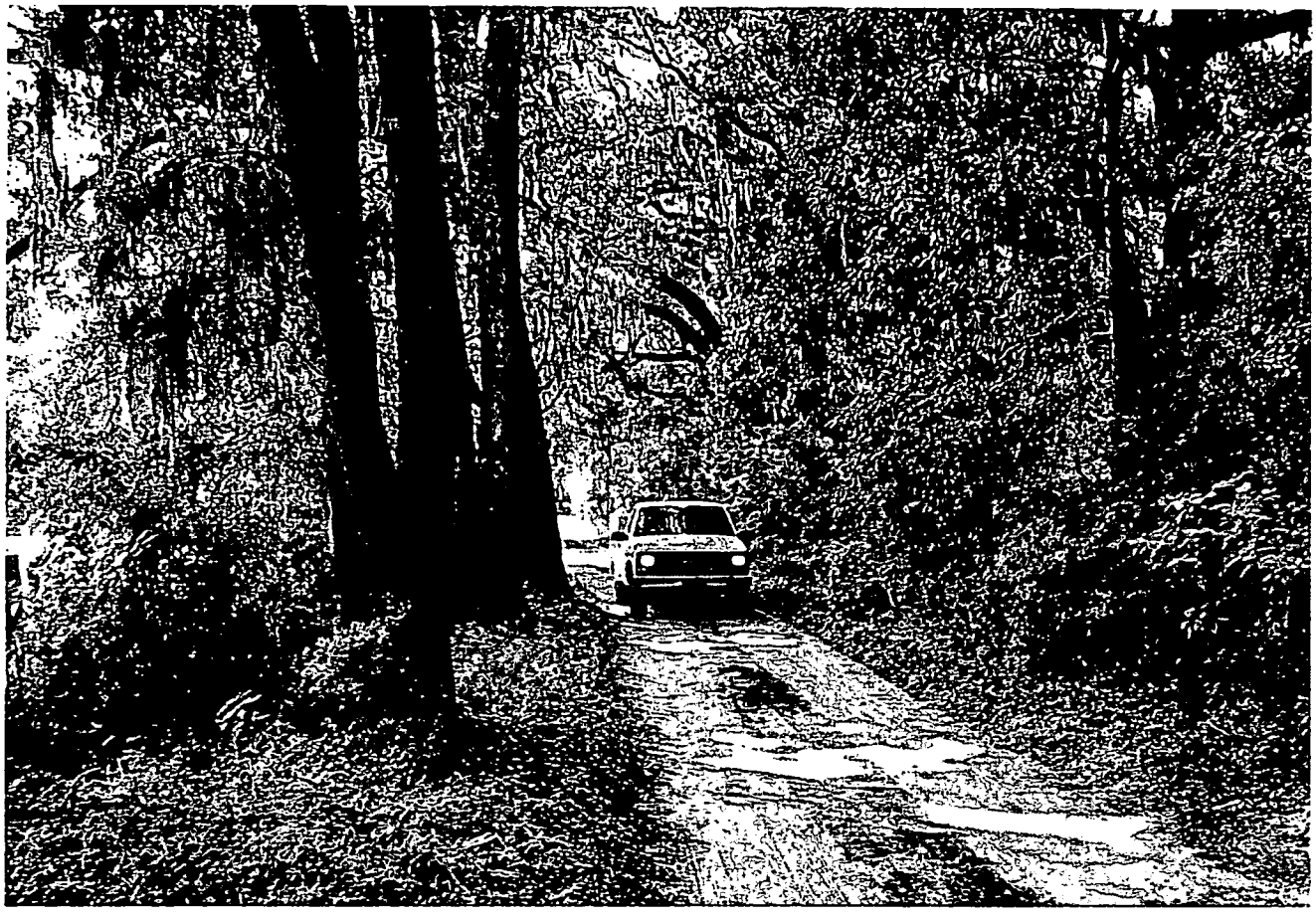


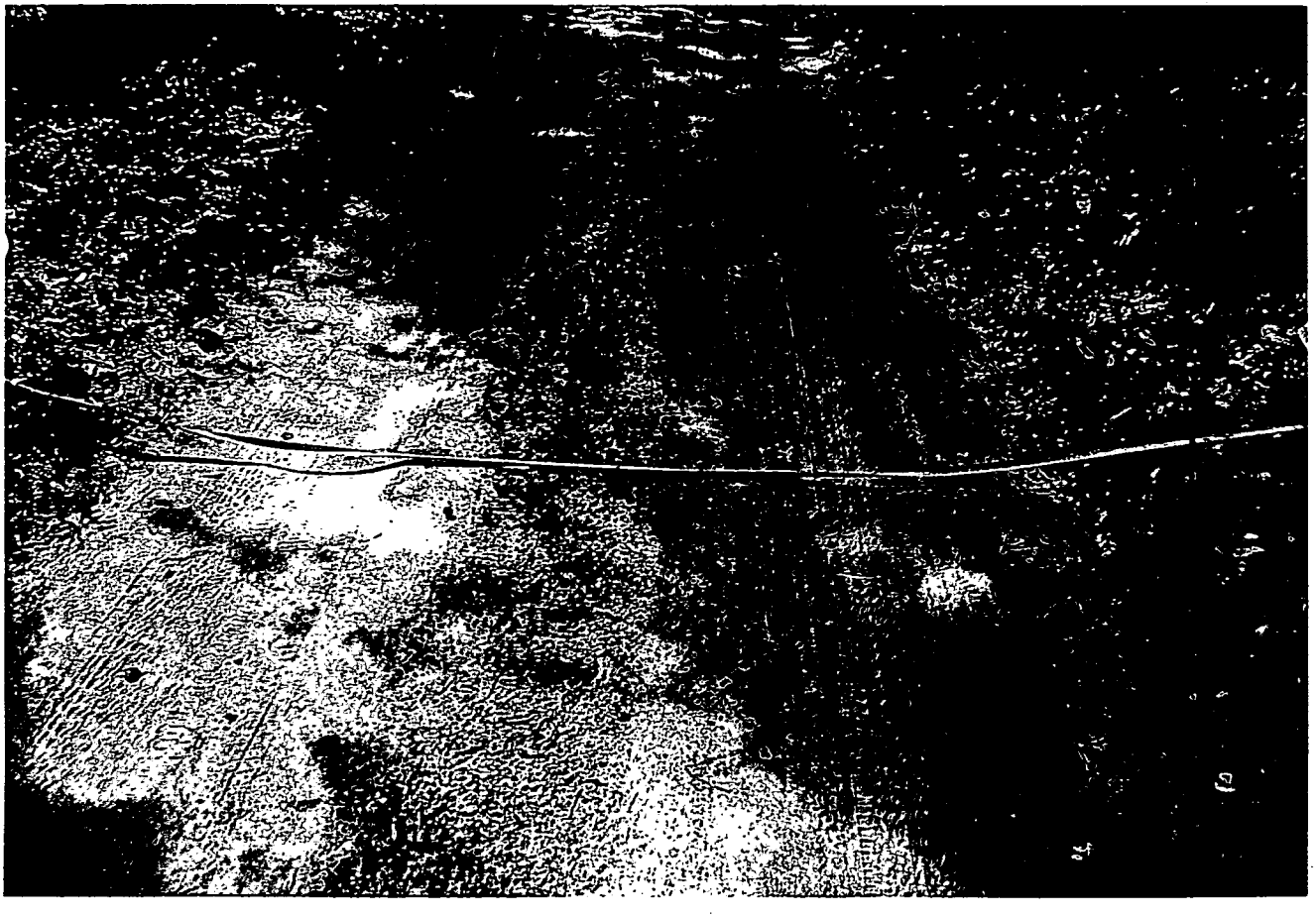
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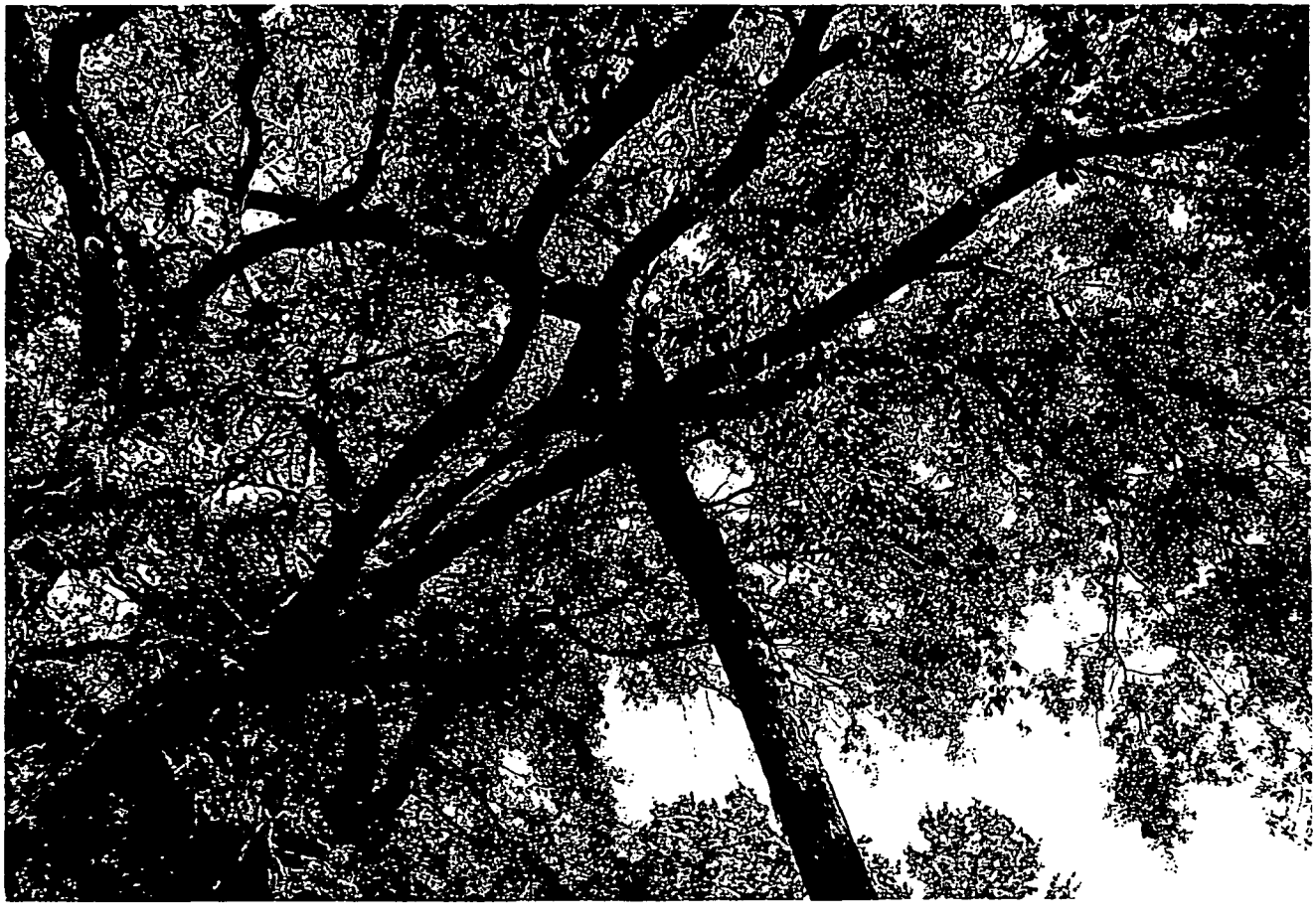
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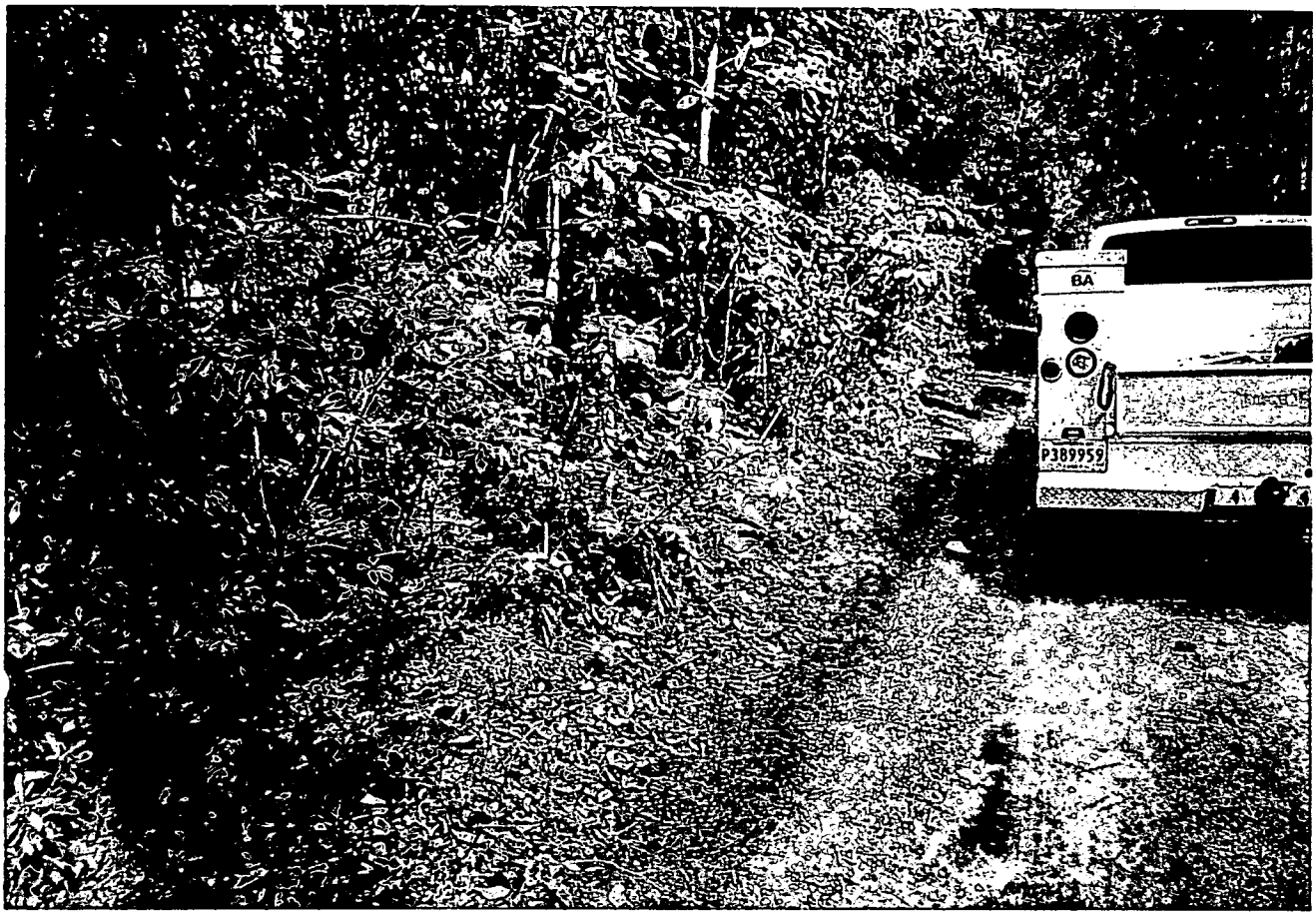
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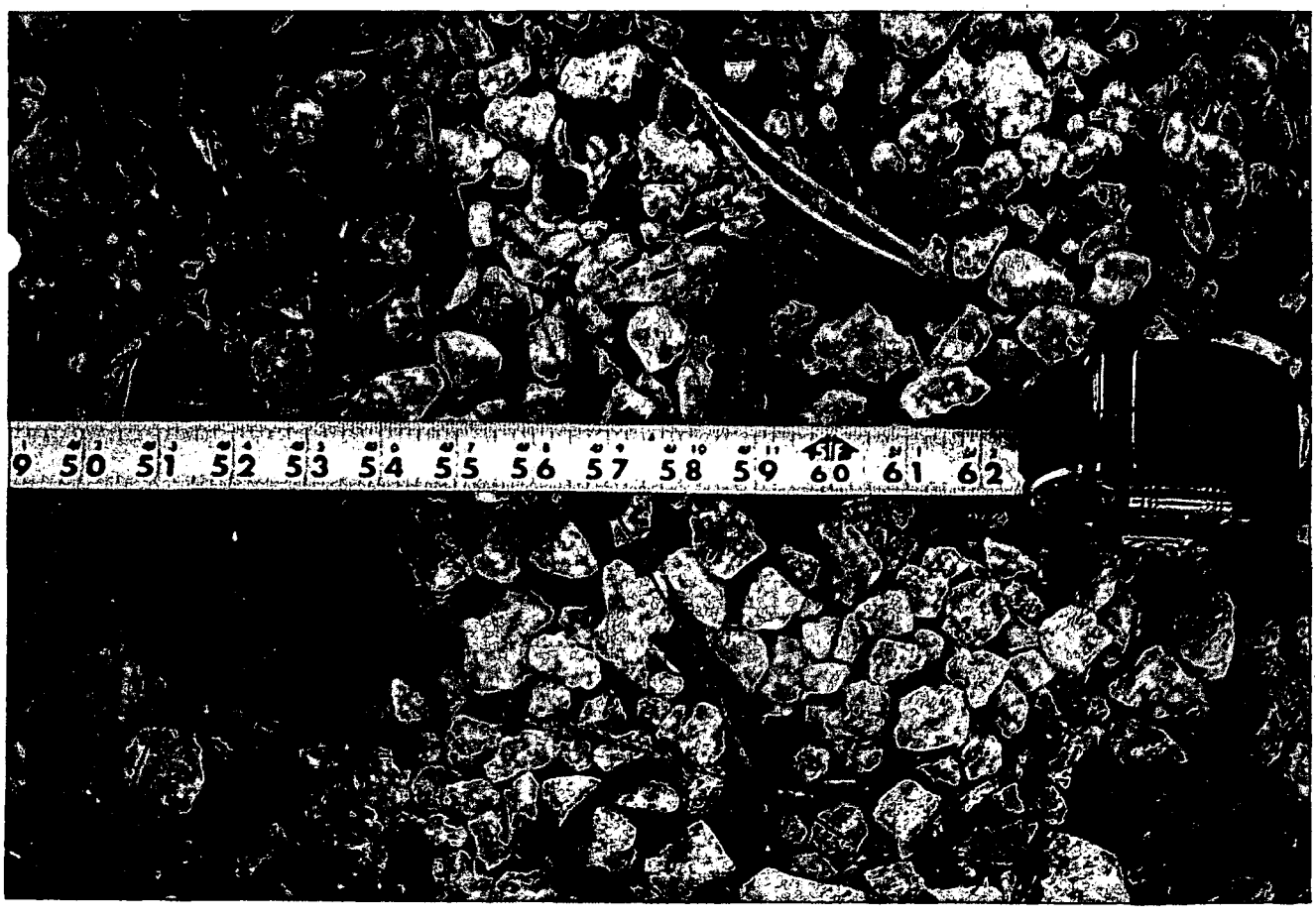
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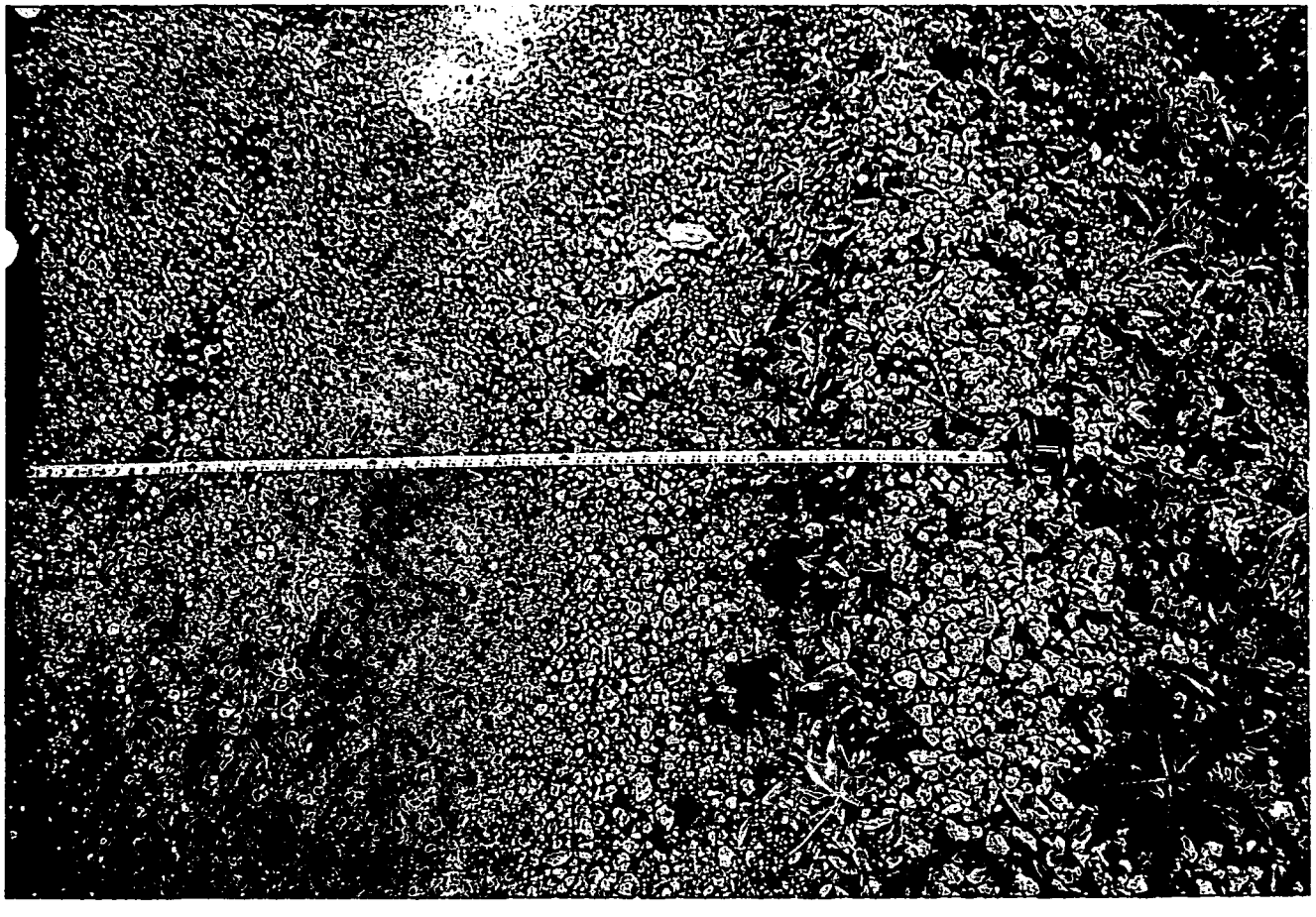
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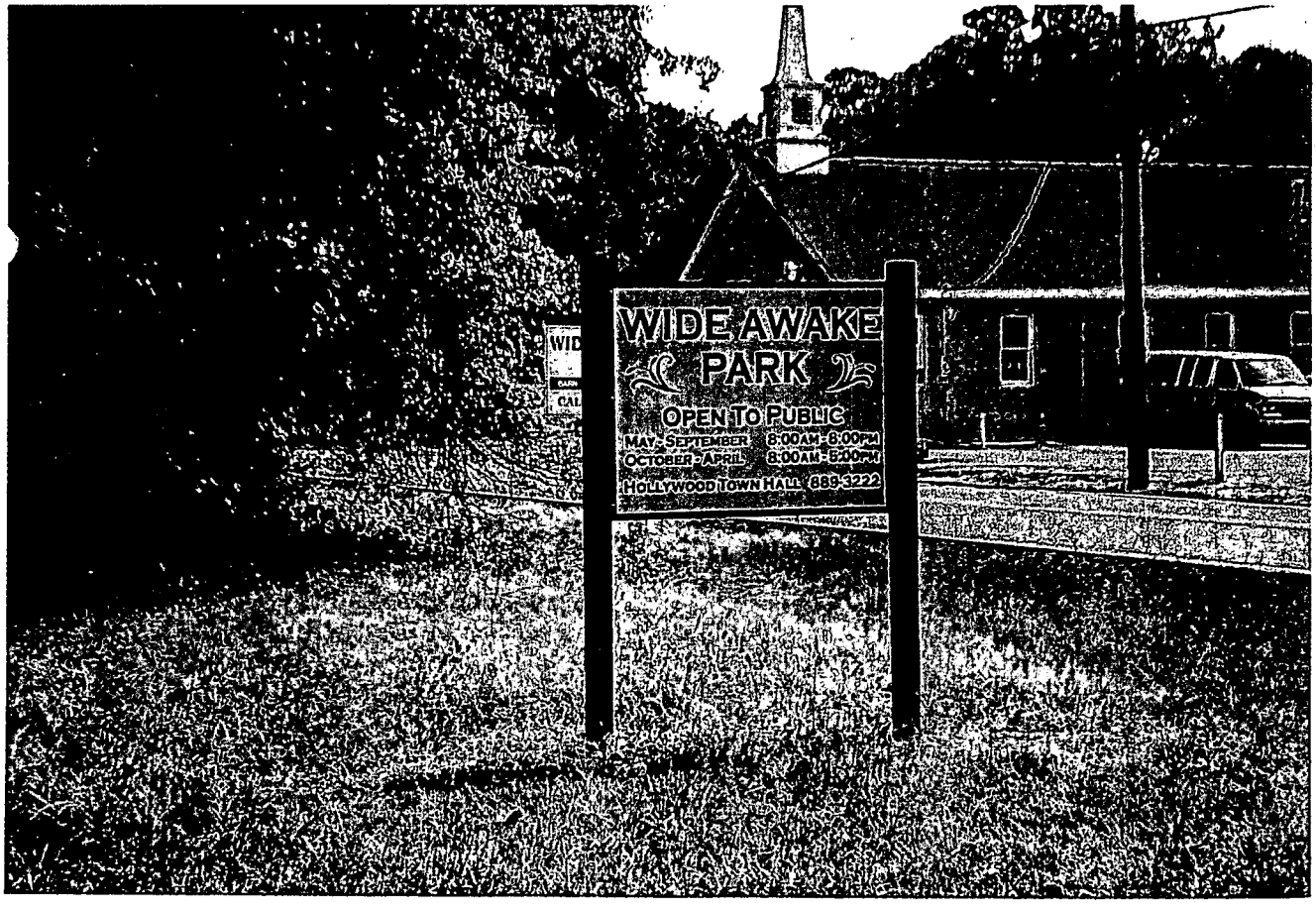
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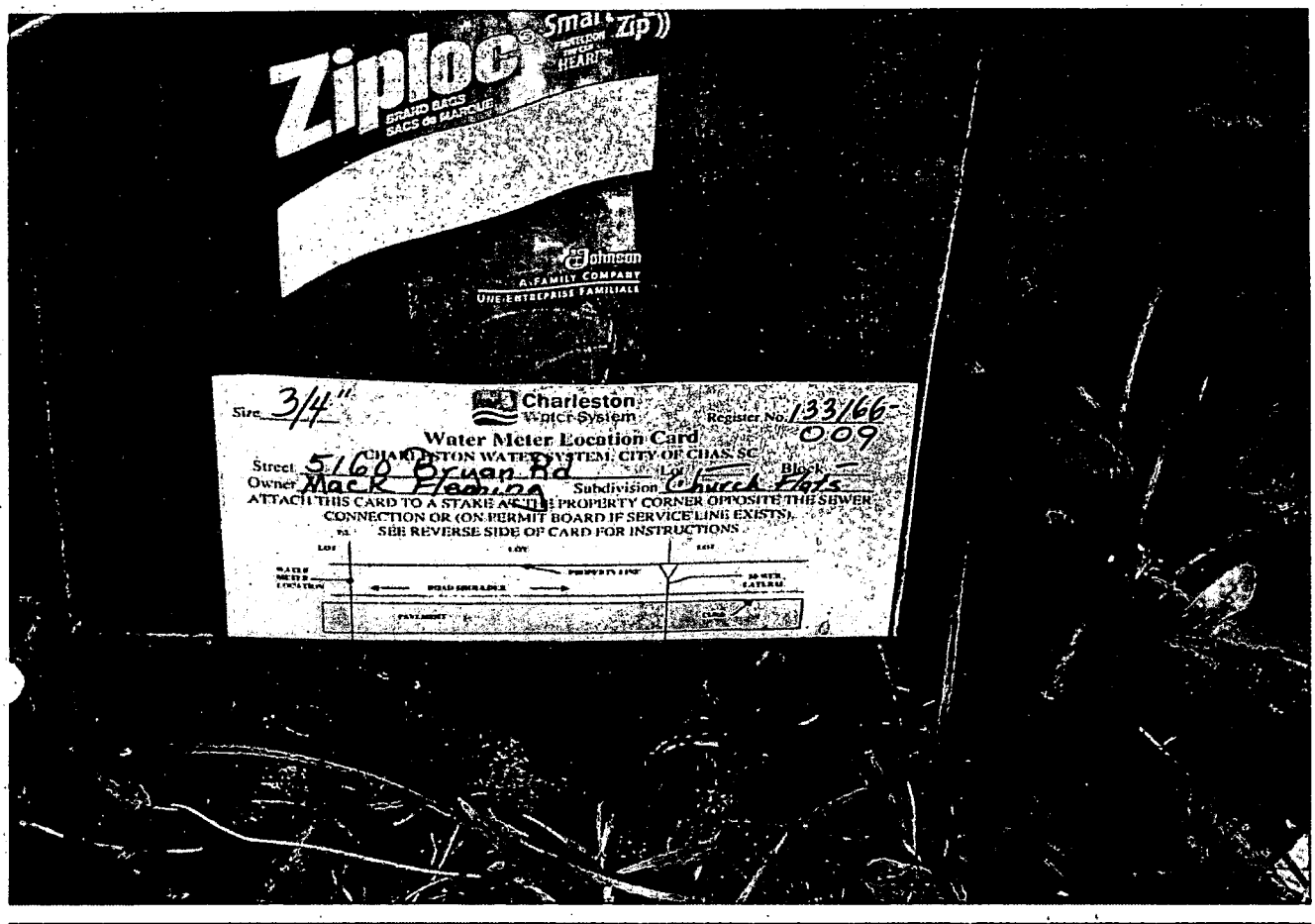
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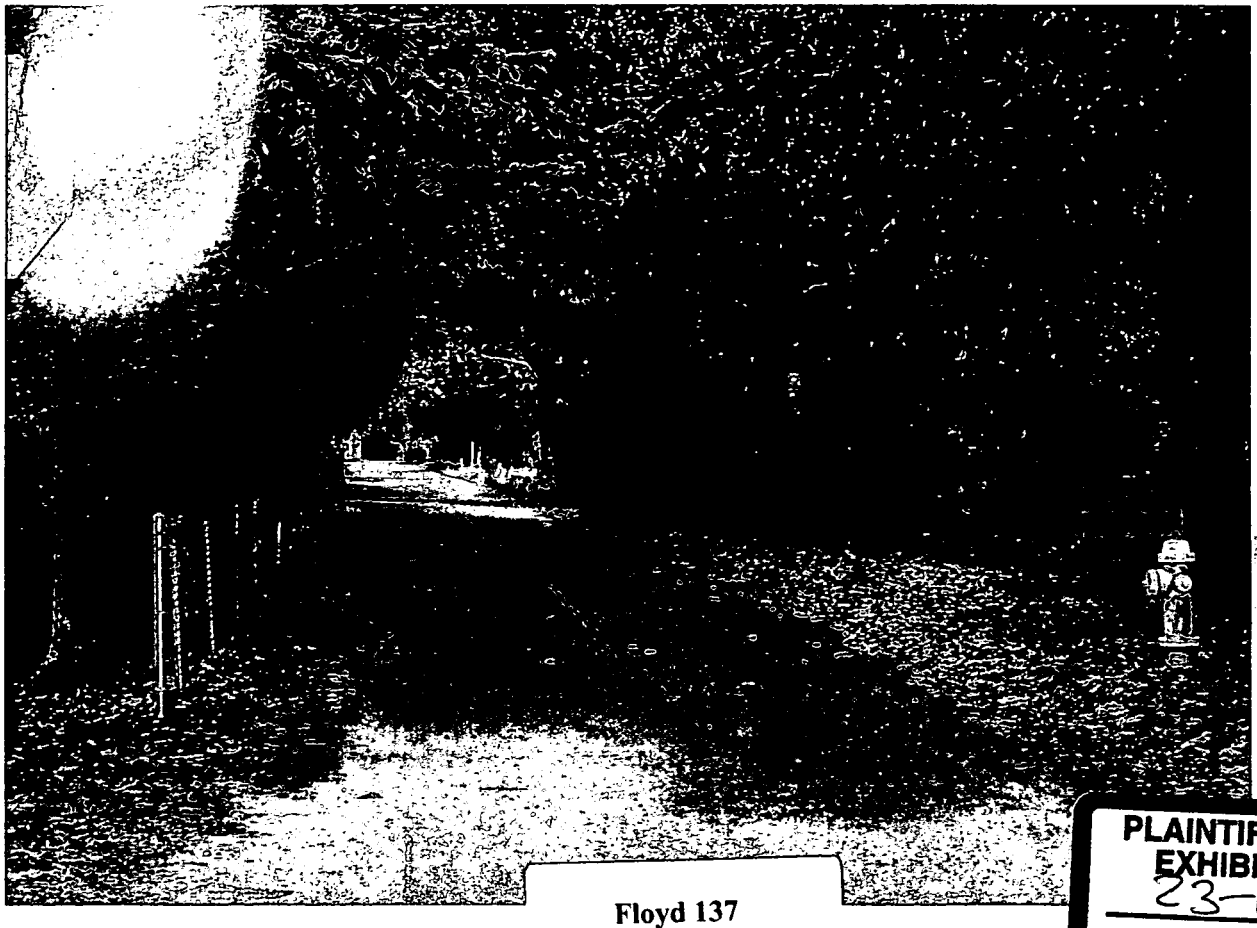
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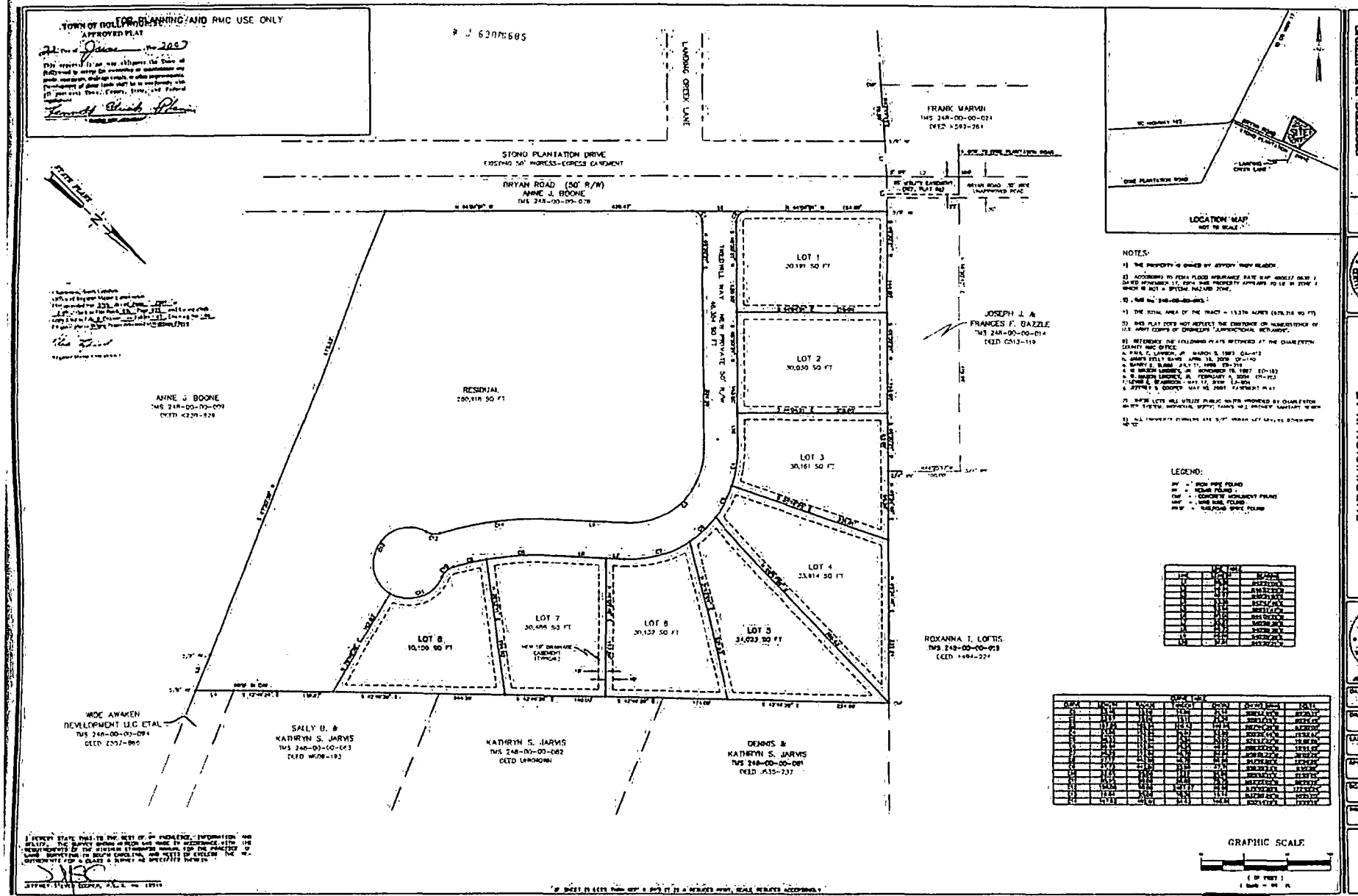




PLAINTIFF'S EXHIBIT 23-E

Floyd 137

DLSCN 09/09/11


FOR PLANNING AND PMC USE ONLY
TOWN OF HOLLYWOOD
APPROVED PLAT
STONO PLANTATION DRIVE
EXISTING 50' INGRESS-EGRESS EASEMENT
BRYAN ROAD (50' R/W)
ANNE J. BOONE
TMS 248-00-00-078
FRANK MARVIN
TMS 248-00-00-021
DEED K592-264
JOSEPH J. & FRANCES F. GAZZLE
TMS 248-00-00-014
DEED G513-119
ANNE J. BOONE
TMS 248-00-00-009
DEED K230-828
RESIDUAL
280,918 SQ FT
LOT 1
20,191 SQ FT
LOT 2
30,030 SQ FT
LOT 3
30,161 SQ FT
LOT 4
33,814 SQ FT
LOT 5
34,023 SQ FT
LOT 6
30,137 SQ FT
LOT 7
30,496 SQ FT
LOT 8
10,109 SQ FT
ROXANNA T. LOFTIS
TMS 248-00-00-019
DEED K494-224
WIDE AWAKEN DEVELOPMENT LLC ETAL
TMS 248-00-00-094
DEED Z357-865
SALLY B. & KATHRYN S. JARVIS
TMS 248-00-00-043
DEED W508-193
KATHRYN S. JARVIS
TMS 248-00-00-082
DEED UNKNOWN
DENNIS & KATHRYN S. JARVIS
TMS 248-00-00-081
DEED K535-237
LOCATION MAP
NOTES:
LEGEND:
GRAPHIC SCALE
PLAINTIFF'S EXHIBIT
SUBDIVISION PLAT
BRYAN PLANTATION
PHASE 1 - LOTS 1 - 8
TOWN OF HOLLYWOOD, CHARLESTON COUNTY, SOUTH CAROLINA
FORSBERG ENGINEERING AND SURVEYING, INC.
JEFFREY B. COOPER
DATE
JUNE 22, 2007
DRAWN/CHECKED
JBC/CWL
LAST REVISED
APPROVED
JBC
SCALE
1" = 60'
PROJECT NO.
3834
SHEET NUMBER
1
OF 1

William Floyd
1217 Ocean View Rd.
Chas. SC.
29412

10.00
pd + .50
10.50
2 ✓

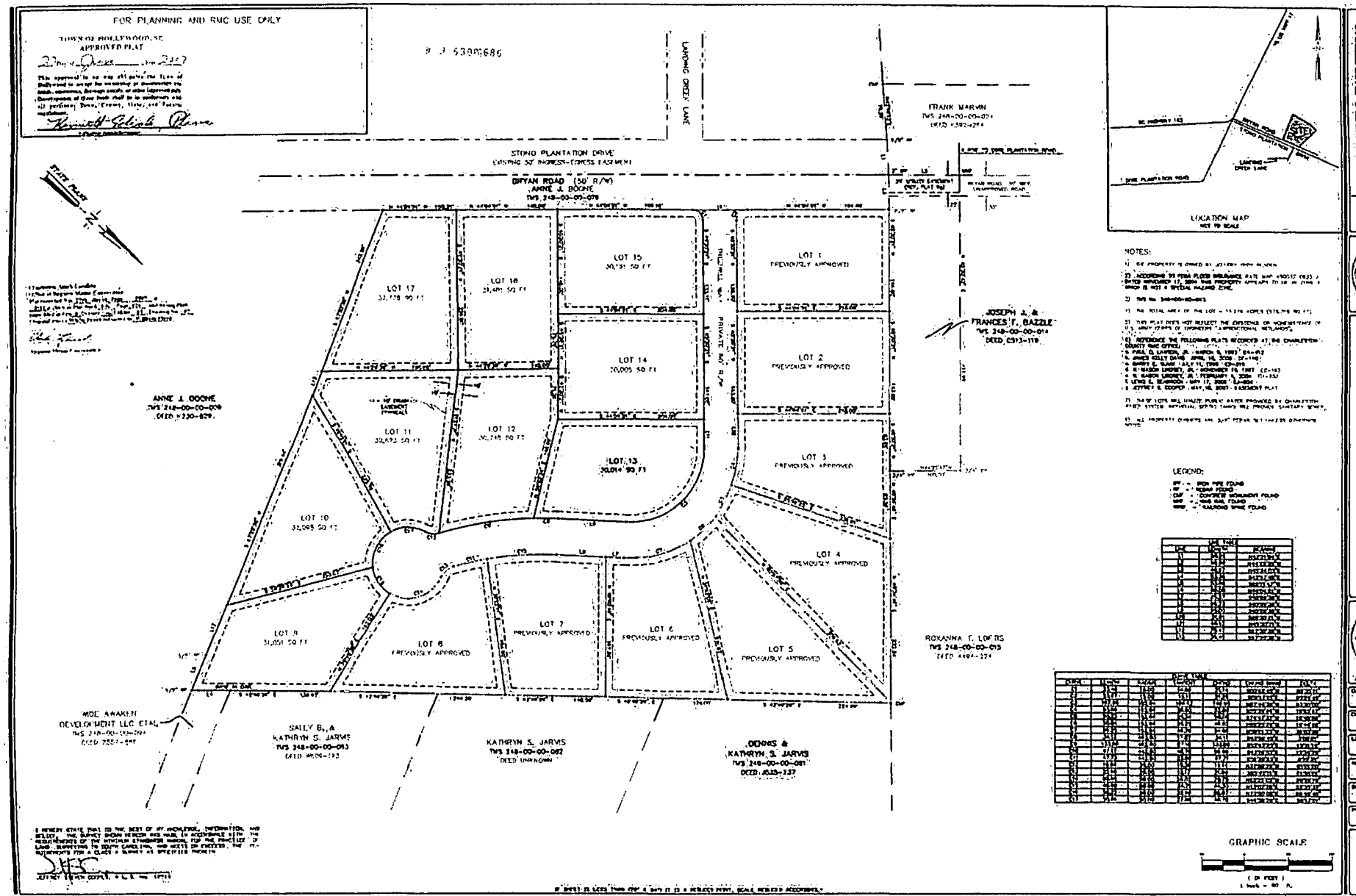
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EK-825
2007 JUN 27 PM 2:09
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

8.47.06

EK-825
Bryan Plantation
Lng Hollywood
Phs I

071 Brown Acres


FOR PLANNING AND RMC USE ONLY
TOWN OF HOLLYWOOD, SC
APPROVED PLAT
STONO PLANTATION DRIVE
EXISTING 30' INGRESS-EGRESS EASEMENT
BRYAN ROAD (50' R/W)
ANNE J. BOOCHE
TMS 248-00-00-078
FRANK MARVIN
TMS 248-00-00-024
LOT 17
LOT 16
LOT 15
LOT 14
LOT 13
LOT 12
LOT 11
LOT 10
LOT 9
LOT 8
LOT 7
LOT 6
LOT 5
LOT 4
LOT 3
LOT 2
LOT 1
PREVIOUSLY APPROVED
JOSEPH J. & FRANCES T. BAZZLE
TMS 248-00-00-014
DEED: C513-118
ANNE J. BOOCHE
TMS 248-00-00-009
DEED: K730-879
ROXANNA T. LOFTIS
TMS 248-00-00-015
WIDE AWAKE DEVELOPMENT LLC ETAL
SALLY B., & KATHRYN S. JARVIS
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KATHRYN S. JARVIS
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DEED UNKNOWN
DEBBS & KATHRYN S. JARVIS
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NOTES:
LEGEND:
GRAPHIC SCALE
POSSERO ENGINEERING AND SURVEYING, INC.
SUBDIVISION PLAT
BRYAN PLANTATION
PHASE 2 - LOTS 9 - 17
TOWN OF HOLLYWOOD, CHARLESTON COUNTY, SOUTH CAROLINA
JEFFREY S. COOPER
DATE: JUNE 26, 2007
JSC/CWL
JSC
1" = 60'
1834
1
PLAINTIFF'S EXHIBIT 2

William Floyd
1217 Ocean View Rd,
Chas. SC
29412

BK J 630PG686

10.00
pst .50
10.50
A

FILED
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2007 JUN 27 PM 2:11
CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC
8-47-07

EK-826
Bryan Plantation
Lot Hollywood
Pkg II

Plaintiff's Trial Exhibit #26

Identical To Plaintiff's Trial Exhibit #51 -- See Exhibit #51

DLSCN 09/09/11

ARTICLE B

PLATTING PROCEDURES

Section 5-6-21. General Requirements

(a) The procedure for review and approval of subdivision plats shall consist of two (2) separate steps:

(1) review and approval of preliminary plat; and

(2) review and approval of final plat.

(b) As an option, the developer may submit a sketch plan for the Planning Commission's informal review prior to Step 1.

(c) Step 1 shall be completed prior to making any street improvements or installing any utilities.

(d) In addition, Steps 1 and 2 shall be completed prior to the sale of any lots within the proposed subdivision; provided that the developer has the option to post a surety bond under the terms and conditions set forth hereinbelow, and to secure from the Town a conditional plat which will authorize the transfer of title following Step 1.

Section 5-6-22. Sketch Plan

Prior to filing an application for preliminary plat approval, the subdivider or his representative may submit a sketch plan of the proposed subdivision to the Planning Commission at least ten (10) working days in advance of its regularly scheduled meeting. At the meeting the subdivider or his representative shall present the sketch plan to the Planning Commission, and the commission shall provide informal comments. The purpose of the sketch plan is to offer the subdivider an opportunity to obtain the advice and assistance of the Planning Commission at an early stage in development.

Section 5-6-23. The Preliminary Plat

(a) The subdivider shall prepare a preliminary plat for submission to the Planning Commission. ~~Seven (7)~~ copies of the preliminary plat and of any supplemental material required shall be submitted to the Zoning Administrator not less than ~~ten (10)~~ working days prior to the Planning Commission meeting at which the plat is to be considered.



DLSCN 09/09/11

Section 5-6-24. Planning and Zoning Commission Action on Preliminary Plat

(a) The Planning Commission shall review and shall approve, approve conditionally or disapprove the preliminary plat as soon as possible after its submission. If no action is taken by the commission at the end of sixty (60) days after submission, the preliminary plat shall be deemed to have been approved.

(b) Notice of the time and place of the Planning Commission review shall be sent by mail to the subdivider whose name and address appears on, or accompanies the preliminary plat.

(c) Before taking final action on the preliminary plat, the Planning Commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new developments, including those departments responsible for streets, storm water drainage and sanitary sewerage, and building development, for their review and recommendations.

(d) If the preliminary plat is found to conform to all of the requirements of this ordinance, preliminary approval shall be given by the Planning Commission. Approval shall be noted on at least two (2) copies of the preliminary plat by the chairman and the zoning administrator. One (1) copy shall be retained by the Planning Commission; another shall be given to the subdivider.

(e) Upon approval of the preliminary plat, the subdivider may proceed with the installation of, or arrangements for, required improvements in accordance with the preliminary plat and proceed with preparation of a final plat. The subdivider may also post a surety bond and submit a conditional plat application in accordance with the requirements of this ordinance.

(f) If the preliminary plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the Chairman of the Planning Commission. The reasons for disapproval shall refer specifically to those regulations with which the plat does not conform. One (1) copy of the reasons shall be retained in the records of the Commission; another shall be given to the subdivider.

Section 5-6-25. The Conditional Plat

The subdivider may choose to submit a conditional plat. The subdivider shall submit one (1) conditional plat on Mylar and ~~seven (7)~~ Ten (10) or more dark line prints to the Zoning Administrator, together with the surety bond meeting the requirements of this ordinance. The conditional plat shall be identical to the approved preliminary plat, except for the change in title and date. Upon review and approval of the surety bond by the Town Attorney and Town engineer, the Zoning Administrator may approve the conditional plat. The Zoning Administrator shall inform the Planning Commission of his action at the commission's next regularly scheduled meeting. The conditional plat shall be filed in the Office of the County Register of Mesne Conveyance.

DLSCN 09/09/11

Section 5-6-26. The Final Plat

(a) The subdivider shall submit one (1) final plat on Mylar and ~~seven (7)~~ fifteen (15) or more dark line prints to the Zoning Administrator at least ~~ten (10)~~ ten (10) working days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval. At the same time, there shall be submitted one (1) set of the proposed plans and specifications for all improvements and any proposed restrictive covenants.

(b) Subdivisions which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvements to existing streets shall be accepted by the Planning Commission in the form of a final plat. Such subdivision shall comply with all requirements of these regulations.

(c) Improvements. Before submitting the final plat for review the subdivider shall have installed all required improvements per these regulations or shall have filed a surety bond in accordance with the provisions of this ordinance.

(d) Time of Submission. The final plat of the proposed subdivision shall be submitted to the Planning Commission for approval within one (1) year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered void.

(e) Action on Final Plat. The Planning Commission shall approve or disapprove the final plat as soon as possible after it has been submitted for final approval. Approval and the date thereof shall be shown on the plat over the signature of the chairman of the Planning Commission and the Zoning Administrator. If no action is taken by the Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.

(f) If the final plat is disapproved by the Planning Commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of the ordinance or regulations with which the plat does not conform. One (1) copy of the reasons for disapproval shall be retained in the records of the Planning Commission and another shall be given to the subdivider for resubmission.

(g) In instances involving Town acceptance of lands, the final plat or resubmitted final plat (prior to recording) shall be submitted to Town Council for approval and acceptance of rights-of-way, utilities, easements and any other lands dedicated to public use. Town Council shall not be obligated to accept any land proposed for public dedication. After final approval the subdivider shall file the original approved final plat, with certificates, with the County Register of Mesne Conveyance.

DLSCN 09/09/11

Section 5-6-27. Recording

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be filed in the Office of the County Register of Mesne Conveyance.

Sections 5-6-28 through 5-6-30 are reserved.

DLSCN 09/09/11

ARTICLE C

PLATTING REQUIREMENTS

Section 5-6-31. Design Standards

Design and construction of all streets shall in all respects conform to the standards of the S.C. Department of Highways and Public Transportation or the Charleston County Department of Public Works as appropriate. The street layout for all subdivisions must be approved by the Planning Commission.

(a) **Public Streets**

Streets intended to be public streets shall be so specified by the developer. Public streets shall be opened to the exterior property lines of the subdivision unless permanently terminated by a vehicular turn-around or an intersection with another street.

(b) **Continuation of Adjoining Streets**

Proposed streets shall be coordinated with the street system in the surrounding area and, where possible, provide for the continuation of principal streets.

(c) **Intersections**

Streets shall be laid out so that the centerline of no more than two (2) streets shall intersect in any one point. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

(d) **Property Lines at Intersections**

Property lines at street intersections shall be rounded with a radius of not less than fifteen (15) feet. Larger radii may be required by the Planning Commission when, in its opinion, such design is advisable to permit the construction of curbs.

(e) **Cul-de-sacs**

Dead-end streets, designed to be so permanently, shall be no longer than eight hundred (800) feet except where land cannot be subdivided otherwise practicably as determined by the

DLSCN 09/09/11

Planning Commission, and shall be provided at the closed end with a turn around having minimum of fifty (50) feet at the curb lines.

(f) **Street Names**

The assigning of street names shall be in conformance with Title 3, Chapter 1 of this Town Code.

(g) **Alleys**

Alleys shall be permitted in multi-family, planned unit development, commercial and industrial districts where required to provide for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed. Such alleys shall be at least twenty (20) feet in width and shall permit safe vehicular movements. Dead-end alleys shall be avoided, but where necessary shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Commission.

(h) **Street Jogs**

Street intersections with centerline offset of less than one hundred and fifty (150) feet shall be avoided.

(i) **Right-of-Way Width**

Street right-of-way widths shall be based on the specifications of the appropriate state or local agency. All streets shall require a minimum right-of-way of fifty (50) feet.

Section 5-6-32. Easements

(a) **Utilities**

Utility easements for both underground and above ground facilities shall be provided where needed. Such easements shall have a minimum width of twelve (12) feet and shall normally be laid out along property lines. Utilities shall be placed underground unless otherwise approved by the Planning Commission.

(b) **Drainage**

All drainage conduits shall be placed underground, except for those instances where, due to high water table or inadequate relief, such underground conduits are not technically feasible. Drainage easements of a width required for handling storm drainage plus width for

DLSCN 09/09/11

maintenance equipment access shall be provided where needed along streams and drainage ways. No subdivision shall block or obstruct the natural drainage of an adjoining area.

(c) **Site Easement**

In all corner lots, there shall be provided a sight easement. This easement shall be that triangle formed by the intersecting street right of way lines adjacent to each corner lot and a line across the corner of the lot between points twenty-five (25) feet from the street intersection along each street right of way line. Within this easement, no building, no earth bank, no vegetation and no other obstruction shall be allowed which is between three (3) and ten (15) feet in height above the center line finished grade of the road. In lieu of dedicating a sight area easement, the developer may show said area as part of the road right-of-way. The required site easement may be adjusted for developments located on S.C. Highways 162 and 165 that are within the Town Center District.

(d) **Maintenance**

The Town of Hollywood shall maintain only those easements, rights of way and public sites (i.e. park, historical sites, bicycle paths) which it accepts for maintenance.

(e) **Clearance**

All easements for drainage or sewer shall be cleared of all obstructions by the developer prior to final approval. This does not apply to easements which are provided for possible future use.

Section 5-6-33. Blocks

The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- Provision of adequate building site suitable to the special needs of the type of use contemplated.
- Zoning requirements as to lot sizes and dimensions.
- Limitations and opportunities of topography and drainage features.
- Needs for convenient access, circulation, control and safety.

DLSCN 09/09/11

(a) **Length**

Block lengths shall not exceed fourteen hundred (1400) feet, but shall not be less than six hundred (600) feet in length, measured along the center line of the block, unless, due to unusual circumstances, an alternate block length is approved by the Planning Commission.

(b) **Width**

Blocks used for residential purposes should be of sufficient width to allow for two (2) tiers of lots of appropriate depth. Blocks intended for other use should be of a width suitable for the intended use, with due allowance for off-street parking and loading.

Section 5-6-34. Lots

Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to the particular district requirements of this ordinance and the following requirements:

(a) **Width, General**

Shall be as prescribed in the particular zoning district requirements.

(b) **Side Lot Lines**

Side lot lines should be approximately at right angles or radial to street lines, except where, due to topographic conditions, the Planning Commission approves otherwise.

(c) **Corner Lots**

Corner lots shall have extra width where necessary to permit the establishment of sight area easements.

(d) **Lot Area**

No lot shall be created which has an area less than that specified by the particular zoning district requirements or does not conforming to the S.C. Department of Health and Environmental Control water and waste water supply/treatment regulations.

DLSCN 09/09/11

(e) **Commercial and Industrial Lots**

Commercial and industrial sites and lots shall be of appropriate size and arrangement to provide for adequate building area, open space, off-street parking and loading facilities necessary for the intended use, consistent with the requirements of this ordinance, and pertinent DHEC water and waste water regulations.

(f) **Double Frontage**

Double frontage and reverse frontage lots shall be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

(g) **Building Line Setbacks**

Minimum setbacks for all uses are as designated in Section 5-5, Article D.

(h) **Lot Frontage**

The minimum frontage of any lot shall be twenty (20) feet.

(I) **Access**

All lots shall be provided access by means of streets which have been constructed in conformance with the standards and specifications of the Charleston County Road Code or State requirements as appropriate, and dedicated in accordance with these regulations, with access to an existing street which has been accepted for continual maintenance by the State of South Carolina or one of its political subdivisions. Private streets must be constructed in conformance with the Charleston County Road Code or the specifications of the S.C. Highway Department. Maintenance of private streets shall be the responsibility of the developer or property owners.

(j) **Lots Subject to Flooding**

A plat of a proposed subdivision submitted to the Planning Commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. All subdivisions shall meet the provisions of Title 5, Chapter 2.

DLSCN 09/09/11

Section 5-6-35. Group Developments

(a) **Standards**

The standards and requirements of this Article may be modified by the Planning Commission to allow the developer more freedom in the arrangement of streets and buildings in the case of a plan and program for a group development, planned development, or cluster development which is in conformance with applicable zoning requirements, and which in the judgement of the Planning Commission does not violate the spirit of these regulations. Such proposed developments shall have adequate public spaces and improvements for circulation, recreation, light, air and service needs for the future users of the tract when fully developed and populated.

Plans for group developments and planned developments such as mobile home parks, townhouses and apartment complexes, and industrial and commercial complexes, where the site is not subdivided into lots and public streets are retained in one ownership, shall be submitted to the Planning Commission for review and approval. Such plans shall conform to the appropriate provisions of the zoning district they are located. Plans for all developments shall meet the site plan requirements of Title 5, Chapter 5, Article I.

(b) **Setbacks**

Each building on the periphery of a group development shall observe the minimum setback requirements of the zoning district in which it is located.

(c) **Enforcement of Development Requirements**

No building permits shall be issued and no connection to public utilities or services shall be made until the plans for all developments have been approved by the Planning Commission.

Sections 5-6-36 through 5-6-40 are reserved.

DLSCN 09/09/11

Section 5-6-46. Storm Sewers and Drainage

(a) A storm drainage system designed to protect proposed developments from flooding shall be provided in every subdivision. The system shall be adequate to carry off all storm water in its drainage area, shall not increase the hazard of flooding to areas down grade from the proposed development and shall be installed to specifications of the S.C. Storm water Management and Sediment Reduction Act and/or the Charleston County Road Code as appropriate. Where a public storm sewer is reasonably accessible as determined by the Planning Commission, the subdivider shall connect with such drainage system. The developer shall do all grading and provide all necessary drainage structures to carry the water and to conform with Town standards and specifications.

(b) Where a storm water reduction or sediment control plan is required pursuant to Section 5-8-1, an approved plan must be submitted with the preliminary plat application.

Section 5-6-47. Streets

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes shall layout, grade, install necessary drainage facilities, pave, install curb and gutters and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the specifications of these regulations.

Section 5-6-48. Street Signs

The subdivider shall place street name signs which meet the Town of Hollywood specifications at all street intersections.

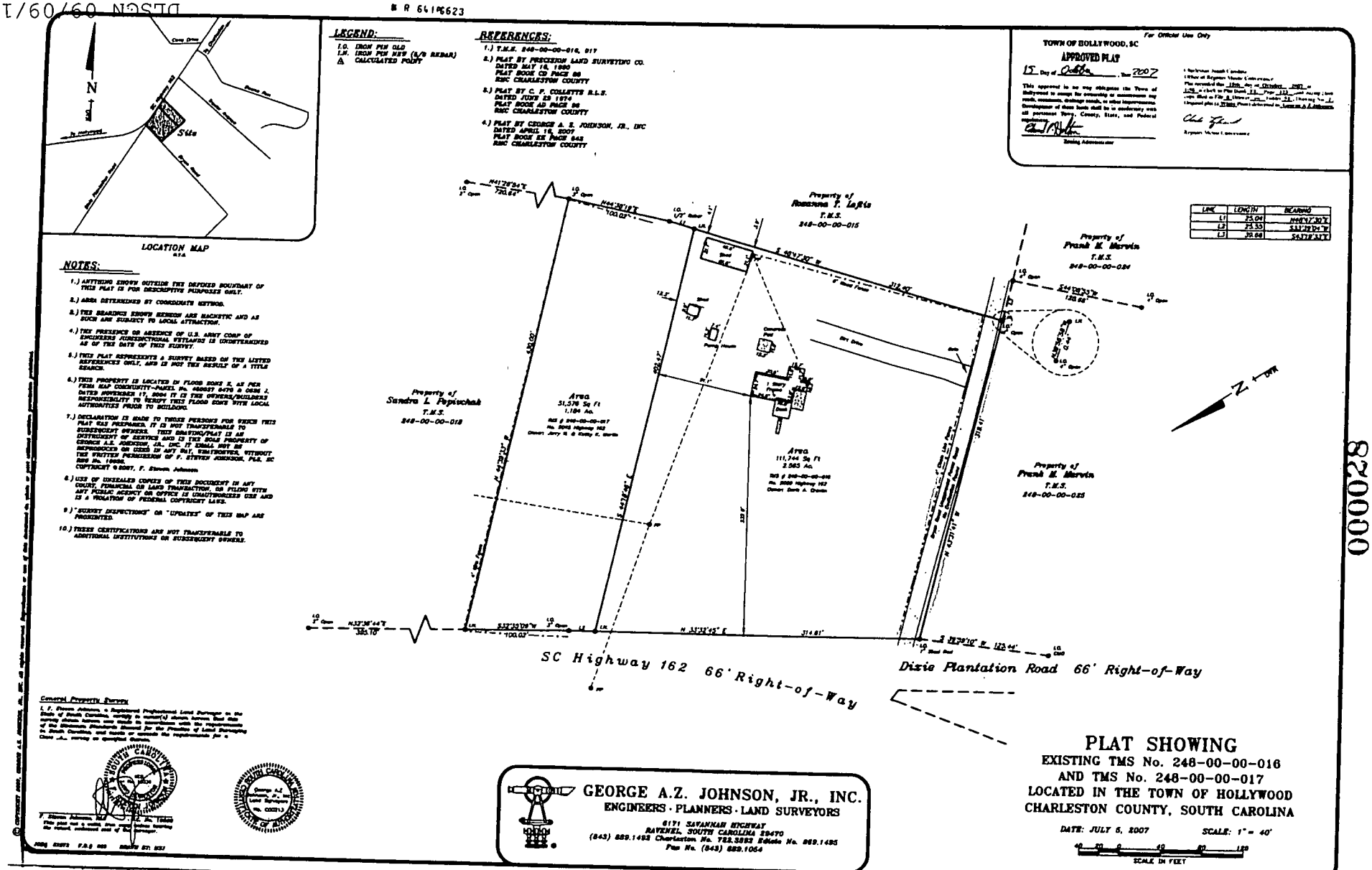
Section 5-6-49. Curbs and Gutters

Concrete curbs or paved valley type gutters shall be installed in accordance with the Charleston County Road Code or the S.C. Department of Highways and Public Transportation standard specifications for highway construction as appropriate.

Section 5-6-50. Sidewalks

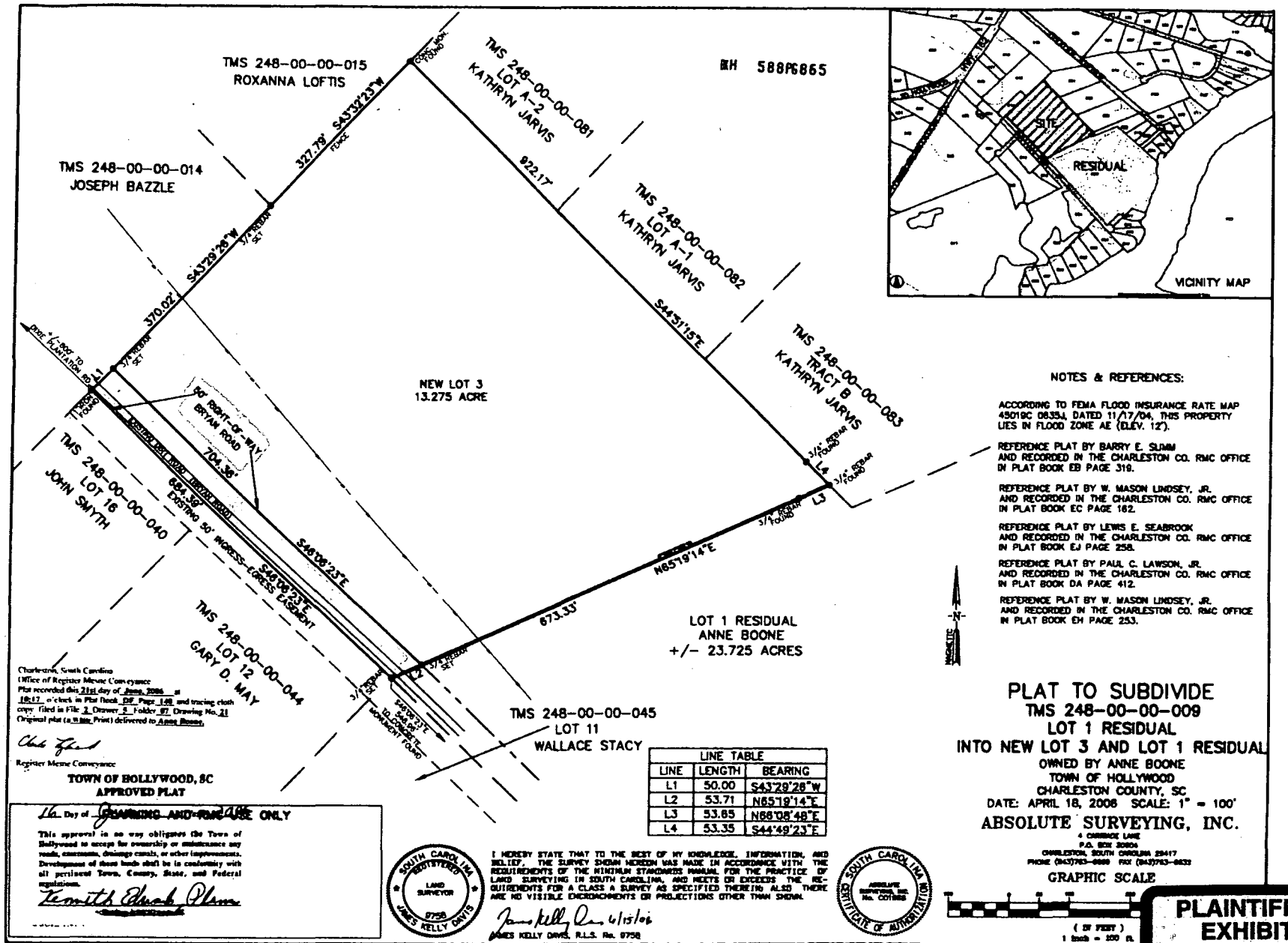
The Planning Commission shall require the subdivider to construct sidewalks within the right-of-way of public streets in areas where sidewalks are needed for pedestrian circulation and safety. Sidewalks shall be constructed in accordance with specifications of the S.C. Department of Highways and Public Transportation.

DLSCN 09/09/11



PLAINTIFF'S EXHIBIT
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EL-123

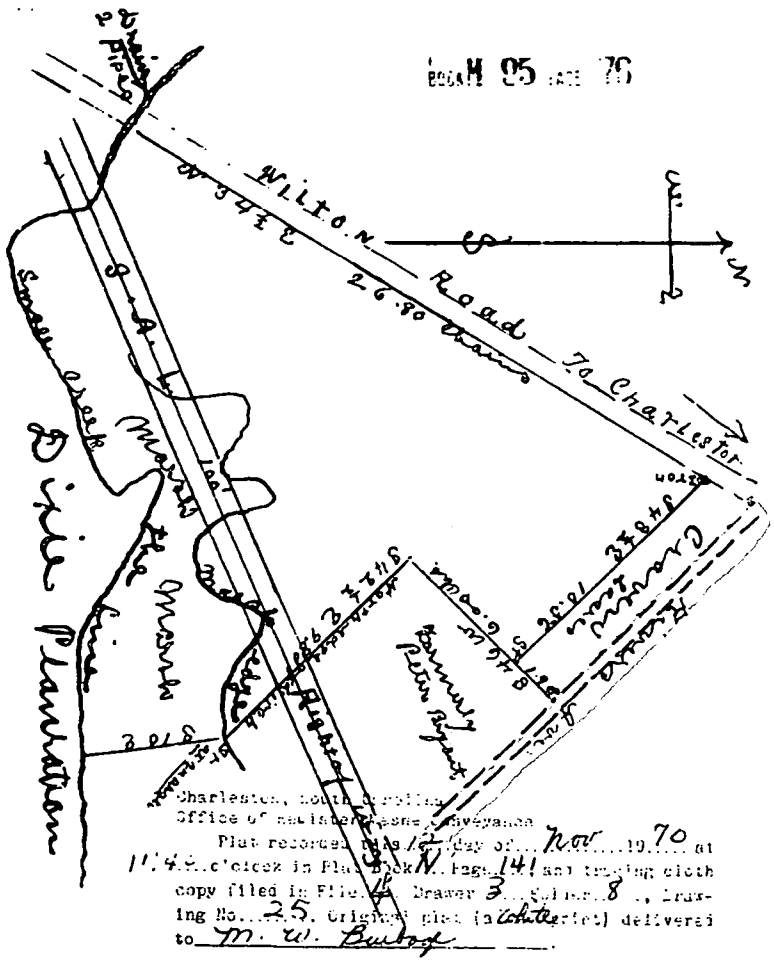


LINE TABLE		
LINE	LENGTH	BEARING
L1	50.00	S43°29'28"W
L2	53.71	N65°19'14"E
L3	53.85	N66°08'48"E
L4	53.35	S44°49'23"E

PLAINTIFF'S EXHIBIT 30 DF-140 DF-140 00/00/00

DISCN 09/09/11

N-141



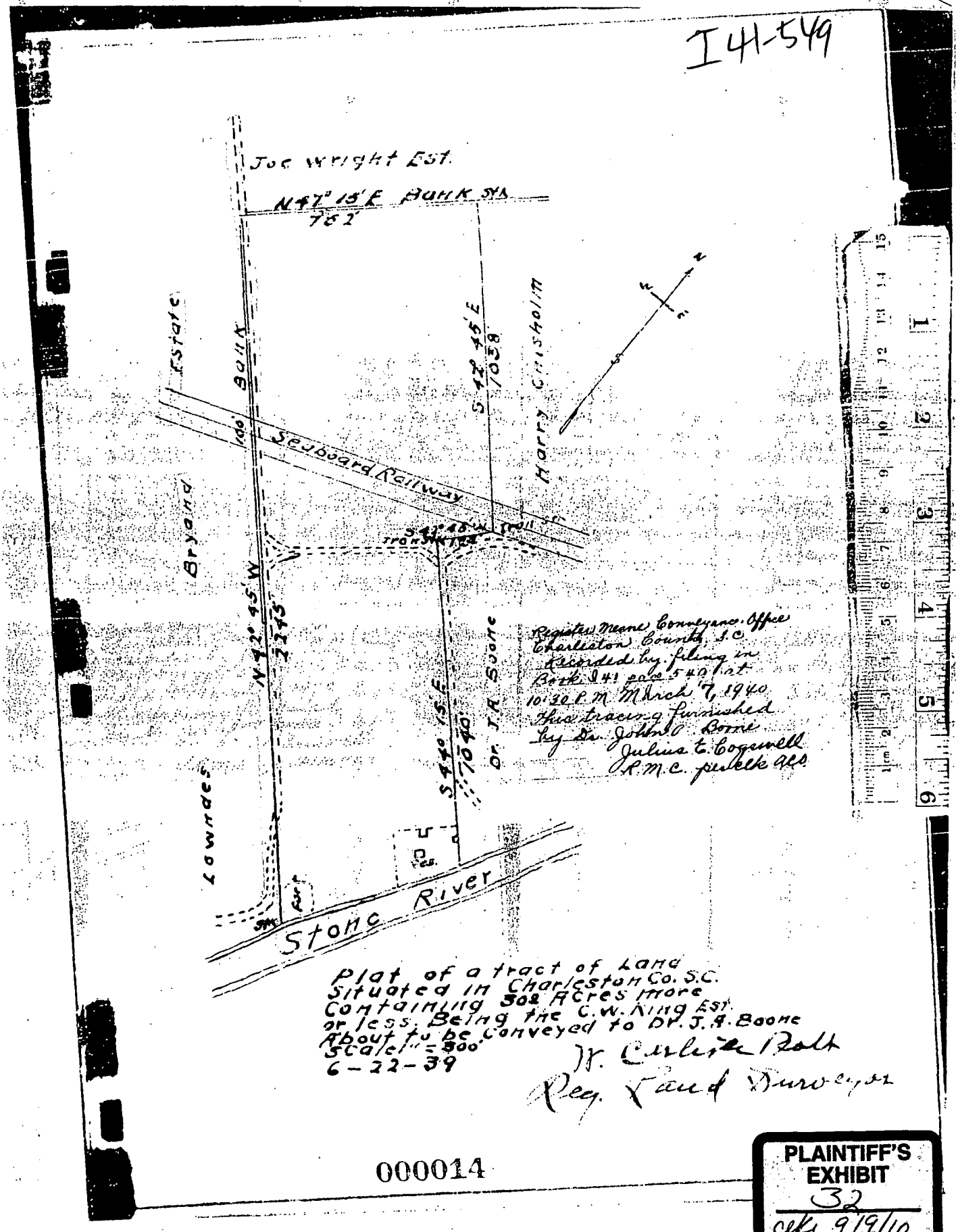
PLAT of 27 acres exclusive of S.A.L. Right of-way, situate in St. Pauls Township, District 22, Charleston County, South Carolina. Surveyed June 27, A.D. 1950 for Marion W. Burbage who recently purchased from Luder Mesery.

(Scale: 1 inch = 5 chs.)

Jas. A. Postell
Reg'd Surveyor

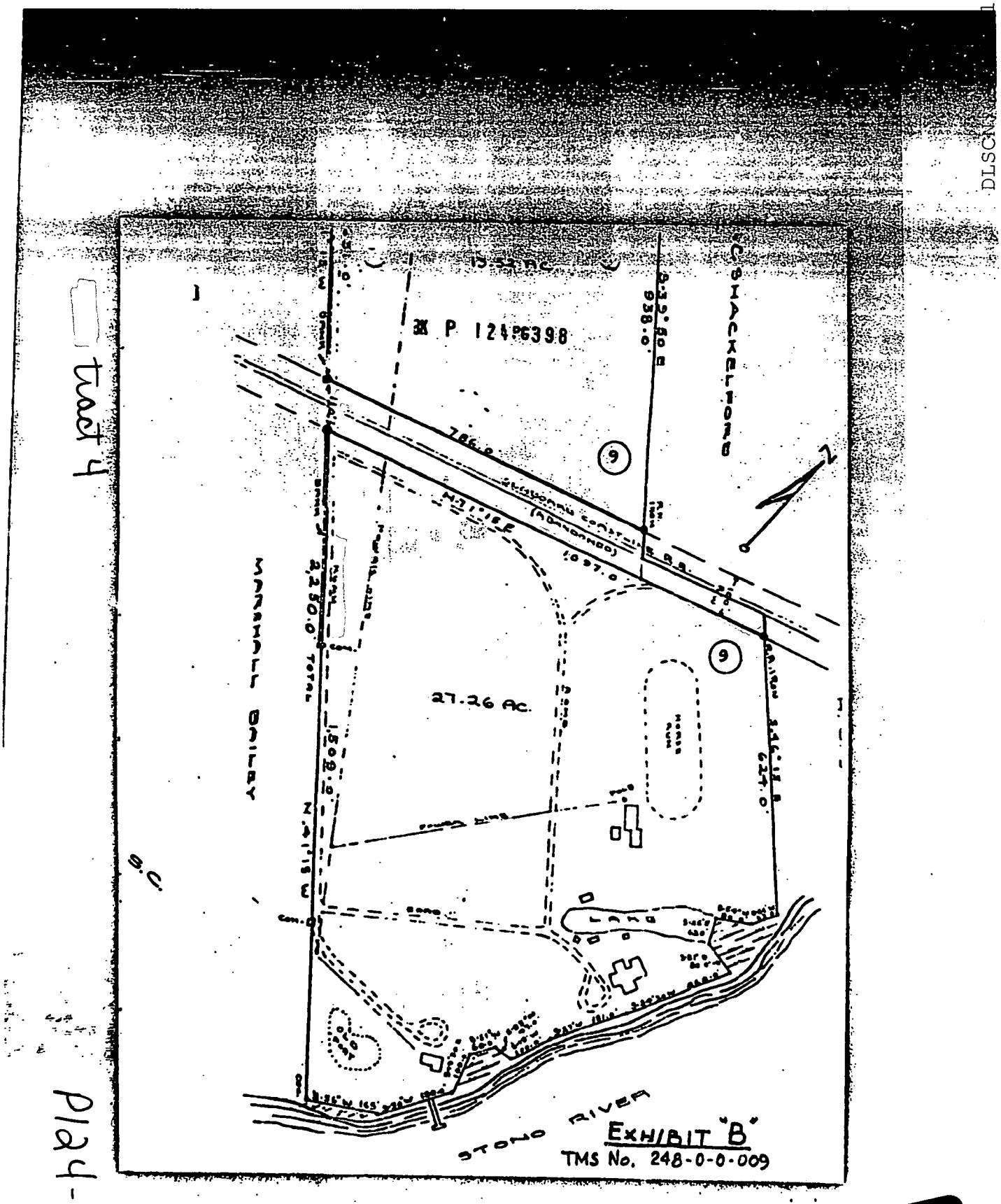
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PLAINTIFF'S EXHIBIT 3 alh 9/4/08



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PLAINTIFF'S EXHIBIT 32 ctk 9/9/10

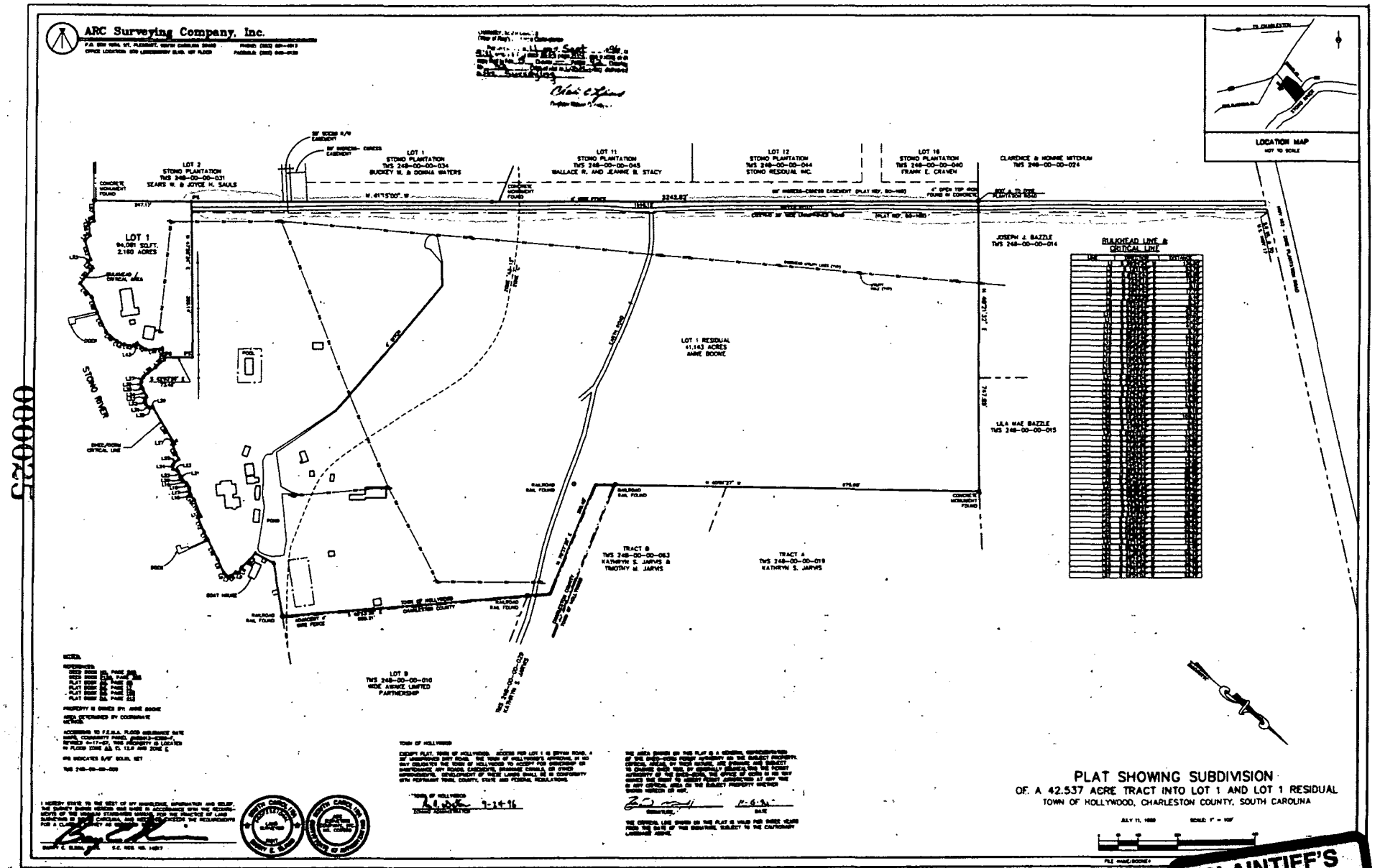


tract 4

P124-398

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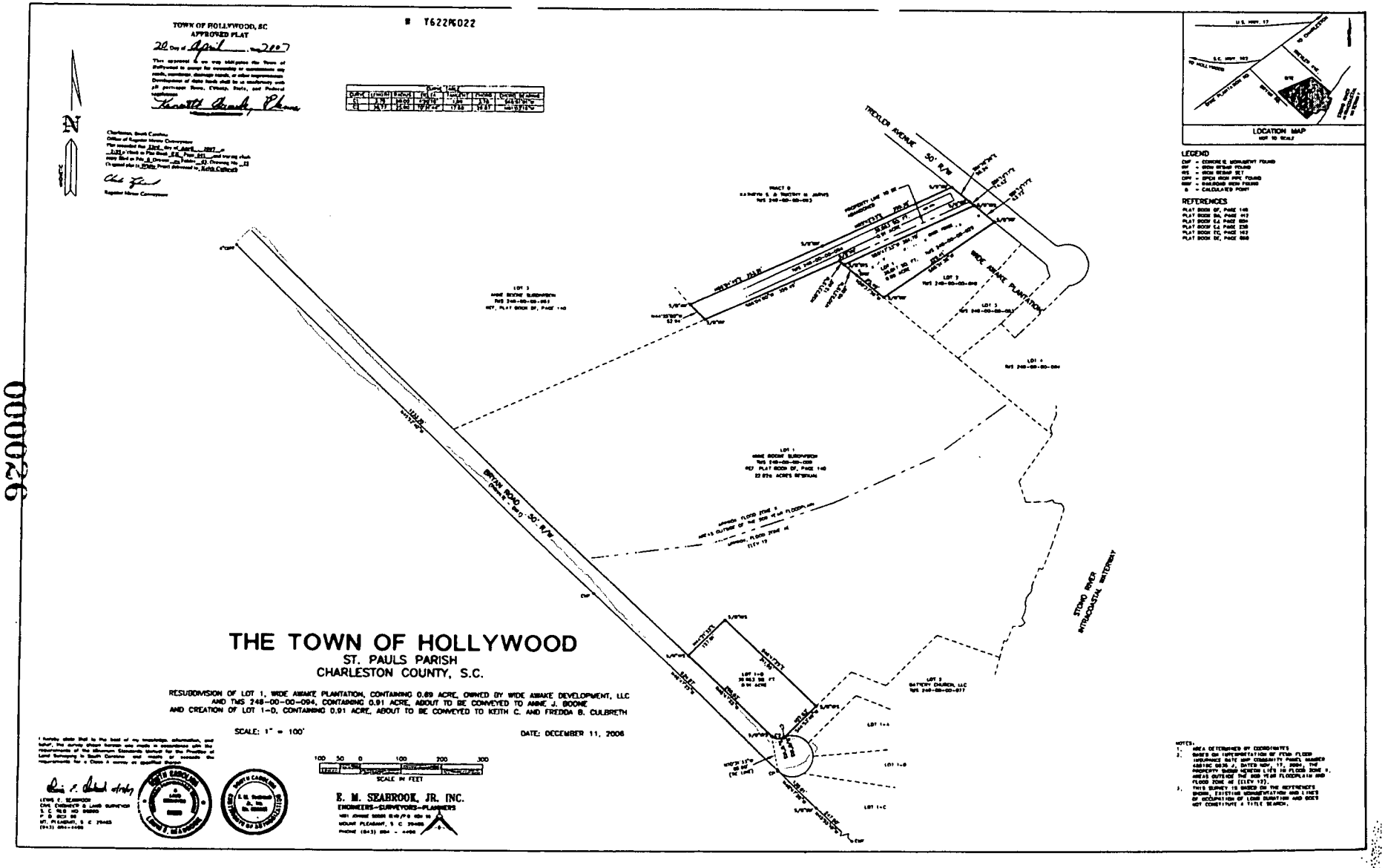
PLAINTIFF'S EXHIBIT 34 akh 9/9/10



EB-319

PLAINTIFF'S EXHIBIT 36 DLOCKE 9/12/10

926000



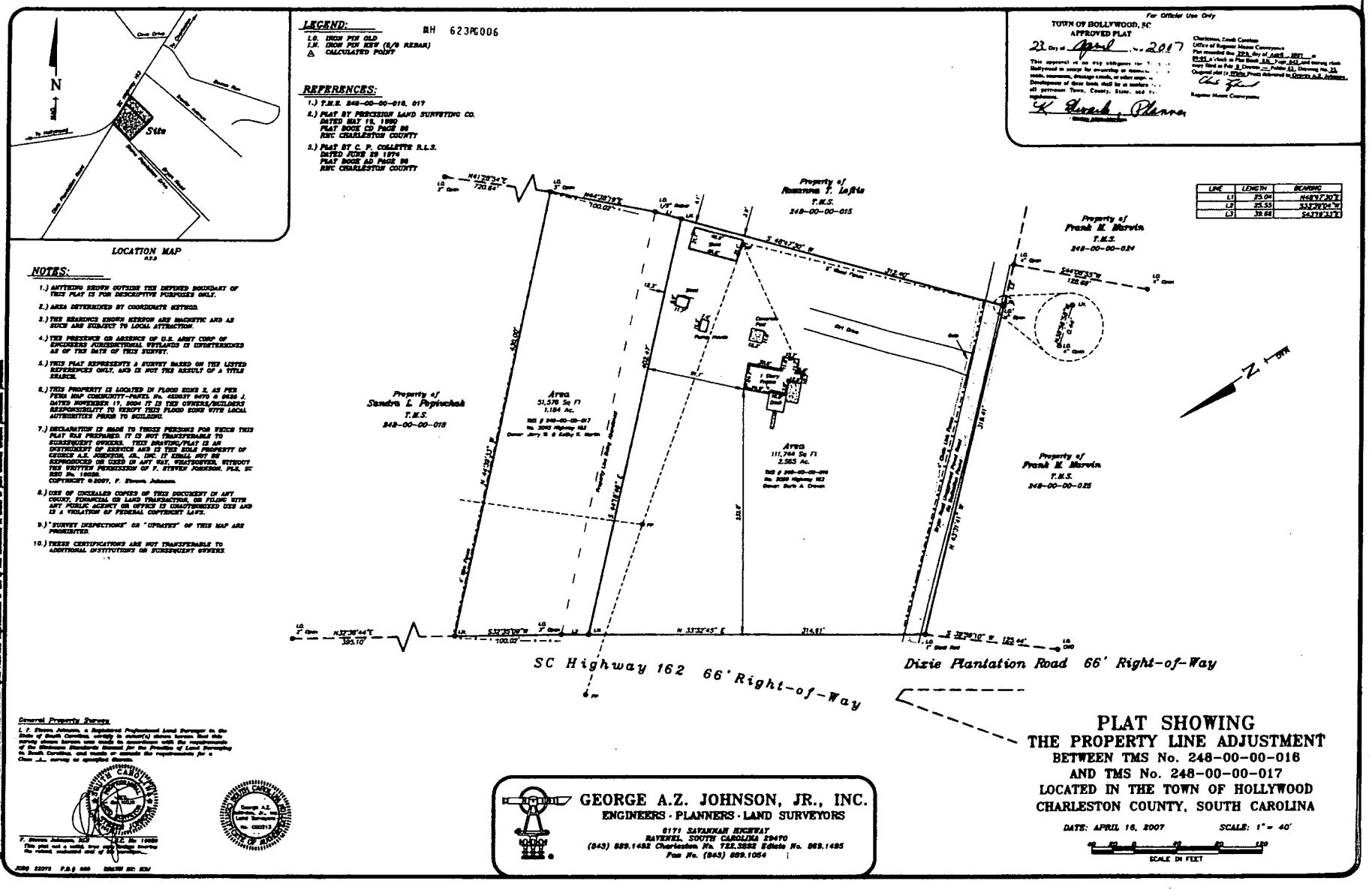
PLAINTIFF'S EXHIBIT 37 admitted 9/9/10

EK-641

DLSCN 09/09/11

DISCN 09/09/11

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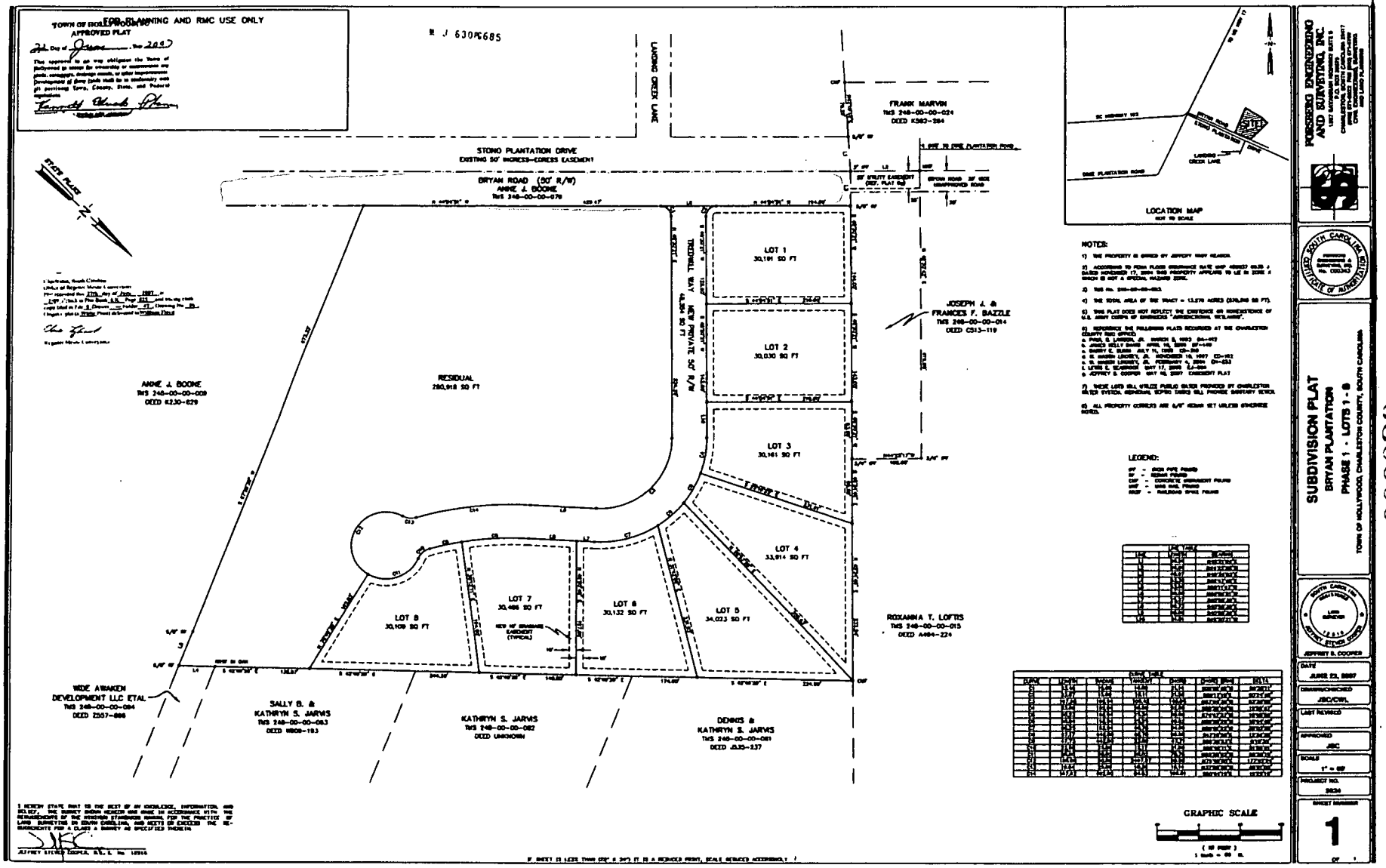
LINE	LENGTH	BEARING
L1	25.04	N48°57'30"E
L2	25.55	S33°39'04"W
L3	39.66	S47°19'33"E

C-123

PLAINTIFF'S EXHIBIT 38 dbh 9/9/10

EK-642

DISCN 09/09/11



EK-825

PLAINTIFF'S EXHIBIT 39 9/9/10

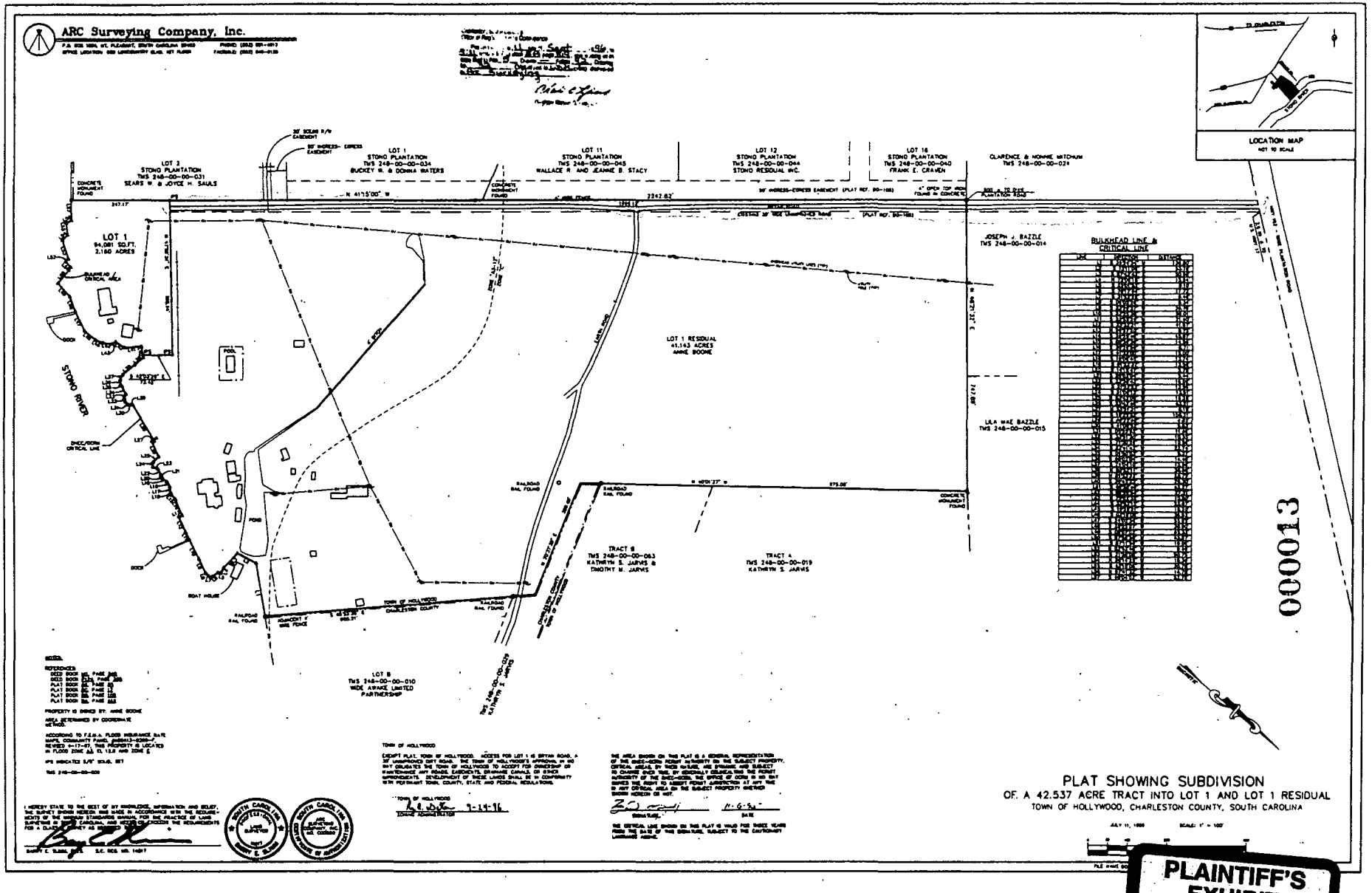
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Volume III of III

996

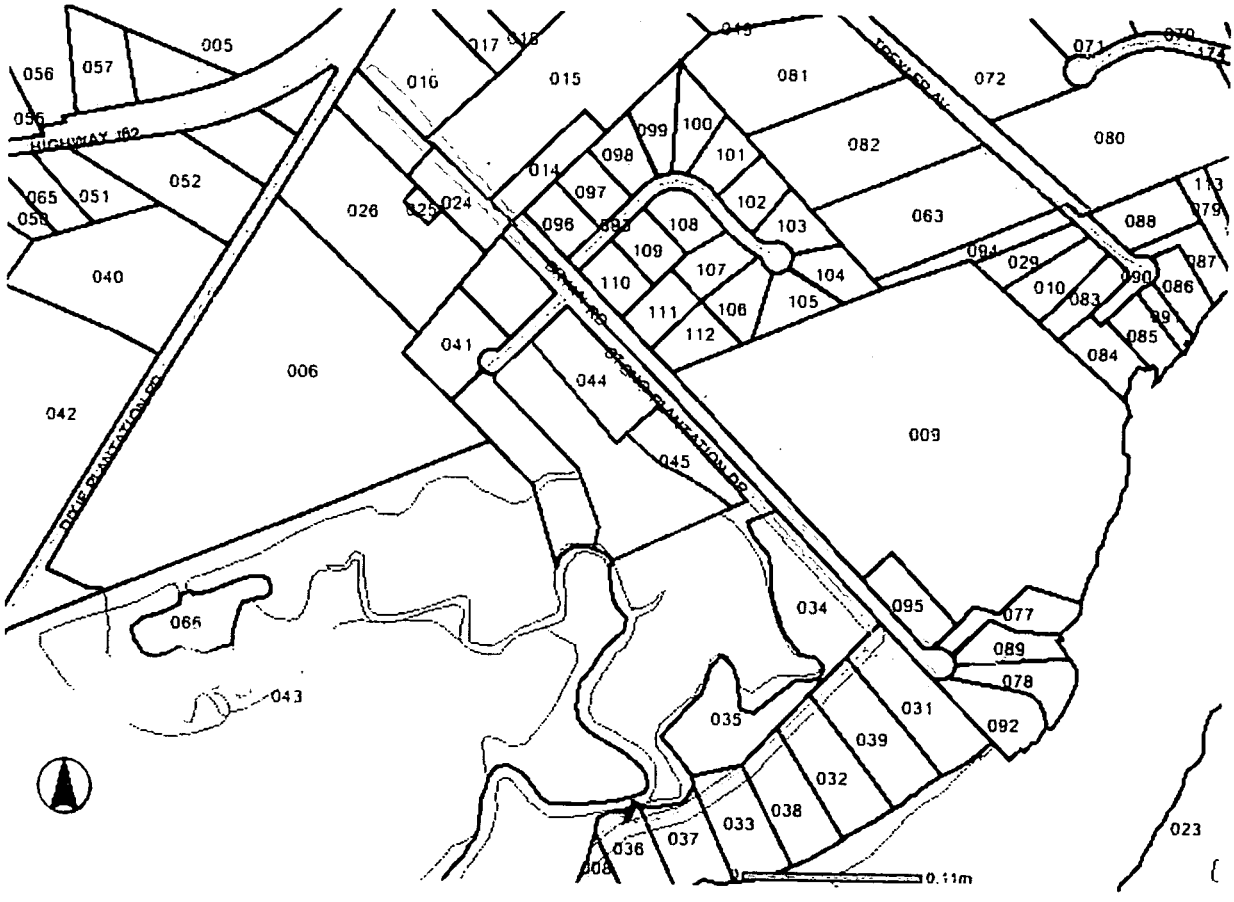
DISCN 09/09411

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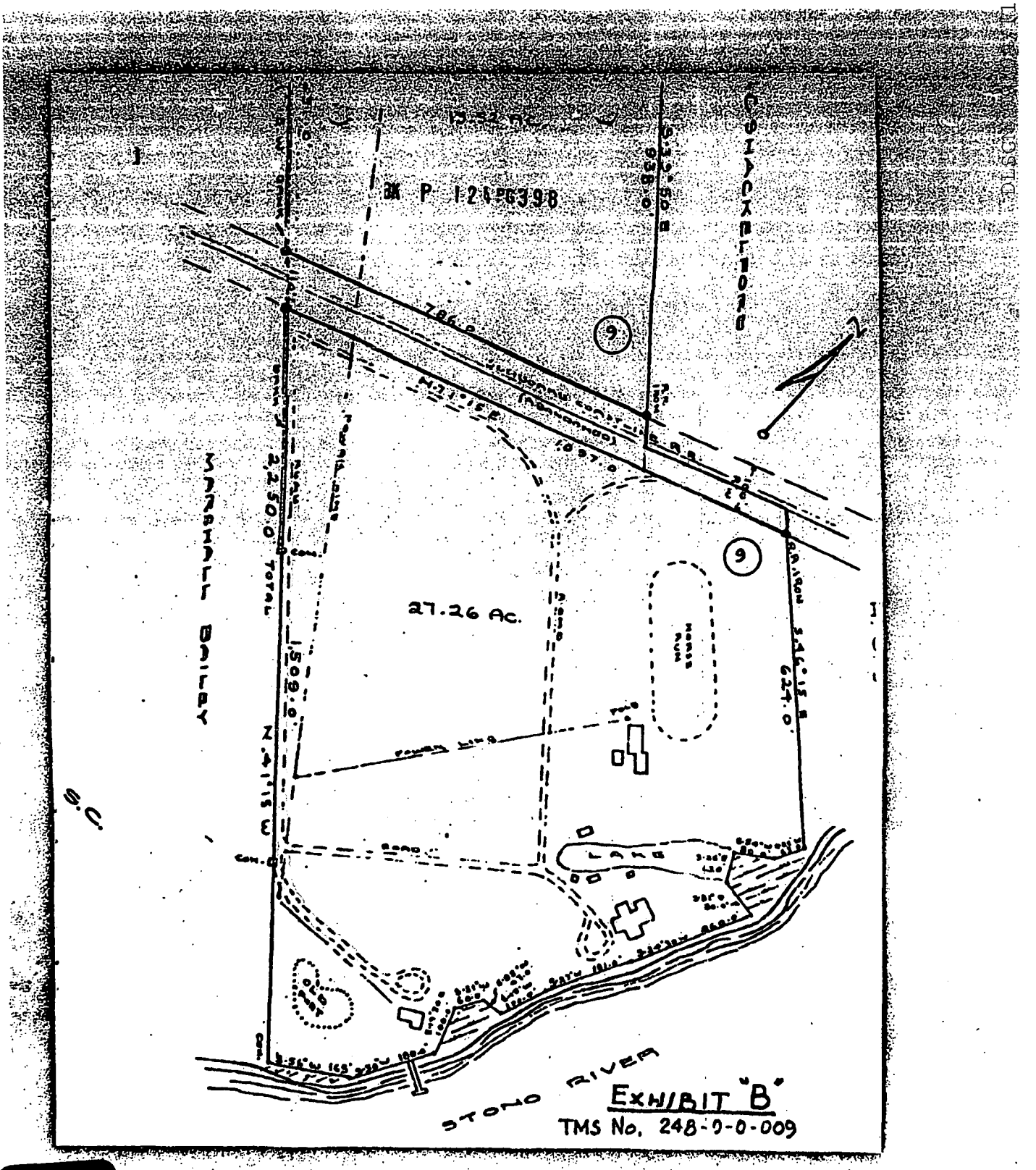


PLAINTIFF'S EXHIBIT 40 adm 9/9/10

DLSCN 09/09/11



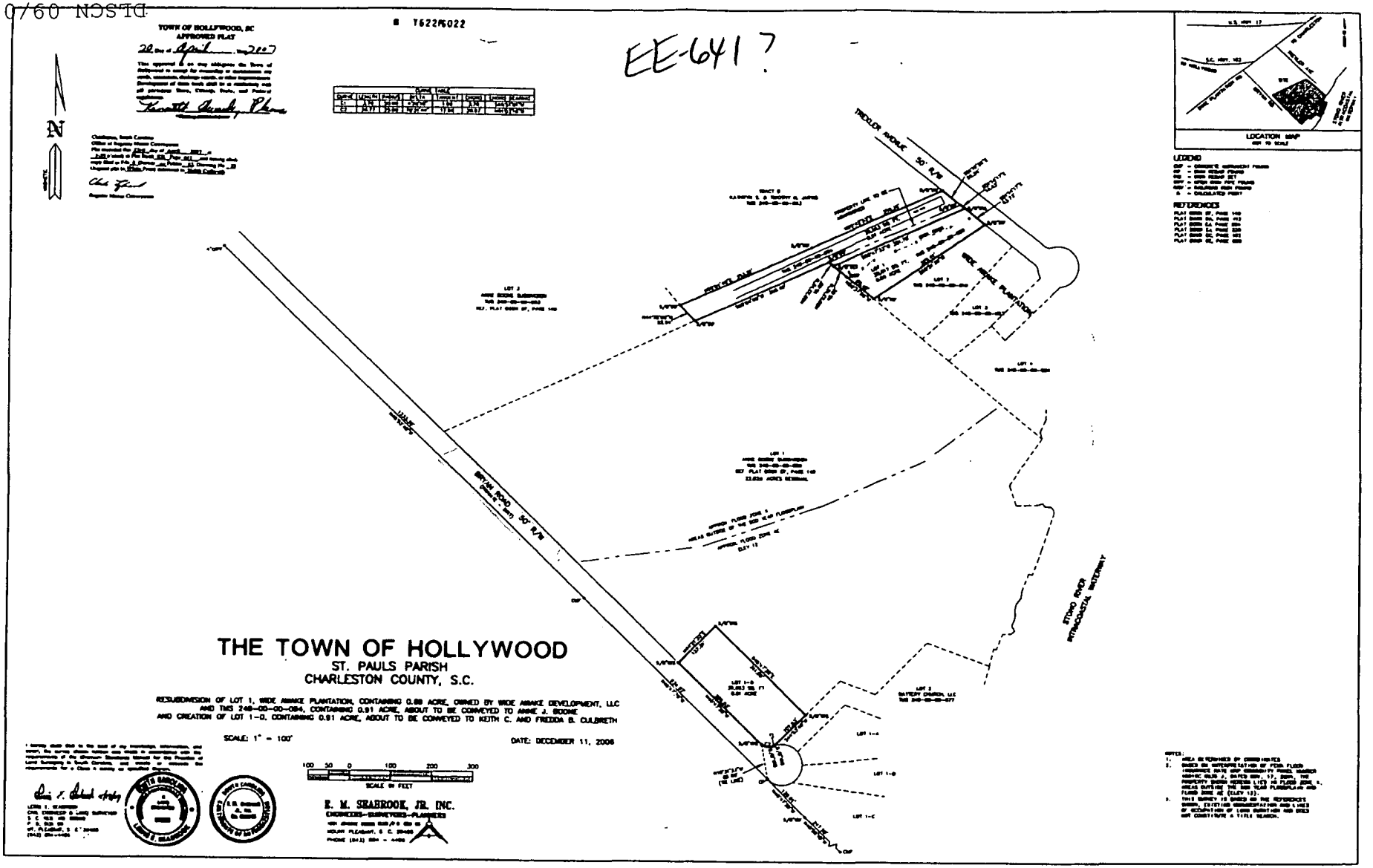
PLAINTIFF'S EXHIBIT



PLAINTIFF'S EXHIBIT

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DISCN 09/09/11

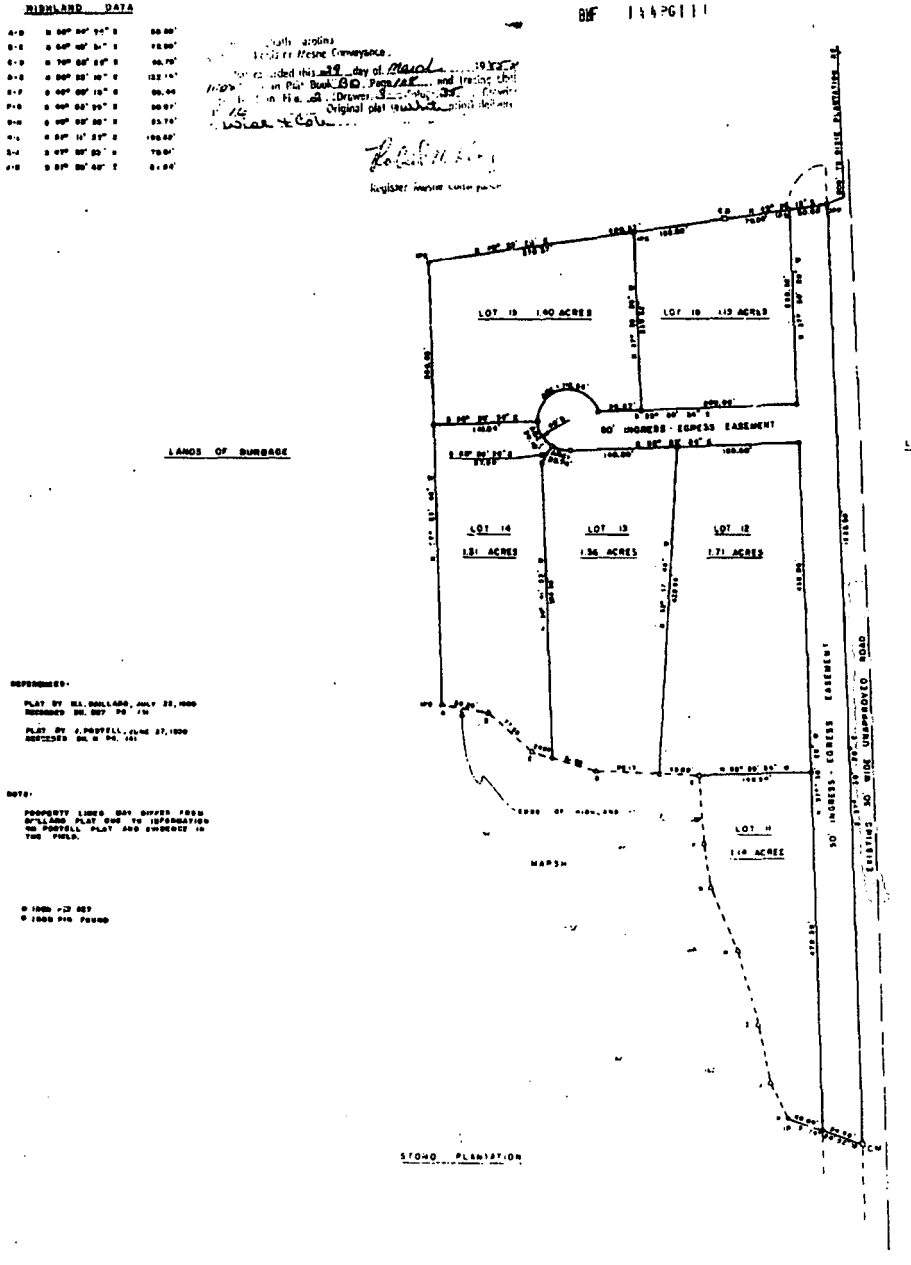


PLAINTIFF'S EXHIBIT 43 admitted 9/9/10

DLSCN 09/09/11

B30-108

BK 1442 PG 111



HIGHLAND DATA

A-B	S 84° 24' 24" E	88.88'
B-C	S 84° 48' 54" E	72.88'
C-D	S 79° 08' 09" E	96.79'
D-E	S 84° 22' 10" E	122.19'
E-F	S 84° 48' 19" E	88.44'
F-G	S 84° 48' 29" E	88.87'
G-H	S 84° 48' 38" E	83.76'
H-I	S 83° 11' 27" E	100.88'
I-J	S 83° 48' 53" E	79.84'
J-K	S 84° 28' 48" E	81.84'

...South Carolina
...Register Mesne Conveyance.
...recorded this 29 day of March 19 85
...in Plat Book 30 Page 108 and ...
...in File ... Drawer ... Slide ...
Original plat ...

Register Mesne Conveyance Clerk

REFERENCES:

PLAT BY W.L. BALLARD, JULY 22, 1988 RECORDED IN BK. 007 PG 19

PLAT BY A. POSTELL, JUNE 27, 1988 RECORDED IN BK. 8 PG. 101

NOTE:

PROPERTY LINES MAY DIFFER FROM BALLARD PLAT DUE TO INFORMATION ON POSTELL PLAT AND ENCROACHMENTS IN THE FIELD.

○ IRON PIN FOUND
● CONC. PIN FOUND

FINAL PLAT APPROVED

14 March 85

Approved by Hollywood Planning Commission

Approved by Charleston County Planning Commission

PLAT SHOWING THE SUBDIVISION OF A 10.08 ACRE TRACT LOCATED IN HOLLYWOOD S.C. TO BE KNOWN AS STONO PLANTATION EXTENSION.

DATE: FEBRUARY 20, 1985

SCALE: 1" = 100'

0 50 100 200

SOUTH CAROLINA REGISTERED NO. 4175 LAND SURVEYOR FORREST B. CALVERT

I, FORREST B. CALVERT, A REGISTERED SURVEYOR OF THE STATE OF SOUTH CAROLINA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY SHOWN HEREON. THAT THE PLAT SHOWS THE TRUE DIMENSIONS OF THE PROPERTY. THAT ALL NECESSARY MARKERS HAVE BEEN INSTALLED AND THE PRECISION IS 1/10,000

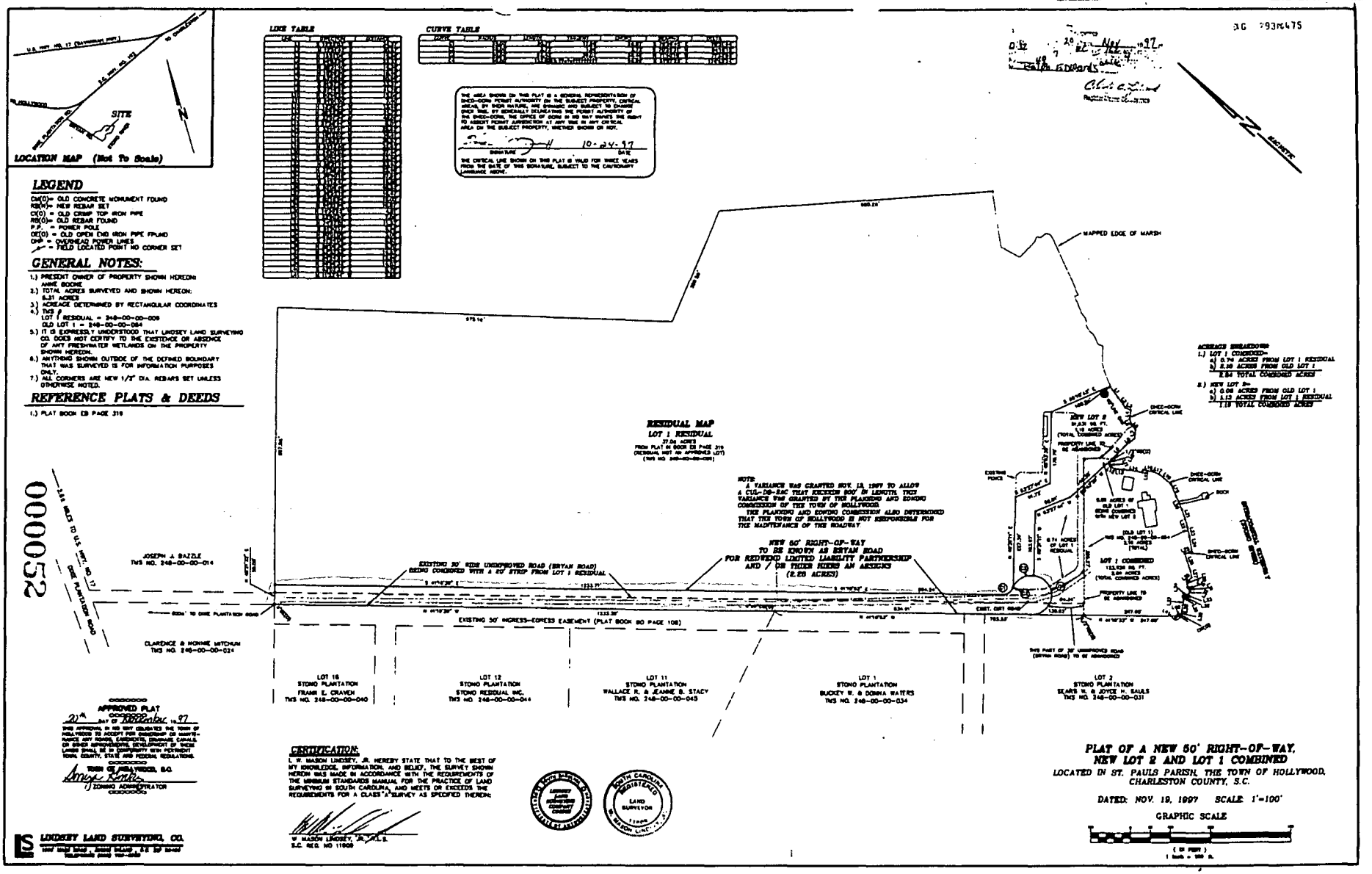
Forrest B. Calvert

FORREST B. CALVERT, R.L.S. REG. NO. 4175

PLAINTIFF'S EXHIBIT 44 dkh 9/8/10

ALPHA SURVEYING INC.
1-C DANIEL ST. CHARLESTON, S.C. 29407
PHONE: 803/766-1920

000012



BK 393P0475

000052

EC-162

PLAINTIFF'S EXHIBIT 45 admitted 9/9/10

Lowndes

Bryand Estate

N 77° 45' W
2243

140' Bank

Seaboard Railway

Joe Wright Est.

N 12° 15' E Bank 96
762'

St. Johns River

Rd.

S 77° 15' E
1040'

Dr. J.A. Boone

S 12° 45' E
1038'

Harry Chisholm

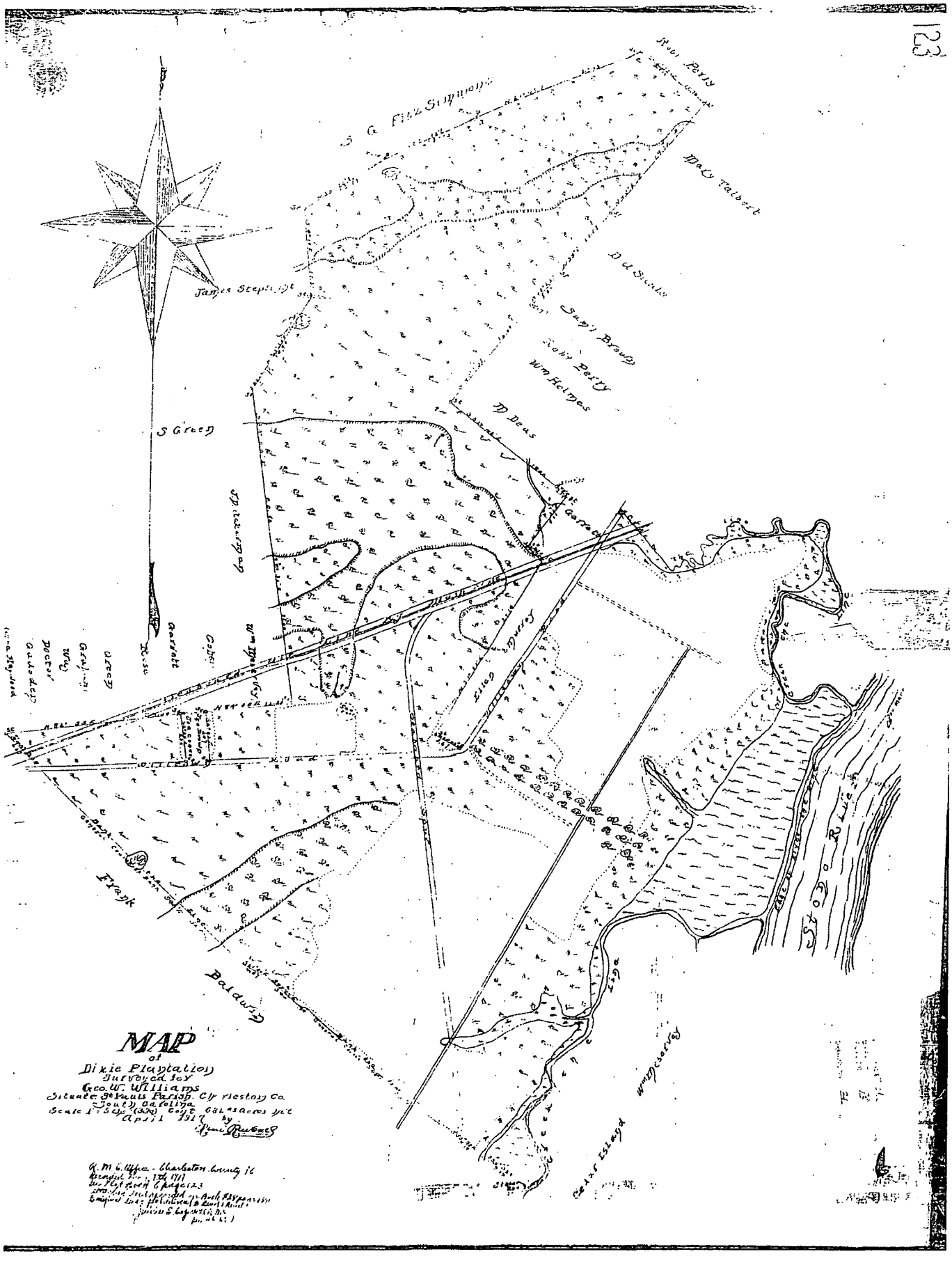
Plat of a tract of land situated in Volusia Co. S.C. containing 20.8 acres more or less conveyed by J.A. Boone et ux to Dr. J.A. Boone by Deed dated 6-22-89 recorded in Deed Book [illegible]

Reg. Civil Engr.

PLAINTIFF'S EXHIBIT
46
adm 9/9/10

I41-549
tract 1

C-123


Rud Perry
S G Fick Simmons
Mary Talbert
D d Stark
Sam'l Brand
Robt Perry
Wm Holmes
D Deus
S Green
Garrett
Frank
Baldwin
Cedar Island
Wm Reserve
MAP
of
Dixie Plantation
Surveyed for
Geo. W. Williams
Situate St Pauls Parish, Cy Colleton Co.
South Carolina
Scale 1.5 Chs (300) Gage 681 acres yet
April 1917 by
Jno Rutledge

G.0106

DLSCN 09/09/11

STATE OF SOUTH CAROLINA

BOOK 0 81 PAGE 360

11 pauls
25-

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT

I, SELENA A. ELSEY, of Charleston County,

in the State aforesaid, for and in consideration of the sum of FIVE ($5.00) DOLLARS, love and affection for my son, Robert L. Elsey, DOLLARS, to me in hand paid at and before the sealing of these presents by Robert L. Elsey in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said Robert L. Elsey, his heirs and assigns:

ALL that certain piece, parcel or lot of land, situate, lying and being in St. Pauls Parish, Charleston County, State aforesaid, and containing four (4) acres, more or less;

BUTTING AND BOUNDING AND MEASURING AND CONTAINING AS FOLLOWS: --

SOUTH 135 feet on an unpaved public road;
WEST 1,307 feet on other lands of Grantor;
NORTH 135 feet on other lands of Grantor;
EAST 1,307 on lands now or formerly of B. R. Davis.

SAID lands being a portion of the premises conveyed to Grantor by deed of R. L. Elsey dated August 12, 1922, and recorded Book R-31, Page 53, R. M. C. Office for Charleston County.

PLAINTIFF'S EXHIBIT 28 9/9/10

000019

DLSCN 09/09/11

Rec'd 4/15/11

~~I-27484 - 1509C~~

029.283- Jas. A. Davis 20/21-

029- 56

57.

284-

DLSCN 09/09/11

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Robert L. Elsey, his Heirs and Assigns forever.

000020

DISCN 09/09/11

Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said Robert L. Elsey, his Heirs and Assigns, against me and my Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 1st day of November in the year of our Lord one thousand nine hundred and Sixty-four and in the one hundred and eighty-ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

1. Joseph A. Elsey
2. W. Cardozo McCants

Selena A. Elsey (L. S.)
SELENA A. ELSEY

(L. S.)

THE STATE OF SOUTH CAROLINA,
Charleston County.

PERSONALLY appeared before me Joseph A. Elsey and Woodrow W. Davis and made oath that they saw the within named Selena A. Elsey sign, seal, and as her act and deed, deliver the within written Deed, and that they, with Joseph A. Elsey and Woodrow W. Davis witnessed the execution thereof.

SWORN to before me, this 2nd day of November A. D. 1964

Pueda L. Butler (SEAL)
Notary Public of South Carolina

1. Joseph A. Elsey
2. W. Cardozo McCants

NO RENUNCIATION OF DOWER
GRANTOR A WOMAN.

THE STATE OF SOUTH CAROLINA,
County.

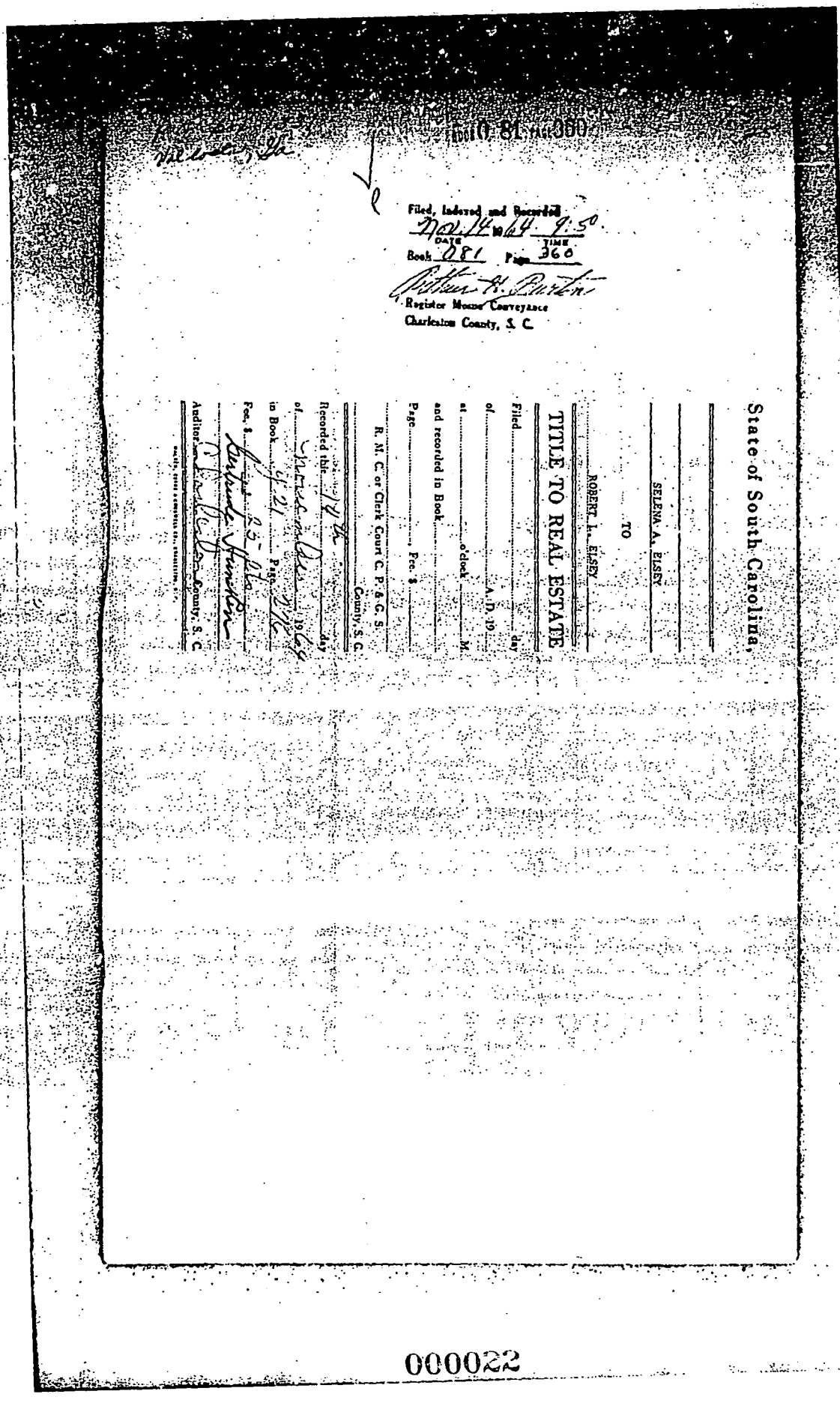
I, , a Notary Public for South Carolina do hereby certify unto all whom it may concern, that Mrs. the wife of the within named did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named Heirs and Assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this day of Anno Domini 19

(SEAL)
Notary Public of South Carolina

000021

DLSCN 09/09/11



Book 081 Page 360

Filed, Indexed and Recorded
Nov 14 1969 9:50
DATE TIME
Book 081 Page 360

Register Mesne Conveyance
Charleston County, S. C

State of South Carolina,

TO

ROBERT L. ELSEY

SELENA A. ELSEY

TITLE TO REAL ESTATE

Filed ..... day
of ..... A. D. 19...
at ..... o'clock ..... M.
and recorded in Book .....
Page ..... Fee, $ .....

R. M. C. or Clerk Court C. P. & G. S.
..... County, S. C.

Recorded this 14th day
of November A. D. 1969
in Book 081 Page 360
Fee, $ Exempt R.C.

Auditor or Clerk of Court ..... County, S. C

000022

DLSCN 09/09/11

THE STATE OF SOUTH CAROLINA)
) TITLE TO REAL ESTATE
COUNTY OF CHARLESTON)

KNOW ALL MEN BY THESE PRESENTS THAT I, JOSEPH J. BAZZLE, in the State aforesaid, for/and in consideration of the sum of FIVE AND N0/100 ($5.00) DOLLARS to ME in hand paid at and before the sealing of these presents by JOSEPH J. BAZZLE AND FRANCES F. BAZZLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON , in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said JOSEPH J. BAZZLE AND FRANCES F. BAZZLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, their heirs and assigns, forever, all of my right, title and interest in the following described property, to wit:

ALL that certain piece, parcel or lot of land, situate, lying and being in School District #22, St. Pauls Parish, Charleston County and State aforesaid, measuring and containing one (1) acre, more or less;

BUTTING AND BOUNDING AND MEASURING AND CONTAINING South One Hundred (100') feet on a road known locally as Rivers Avenue; West Four Hundred Twenty (420') feet on other lands of Lila Mae Bazzle; North One Hundred (100') feet on other lands of Lila Mae Bazzle; and East Four Hundred Twenty (420') feet on lands now or late of Dr. J. A. Boone;

COURSES AND DISTANCES as follows: Commencing at a corner on the North side of said Rivers Avenue (the corner is located Nine Hundred Thirteen (913') feet from South Carolina Highway #162) and running from said point of commencement North Four Hundred Twenty (420') feet to a corner; thence running East One Hundred (100') feet to a corner on the boundary line common to lands of grantor and Dr. Boone; thence running South along the boundary line of Dr. Boone's property a distance of Four Hundred Twenty (420') feet to a corner on the North side of said Rivers Avenue; thence running West along the North side of Rivers Avenue a distance of One Hundred (100') feet to the point of beginning.

BEING the same property conveyed to Joseph J. Bazzle by deed of Lila Mae Bazzle dated October 20, 1964 and recorded in Book O-81, at page 370 in the RMC Office for Charleston County.

TMS# 248-00-00-014

Grantees' Address: 5150 Bryan Road
Hollywood, SC 29449

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

PLAINTIFF'S EXHIBIT 49 Add 9/9/10

DLSCN 09/09/11

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said JOSEPH J. BAZZLE AND FRANCES F. BAZZLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, their heirs and assigns forever.

AND JOSEPH J. BAZZLE does hereby bind himself, his heirs and assigns, to warrant and forever defend, all and singular, the said Premises unto the said JOSEPH J. BAZZLE AND FRANCES F. BAZZLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON, their heirs and assigns, against me and my heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal this 19th day of October, in the year of our Lord Two Thousand Four.

IN THE PRESENCE OF:

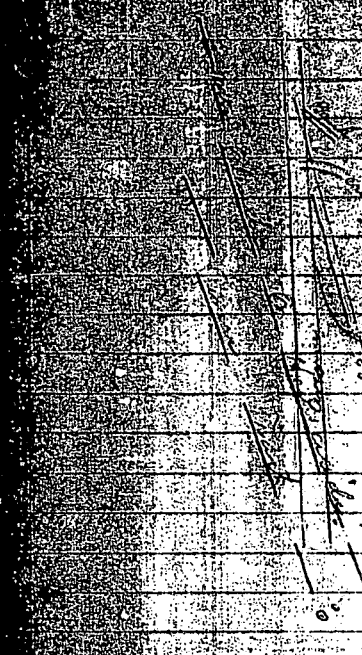
JOSEPH J. BAZZLE (Seal)

THE STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

THE FOREGOING instrument was acknowledged before me this 19th day of October, 2004 by Joseph J. Bazzle.

Notary Public for South Carolina
My Commission Expires: 3-19-13

PLAINTIFF'S EXHIBIT
50
9/9/11



Plat referred to
One acre of land
being the Northeast
portion of a lot
and marsh situated in Ottawa
Township Collier County State of Florida
Surveyed on the 26th day of August
A.D. 1911 for the request of Mrs. Estenia Hills
of Queen Beckett and Hills
in anticipating to purchase the same
as per Sec.

J.R. Taylor
Surveyor

Book 2 Page 757 Col County.

Indenture of lease
This Indenture made
into this

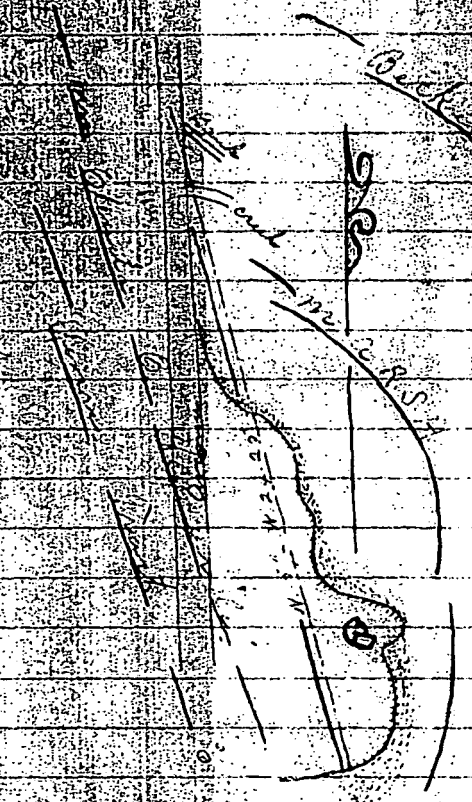
Plat 2-757 Collier County

Bedsert to Hills

1863

DOCN 09/09/11

DLSCN 09/09/11



Plat representing
One acre of Land
being the Eighteen
portion of a Lot
Eighteen each marked situated in Adams
Co. Township Crittenden County State of South
Carolina Surveyed on the 20th day of August
1883 at the
request of Miss Emmitt E. Sue
Hart and her
heirs and assigns and Sells the
same containing
& one hundredth acres more
or less as shown
hereon

J. D. Taylor
C.S.C.C.C.

Recorded in Book Page 737 Crit County

Indenture of Lease

This Indenture made
into this 4th day of October A.D.
one thousand eight hundred and eighty
between Joseph Jenkins of the first part
and Wm. Hart of the second part both of the
State of South Carolina County of Crittenden and
the said party of the first part for
and in consideration of the sum of Five
Dollars to him in hand paid by the said
party of the second part the receipt
whereof is hereby acknowledged

said Martin Williamson Together with all and singular the Rights Members Hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining. To Have and to Hold all and singular the Premises before mentioned unto the said Thomas Isaac Barnwell Gabriella Barnwell Henry Barnwell Nathaniel Heyward Barnwell Arthur Barnwell Walter Izard Barnwell Gabriella Barnwell Marquand Barnwell Esther Barnwell Mary Georgiana Barnwell Wm. Alexander Barnwell and Ralph Izard Barnwell their Heirs and assigns forever. Witness my Hand and Seal this Twelfth day of August in the year of our Lord one thousand eight hundred and eighty five and in the one hundred and tenth year of the sovereignty and Independence of the United States of America. Charlotte M. Marquand (Seal) Signed sealed and delivered in presence of Charles Marquand Morris. Elizabeth Marquand Morris. Constable General of the United States of America. London. England. before me Jedediah C. Penfield Vice and Deputy Consul General of the United States of America at London England personally appeared Charles Marquand Morris and made oath that he saw the within named Charlotte M. Marquand sign, seal and as her act and deed deliver the within written deed and that he with Elizabeth Marquand Morris witnessed the execution thereof.

Charles Marquand Morris

Sworn to before me this 12th day of August 1885. J. C. Penfield Vice and Deputy Consul General U. S. A. London England

Recorded Sept. 9th 1885; Book 2, Page 731, Col. C.

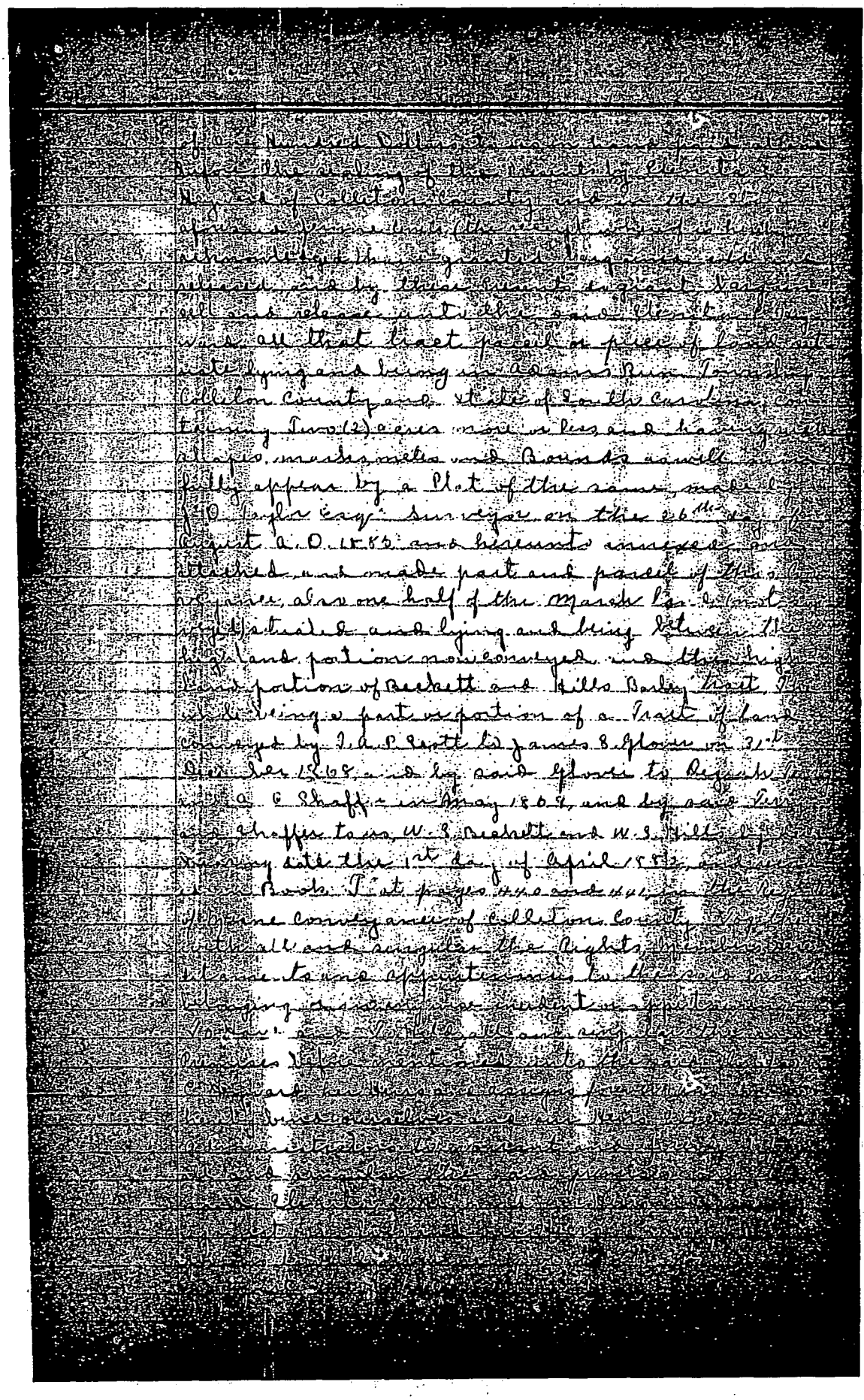
K D Leggett

W. Sedbrook Beckett
W. Sedbrook Wills
To
Ebenezer C. Heyward

Title to Real Estate
Know all men by these Presents that we W. Sedbrook Beckett and W. S. Wills of Colleton County and in the State aforesaid for and in consideration of the sum

H27-86

DLSCN 09/09/11

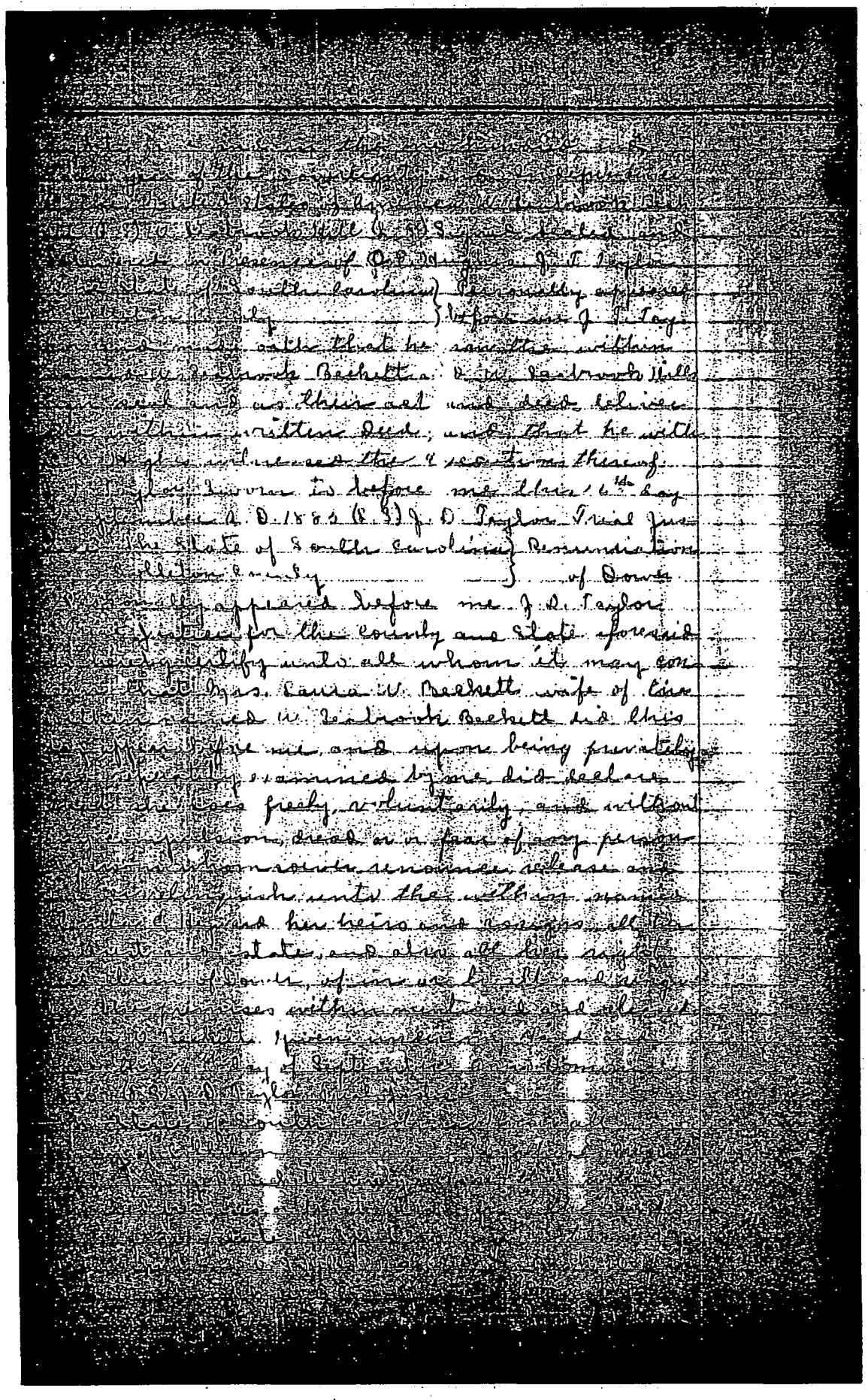


#27-87
DLSCN 09/09/11

DLSCN 09/09/11

of One Hundred Dollars to me in hand paid at and before the sealing of the Presents by Elenita C. Hayward of Colleton County and in the State aforesaid Spinster (the receipt whereof is hereby acknowledged) have granted, bargained sold and released, and by these Presents do grant, bargain sell and release unto the said Elenita C. Hayward all that tract parcel or piece of land situate lying and being in Adams Run Township Colleton County and State of South Carolina containing Two(2) acres more or less and having such shape, marks, metes and Bounds as will more fully appear by a Plat of the same, made by J. O. Pyatt Esq. Surveyor, on the 26th day of August A. D. 1952 and hereunto annexed and attached and made part and parcel of this Conveyance, also one half of the Marsh land and woodlands and lying and being between the high land portion conveyed and the high land portion of Beckett and Mills Bailey tract. The whole being a part or portion of a tract of land conveyed by T. A. P. Seabrook to James S. Glover on 31st December 1867 and by said Glover to Reginald Young on 6th May 1907 and by said Young and wife to W. S. Beckett and W. S. Mills by deed bearing date the 1st day of April 1952, and recorded in Book J-d page 440 and 441 in the Register of Mesne Conveyance of Colleton County. Together with all and singular the Rights, Members, Hereditaments and appurtenances to the said Premises belonging or in anywise incident or appertaining. To Have and To Hold all and singular the said Premises before mentioned unto the said Elenita C. Hayward her Heirs and assigns forever and we do hereby bind ourselves and our Heirs Executors and Administrators to warrant and forever defend all and singular the said premises unto the said Elenita C. Hayward her Heirs and assigns against ourselves and our Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof. In Witness Whereof we have hereunto set our Hands and Seals this

dup.



DLSCN 09/09/11

DLSCN 09/09/11

H27-86

said Morton Wilkinson together with all and
singular the rights, members, hereditaments and
appurtenances to the said premises belonging or
in anywise incident or appertaining. To Have
and To Hold all and singular the Premises before
mentioned unto the said Thomas Lebon Bennett
and to the heirs of Henry Bennett, Nathaniel Maynard
Bennett, Arthur Bennett, Wesley Jack Bennett,
Gabrielle Marguerite Bennett, Esther Bennett, Mary
Georgiana Agnes Bennett, their heirs and assigns
Ralph Ingersoll Bennett their Heirs and assigns
forever. Witness my Hand and Seal this Eighth
day of August in the year of our Lord one thousand
eight hundred and eighty five and in
the one hundred and tenth year of the Sover-
eignty and Independence of the United States of
America. Charlotte M. Marigault (Seal)
Signed, sealed and delivered in presence of
Charles Marigault Morris. Elizabeth Marigault
Morris. Consulate General of the United States
of America. London. England. Before me Ed-
ward C. Penfield Vice and Deputy Consul General of
the United States of America at London England
personally appeared Charles Marigault Morris
and made oath that he saw the within named
Charlotte M. Marigault sign, seal and as her
act and deed deliver the within written deed
and that he with Elizabeth Marigault Morris
witnessed the execution thereof.

Charles Marigault Morris

Sworn before me this eleventh day of Au-
gust 1885. E. C. Penfield H.B.M. (Offg.) Vice and
Deputy Consul proved U.S.A. London England
Recorded Sept. 8, 1885, Book 2, Page 231, Cook Co.
Records

K.D. Lapsley

Title to Real Estate

Know all men by these
Presents that we W. Sidney Bennett
and W. Sidney Hills
To
Thomas L. Howard

DLSCN 09/09/11

DLSCN 09/09/11

of One Hundred Dollars to us in hand paid at and
before the sealing of these presents by Chester C.
Hayes of Colleton County and State aforesaid, the receipt
whereof is hereby acknowledged, have granted, bargained, sold and
released, and by these presents do grant, bargain,
sell and release unto the said Chester C. Hayes
and all that tract parcel or piece of land situate
lying and being in Adams Run Township
Colleton County and State of South Carolina con-
taining Two (2) acres more or less and having such
shapes, metes and bounds as will more
fully appear by a Plat of the same, made by
J. W. Poe Surveyor on the 26th day of
August A.D. 1955 and thereto annexed and
attached and made part and parcel of this Deed
Reference being had to the said Plat for the
better description of the premises. The
said tract of land is bounded on the North
East by lands of Rachell and Hills Estate, on the
South by lands of Rachell and Hills Estate, on the
West by lands of Rachell and Hills Estate and
on the North West by a road leading from
Adams Run to Green Pond. Reference being had to
said Plat for a more accurate description
of said premises. Said Plat to be recorded
herewith in the Office of the Register of Mesne Conveyance
for Colleton County. Together
with all and singular the Rights, Members,
Hereditaments and Appurtenances to the said Premises
belonging or in anywise incident or appertaining.
To Have and To Hold all and singular the said
Premises before mentioned unto the said Chester
C. Hayes his Heirs and Assigns forever. And we do
hereby bind ourselves and our Heirs Executors and
Administrators to warrant and forever defend
all and singular the said premises unto the
said Chester C. Hayes his Heirs and Assigns
against ourselves and our Heirs and against every
person whomsoever lawfully claiming or to claim
the same or any part thereof.

dwr

DLSCN 09/09/11

89

No. 16th day of Sept. Dec. 1885 Mary J. Birchett
Release of O. P. Wells } J. Taylor Esq. of
South Carolina County of Colleton Personally
appeared before me J. Taylor and made oath
that he saw the above named Mary J. Birchett
sign seal and as her act and deed, deliver the
above written release and that he with O. P.
Wells witnessed the due execution thereof
J. Taylor Sworn to before me this 16th day
of September 1885 (S. S.) J. D. Taylor Trial Justice

The State State of South Carolina } Renunciation
Colleton County } of Dower

I J. D. Taylor, a Trial Justice for the County
and State aforesaid. do hereby certify unto all
whom it may concern. that Mrs. Annie Wells
wife of the within named W. Seabrook Wells
did this day appear before me and upon being
privately and separately examined by me did
declare that she does freely voluntarily and
without any compulsion, dread or fear of any
person or persons whomsoever, renounce release
and forever relinquish unto the within named
Sentell Heyward her heirs and assigns all
her interest and estate, and also all her right
and claim of Dower, of in, or to all and singular
the premises within mentioned and released by
Annie Wells. Given under my Hand and seal
this 16th day of September Anno Domini 1885
(S. S.) J. D. Taylor Trial Justice

Recorded September 30th 1885. Book L Page 93
Colleton County

DLSCN 09/09/11

FORSBERG ENGINEERING

Invoice #:	Invoice Date	Amount
111248-3824	April 18, 2007	$ 3,282.50
111314-3824	May 21, 2007	$ 2,102.50
111349-3824	June 18, 2007	$ 2,197.50
111402-3824	July 16, 2007	$ 2,955.00
111469-3824	August 20, 2007	$ 2,514.00
111542-3824	September 19, 2007	$ 1,325.50
111585-3824	October 19, 2007	$ 188.00
112141-3824	September 10, 2008	$ 1,659.00

TOTAL: $16,224.00



DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **112141-3824**

Date: **September 10, 2008**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
2/1/08 - 8/31/08	Bryan Road	3824

Description	Amount
Dispute with Town of Hollywood	
Meetings, Etc.	
Professional Engineer - 10.5 Hs. @ $140.00/Hr.	1,470.00
Professional Surveyor - 2.25 Hours @ $84.00/Hr.	189.00
Total	**$1,659.00**

DLSCN 09/09/11

10

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

PAST DUE

Number: **112141-3824**

Date: **September 10, 2008**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:
RESENT 10/9/08

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
2/1/08 - 8/31/08	Bryan Road	3824

Description	Amount
Dispute with Town of Hollywood	
Meetings, Etc.	
Professional Engineer - 10.5 Hs. @ $140.00/Hr.	1,470.00
Professional Surveyor - 2.25 Hours @ $84.00/Hr.	189.00
PAID 4509 165900 DATE 11-5-08	
Total	**$1,659.00** ✓

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111248-3824**

Date: **April 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 3/31/07	Bryan Road	3824

Description	Amount
Preliminary Lot Layout, RMC Research, CPW Research, BCD-COG Application, DHEC Application, CPW Coordination	
Professional Engineer - 23.5 Hrs. @ $135.00/Hr.	3,172.50
Reimbursable Expenses	
DHEC Application Fee	110.00
Total	**$3,282.50**

Amount Paid: 3,282.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111314-3824**

Date: **May 21, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 4/30/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey	
Professional Engineer - 6.5 Hrs. @ $135.00/Hr.	877.50
Professional Land Surveyor - 0.5 Hrs. @ $80.00/Hr.	40.00
Professional Land Surveyor - 4.5 Hrs. @ $90.00/Hr.	405.00
Survey Crew - 6.0 Hrs. @ $130.00/Hr.	780.00
Total	**$2,102.50**

Amount Paid: 2,102.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111349-3824**

Date: **June 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
5/1/07 THRU 5/31/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey, Easement Plat, GPS	
Professional Engineer - 2.5 Hrs. @ $135.00/Hr.	337.50
Professional Land Surveyor - 7.5 Hrs. @ $90.00/Hr.	675.00
Survey Crew - 3.0 hrs. @ $115.00/Hr.	345.00
Survey Crew - 8.0 Hrs. @ $105.00/Hr.	840.00

Past Due - Invoice #111314-$2102.50
TOTAL AMOUNT DUE - $4,300.00

Total **$2,197.50**

Amount Paid: 2,197.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111402-3824**

Date: **July 16, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
6/1/07 - 6/30/07	Bryan Road	3824

Description	Amount
Boundary Survey and Subdivision Plats	540.00
Professional Engineer - 4.0 Hrs. @ $135.00/Hr.	
Professional Land Surveyor - 14.0 Hrs. @ $90.00/Hr.	1,260.00
Survey Crew - 11.0 hRS. @ $105.00/Hr.	1,155.00

Past Due - Invoice #111314-$2102.50
Past Due - Invoice #111349 - $2197.50
TOTAL AMOUNT DUE - $7,255.00

Total **$2,955.00**

Amount Paid: 2,955.00
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111469-3824**

Date: **August 20, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
7/1/07 - 7/31/07	Bryan Road	3824

Description	Amount
Set Property Corners	
Professional Land Surveyor - 1.0 Hrs. @ $94.00/Hr.	94.00
Survey Crew - 22.0 Hrs. @ $110.00/Hr.	2,420.00
Total	**$2,514.00**

Amount Paid: 2,514.00
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111542-3824**

Date: **September 19, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
8/1/07 - 8/31/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 3.25 Hrs. @ $94.00/Hr.	305.50
Survey Crew - 8.0 Hrs. @ $110.00/Hr.	880.00
Professional Engineer - 1.0 Hrs. @ $140.00/Hr.	140.00

Past Due - Invoice # 111469 - $2514.00
Total Amount Due - $3839.50

Total **$1,325.50**

Amount Paid: 1,325.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2822

Invoice

Number: **111585-3824**

Date: **October 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
9/1/07 - 9/30/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 2.0 Hrs.. @ $94.00/Hr.	188.00

Past Due - Invoice #111469 - $2,514.00
Invoice # 111542 - $1,325.50
Total Amount Due - $4,027.50 ✓CW

Total **$188.00**

DLSCN 09/09/11

Invoice Date

April 18, 2007 – Through 3/31/2007
Pre lot layout, RMC research, CPW research, BCD-COG application, DHEC Application, CPW coordination.

Invoice #111248 $3,282.50
Paid 6/8/2007 Check # 3999

May 21, 2007 – 4/1/2007 through 4/30/2007
CPW coordination boundary and water line survey

Invoice # 111314 $2,102.50

June 18, 2007 – 5/1/2007 through 5/31/2007
CPW coordination, boundary and water line survey, easement plat

Invoice # 11349 $2,197.50

July 16, 2007 6/1/2007 through 6/30/07
Boundary Survey and subdivision plats

Invoice #111402 $2,955.00

Total due to this point $7,255.00

Paid 8/2/2007 $7,255.00

August 20, 2007 – 7/1/2007 through 7/31/2007
Set property corners

Invoice # 111469 $2,514.00

September 19, 2007 – 8/1/2007 through 8/31/2007
Tree Survey

Invoice # 111542 $1,325.50

October 19, 2007 – 9/1/2007 through 9/30/2007
Additional trees on Bryan Road

Invoice# 111585 $188.00

No work since September

Amount Due $4,027.50

DISCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111248-3824**

Date: **April 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 3/31/07	Bryan Road	3824

Description	Amount
Preliminary Lot Layout, RMC Research, CPW Research, BCD-COG Application, DHEC Application, CPW Coordination	
Professional Engineer - 23.5 Hrs. @ $135.00/Hr.	3,172.50
Reimbursable Expenses	
DHEC Application Fee	110.00
Total	**$3,282.50**

PAID 3999
CK # 31282.50
AMT. $
DATE 6/8/07

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111314-3824**

Date: **May 21, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 4/30/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey	
Professional Engineer - 6.5 Hrs. @ $135.00/Hr.	877.50
Professional Land Surveyor - 0.5 Hrs. @ $80.00/Hr.	40.00
Professional Land Surveyor - 4.5 Hrs. @ $90.00/Hr.	405.00
Survey Crew - 6.0 Hrs. @ $130.00/Hr.	780.00
Total	**$2,102.50**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111349-3824**

Date: **June 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
5/1/07 THRU 5/31/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey, Easement Plat, GPS	
Professional Engineer - 2.5 Hrs. @ $135.00/Hr.	337.50
Professional Land Surveyor - 7.5 Hrs. @ $90.00/Hr.	675.00
Survey Crew - 3.0 hrs. @ $115.00/Hr.	345.00
Survey Crew - 8.0 Hrs. @ $105.00/Hr.	840.00

Past Due - Invoice #111314-$2102.50
TOTAL AMOUNT DUE - $4,300.00

Total **$2,197.50**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111402-3824**

Date: **July 16, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
6/1/07 - 6/30/07	Bryan Road	3824

Description	Amount
Boundary Survey and Subdivision Plats	540.00
Professional Engineer - 4.0 Hrs. @ $135.00/Hr.	
Professional Land Surveyor - 14.0 Hrs. @ $90.00/Hr.	1,260.00
Survey Crew - 11.0 hRS. @ $105.00/Hr.	1,155.00

Past Due - Invoice #111314-$2102.50
Past Due - Invoice #111349 - $2197.50
TOTAL AMOUNT DUE - $7,255.00

PAID
CK # 3022
AMT. $ 7255.00
DATE 8-2-07

Total **$2,955.00**

DLSCN 09/09/11

0

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111469-3824**

Date: **August 20, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
7/1/07 - 7/31/07	Bryan Road	3824

Description	Amount
Set Property Corners	
Professional Land Surveyor - 1.0 Hrs. @ $94.00/Hr.	94.00
Survey Crew - 22.0 Hrs. @ $110.00/Hr.	2,420.00
Total	**$2,514.00**

1/4

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111542-3824**

Date: **September 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
8/1/07 - 8/31/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 3.25 Hrs. @ $94.00/Hr.	305.50
Survey Crew - 8.0 Hrs. @ $110.00/Hr.	880.00
Professional Engineer - 1.0 Hrs. @ $140.00/Hr.	140.00

Past Due - Invoice # 111469 - $2514.00
Total Amount Due - $3839.50

Total **$1,325.50**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

PAST DUE

Number: **111585-3824**
Date: **October 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:
RESENT 11/12/07
RESENT 1/15/08
RESENT 2/15/08

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
9/1/07 - 9/30/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 2.0 Hrs.. @ $94.00/Hr.	188.00

Past Due - Invoice #111469 - $2,514.00
Invoice # 111542 - $1,325.50
Total Amount Due - $4,027.50 V cwk

PAID
CK # 4237
AMT. $4,027.50
DATE 3/5/08

Total **$188.00**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111248-3824**

Date: **April 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 3/31/07	Bryan Road	3824

Description	Amount
Preliminary Lot Layout, RMC Research, CPW Research, BCD-COG Application, DHEC Application, CPW Coordination	
Professional Engineer - 23.5 Hrs. @ $135.00/Hr.	3,172.50
Reimbursable Expenses	
DHEC Application Fee	110.00
Total	**$3,282.50**

Amount Paid: 3,282.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111314-3824**

Date: **May 21, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 4/30/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey	
Professional Engineer - 6.5 Hrs. @ $135.00/Hr.	877.50
Professional Land Surveyor - 0.5 Hrs. @ $80.00/Hr.	40.00
Professional Land Surveyor - 4.5 Hrs. @ $90.00/Hr.	405.00
Survey Crew - 6.0 Hrs. @ $130.00/Hr.	780.00
Total	**$2,102.50**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111349-3824**

Date: **June 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
5/1/07 THRU 5/31/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey, Easement Plat, GPS	
Professional Engineer - 2.5 Hrs. @ $135.00/Hr.	337.50
Professional Land Surveyor - 7.5 Hrs. @ $90.00/Hr.	675.00
Survey Crew - 3.0 hrs. @ $115.00/Hr.	345.00
Survey Crew - 8.0 Hrs. @ $105.00/Hr.	840.00

Past Due - Invoice #111314-$2102.50
TOTAL AMOUNT DUE - $4,300.00

Total **$2,197.50**

DLSCN 09/09/11

(1)

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111402-3824**

Date: **July 16, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
6/1/07 - 6/30/07	Bryan Road	3824

Description	Amount
Boundary Survey and Subdivision Plats	540.00
Professional Engineer - 4.0 Hrs. @ $135.00/Hr.	
Professional Land Surveyor - 14.0 Hrs. @ $90.00/Hr.	1,260.00
Survey Crew - 11.0 hRS. @ $105.00/Hr.	1,155.00

Past Due - Invoice #111314-$2102.50
Past Due - Invoice #111349 - $2197.50
TOTAL AMOUNT DUE - $7,255.00

PAID
CK # 3022
AMT. $ 7255.00
DATE 8-2-07

Total **$2,955.00**

DLSCN 09/09/11

0

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111469-3824**

Date: **August 20, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
7/1/07 - 7/31/07	Bryan Road	3824

Description	Amount
Set Property Corners	
Professional Land Surveyor - 1.0 Hrs. @ $94.00/Hr.	94.00
Survey Crew - 22.0 Hrs. @ $110.00/Hr.	2,420.00
Total	**$2,514.00**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111542-3824**

Date: **September 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
8/1/07 - 8/31/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 3.25 Hrs. @ $94.00/Hr.	305.50
Survey Crew - 8.0 Hrs. @ $110.00/Hr.	880.00
Professional Engineer - 1.0 Hrs. @ $140.00/Hr.	140.00

Past Due - Invoice # 111469 - $2514.00
Total Amount Due - $3839.50

Total **$1,325.50**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2822

Invoice

Number: **111585-3824**

Date: **October 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
9/1/07 - 9/30/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 2.0 Hrs.. @ $94.00/Hr.	188.00

Past Due - Invoice #111469 - $2,514.00
Invoice # 111542 - $1,325.50
Total Amount Due - $4,027.50 ✓CW

Total **$188.00**

DLSCN 09/09/11

Invoice Date

April 18, 2007 – Through 3/31/2007
Pre lot layout, RMC research, CPW research, BCD-COG application, DHEC Application, CPW coordination.

Invoice #111248 $3,282.50
Paid 6/8/2007 Check # 3999

May 21, 2007 – 4/1/2007 through 4/30/2007
CPW coordination boundary and water line survey

Invoice # 111314 $2,102.50

June 18, 2007 – 5/1/2007 through 5/31/2007
CPW coordination, boundary and water line survey, easement plat

Invoice # 11349 $2,197.50

July 16, 2007 6/1/2007 through 6/30/07
Boundary Survey and subdivision plats

Invoice #111402 $2,955.00

Total due to this point $7,255.00

Paid 8/2/2007 $7,255.00

August 20, 2007 – 7/1/2007 through 7/31/2007
Set property corners

Invoice # 111469 $2,514.00

September 19, 2007 – 8/1/2007 through 8/31/2007
Tree Survey

Invoice # 111542 $1,325.50

October 19, 2007 – 9/1/2007 through 9/30/2007
Additional trees on Bryan Road

Invoice# 111585 $188.00

No work since September

Amount Due $4,027.50

DISCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **112141-3824**

Date: **September 10, 2008**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
2/1/08 - 8/31/08	Bryan Road	3824

Description	Amount
Dispute with Town of Hollywood	
Meetings, Etc.	
Professional Engineer - 10.5 Hs. @ $140.00/Hr.	1,470.00
Professional Surveyor - 2.25 Hours @ $84.00/Hr.	189.00
Total	**$1,659.00**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111248-3824**

Date: **April 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 3/31/07	Bryan Road	3824

Description	Amount
Preliminary Lot Layout, RMC Research, CPW Research, BCD-COG Application, DHEC Application, CPW Coordination	
Professional Engineer - 23.5 Hrs. @ $135.00/Hr.	3,172.50
Reimbursable Expenses	
DHEC Application Fee	110.00
Total	**$3,282.50**

PAID 3999
CK # 31282350
AMT. $
DATE 6/8/07

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111314-3824**

Date: **May 21, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
THROUGH 4/30/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey	
Professional Engineer - 6.5 Hrs. @ $135.00/Hr.	877.50
Professional Land Surveyor - 0.5 Hrs. @ $80.00/Hr.	40.00
Professional Land Surveyor - 4.5 Hrs. @ $90.00/Hr.	405.00
Survey Crew - 6.0 Hrs. @ $130.00/Hr.	780.00
Total	**$2,102.50**

Amount Paid: 2,102.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111349-3824**

Date: **June 18, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
5/1/07 THRU 5/31/07	Bryan Road	3824

Description	Amount
CPW Coordination, Boundary and Water Line Survey, Easement Plat, GPS	
Professional Engineer - 2.5 Hrs. @ $135.00/Hr.	337.50
Professional Land Surveyor - 7.5 Hrs. @ $90.00/Hr.	675.00
Survey Crew - 3.0 hrs. @ $115.00/Hr.	345.00
Survey Crew - 8.0 Hrs. @ $105.00/Hr.	840.00

Past Due - Invoice #111314-$2102.50
TOTAL AMOUNT DUE - $4,300.00

Total **$2,197.50**

Amount Paid: 2,197.50
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111402-3824**

Date: **July 16, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
6/1/07 - 6/30/07	Bryan Road	3824

Description	Amount
Boundary Survey and Subdivision Plats	540.00
Professional Engineer - 4.0 Hrs. @ $135.00/Hr.	
Professional Land Surveyor - 14.0 Hrs. @ $90.00/Hr.	1,260.00
Survey Crew - 11.0 hRS. @ $105.00/Hr.	1,155.00

Past Due - Invoice #111314-$2102.50
Past Due - Invoice #111349 - $2197.50
TOTAL AMOUNT DUE - $7,255.00

Total **$2,965.00**

Amount Paid: 2,955.00
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111469-3824**

Date: **August 20, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
7/1/07 - 7/31/07	Bryan Road	3824

Description	Amount
Set Property Corners	
Professional Land Surveyor - 1.0 Hrs. @ $94.00/Hr.	94.00
Survey Crew - 22.0 Hrs. @ $110.00/Hr.	2,420.00
Total	**$2,514.00**

Amount Paid: 2,514.00
Amount Due: 0.00

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

PAST DUE

Number: **111585-3824**

Date: **October 19, 2007**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:
RESENT 11/12/07
RESENT 1/15/08
RESENT 2/15/08

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
9/1/07 - 9/30/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 2.0 Hrs.. @ $94.00/Hr.	188.00

Past Due - Invoice #111469 - $2,514.00
Invoice # 111542 - $1,325.50
Total Amount Due - $4,027.50

PAID
CK # 4237
AMT. $4,027.50
DATE 3/5/08

Total **$188.00**

DLSCN 09/09/11

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

Invoice

Number: **111542-3824**

Date: **September 19, 2007**

Bill To:

Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

Ship To:

DUE UPON RECEIPT	PROJECT LOCATION	JOB #
8/1/07 - 8/31/07	Bryan Road	3824

Description	Amount
Tree Survey	
Professional Land Surveyor - 3.25 Hrs. @ $94.00/Hr.	305.50
Survey Crew - 8.0 Hrs. @ $110.00/Hr.	880.00
Professional Engineer - 1.0 Hrs. @ $140.00/Hr.	140.00

Past Due - Invoice # 111469 - $2514.00
Total Amount Due - $3839.50

Total **$1,325.50**

Amount Paid: 1,325.50
Amount Due: 0.00

DLSCN 09/09/11

10

Forsberg Engineering
P.O. Box 30575
Charleston, SC 29417
(843) 571-2622

PAST DUE

Number: **112141-3824**

Date: **September 10, 2008**

Bill To:
Mr. Jeffrey Readen
1382 Brownswood Road
Johns Island, SC 29455

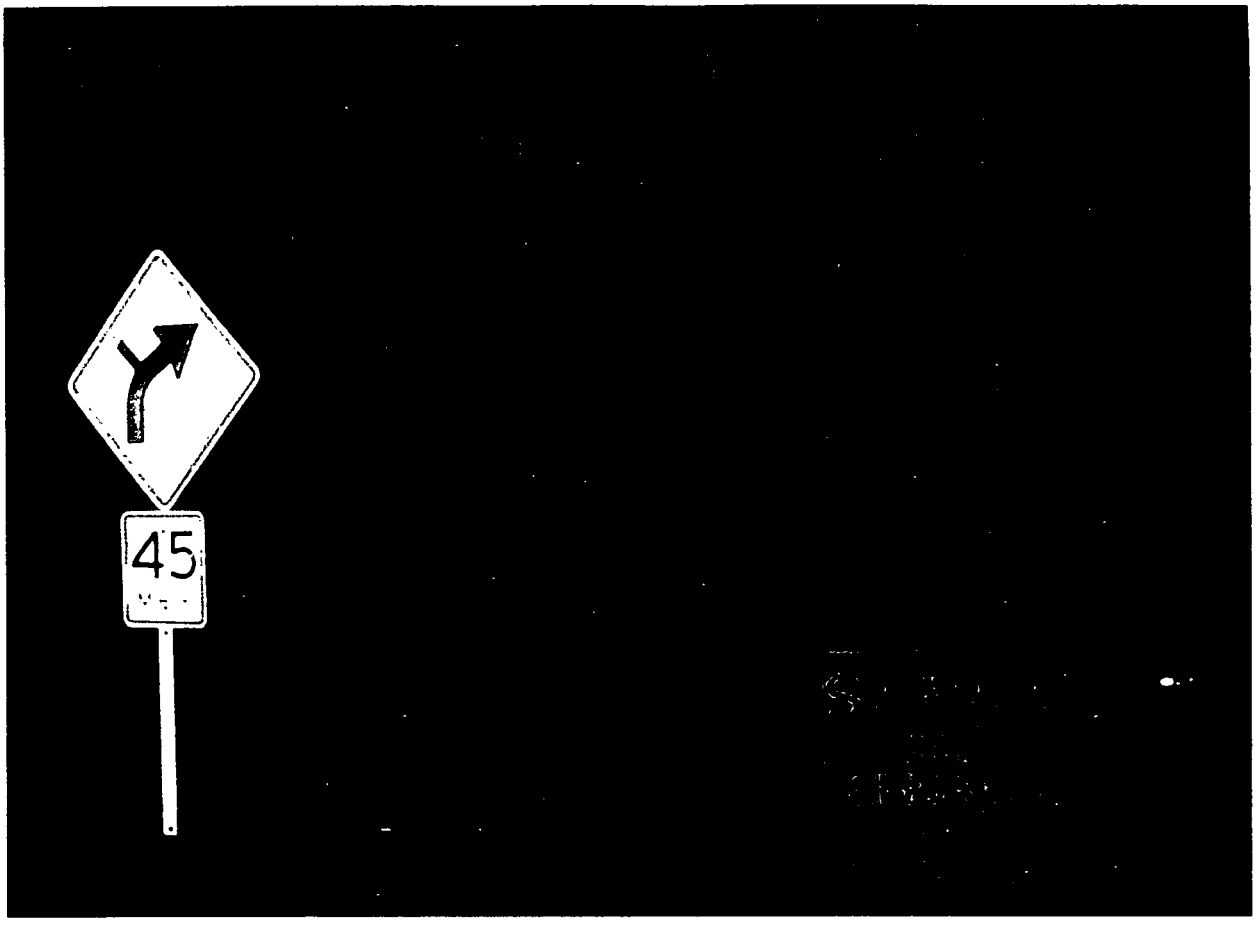
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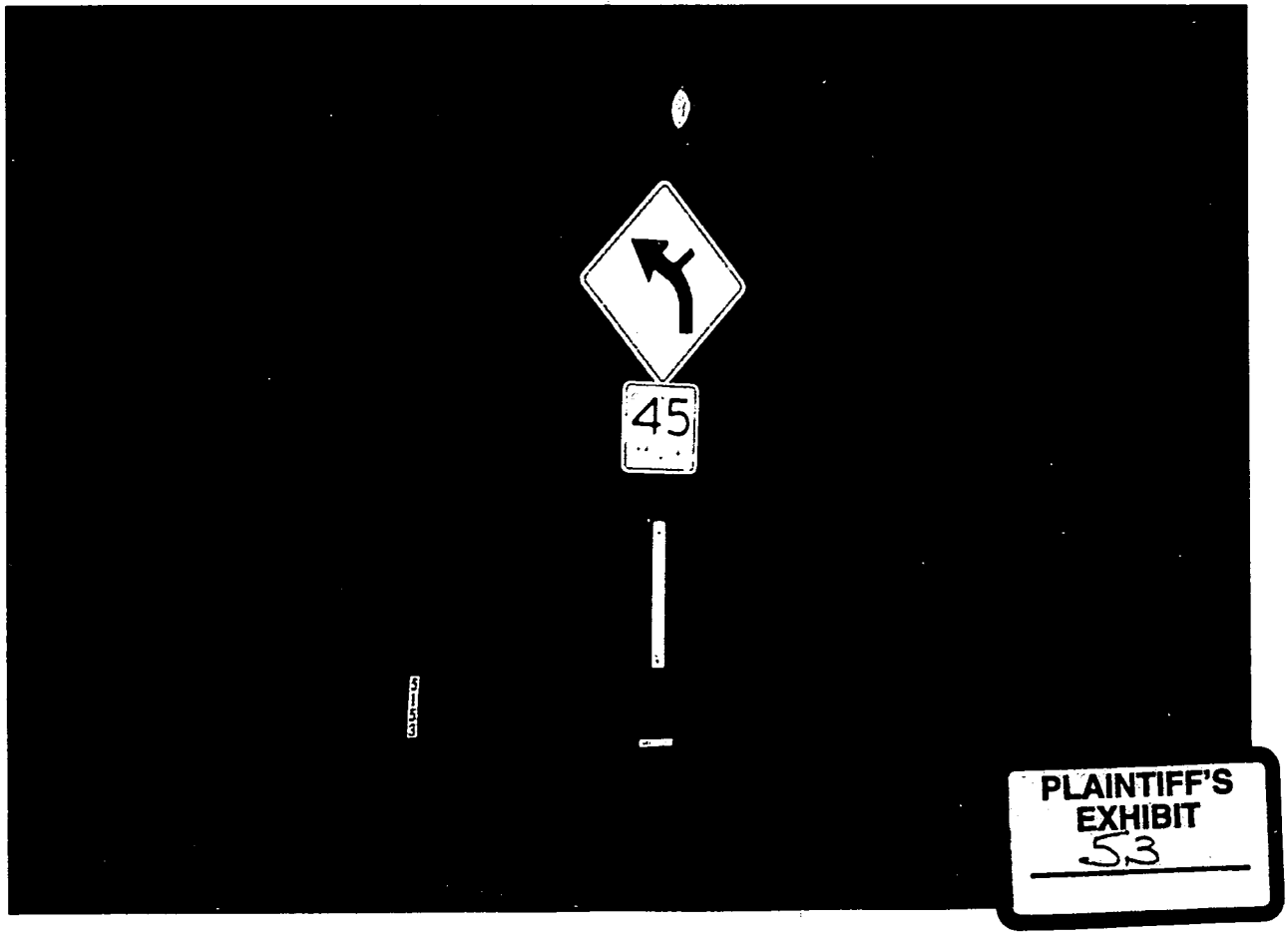
DUE UPON RECEIPT	PROJECT LOCATION	JOB #
2/1/08 - 8/31/08	Bryan Road	3824

Description	Amount
Dispute with Town of Hollywood	
Meetings, Etc.	
Professional Engineer - 10.5 Hs. @ $140.00/Hr.	1,470.00
Professional Surveyor - 2.25 Hours @ $84.00/Hr.	189.00
Total	**$1,659.00**

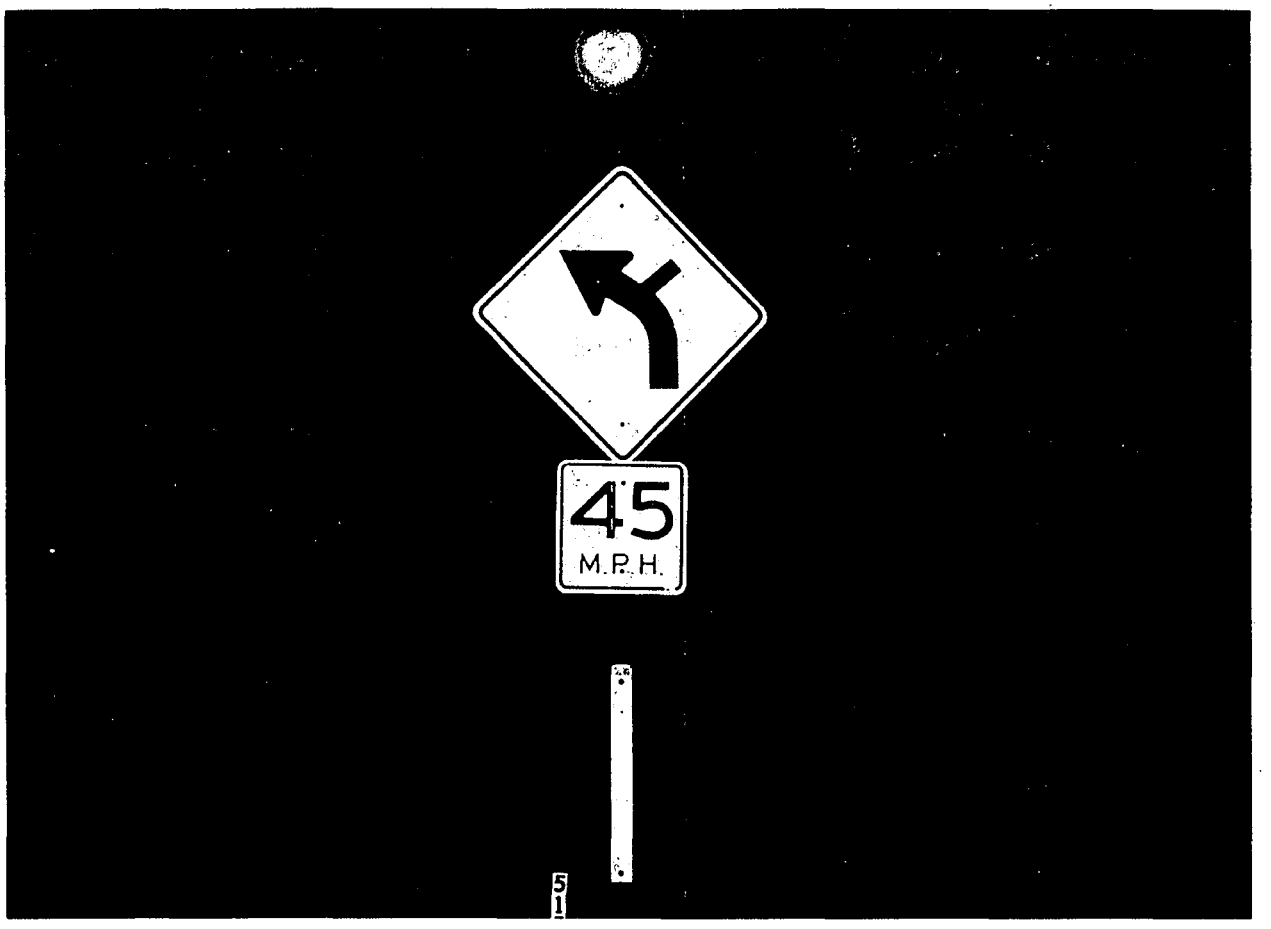
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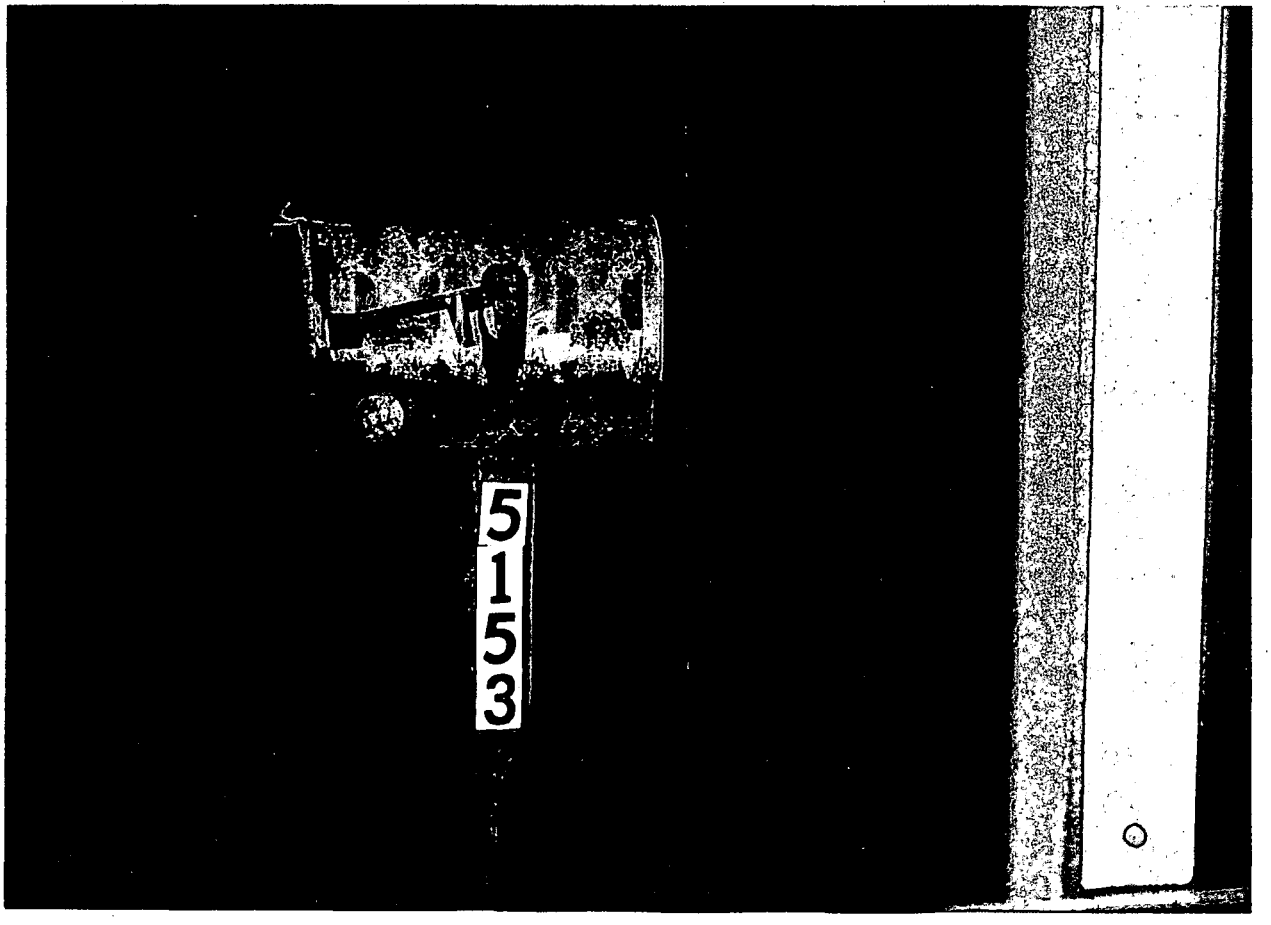
DLSCN 09/09/11



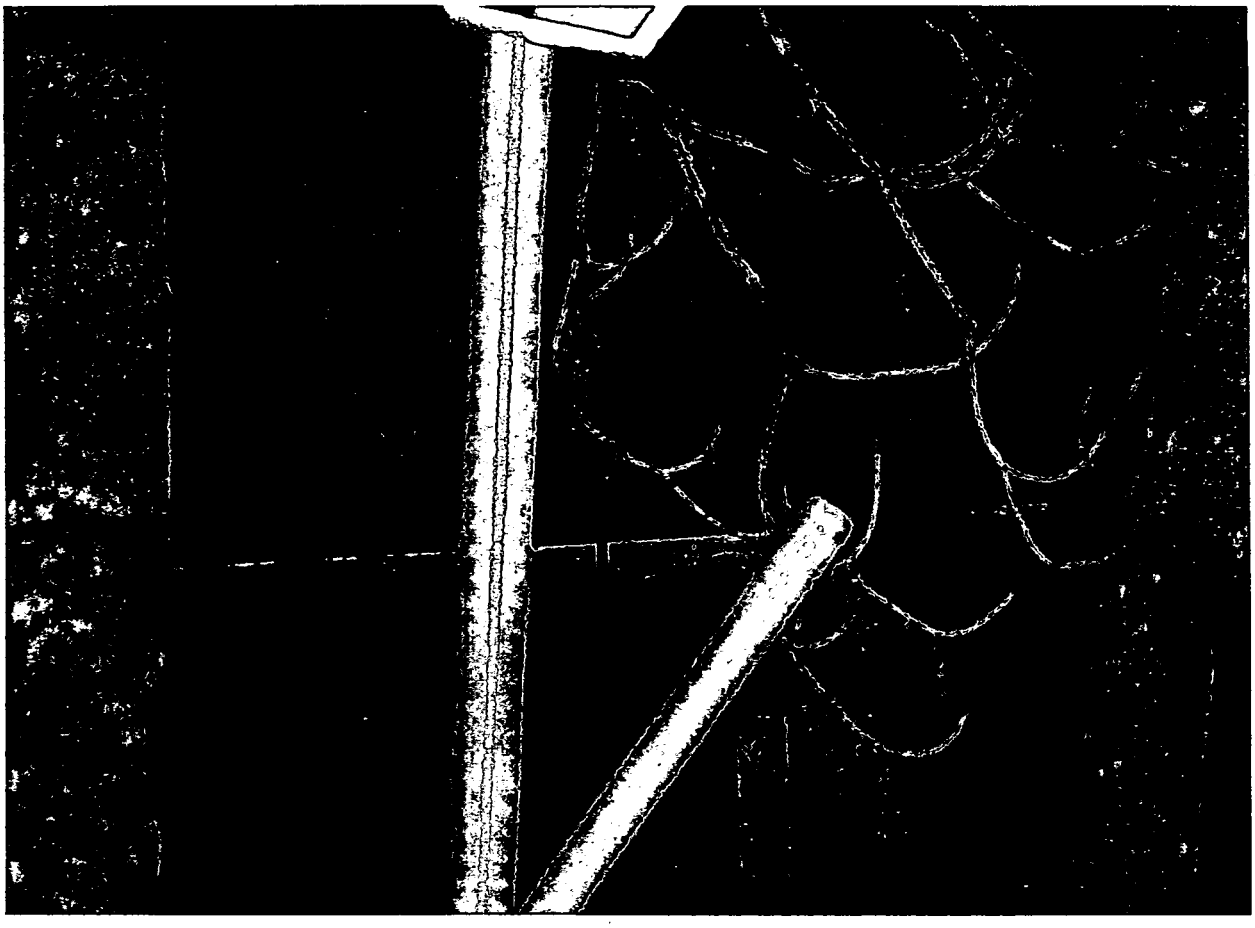


DLSCN 09/09/11



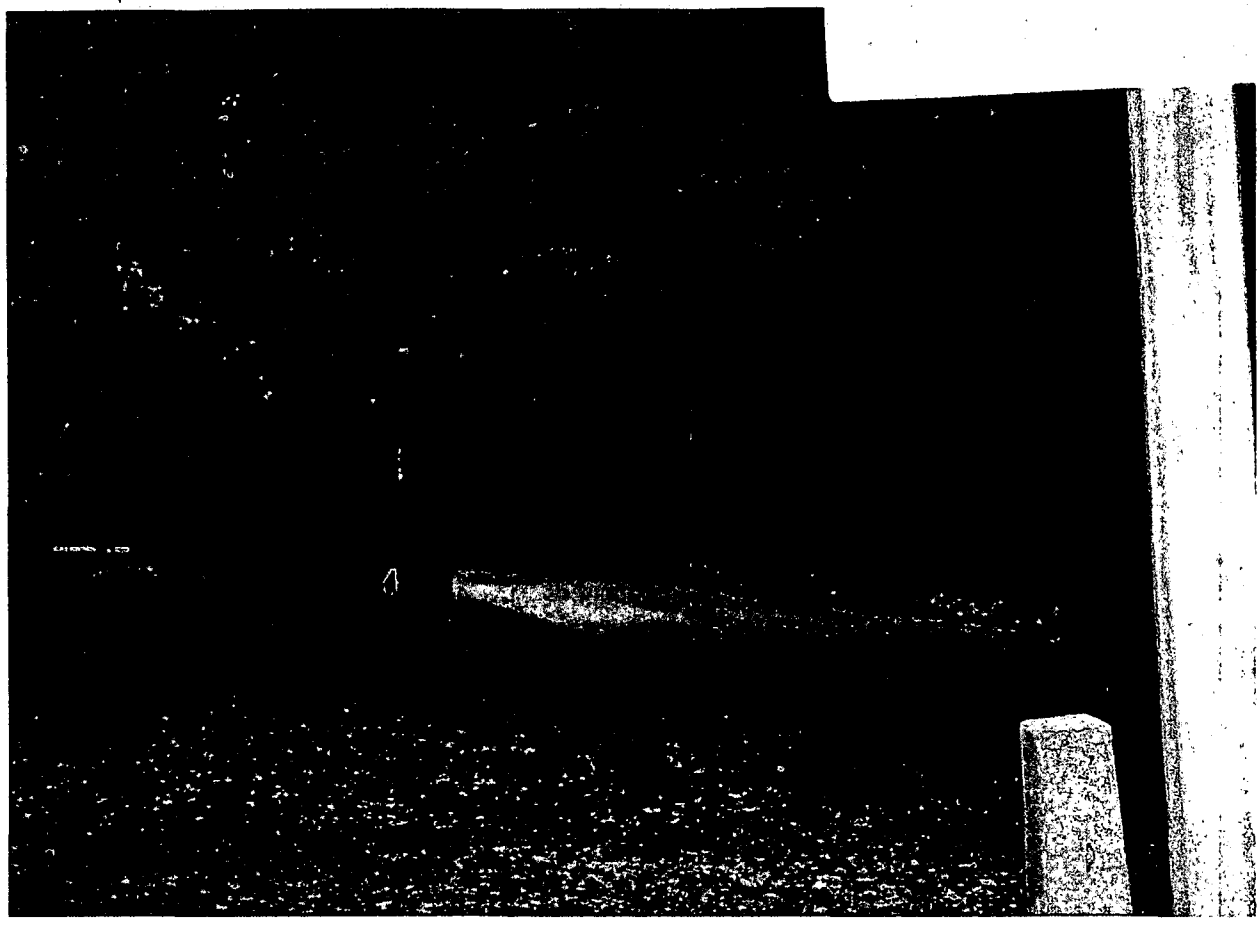


DLSCN 09/09/11

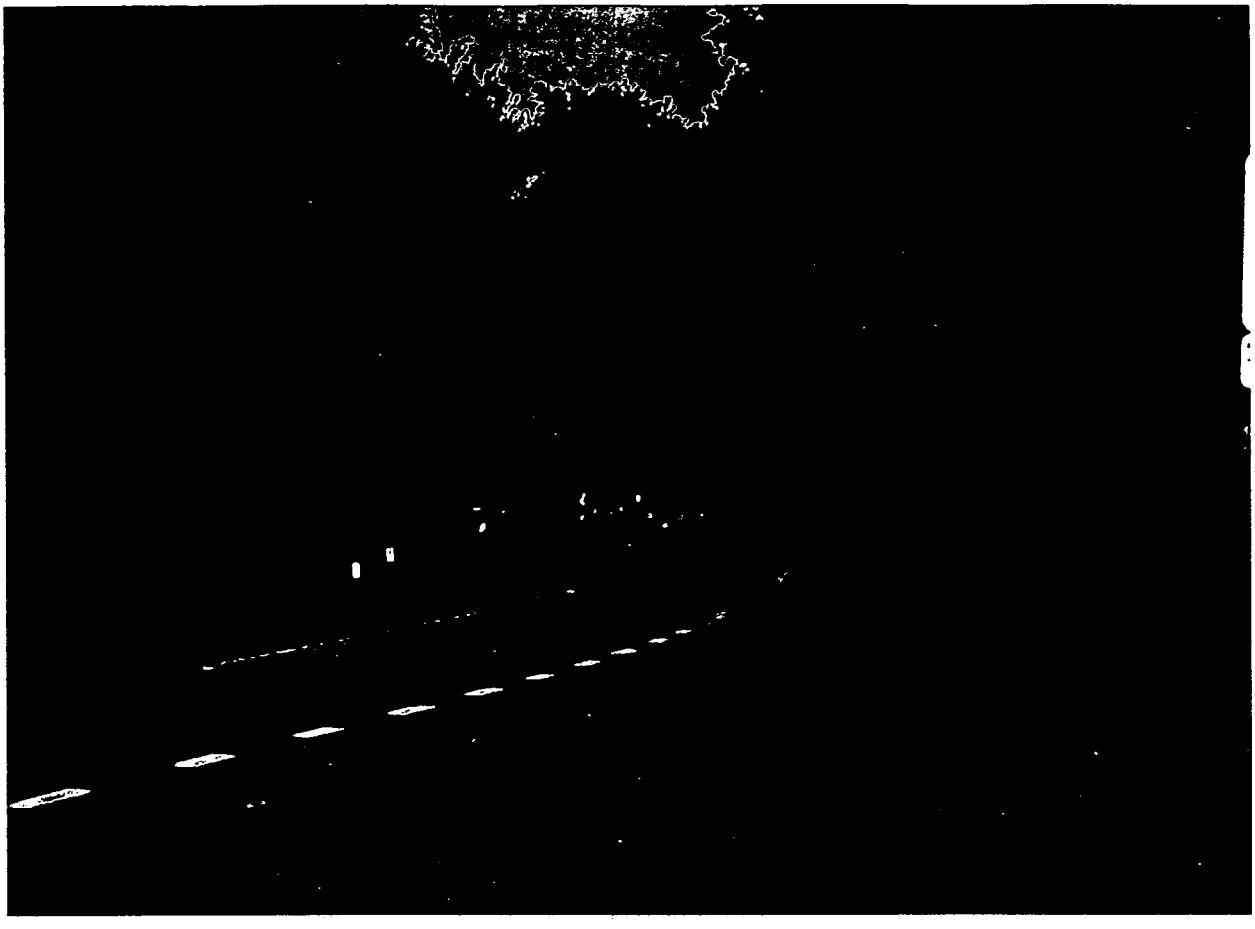


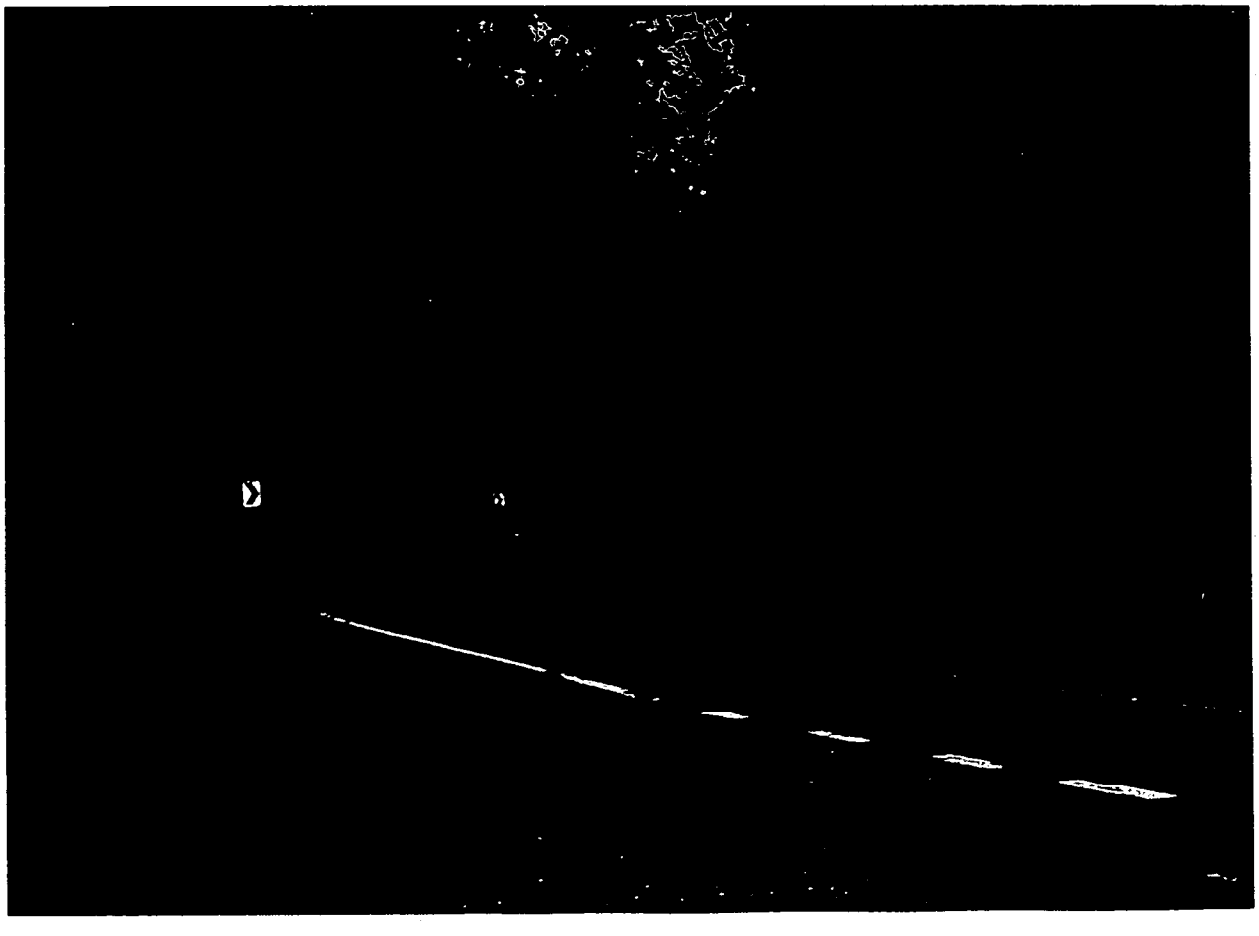
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DLSCN 09/09/11

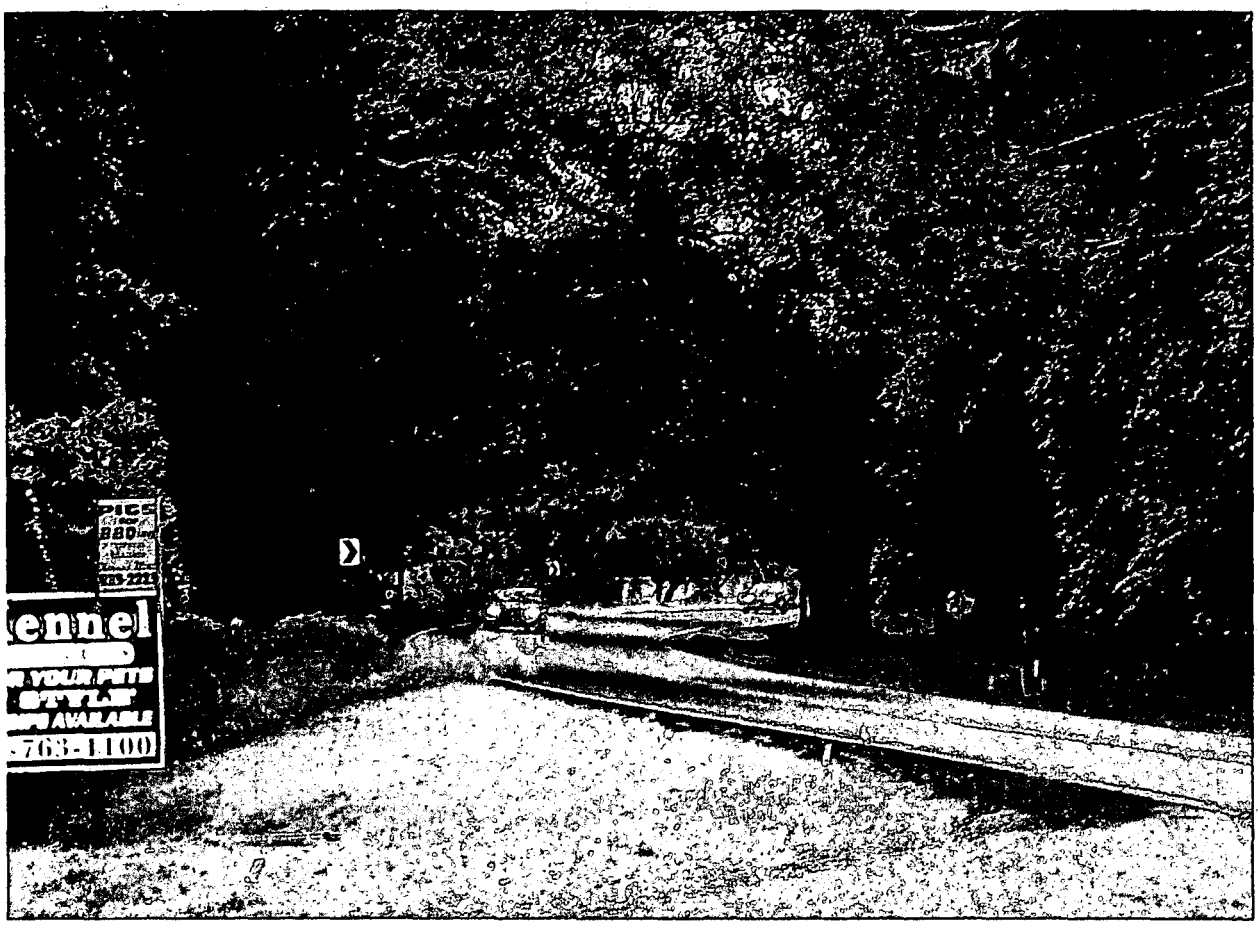


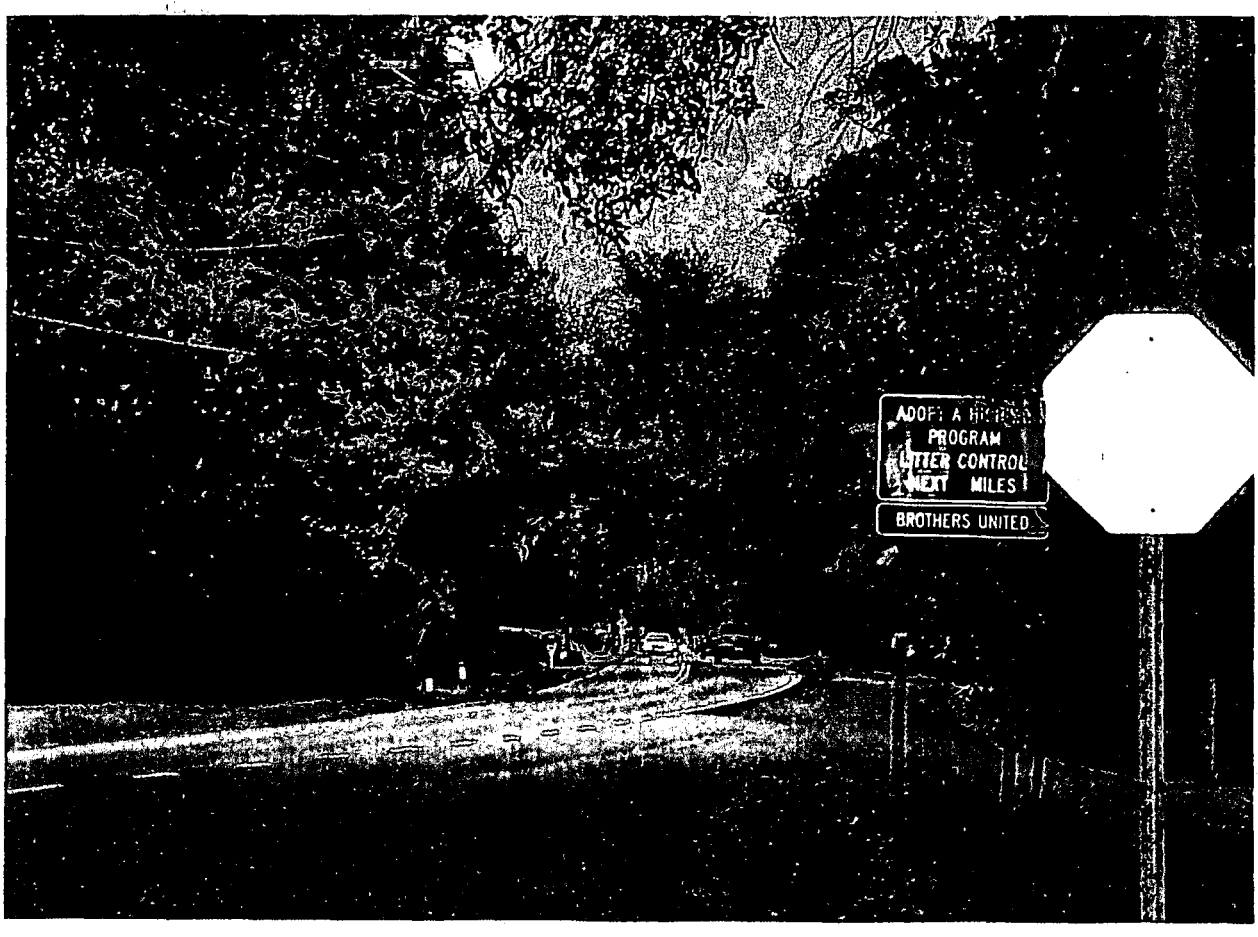




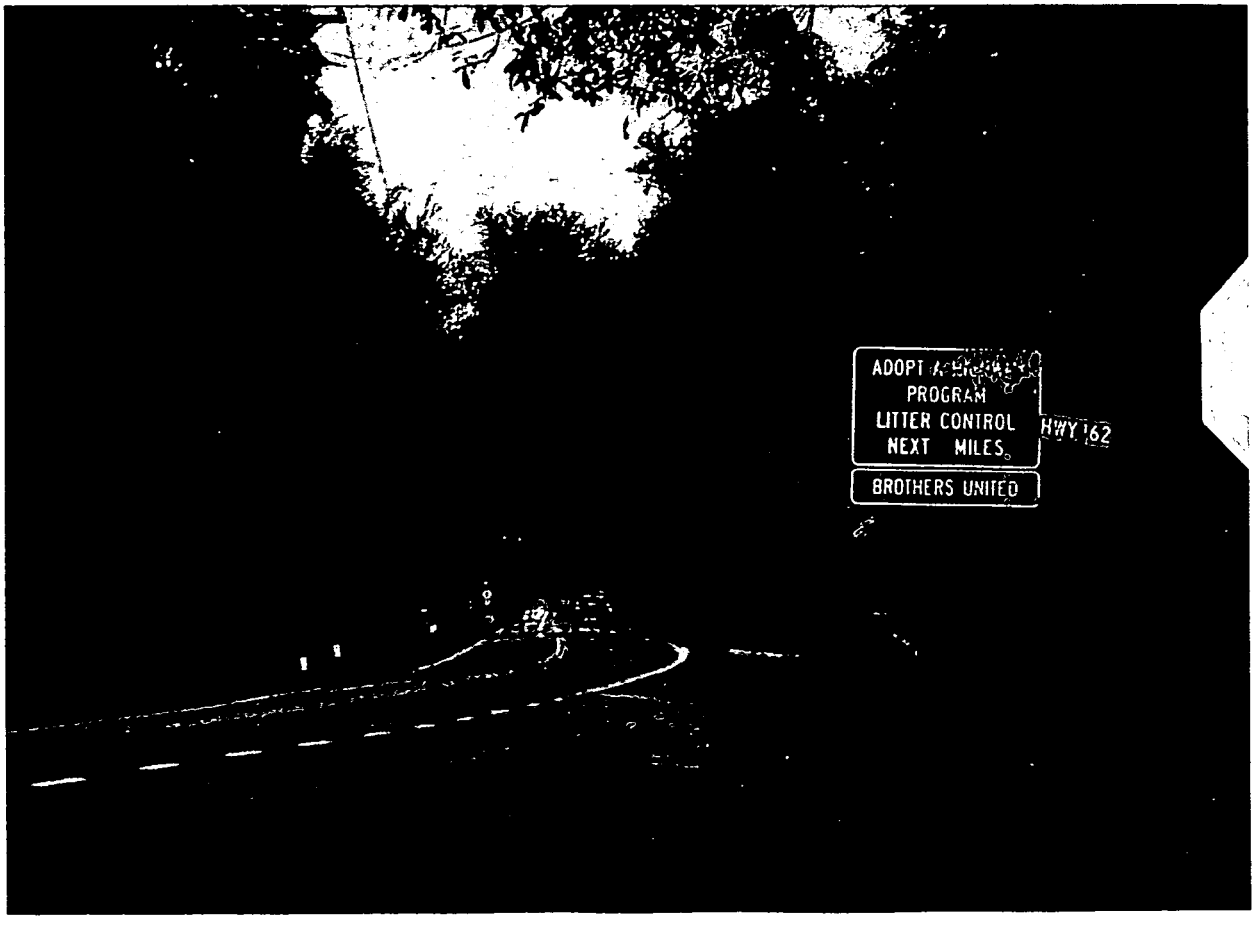


DLSCN 09/09/11

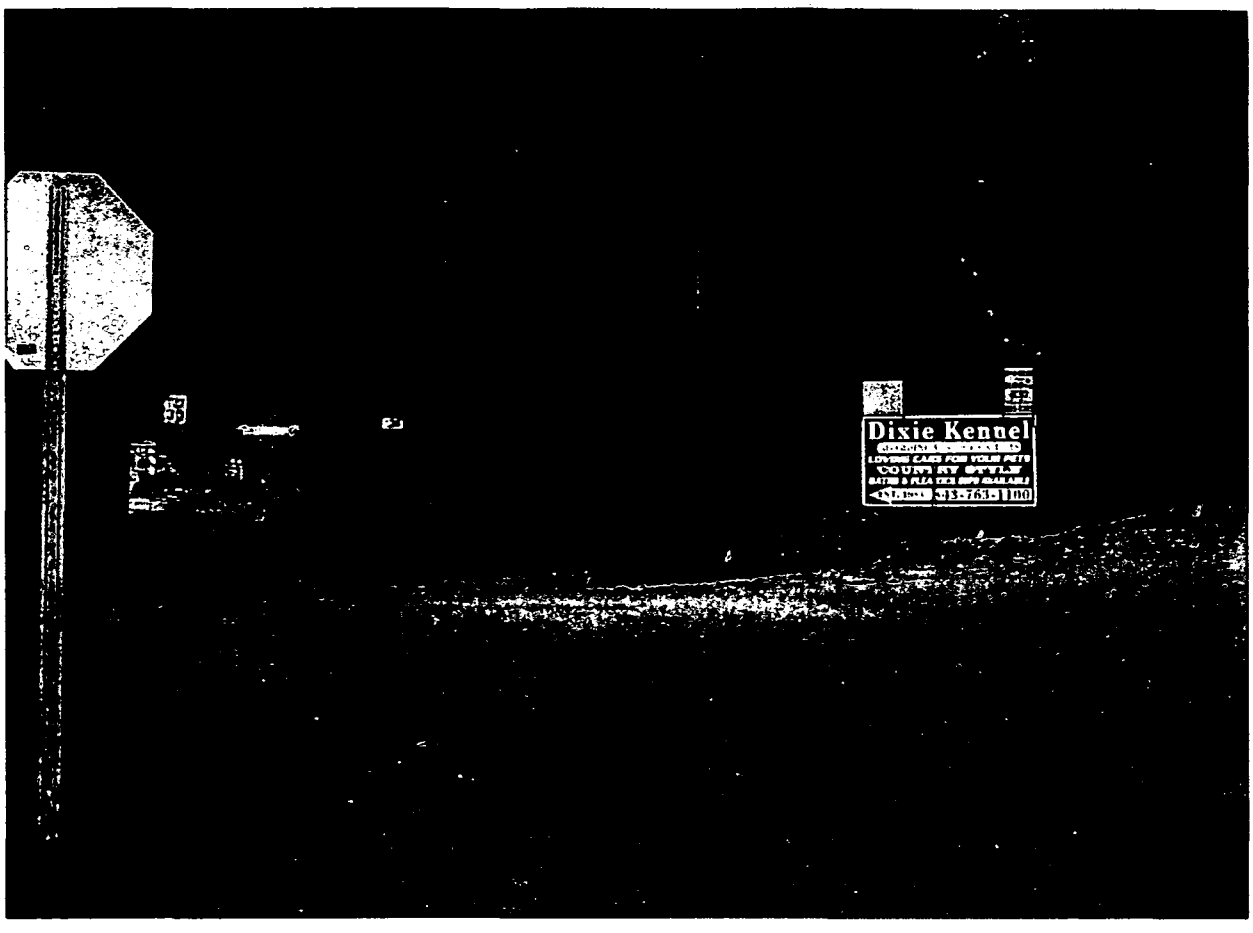






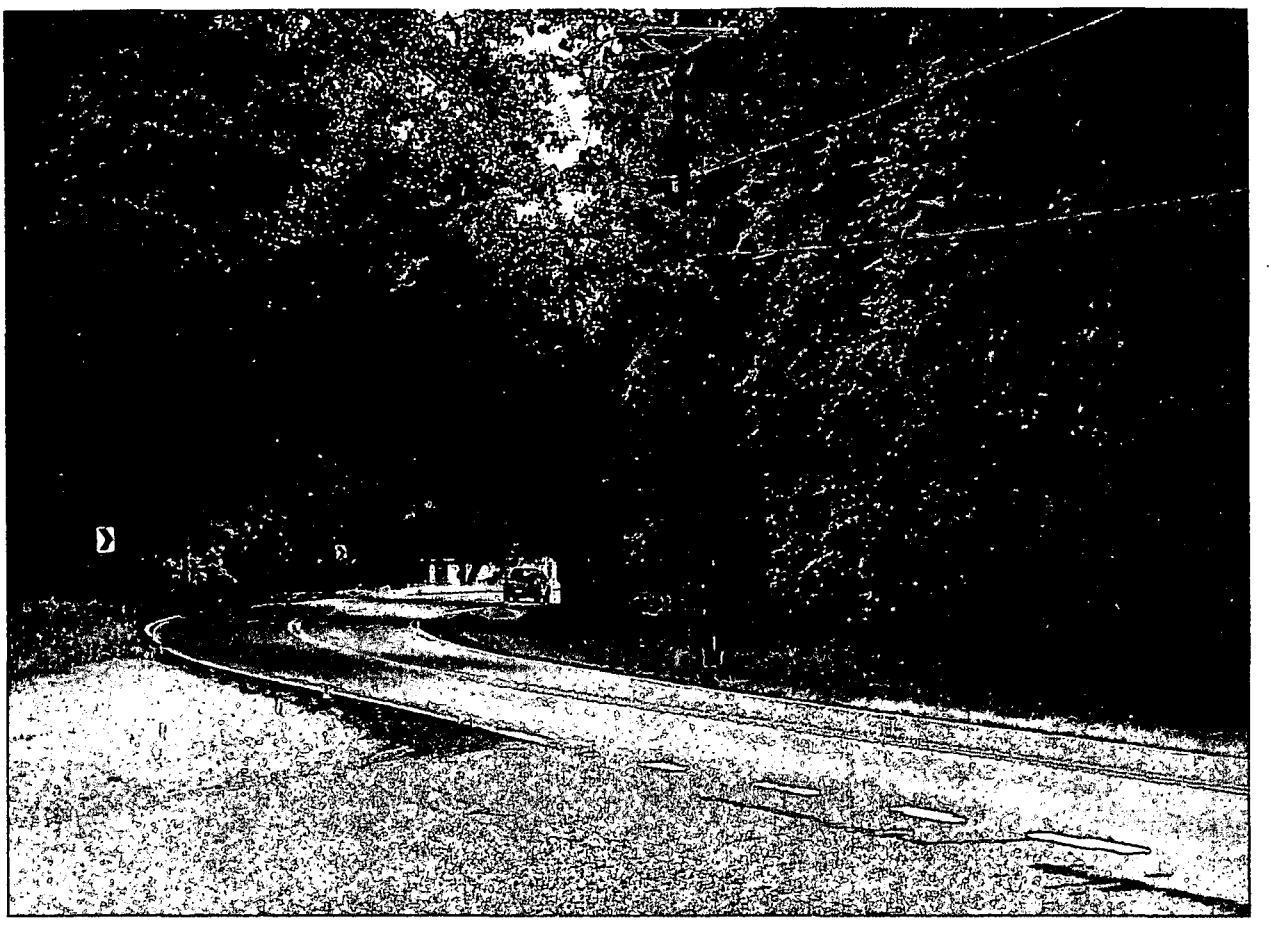

PROGRAM
LITTER CONTROL
NEXT MILES
BROTHERS UNITED
HWY 162

DLSCN 09/09/11





DLSCN 09/09/11





DLSCN 09/09/11

WE ASKED...

Jacquelyn Heyward

About running rural Hollywood and her specialty dish

Q: What do you like about Hollywood?

A: I like the landscape of Hollywood. I like the natural rural flavor that it offers. I like being able to look out of my windows and see the trees and right now see the changing colors, and the leaves falling. I don't like raking the leaves, but I like the multiple colors showing right now. Of course, when spring and summer come I love to see the perennial flowers pop up again. ... Sometimes I forget I plant perennials, and when it pops up in the spring I say, "Oh, my goodness, that's beautiful!"

And I love the people because it is a close community where most people know each other. Having been a high school teacher for so many years, (retired after 21 years at Baptist Hill High School and then four at Garrett Academy of Technology) I know a lot of people – either I've taught them or I've taught their children, or I go to church with them. So we're in the same community.

Q: What's the biggest issue facing the town?

A: I guess the biggest issue would be economic development, economic opportunities because I believe that is the basis for prosperity and without that, without having a place to work and those job opportunities available in the community or in the neighboring, close communities, we find ourselves living below or at poverty level. A lot of the residents live at the poverty level.

Meet Jacquelyn

JOB: Mayor of Hollywood and co-owner of Express Cab Company.
FAMILY: Husband, James Lee Heyward, five children, eight grandchildren.
RESIDENCE: Hollywood.
AGE: 57.
HOBBIES: Sewing and cooking.

Town events

WHAT: Taste of Hollywood, Saturday, noon-5:30 p.m. And Hollywood Christmas Parade, Saturday, 1 p.m.
LOCATION: Corner of S.C. highways 162 and 165.
CONTACT: Call 889-3222.

Q: Why did you want to be mayor?

A: I wanted to become mayor because I thought I could make a difference. No. 1, I thought I could help the community go in the direction I heard the residents say they wanted to go. And that is by not losing the natural, rural flavor of the town. Also to help provide necessities like water and affordable housing to the community.

Q: What's your top priority for the remainder of your term?

A: Affordable housing: providing a stock of homes for those below the national average income, and having funding that will help rehabilitate present homes. And more youth activities.

Q: Will you run for re-election in 2011?

A: Yes. I feel that four years is not enough time to make the kind of difference that I would like to make and a lot of the plans that we have asserted need to be developed, and it just won't happen in four years. That might be a little bit of my frustration, because I'm not able to make things happen fast enough or quick enough. Certainly, everybody's issue is important, and being able to decipher all of the needs of the people and being able to come up with a plan of implementation and making sure that we meet our goals, it's just going to take a while to do that.

Q: How is juggling jobs as mayor and business owner going?

A: It's been hard. It's been very hard, because doing what I do as mayor has consumed most of my time. I'm in the office full time; there are a lot of meetings after work. So I'm having to delegate a lot of the responsibility of my other job to someone else, and not really devoting as much time as I need to do that. I find myself doing a lot of work (for the cab company) on the Internet, trying to make things happen.

Q: On the town's new Web site, (www.townofhollywood.org), you call the town "The Hollywood where 'Real' people live." What do you mean by that?

A: It simply means it's not the Hollywood, Calif., where people think of the actresses and movie stars. These are actually real people. ... Everyone is concerned about the next one, and compassionate about the town and compassionate about one another and helping one another. It's not acting, so to speak. It's real.

Q: Adding the annual Taste of Hollywood event to the Christmas parade (both of which take place Saturday) was your idea. Why did you think it was important to add?

A: Well, it gave an opportunity to those individuals (and businesses and churches) who wanted to get their dishes out there and get known as well as get them some extra income. And it allowed the people of the community who came to the parade, which was quite a bit, to just taste different kinds of dishes and food that we have in the Lowcountry and the Hollywood area.

Q: You said you enjoy cooking. Do you have a specialty dish?

A: Most people like my red rice and crab casserole.



GRACE BEAHM/STAFF

Q: Do you have any holiday traditions?

A: Yes. We share Thanksgiving meal with the family and we kind of rotate that with the family members. ... For Christmas, the family comes to my house — my children and their children — and spend Christmas Eve together and we prepare Christmas dinner together, and the grandchildren are able to wake up at my house and we all open presents and do our little gift exchange. ... And just have friends and family over for the rest of the day, in and out. On New Year's Eve, the tradition is to go to church, and just thank the Lord for keeping us through the year.

Q: When do you anticipate finishing your Christmas shopping?

A: Christmas Eve. I am a procrastinator, sometimes I just can't get it done. I'm generally out there at the last minute.

Q: If you could have anything for Christmas, what would it be?

A: A million dollars!

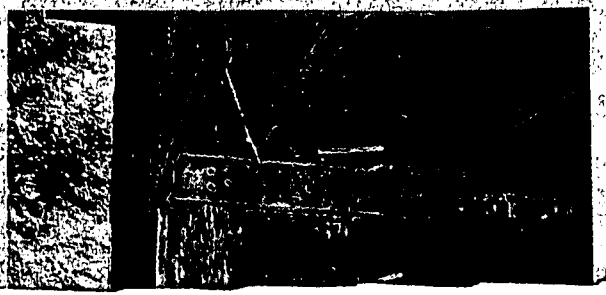
Volume III of III 1071

DLSCN-09/09/11

Dream weaver

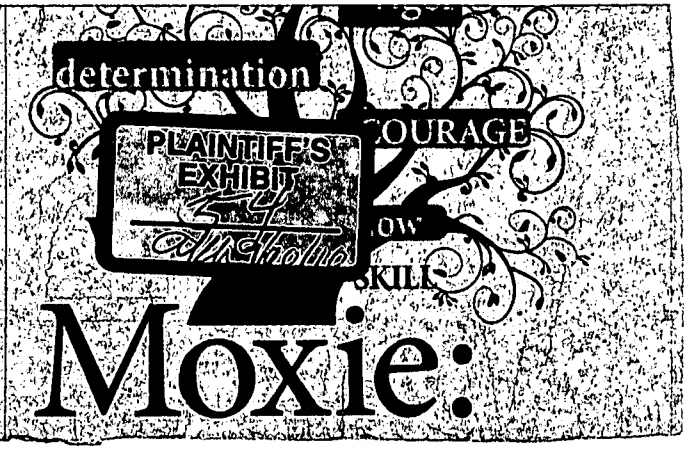
WEAVER From Page 1D

Her business works like this: She hires weavers, spinners, dyers and finishers — a majority of whom are women — in Cambodia, Laos, Thailand, Vietnam and India. She pays them above-average wages and creates consistency and security that the artisans





A close-up of fringe from one of Lulan's finished window panels.



Moxie:

PLAINTIFF'S EXHIBIT 55 adk 9/10/10

HOLLYWOOD HOUSING COMPLE

Duplex construction begins

BY JOSH ROSENTHAL
The Post and Courier

Residents of Hollywood will soon have a chance to realize dreams of owning a home that may once have been out of reach.

Thanks to a collaboration between the town of Hollywood and the Charleston Bank Consortium, the town will break ground today on an affordable housing complex on Baptist Hill Road, behind Baptist Hill High School.

Hollywood residents have long needed affordable housing, according to Mayor Jacqueline Heyward. The number of applications already distributed to potential buyers demonstrates the community's strong interest in the development, she said.

The Charleston Banking Consortium is a nonprofit that works to develop affordable housing in the Lowcountry and assists low-income families in purchasing homes. Executive Director Nancy Fabian said the new development, to be named Holly Grove, will help Hollywood residents who currently live in dilapidated housing and mobile homes. The location also would benefit workers commuting to Kiawah and Seabrook Islands, she said.

The 41 duplexes built on the 6-acre site will be designated for households making up to 80 percent of the county median income. A family of four with a yearly income of $45,250 or less would qualify for ownership. Homes will be between 900 and 1,000 square feet and have two or three bedrooms.

Willie Brooks, an administrative assistant at Carolina Autism and a lifelong Hollywood resident, applauds the new development. "It's a smart method of growing the town while accommodating the people (who need affordable housing)," he said. Brooks added that he knows plenty of people, including relatives, who may take advantage of the opportunity.

A crucial element of the Holly Grove project is the homeowner education effort that will accompany it. Potential buyers will receive budget and credit counseling, while the Trident Urban League will provide home-ownership classes. The Consortium will guide buyers throughout the process, from pre-qualifying to closing.

To keep the cost of homes down, the Consortium will seek to secure low-interest loans and subsidies to cover closing costs and reduce the size of mortgages. Down payments will be as little as $500. These measures will be possible because of grants from the Low Country Housing Trust, the state's HOME Investment Partnerships Program and Charleston County, Fabian said.

The Charleston Banking Consortium also will work with The Sustainability Institute, a South Carolina organization, to bring homes in line with energy efficiency standards. Fabian said it will be the first "green" development of its kind in Hollywood.

ANGEL OAK PARK



Supporters of a development project near the Angel Oak, which is hundreds of years old, say the tree won't be damaged. Opponents fear for the tree's well-being.

Another round of debate

BY DAVID SLADE
The Post and Courier

ON THE WEB: Read more stories and read what arborists are saying about the Angel Oak at postandcourier.com.

Supporters and opponents of the latest plan for a large residential and commercial development adjacent to Charleston's Angel Oak Park on Johns Island are preparing for the latest skirmish in the years-long controversy, when the plan goes before a city panel at 5 p.m. today.

The Commercial Corridor Design Review board will be considering the height, scale and mass of buildings proposed in the development, but not the main issue that have motivated opponents, namely the development's proximity to the ancient Angel Oak tree in city's small adjacent park.

The nearest structure would be about 500 feet from the tree, which opponents fear could be damaged by the project.

The development formerly known as Angel Oak Village — the name was changed to Sea Island PUD because of the controversy about the tree — has the support of city staff and officials, and a number of prominent arborists have concluded that it will not harm the Angel Oak.

"The Angel Oak is not threatened as currently proposed and could actually be better off in the long run," said Kim Coder, a professor of tree biology at the University of Georgia, in a recent evaluation.

Developer Robert DeStefano said Coder, past president of the International Society of Arboriculture, was not compensated for the opinion, which he said was concurred with other arborists consulting on the development.

The development includes a plan to relocate the parking area at Angel Oak Park so that it would be a greater distance from the tree, which is why Coder said the development could help the Angel Oak.

Opponents, led by Johns Island resident Barbara Siegel, have been unimpressed with arborists' reports, and have tried to slow the development plan at every step.

Sea Island Comprehensive Health Care, a Civil-Rights-era nonprofit group that now owns the land, had long-standing plans to develop the property, but sold the land several years ago for $3.5 million as part of a bankruptcy reorganization plan.

Sea Island Comprehensive Health Care stands to profit from the development, as an agreement with the developer, and has said plans to include some affordable homes in the development will help Johns Island residents.

The 42-acre development, planned in two phases, would only the first phase is up for review at the meeting tod 75 Calhoun St.

The Coastal Conservation League has been pursuing plan to use county green space funds to purchase the ten 22 acres planned for the se development phase, but th developers have not agreed to and it's not clear that co funds would be available.

The first phase calls f complex of nine- to three-s buildings on roughly 20 of land, most of which wi build existing business on Bucket Road at Maybank H way. The site also includes along Maybank Highway.

BEES FERRY LANDFILL

Planners to revisit rezoning

BY DAVID SLADE
The Post and Courier

ON THE WEB: For more on the zoning story, go to postandcourier.com.

The Charleston County Planning Commission on Wednesday refused to immediately approve zoning changes that would allow the county's Bees Ferry Landfill and many other businesses in operation prior to April 1999 to expand without seeking special zoning exceptions.

The rule change was requested by county officials after the county's 2008 permit to expand a section of the landfill by 5.5 acres and increase its height to 168 feet was thrown out by an administrative law judge.

The judge, ruling on a legal challenge from a developer with land adjacent to the county landfill, said the county had violated its zoning rules by not getting a zoning exception before seeking the permit. The proposed rule changes would say a zoning exception isn't needed to expand the landfill.

The Planning Commission initially voted to approve the changes, but then reconsidered, and voted to postpone the decision until next month.

Several commissioners said they needed more time to study the zoning regulation changes.

"I feel like we're being asked to be a rubber stamp for the county's attorney's office and the council, and I don't appreciate that," said Commissioner Charlie Smith.

Tenhalen Walker, an attorney representing the developers who challenged the county's expansion permit for the construction and demolition waste section of the landfill, said the proposed zoning regulation changes were clearly an attempt to get around the judge's ruling.

He said the county should leave the existing regulations in place, which would allow the landfill to expand, but would first require the county to hold a public hearing and get a zoning exception.

The Planning Commission will revisit the issue at 4 p.m. July 13.

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Saturday, August 8, at Citadel Mall

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David Quick



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October 19, 2007

Mr. Ed Holton
Planning Director
Town of Hollywood

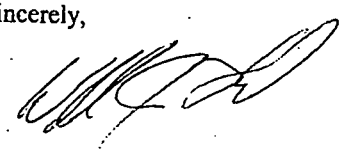
William J Floyd
1217 Oceanview Rd.
Charleston SC 29412

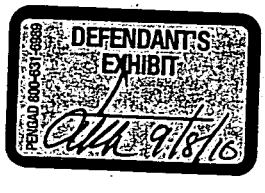
Dear Mr. Holton,

I am submitting to you for your approval a D.H.E.C. application for a septic tank. Please let me know when this is ready, and I will come pick it up. If there are any deficiencies, or for any reason, you cannot approve this application, Please write to me at: 1217 Oceanview Rd. Charleston S.C. 29412 and explain to me what I must do in order to get this D.E.H.E.C. application approved.

I thank you in advance for your attention to this matter.

Sincerely,





24-3549

DLSCN 09/09/11

TOWN OF HOLLYWOOD
6322 HIGHWAY 162
P.O. BOX 519
HOLLYWOOD, SOUTH CAROLINA 29449-0519
(843) 889-3222
FAX (843) 889-3636
1-800-735-8583 TTY
www.townofhollywood.org

(3) DHEC septic

JACQUELYN S. HEYWARD, Mayor

EZELL G. MIDDLETON, Mayor Pro Tem
ARNOLD COLLINS, Council Member
JOHN DUNMYER III, Council Member
ANNETTE SAUSSER, Council Member
KENNETH L. SMALLS, Council Member
MARLENE E. WALLACE, Council Member

NIEMA GANTT-BROWN, Town Clerk / Treasurer

October 23, 2007

Dear Mr. Floyd:

I regret to inform you that the plat submitted for a septic tank permit is not conforming to Hollywood Town Ordinances. The plat was recorded erroneously by the previous administrator without Planning Commission approval. The plat shown has five (5) parcels that did not pass DHEC's review as being able to support a septic system. Furthermore, the Town does not accept a subdivision with non-conforming lots.

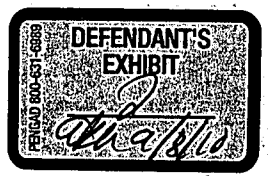
Please do submit your proposed subdivision to Planning Commission once you recombine to one parcel, and have it recorded at the Charleston County RMC office.

Sincerely,

Edward Holton

Edward Holton – Planning and Zoning Administrator for the Town of Hollywood

cc. Jon Austen – Attorney for the Town of Hollywood
cci. Mayor Heyward – Mayor of Hollywood
ccii. file copy



DLSCN 09/09/11

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KENNETH L. SMALLS, Council Member
MARLENE E. WALLACE, Council Member

NIEMA GANTT-BROWN, Town Clerk / Treasurer

May 2, 2008

Edward McCracken
2940 Hickory Springs Road
Johns Island, SC 29455

Troy Readen
2940 Hickory Springs Road
Johns Island, SC 29455

William Jeff Floyd
1217 Ocean View Road
Charleston, SC 29412

RE: Project Submittal

Dear Gentlemen:

I am writing to you in response to an inquiry from your attorney about whether or not your application is on the agenda for the upcoming Planning Commission meeting. At this point, it is not, because we have received nothing from you beyond what you originally filed, prior to the litigation. As we discussed when we met in Town Hall at a session that included Mr. Goldstein, our interest is in your submitting your application in accord with the Town's ordinances and procedure. I have also agreed to review and comment on your original submissions, which I have done. The purpose of this letter is to review where we are in the process, and provide you with input before appearing before the Planning Commission to seek approval for your plans.

First, you need to provide ten copies of a preliminary plat for review and consideration by the Planning Commission. The Planning Commission typically meets on the second Thursday of the month at 7:00 p.m. unless otherwise



DLSCN 09/09/11

posted. To be placed on the agenda, all submittal packages and applications are due 21-calendar days before the meeting. So, if you wanted to appear on the June 12, 2008 Planning Commission agenda, your submission would be due on May 22, 2008.

In advance of this submission, I want to point out several additional issues that may impact the ability of the Planning Commission to approve your plat.

Septic Installation

In your case, our file indicates that, according to DHEC, all lots are generally acceptable for the use of onsite wastewater systems and public water supply. DHEC, however, noted lots numbered 9, 10, 11, 12, and 15 were not suitable for septic installation.

Section 5-6-34 (d) states: "No lot shall be created which has an area less than that specified by the particular zoning district requirements or does not conform to the S.C. Department of Health and Environmental Control water and waste water supply/treatment regulations." If sewer is not available or DHEC's evaluation reveals land unsuitable for septic installation, then the lot(s) may not be created.

Access

Town Ordinance Section 5-6-34 (l) states: "All lots shall be provided access by means of street which have been constructed in conformance with the standards and specifications of the Charleston County Road Code or State requirements as appropriate, and dedicated in accordance with these regulations, with access to an existing street which has been accepted for continual maintenance by the State of South Carolina or one of its political subdivisions. Private streets must be constructed in conformance with the Charleston County Road Code or the specifications of the S.C. Highway Department. Maintenance of private streets shall be the responsibility of the developer or property owners."

As part of your submission, you will need to show how access is to be provided for the potential future home owners from within the subdivision.

Impact on Existing Roads; Turning Lanes

The Planning Commission may consult with the SCDOT concerning installation of turning lanes to accommodate the increased volume of traffic on highway 162. Based on the SCDOT's recommendations, the Planning Commission may require you to install such lanes or to provide funds to the Department for this purpose according to Code Section 5-6-55.

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Street Lighting Plan

Town of Hollywood Ordinance 5-6-54 states that: "Before Planning Commission shall give final approval to a subdivision plat, the subdivider shall submit a street lighting plan developed in conjunction with the S.C. Electric & Gas Company, in accordance with established Town of Hollywood policy regarding street lighting.

To date, we have not received such a plan from you.

I hope these comments are helpful to you and will provide some guidance to you in preparing your submission prior to your appearance before the Planning Commission. If you have any further questions, please do not hesitate to call me, or come by to set up an appointment to discuss these or other issues related to these plans.

Sincerely,

Edward Holton

Edward Holton
Town of Hollywood Planning and Zoning Administrator

:eph

cc: Mayor Heyward
file

DISCN 09/09/11

TOWN OF HOLLYWOOD
6322 HIGHWAY 162
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JACQUELYN S. HEYWARD, Mayor

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ANNETTE SAUSSER, Council Member
KENNETH L. SMALLS, Council Member
MARLENE E. WALLACE, Council Member

NIEMA GANTT-BROWN, Town Clerk / Treasurer

June 20, 2008

Mr. Edward McCracken
2940 Hickory Springs Road
Johns Island, SC 29455

Mr. Troy Readen
2940 Hickory Springs Road
Johns Island, SC 29455

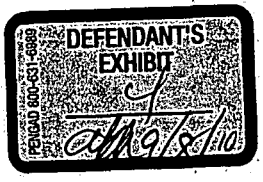
Mr. William Jeff Floyd
1217 Ocean View Road
Charleston, SC 29412

RE: Planning Commission Review

Dear Gentlemen:

It is my duty to inform you of the decision of the Planning Commission meeting which took place on June 12, 2008 concerning your "preliminary plat" showing the subdivision of property with TMS # 248-00-00-093. No one appeared on behalf of the applicant, and as such, the Planning Commissioners' decision was to **deny approval** of the plan. I understand that your attorney, Mr. Goldstien, has indicated that the applicants' non-appearance was inadvertent and that he has requested that your application be placed again on the agenda for July, I would like to review the Commissioners' deliberations from June.

Despite the fact that you failed to meet the deadline for submittal, your application was placed on the agenda for the June Planning Commission meeting. Everything that had been submitted to Town was copied and distributed to the Planning Commissioners to review. Furthermore, in a letter dated May 2, 2008, you were provided with input for use to prepare yourselves



DLSCN 09/09/11

prior to appearing before the Planning Commission to seek approval for your plans. As previously stated, our interest is in your submitting your application in accord with the Town's ordinances and procedure.

The Town has not yet received the ten copies of a preliminary plat as required for review and consideration by the Planning Commission. You will need to demonstrate for the Planning Commissioners how the following items were going to be addressed:

Septic Installation

In your case, our file indicates that, according to DHEC, all lots are generally acceptable for the use of onsite wastewater systems and public water supply. DHEC, however, noted lots numbered 9, 10, 11, 12, and 15 were not suitable for septic installation.

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To date, we have not received such a plan from you.

I hope by the next time you wish to submit, these items will be addressed prior to your appearance before the Planning Commission. If you have any further questions, please do not hesitate to call me, or come by to set up an appointment to discuss these or other issues related to these plans.

Sincerely,

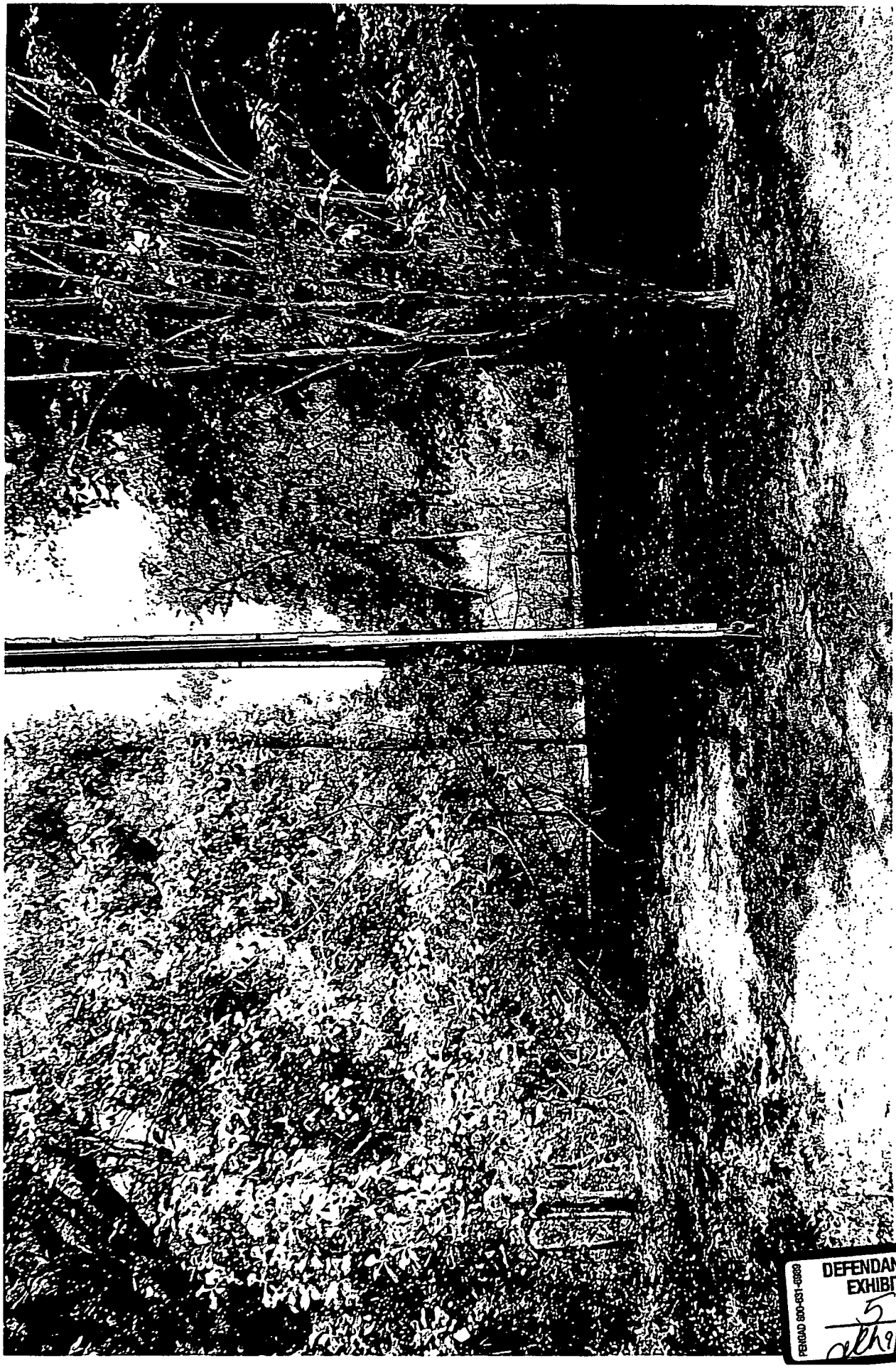
Edward Holton

Edward Holton
Town of Hollywood Planning and Zoning Administrator

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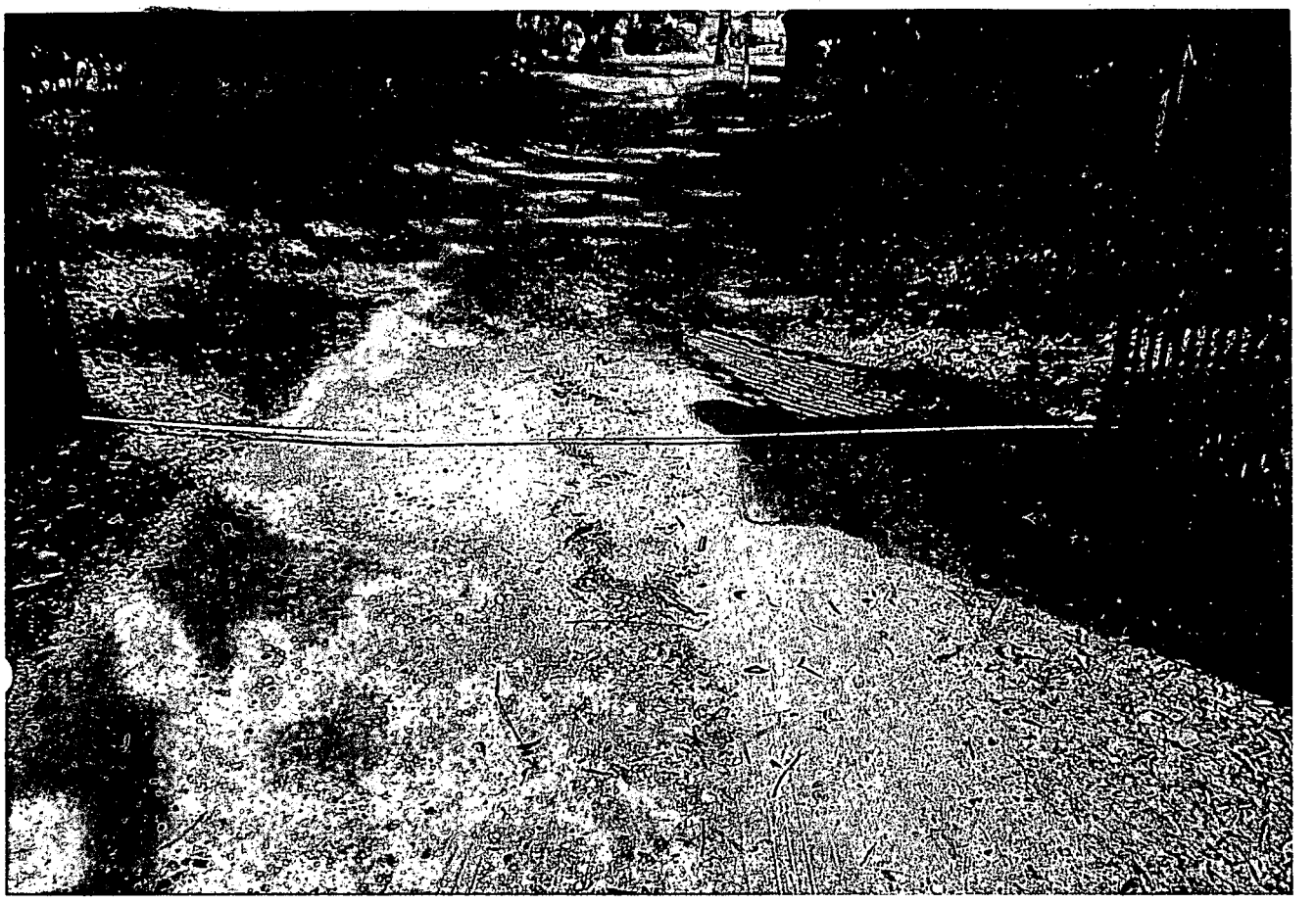
cc: Jacquelyn Heyward, Mayor of Hollywood
W. Andrew Gowder, Esquire
Thomas R. Goldstein, Esquire
file

DLSCN 09/09/11



DEFENDANT'S EXHIBIT 5 9/8/10
PENGAD 800-631-6989

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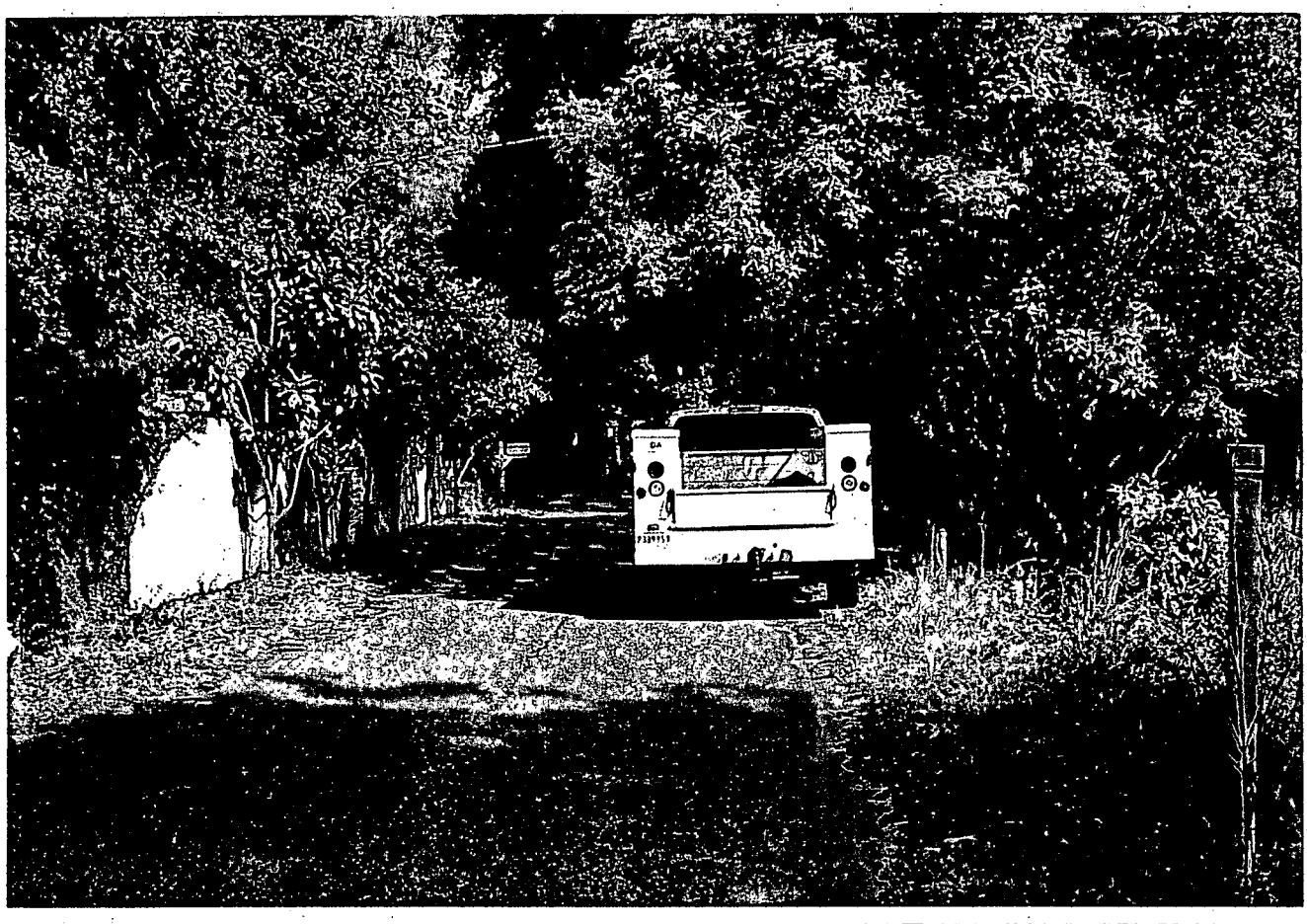
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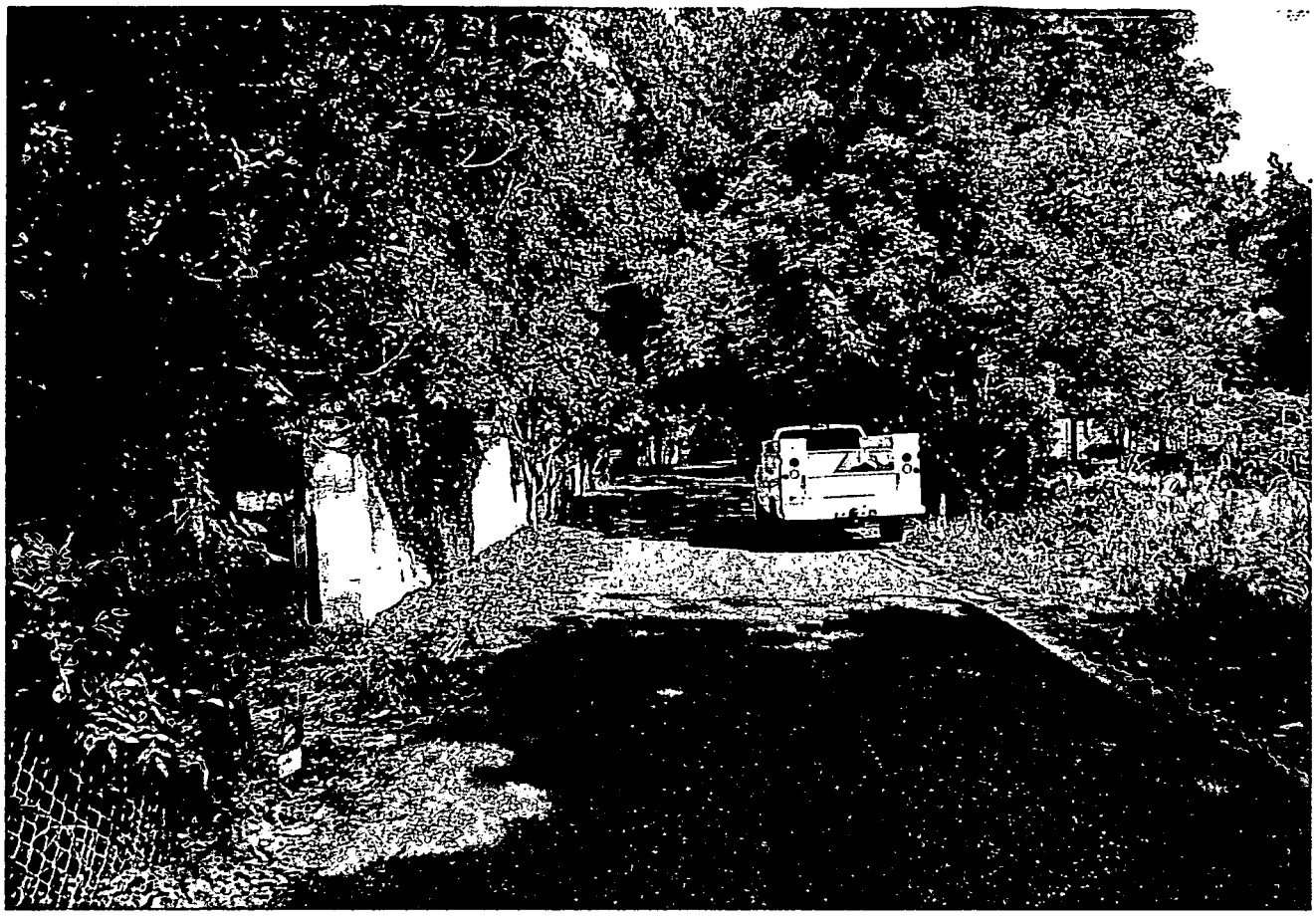


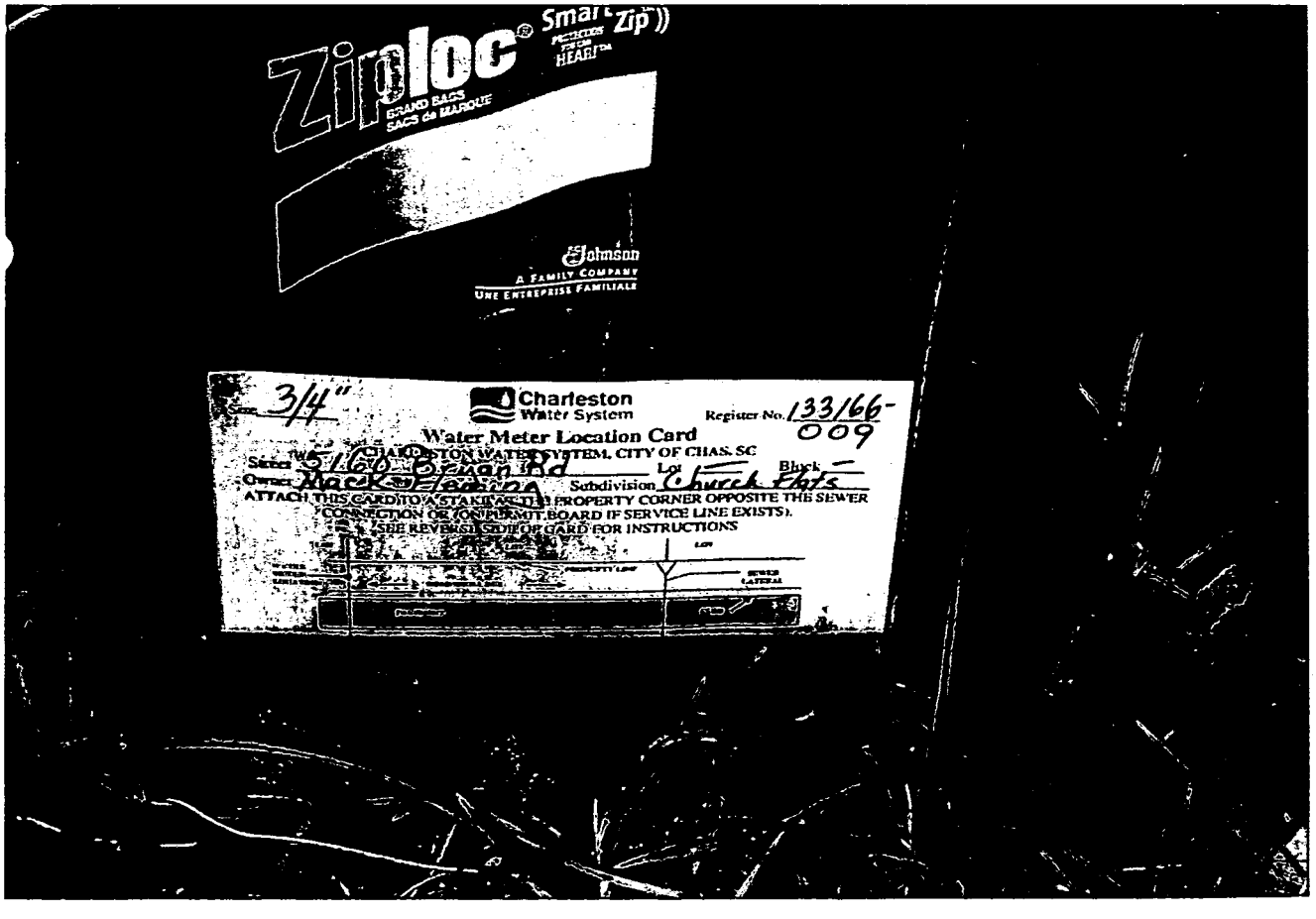
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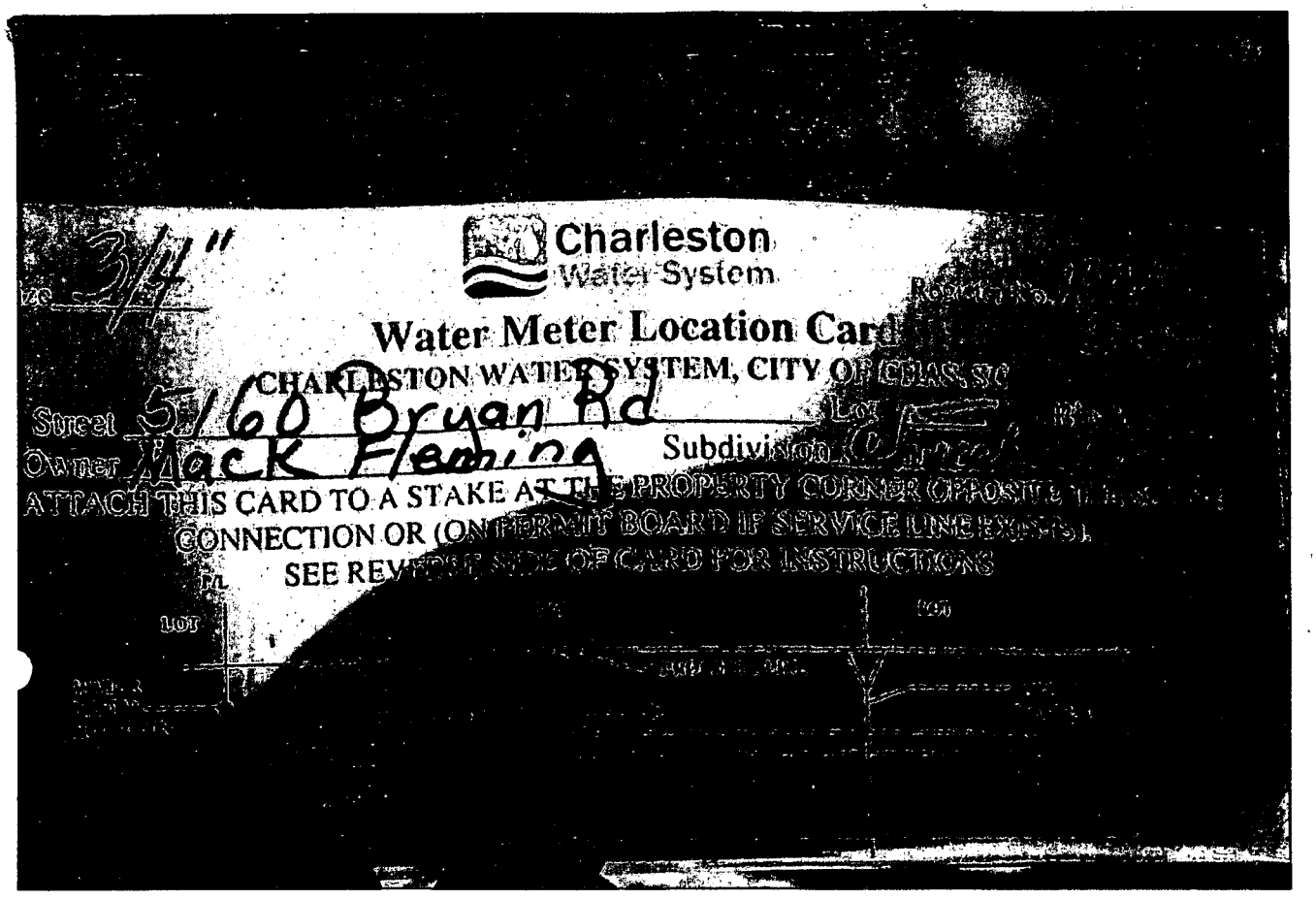


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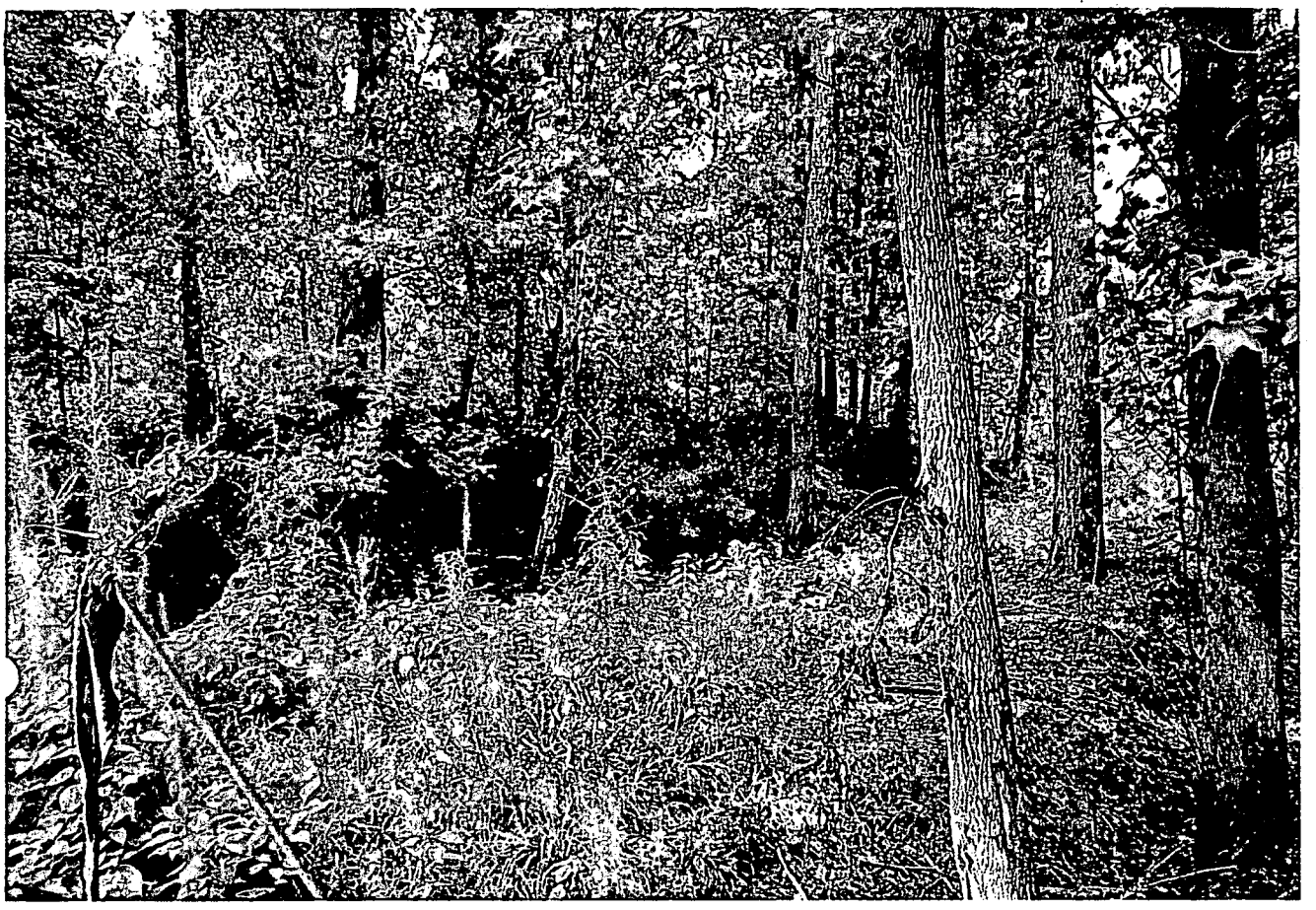
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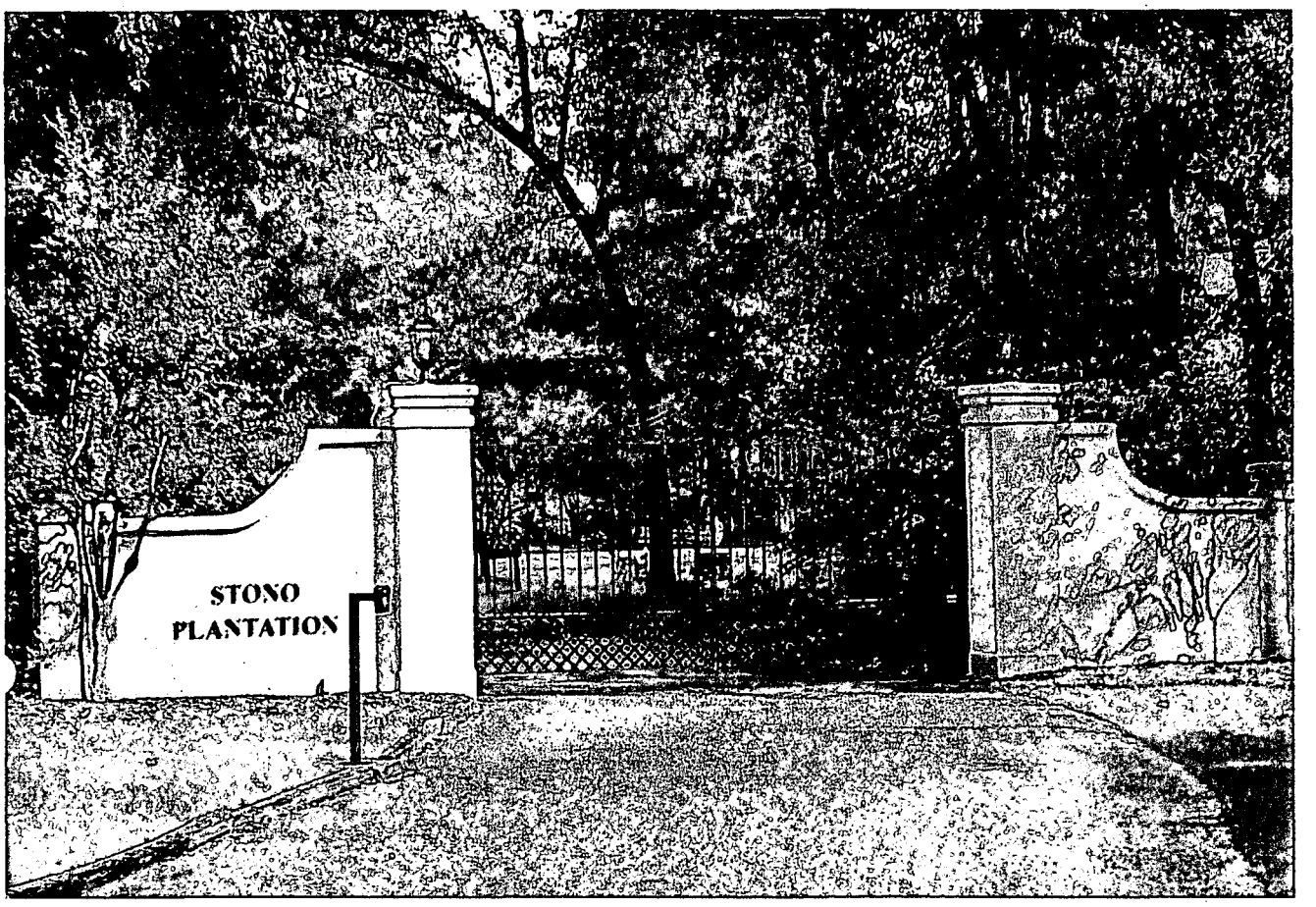
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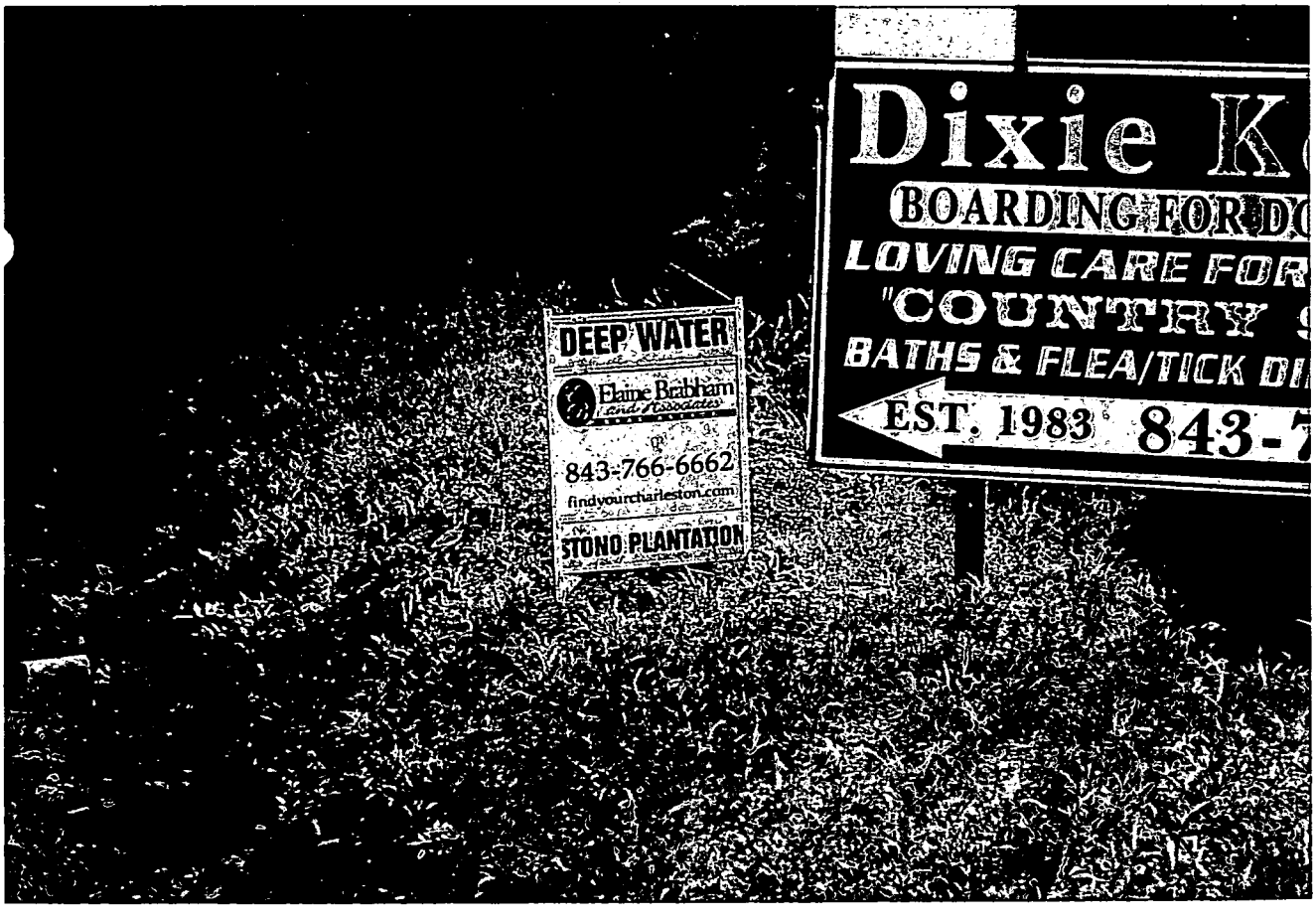
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Town of Hollywood
Planning and Zoning Commission Meeting
June 14, 2007

Meeting was called to Order by Chairperson Althea Salters.
Roll Call was called by Clerk indicating all members of the committee were present.
Town Planner: Kenneth Edwards was not present

Pray was given by Commissioner Heyward
Pledge of allegiance to flag was given.

The minutes from the May 10, 2007 meeting property moved and 2nd and accepted them as written.

NEW BUSINESS

1. **Request for rezoning from RA (Rural A) to R1 (resident one)**
   Applicant Jeffrey Readen and Eddie McCracken
   Address Lot 3 Bryan Road
   TMS # 248-00-00-093
   13.28 Acres

Applicant Jeffrey Troy Readon addressed the Commission:

We propose to take the 13.28 acres and divide into seventeen (17) three quarter (3/4) lots. But from what we were told by DHEC we probably could not get 17 lots. We could only get 15 lots. We contacted CPW and we are able to get city water. That is all I can tell you unless the Commission has some questions for us.

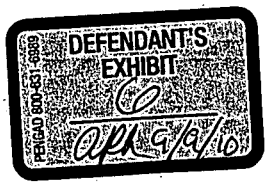
Chairperson Salters asked Commissioners if they have any questions for the Applicants.

Commissioner asked applicants that they stated the when to CPW for approval of water?

Jeffrey Readon: Yes for city water.

Commissioner: Don't you need to go through the Town of Hollywood first?

Readon: I do not know. From what we were told we the easements needed on the property and we have the easements from Ms. Boone running down her road. They kept the legal easements for city water from what we were told from the engineer from CPW. If the Town of Hollywood says we need to do something then that's what we need to get, but this is what we were told.



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DLSCN 09/09/11

Commissioner: I would think that you would need to get something from the Town of Hollywood.

Readon: If we need to get something then this is the time to let us know what we need to get. This is our first time here.

Commissioner: I understand

Applicant: We told that we just had to have approval to tie into CPW's line and that is what we have actually in front of you.

Chairperson Salters: Asked if they have a letter to that effect?

Applicant: We showed it to Mr. Edwards. We do not have that letter with us. We have our DHEC letter and we have a copy of the where the easements would go.

Applicant: We actually gave that to Mr. Eadon at CPW and that's who you can talk to.

Commissioner Harley: What did Mr. Edwards say when you showed him the letter?

Applicant: Mr. Edwards

Applicant: He said everything looked in order for what we had.

Commissioner: On the required information on the sheet. We do not have a tax map, we do not have a recorded plat, we do not have proof of sewer or DHEC approval, and we do not have letters from nearby owners supporting request. Do you have all of those for us?

Applicant: I have a letter from DHEC. That's all I have.

Commissioner: You are required to have all of those. And have nothing all we have is a preliminary lot sketch.

Chairperson Salters: Undoubtedly it appears that you not given the correct information even to present this case to us tonight. We can not blame you.

Applicant: We were told that we had to have something from CPW to present to the Town of Hollywood.

Chairperson Salter: There is some required information for any zoning application and those requirements have not been met.

DLSCN 09/09/11

Applicant: OK. The letters from the adjacent property owners we had asked him about the letters and he told us that they are not required and they should not be on there. If you look at this you can see we just got this done. (Referring to plat dated June 27, 2007)

Applicant gave Chairperson Salter a document for review from DHEC. Applicant indicated that they did take the hazmed test as required. We were required in the papers and that is taken care of. Posting it for meeting on the 23rd we have the sign and are waiting for that.

Chairperson Salters stated this case should not have been presented to Commission at this point by Mr. Edwards. And that the Commission can not blame the applicants because this appears to be an in house problem and again she stated that this should not be presented as is.

Commissioner Wolf: There is a little confusion because the agenda says it is a rezoning request. But if they rezone from RA to R1, I do not understand the reasoning behind that because you have stated that DHEC already said that you can only have 15 lots. If you go to R1 with water I think you are allowed 12, 500 sq ft. per lot.

Applicant stated that was why they are making bigger lots.

Commissioner Wolf stated he understood that and again asked why they are requesting rezoning to R1 from RA when they meet the requirement.

Applicant stated that they were told that they needed to request the rezoning.

Applicant asked if they meet the requirements with no response from Commission.

Commissioner Wolf informed the applicants were a couple of issues One being that they do not need to rezone from RA to R1 anyway because agucational allows you to built 30,000 sq. ft lots and that they did not have to rezone to get the 30,000 sq. ft lots.

Applicatants stated that they were told they need to rezone.

Chairperson Salters asked were the applicant got the information requiring the rezoning.

Applicants indicted that Mr. Edwards gave them the information.

Commissioner Wolf stated that the information was erroneous because RA allows for 30,000 sq ft and if you have water provided you can go down to a 12,500 sq ft and 10,000 sq ft if they have water and sewer. But there are also some other issues that the property needs to be posted for all meetings and the letter should have gone out to all persons within a 300 feet **radiance** (near) of that property as a minimal to even get to the

DLSCN 09/09/11

Also she stated that Bryan Road is a one car road indicating that you can not get two vehicles on that dirt road at one time. Concerned about 30 or more cars using Bryan Road to enter Hwy 162 is hard.

Suzie Mims:

She reiterated what has been stated by the previous citizens. Ms. Mims stated she has concerns regarding the drainage.

Joyce Salls:

Ms. Salls indicated that she has a letter in her prossion from DHEC dated June 5, 2007 responding to her letter of April 24, 2007 which states DHEC has competed its initial findings of the property has concluded that proposal as submitted by the applicant is not satisfactory for subdivision approval.

Chairperson Salters stated that the confusion maybe because they applied for 17 lot and only given 15 and that the applicants have a letter dated June 2, 2007. She asked that the applicant go back to DHEC and state 15 and not 17.

Applicant indicates that their letter states that lots 10, 11, 12 and 15 do not meet satisfaction so we did not (can not hear on tape)

Chairperson Salter's indicated to applicants that they will take all of that into consideration and that we will to get to the bottom of it.

Chairperson Salter asked Applicant Readon if he had anything to say since he signed in on the log. He stated not at this time until they get it all too together.

William Strickland:

As president of the Homeowners Association for Stono Plantation he wanted the concerns of the members stated for the record that they oppose the subdivision. They have concerns regarding the traffic and the road issue. If there was a need for emergency vehicles to come down Bryan Road it would be nearly impossible for them to pass. Drainage is also a major concern for the flooding.

No further discussion by the Commission or Public the Chairperson call for meeting to be adjourned. The Motion was made by Commissioner Heyward

Defendant's Exhibit #8

(CD -- To Be Transferred from the Charleston County Court of Common Pleas)

DLSCN 09/09/11

Town of Hollywood
Planning Commission
Meeting held in Council Chambers at 6322 HWY 162
Thursday, August 14, 2008 at 7:00pm

Meeting was called to order by Chairperson Commissioner Salters at 7:00pm.

In attendance were Commissioners Black, Harley, Stewart, Wolf, Planner/Zoning Administrator Edward Holton and Mayor's Assistant Beth Carpenter. Commissioners Heyward and Prioleau were absent.

Invocation was given by Commissioner Black followed by the Pledge of Allegiance.

Approval of Minutes:
Minutes of the July 10, 2008 meeting were unanimously approved. The motion was made by Commissioner Black and seconded by Commissioner Wolf; all voted in favor.

Public Comments:
Tommy Goldstein: He is the lawyer for the developers of the Bryan Road development. On June 22, 2007 his clients brought in an application for subdivision to the then Planning Administrator, Kenneth Edwards, who informed his clients to get a subdivision. Mr. Edwards approved the 2nd submitted subdivision and his clients had that recorded at the Charleston County RMC office. On October 4, 2007 his clients wanted a permit to cut trees in the right of way, the now Planning Administrator, Edward Holton, approved that request. On October 12, 2007, the Town of Hollywood sued his clients to stop further work.

Curtis Lybrand: He is the engineer that prepared the Bryan Road plat which was submitted to the Planning Commission. The plat was amended to correcting all recommendations from Mr. Edwards. Mr. Holton wrote a letter of concerns with the plat. Mr. Lybrand said his office worked to meet all of the concerns from Mr. Holton. They have DHEC and SCEG letters of approval to satisfy what Mr. Holton addressed.

Jack Krauss: Stono Plantation Drive is not a public road as far as he knew because he, as a resident of Stono Plantation, has been helping maintain it for the past four years. Adding 17 homes to the area will create a hardship for the road with anticipated vehicles per lot.

Tommy Goldstein: Mr. Lybrand misspoke. He meant Bryan Road which is listed in the Charleston County road atlas (on Map# 7 - St. Paul's District# 6) as maintained by the county.

All others that signed up to speak relinquished their comments.
- William Floyd
- Eddie Mc Cracken
- Troy Rearden

Commissioner Wolf said the Planning Commission is not denying access to the lots. The concerns are about safety of the residents in the Town of Hollywood. Emergency vehicles must



DLSCN 09/09/11

have access ingress/egress on all roads. If an accident occurs back in the area and an emergency vehicle can not respond in a timely manner; the Town could face liability issues because it did not meet its own county code with side by side road access. He said he lives in that area and Bryan Road is one of the most dangerous roads in Hollywood. One of the three accidents that occurred on that road in the last 18 months resulted in a death. Access is not the issue for Bryan Road, safety is. He asked Mr. Holton is the attorney rendered a written opinion on this matter stating previously submitted plats were null and void and they'd have to start from scratch with their proposals. Mr. Holton answered yes that is his understanding. The plat recorded at County is invalid also. The applicant must start from the beginning.

Old Business:
The request for Preliminary Subdivision Plat approval on Bryan Road with TMS# 248-00-00-093 having 17-lots on approximately 13.28 acres was tabled until all issues are addressed. The motion was made by Commissioner Stewart and seconded by Commissioner Black; all voted in favor.

New Business:
The request for rezoning of TMS# 247-00-00-065 at 4562 Highway 162 from RA to NC was denied due to the current use being non-conforming. The applicant, said he wants to use one side of the building and use it for a fish-n-chips place. The other side of the building is currently being used as a club. Mr. Holton said he would recommend the request for approval. Commissioner Wolf stated approving this rezoning request would lend to the allowance of different types of food vendors, such as KFC, to operate in that area where it is predominantly residential and he is not comfortable with that. Commissioner Salters asked if the applicant had received approval letters form DHEC and if the signatures obtained were of adjacent property owners. The motion was made by Commissioner Wolf, seconded by Commissioner Harley; all voted in favor.

The request to rezone TMS# 164-00-00-236 off of Baptist Hill Road, from RA to PD was approved contingent upon the applicant obtaining approval forms from DHEC. Mr. Holton spoke on behalf of the Town. This is the site where the Town of Hollywood's Work Force Housing project will be built and waste water will be utilized. Commissioner Salters suggest the Town completes their packet for this rezoning request, as is expecting from all others. Commissioner Stewart motioned and Commissioner Harley seconded; all voted in favor.

The request for a parking lot of 49 spaces at TMS# 163-00-00-176 was approved. Adrian Williams spoke for the plans, he said this is the location of the Trident Technical College - St. Paul's Parish satellite building. Landscaping will be done to give the project curb appeal. The motion was made by Commissioner Black and seconded by Commissioner Stewart; all voted in favor.

Request for rezoning approval / recommendation for TMS# 191-05-00-049, -050, -051 at 6234 Highway 162, from Residential One (R1) to Town Center (TC) was recommended for approval. Commissioner Black motioned and Commissioner seconded; al voted in favor.

DLSCN 09/09/11

The meeting was adjourned at 8:02pm.

Respectfully submitted,

Nlema Gantt-Brown
Town Clerk-Treasurer

Defendant's Exhibit #10

(Cassette Tape -- To Be Transferred from the Charleston County Court of Common Pleas)

DLSCN 09/09/11

Chapter 30

LAND DEVELOPMENT*

Article I. In General

Sec. 30-1. Title.
Sec. 30-2. Purpose.
Sec. 30-3. Authority.
Sec. 30-4. Jurisdiction.
Sec. 30-5. Intent.
Sec. 30-6. Repeal of existing subdivision regulations.
Sec. 30-7. Development plans to comply with regulations.
Sec. 30-8. Application of regulations.
Sec. 30-9. Violations and penalty.
Sec. 30-10. Enforcement.
Sec. 30-11. Definitions.
Sec. 30-12. Exempt activities.
Sec. 30-13. Applicants.
Sec. 30-14. Town council authorization of town sewer system expenses.
Secs. 30-15—30-33. Reserved.

Article II. Platting Procedures

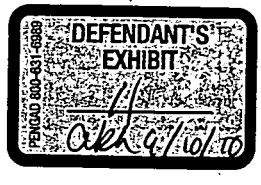
Sec. 30-34. General requirements.
Sec. 30-35. Sketch plan.
Sec. 30-36. Preliminary plat.
Sec. 30-37. Planning and zoning commission action on preliminary plat.
Sec. 30-38. Conditional plat.
Sec. 30-39. Final plat.
Sec. 30-40. Recording.
Secs. 30-41—30-68. Reserved.

Article III. Platting Requirements

Sec. 30-69. Design standards.
Sec. 30-70. Easements.
Sec. 30-71. Blocks.
Sec. 30-72. Lots.
Sec. 30-73. Group developments.
Secs. 30-74—30-104. Reserved.

***Editor's note**—This chapter was adopted in its entirety on April 26, 1999 to implement the town's comprehensive plan, in accordance with S.C. Code 1976, § 6-29-1110 et seq., as amended. The prior chapter was derived from "The Town of Hollywood Land Use Ordinance, Draft #4," adopted on March 8, 1993.

State law reference—Land development regulations, S.C. Code 1976, § 6-29-1130.



DLSCN_09/09/11

Article IV. Improvements

Sec. 30-105. Installation requirement.
Sec. 30-106. Survey accuracy.
Sec. 30-107. Survey reference markers.
Sec. 30-108. Grading.
Sec. 30-109. Erosion and sediment control.
Sec. 30-110. Storm sewers and drainage.
Sec. 30-111. Streets.
Sec. 30-112. Street signs.
Sec. 30-113. Curbs and gutters.
Sec. 30-114. Sidewalks.
Sec. 30-115. Water systems.
Sec. 30-116. Sewerage system and wastewater disposal.
Sec. 30-117. Utility services.
Sec. 30-118. Street lighting.
Sec. 30-119. Turning lanes.
Sec. 30-120. Open space.
Sec. 30-121. Land subject to flooding.
Secs. 30-122—30-140. Reserved.

Article V. Plat Submissions

Sec. 30-141. Sketch plans.
Sec. 30-142. Contents of the preliminary plat.
Sec. 30-143. Contents of the conditional plat.
Sec. 30-144. Surety bond.
Sec. 30-145. Contents of the final plat.
Sec. 30-146. Certificates.
Sec. 30-147. Filing fees.

DLSCN 09/09/11

ARTICLE I. IN GENERAL

Sec. 30-1. Title.

This article shall be known and may be cited as the town "Land Development Ordinance."
(Code 1998, § 5-6-1)

Sec. 30-2. Purpose.

These regulations as herein set forth have been made in accordance with the town's comprehensive plan and are designed to protect and accomplish the public health, safety, economy, good order, appearance, convenience, morals and general welfare through the harmonious, orderly, and progressive development of land within the town. They are intended for the following purposes, among others:

(1) To encourage the economically sound and stable development of the town;

(2) To assure the timely provision of required streets, utilities and other facilities and services to new land developments;

(3) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments;

(4) To assure the provision of needed public open spaces and building sites in new land development through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and

(5) To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the town's comprehensive plan.

(Code 1998, § 5-6-2)

Sec. 30-3. Authority.

The provisions of this chapter are adopted under authority granted by S.C. Code 1976, title 6, ch. 29.
(Code 1998, § 5-6-3)

Sec. 30-4. Jurisdiction.

The regulations in this chapter shall be effective for all lands within the corporate boundaries of the town.
(Code 1998, § 5-6-4)

DLSCN_09/09/11

Sec. 30-5. Intent.

(a) This chapter establishes the comprehensive land development regulations for the town and provides for the administration, enforcement and amendment thereof, in accordance with the provisions of S.C. Code 1976, tit. 6, ch. 29 and calls for the repeal of all ordinances in conflict herewith.

(b) The intent of this chapter is to provide for the harmonious development of the town.
(Code 1998, § 5-6-5)

Sec. 30-6. Repeal of existing subdivision regulations.

All existing land use regulations adopted previously by the town, and contrary to this chapter, are hereby repealed. The adoption of the ordinance from which this chapter is derived, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, an existing violation of said regulations, as amended, if the violation is also a violation of the provisions of this chapter.
(Code 1998, § 5-6-7)

Sec. 30-7. Development plans to comply with regulations.

Upon enactment of this chapter, no subdivision plat or other land development plan within the town may be filed or recorded in the Office of the Register of Mesne Conveyance for Charleston County, and no building permit may be issued, until the plat or plan has been submitted to and approved by the town planning commission according to the procedures set forth in this chapter, and bears the stamp of approval and is properly signed by the town's designated authority.
(Code 1998, § 5-6-8)

Sec. 30-8. Application of regulations.

(a) The regulations herein set forth requirements as the extent and the manner in which streets must be graded, surface and improved, and water, sewers, septic tanks, and other utility mains, piping, connections or other facilities must be installed as a condition precedent to the approval of plans and plats.

(b) No land development plan, including subdivision plats, will be approved unless all land intended for use a building sites can be used safely for building purposes, without danger from flood or inundation or from other menaces to health, safety or public welfare.

(c) No street or other public way or land shall be accepted or maintained; nor shall any municipal water lines, sewerage, electricity, gas, street lighting or similar improvements be extended or connected; nor shall any permits be issued by any department of the town, county, or state for construction of a building or other improvement in any subdivision established hereafter which does not meet the requirements set forth in this chapter.

DLSCN 09/09/11

(d) Approval of a plat by the planning and zoning commission shall not be deemed to constitute nor effect an acceptance by the town council of the dedication of any street or other ground shown upon the plat.
(Code 1998, § 5-6-9)

Sec. 30-9. Violations and penalty.

(a) The submission for filing or the recording of a subdivision plat or other land development plan without proper approval as required by this chapter is declared a misdemeanor and shall be punished as provided in S.C. Code 1976, tit. 6, ch. 29.

(b) The owner or agent of the owner of any property being developed within the town may not transfer title to any lots or parts of the development unless the land development plan or subdivision has been approved by the planning commission and an approved plan or plat recorded in the Office of Mesnes Conveyance for Charleston County. A transfer of a title in violation of this provision is a misdemeanor and, upon conviction, must be punished in the discretion of the court. A description by metes and bounds in the instrument of transfer or other document used in the process of transfer does not exempt the transaction from these penalties.

(c) The planning commission shall by proper certificate approve and authorize the name of a street or road laid out within the town over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a making or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.
(Code 1998, § 5-6-10)

Sec. 30-10. Enforcement.

The town attorney or other official designated by the town may enjoin a transfer of a title in violation of this chapter by an action or injunction brought in any court of competent jurisdiction.
(Code 1998, § 5-6-11)

Sec. 30-11. Definitions.

The definitions and terms as set forth in section 58-12 of the town Code shall apply to this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Land development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

DLSCN 09/09/11

Subdivision means the following:

(1) All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or

(2) The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record; however, the following exceptions are included within this definition only for the purpose of requiring that the planning commission be informed and have a record of the subdivisions:

a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the town;

b. The division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the planning commission, which shall indicate that fact on the plats; and

c. The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(Code 1998, § 5-6-12)

Sec. 30-12. Exempt activities.

For the activities listed below, the zoning administrator is authorized to approve and sign plats without referring them to the planning commission, upon finding the town's zoning requirements set forth in chapter 58 and the substantive requirements of this chapter have been complied with in all respects. All such exemptions must be stamped "Exemption," signed and dated by the zoning administrator. The zoning administrator shall notify the planning commission of such subdivisions.

(1) The division of any tract of land that is in one ownership, into three or fewer lots, provided that no new street right-of-way dedications are involved; no utility or drainage easements are necessary, the lots meet the health department's requirements for the installation of sewage disposal, and no new residual parcels are created which do not conform to this chapter.

(2) The combination or the recombination of portions of previously platted and recorded lots where the total number of lots is not increased and all lots or residual parcels thus created conform to the design standards in article II of this chapter.

DLSCN 09/09/11

(3) The public acquisition by purchase of strips of land for widening or opening of streets.

(4) When contiguous properties are to be divided for the purpose of exchanging or trading parcels of land. In such cases, the zoning administrator may also waive the design standards in article II of this chapter provided that a statement is made on the face of the plat that describes the proposed transaction and that certifies that any parcels hence created are not created as individual building lots.

(5) Where a parcel of land is proposed to be used as the site for a utility substation, power line easements or right-of-way, pumping station, pressure regulation station, electricity regulating substation, gas pressure control station, or similar facilities whose nature is such that the parcel's area is less than required by other sections of this chapter, the zoning administrator may reduce the minimum area for such individual facility and may approve a plat containing a parcel so reduced provided that the parcel and use meet all use, setbacks and other provisions of this chapter, and a statement is made on the plat which describes the proposed transaction, stipulating the use and certifying that any parcels thus created are not created as individual building lots.

(6) Where properly platted lots or parcels are created and approved by judicial action, the zoning administrator may waive the design standards in article II of this chapter. Where it appears that the newly created lots or parcels do not meet critical health standards or other shortcomings rendering them unfit for building purposes, he shall consult with the town attorney for possible injunction against recording.

(Code 1998, § 5-6-13)

Sec. 30-13. Applicants.

(a) Applications for subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the subdivision plat approval. Applications should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or the agents of such persons who may make application in the name of such owners, lessees, or contract vendees.

(b) The zoning administrator may require the applicant to submit evidence of his authority to submit the application whenever there appears to be a reasonable basis for questioning this authority.

(Code 1998, § 5-6-14)

Sec. 30-14. Town council authorization of town sewer system expenses.

The planning commission does not have the authority to obligate the town to expend funds to defray the costs of expanding or extending the town's sewer system in order to

DLSCN 09/09/11

serve a new subdivision or development. Where such expenditures are necessary, plats pending approval by the planning commission shall be forwarded to the town council pursuant to chapter 54 for a determination of town expenditure. If town council does not expand or extend the sewer system, sewer service to the subdivision or development shall be deemed not available, and the applicant must provide for an alternative means of wastewater disposal prior to plat approval.
(Code 1998, § 5-6-15)

Secs. 30-15—30-33. Reserved.

ARTICLE II. PLATTING PROCEDURES

Sec. 30-34. General requirements.

(a) The procedure for review and approval of subdivision plats shall consist of two separate steps:

(1) Review and approval of preliminary plat; and

(2) Review and approval of final plat.

(b) As an option, the developer may submit a sketch plan for the planning commission's informal review prior to step one.

(c) Step one shall be completed prior to making any street improvements or installing any utilities.

(d) In addition, steps one and two shall be completed prior to the sale of any lots within the proposed subdivision; provided that the developer has the option to post a surety bond under the terms and conditions set forth herein below, and to secure from the town a conditional plat which will authorize the transfer of a title following step one.
(Code 1998, § 5-6-21)

Sec. 30-35. Sketch plan.

Prior to filing an application for preliminary plat approval, the subdivider or his representative may submit a sketch plan of the proposed subdivision to the planning commission at least ten working days in advance of its regularly scheduled meeting. At the meeting, the subdivider or his representative shall present the sketch plan to the planning commission, and the commission shall provide informal comments. The purpose of the sketch plan is to offer the subdivider an opportunity to obtain the advice and assistance of the planning commission at an early stage in development.
(Code 1998, § 5-6-22)

DLSCN 09/09/11

Sec. 30-36. Preliminary plat.

The subdivider shall prepare a preliminary plat for submission to the planning commission. Seven copies of the preliminary plat and of any supplemental material required shall be submitted to the zoning administrator not less than ten working days prior to the planning commission meeting at which the plat is to be considered.
(Code 1998, § 5-6-23)

Sec. 30-37. Planning and zoning commission action on preliminary plat.

(a) The planning commission shall review and shall approve, approve conditionally or disapprove the preliminary plat as soon as possible after its submission. If no action is taken by the commission at the end of 60 days after submission, the preliminary plat shall be deemed to have been approved.

(b) Notice of the time and place of the planning commission review shall be sent by mail to the subdivider whose name and address appears on, or accompanies the preliminary plat.

(c) Before taking final action on the preliminary plat, the planning commission shall refer copies of the plat and attachments to those public officials and agencies which are concerned with new developments, including those departments responsible for streets, stormwater drainage and sanitary sewerage, and building development, for their review and recommendations.

(d) If the preliminary plat is found to conform to all of the requirements of this chapter, preliminary approval shall be given by the planning commission. Approval shall be noted on at least two copies of the preliminary plat by the chairman and the zoning administrator. One copy shall be retained by the planning commission and another shall be given to the subdivider.

(e) Upon approval of the preliminary plat, the subdivider may proceed with the installation of, or arrangements for, required improvements in accordance with the preliminary plat and proceed with preparation of a final plat. The subdivider may also post a surety bond and submit a conditional plat application in accordance with the requirements of this chapter.

(f) If the preliminary plat is disapproved or approved conditionally, the reasons for disapproval or any conditions required shall be stated in writing and signed by the chairman of the planning commission. The reasons for disapproval shall refer specifically to those regulations with which the plat does not conform. One copy of the reasons shall be retained in the records of the commission and another shall be given to the subdivider.
(Code 1998, § 5-6-24)

DLSCN 09/09/11

Sec. 30-38. Conditional plat.

The subdivider may choose to submit a conditional plat. The subdivider shall submit one conditional plat on mylar and seven or more dark line prints to the zoning administrator, together with the surety bond meeting the requirements of this chapter. The conditional plat shall be identical to the approved preliminary plat, except for the change in a title and date. Upon review and approval of the surety bond by the town attorney and town engineer, the zoning administrator may approve the conditional plat. The zoning administrator shall inform the planning commission of his action at the commission's next regularly scheduled meeting. The conditional plat shall be filed in the office of the county register of Mesne Conveyance.
(Code 1998, § 5-6-25)

Sec. 30-39. Final plat.

(a) The subdivider shall submit one final plat on Mylar and seven or more dark line prints to the zoning administrator at least ten working days prior to the regularly scheduled meeting of the commission at which the plat is to be considered for final approval. At the same time, there shall be submitted one set of the proposed plans and specifications for all improvements and any proposed restrictive covenants.

(b) Subdivisions which do not involve the platting, construction or opening of new streets, water or sewer facilities, or improvements to existing streets shall be accepted by the planning commission in the form of a final plat. Such subdivision shall comply with all requirements of these regulations.

(c) Before submitting the final plat for review, the subdivider shall have installed all required improvements per these regulations or shall have filed a surety bond in accordance with the provisions of this chapter.

(d) The final plat of the proposed subdivision shall be submitted to the planning commission for approval within one year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered void.

(e) The planning commission shall approve or disapprove the final plat as soon as possible after it has been submitted for final approval. Approval and the date thereof shall be shown on the plat over the signature of the chairman of the planning commission and the zoning administrator. If no action is taken by the commission at the end of 60 days after submission, the plat shall be deemed to have been approved.

(f) If the final plat is disapproved by the planning commission, the grounds for such action shall be stated in writing. The reasons for disapproval shall refer specifically to those parts of this chapter or regulations with which the plat does not conform. One copy of the reasons for disapproval shall be retained in the records of the planning commission and another shall be given to the subdivider for resubmission.

DLSCN 09/09/11

(g) In instances involving town acceptance of lands, the final plat or resubmitted final plat (prior to recording) shall be submitted to town council for approval and acceptance of rights-of-way, utilities, easements and any other lands dedicated to public use. Town council shall not be obligated to accept any land proposed for public dedication. After final approval, the subdivider shall file the original approved final plat, with certificates, with the county register of Mesne Conveyance.
(Code 1998, § 5-6-26)

Sec. 30-40. Recording.

The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time. The final plat shall be filed in the office of the county register of Mesne Conveyance.
(Code 1998, § 5-6-27)

Secs. 30-41—30-68. Reserved.

ARTICLE III. PLATTING REQUIREMENTS

Sec. 30-69. Design standards.

Design and construction of all streets shall in all respects conform to the standards of the state department of highways and public transportation or the county department of public works as appropriate. The street layout for all subdivisions must be approved by the planning commission.

(1) *Public streets.* Streets intended to be public streets shall be so specified by the developer. Public streets shall be opened to the exterior property lines of the subdivision unless permanently terminated by a vehicular turnaround or an intersection with another street.

(2) *Continuation of adjoining streets.* Proposed streets shall be coordinated with the street system in the surrounding area and, where possible, provide for the continuation of principal streets.

(3) *Intersections.* Streets shall be laid out so that the centerline of no more than two streets shall intersect in any one point. Streets shall be laid out to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.

(4) *Property lines at intersections.* Property lines at street intersections shall be rounded with a radius of not less than 15 feet. Larger radii may be required by the planning commission when, in its opinion, such design is advisable to permit the construction of curbs.

DLSCN 09/09/11

(5) *Culs-de-sac.* Dead-end streets, designed to be so permanently, shall be no longer than 800 feet except where land cannot be subdivided otherwise practicably as determined by the planning commission, and shall be provided at the closed end with a turnaround having minimum of 50 feet at the curblines.

(6) *Street names.* The assigning of street names shall be in conformance with chapter 46.

(7) *Alleys.* Alleys shall be permitted in multifamily, planned unit development, commercial and industrial districts where required to provide for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed. Such alleys shall be at least 20 feet in width and shall permit safe vehicular movements. Dead-end alleys shall be avoided, but where necessary shall be provided with adequate turnaround facilities at the dead-end, as determined by the planning commission.

(8) *Street jogs.* Street intersections with centerline offset of less than 150 feet shall be avoided.

(9) *Right-of-way width.* Street right-of-way widths shall be based on the specifications of the appropriate street or local agency, and/or the appropriateness for the proposed development and the town's development pattern goals. Required right-of-way and roadway widths (in feet) are as follows:

a. Street roadway width of 20 feet minimum and 24 feet maximum, with a right-of-way width of 30 feet minimum (unless greater right-of-way is required by the county, SCDOT or the street is a ink of an artery or collector street plan).

b. Secondary access road or alley/lane.

1. One-way roadway of nine feet minimum and 11 feet maximum with a right-of-way of 15 feet minimum.
2. Two-way roadway of 18 feet minimum and 20 feet maximum with right-of-way of 24 feet.

(Code 1998, § 5-6-31; Ord. No. 2005-16, § 5-6-31, 10-24-2005)

Sec. 30-70. Easements.

(a) *Utilities.* Utility easements for both underground and aboveground facilities shall be provided where needed. Such easements shall have a minimum width of 15 feet and shall normally be laid out along property lines. Utilities shall be placed underground unless otherwise approved by the planning commission.

(b) *Drainage.* All drainage conduits shall be placed underground, except for those instances where, due to high water table or inadequate relief, such underground conduits are not technically feasible. Drainage easements of a width required for handling storm

DLSCN 09/09/11

drainage plus width for maintenance equipment access shall be provided where needed along streams and drainageways. No subdivision shall block or obstruct the natural drainage of an adjoining area.

(c) *Site easement.* In all corner lots, there shall be provided a sight easement. This easement shall be that triangle formed by the intersecting street right-of-way lines adjacent to each corner lot and a line across the corner of the lot between points 25 feet from the street intersection along each street right-of-way line. Within this easement, no building, no earth bank, no vegetation and no other obstruction shall be allowed which is between three and ten feet in height above the centerline finished grade of the road. In lieu of dedicating a sight area easement, the developer may show said area as part of the road right-of-way. The required site easement may be adjusted for developments located on state Highways 162 and 165 that are within the TC town center district.

(d) *Maintenance.* The town shall maintain only those easements, rights-of-way and public sites (e.g., park, historical sites, bicycle paths) which it accepts for maintenance).

(e) *Clearance.* All easements for drainage or sewer shall be cleared of all obstructions by the developer prior to final approval. This does not apply to easements which are provided for possible future use.
(Code 1998, § 5-6-32)

Sec. 30-71. Blocks.

(a) *Shape determination.* The lengths, widths and shapes of blocks shall be determined with due regard for the following:

(1) Provision of adequate building site suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Limitations and opportunities of topography and drainage features. Needs for convenient access, circulation, control and safety.

(b) *Length.* Block lengths shall not exceed 1,400 feet, but shall not be less than 600 feet in length, measured along the centerline of the block, unless, due to unusual circumstances, an alternate block length is approved by the planning commission.

(c) *Width.* Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for other use should be of a width suitable for the intended use, with due allowance for off-street parking and loading.
(Code 1998, § 5-6-33)

DISCN_09/09/11

Sec. 30-72. Lots.

Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. All lots shall conform to the particular district requirements of this chapter and the following requirements:

(1) *Width, general.* General width shall be as prescribed in the particular zoning district requirements.

(2) *Side lot lines.* Side lot lines should be approximately at right angles or radial to street lines, except where, due to topographic conditions, the planning commission approves otherwise.

(3) *Corner lots.* Corner lots shall have extra width where necessary to permit the establishment of sight area easements.

(4) *Lot area.* No lot shall be created which has an area less than that specified by the particular zoning district requirements or does not conform to the state department of health and environmental control water and waste water supply/treatment regulations.

(5) *Commercial and industrial lots.* Commercial and industrial sites and lots shall be of appropriate size and arrangement to provide for adequate building area, open space, off-street parking and loading facilities necessary for the intended use, consistent with the requirements of this chapter, and pertinent DHEC water and waste water regulations.

(6) *Double frontage lots.* Double frontage and reverse frontage lots shall be avoided except where they are needed to provide for the separation of development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

(7) *Building line setbacks.* Minimum setbacks for all uses are as designated in article V of chapter 58, zoning.

(8) *Lot frontage.* The minimum frontage on right-of-way of any lot of 10,000 square feet or greater shall be 30 feet. Lots under 10,000 square feet must provide a minimum of ten feet frontage.

(9) *Access.* All lots shall be provided access by means of streets. If the streets are to be public, they must be constructed in conformance with the standards and specifications of the county road code, state requirements or town requirements, as appropriate, and right-of-way dedicated in accordance with these regulations, with access to an existing street which has been accepted for continual maintenance by the state or one of its political subdivisions. Public streets must have properly

DLSCN 09/09/11

dedicated right-of-way accepted by the state, county or town. The developer and/or contractor shall submit an affidavit stating that all construction costs have been paid and that the road is free of all encumbrances. Private streets must be constructed in conformance with the county road code or the specifications of the SCDOT or approved by the town engineer, or consultant serving as town engineer, after receipt of detailed street design and construction documents certified by a professional engineer. Maintenance of private streets shall be the responsibility of developer or property owners. Although private streets are allowed as access if maintained by the developer or adjacent property owners, future public right-of-way needs for connectivity to other streets must be delineated by setting aside this future right-of-way in a nonbuildable remnant lot of the parent parcel to remaining the ownership of the development's property owners' association, if not accepted as privately maintained public right-of-way by the town. Neither public nor private streets may be provided for on easements across private properties.

(10) *Private unpaved and informal access.* In an effort to protect the rural and small town character of the town, private unpaved and informal access to the parcel to be developed/subdivided may be extended to serve the developments/subdivision with the same or similar design as the existing access road, with the approval of the planning commission. However, these new access "streets" are to remain private and must be maintained by a property owners' association. Also evidence of this proposed maintenance agreement, as well as evidence that the developer or property owners' association accepts any liability regarding any individual's or group's ability to be served by public or private services of any kind, such as, but not limited to, fire, police and emergency health service; and this "hold harmless" agreement must be signed and included on the subdivision plat. As well, this provision does not exempt the developer from providing for connectivity to other sites and future public facilities as stated above.

(11) *Future capital improvement projects.* As development access is planned, preservation and delineation of right-of-way is required for future capital improvement projects, including, but not limited to, streets and roadways, bicycle or pedestrian facilities, greenways and other recreation facilities, and water and sewer facilities. These future improvements will be made a part of the town's comprehensive plan, town master and neighborhood plans, corridor plans, overlay districts or other applicable state, county and public service entity plans; and as a part of the official map of the town.

(12) *Lots subject to flooding.* A plat of a proposed subdivision submitted to the planning commission for approval which contains lands subject to flooding shall have such areas delineated as being subject to flooding. All subdivisions shall meet the provisions of the floodplain regulations set forth in chapter 26.

(Code 1998, § 5-6-34; Ord. No. 2005-16, § 5-6-34, 10-24-2005)

DLSCN 09/09/11

Sec. 30-73. Group developments.

(a) *Standards.* The standards and requirements of this article may be modified by the planning commission to allow the developer more freedom in the arrangement of streets and buildings in the case of a plan and program for a group development, planned development, or cluster development which is in conformance with applicable zoning requirements, and which, in the judgment of the planning commission, does not violate the spirit of these regulations. Such proposed developments shall have adequate public spaces and improvements for circulation, recreation, light, air and service needs for the future users of the tract when fully developed and populated.

(b) *One ownership for group developments and planned developments.* Plans for group developments and planned developments, such as mobile home parks, townhouses and apartment complexes, and industrial and commercial complexes, where the site is not subdivided into lots and public streets are retained in one ownership, shall be submitted to the planning commission for review and approval. Such plans shall conform to the appropriate provisions of the zoning district they are located. Plans for all developments shall meet the site plan requirements of article X of chapter 58, zoning.

(c) *Setbacks.* Each building on the periphery of a group development shall observe the minimum setback requirements of the zoning district in which it is located.

(d) *Enforcement of development requirements.* No building permits shall be issued and no connection to public utilities or services shall be made until the plans for all developments have been approved by the planning commission.

(Code 1998, § 5-6-35)

Secs. 30-74—30-104. Reserved.

ARTICLE IV. IMPROVEMENTS

Sec. 30-105. Installation requirement.

Final plat approval shall not be given until the subdivider has installed the required improvements or has guaranteed to the satisfaction of the town that such improvements will be installed. One set of as-built plans and specifications, certified by a registered surveyor, engineer, or landscape architect, shall be filed with the town prior to acceptance by the town council of any improvement installed by the subdivider.

(Code 1998, § 5-6-41)

Sec. 30-106. Survey accuracy.

The error or linear closure for land surveys shall not exceed one foot per 10,000 feet of perimeter of the lot of land.

(Code 1998, § 5-6-42)

DLSCN 09/09/11

Sec. 30-107. Survey reference markers.

At least one corner of each subdivision shall be designated by course and distance (tie) from a permanent or fixed reference marker. Monuments shall be placed at all control corners and at all other locations where needed, in conformance with the latest edition of the minimum standards manual for the practice of land surveying in the state. Markers shall be installed prior to the submission of and approval of the final plat. The location and type of markers used shall be indicated on the final plat.
(Code 1998, § 5-6-43)

Sec. 30-108. Grading.

All subdivision grading shall be done in such a manner as to preserve natural vegetation and topographic features. Wholesale removal of topsoil from subdivision areas other than those to be paved shall not be permitted. Where extensive grading is required, the topsoil shall be removed and piled near the site until rough grading is completed after which the topsoil shall be spread over the portions of the site which are not to be paved. When grading is complete, the topography will agree with the contour changes shown and approved on the preliminary plat.
(Code 1998, § 5-6-44)

Sec. 30-109. Erosion and sediment control.

Standards and specifications for erosion and sediment control shall be the requirements of the Stormwater Management and Sediment Reduction Act, S.C. Code 1976, title 5, ch. 7.
(Code 1998, § 5-6-45)

Sec. 30-110. Storm sewers and drainage.

(a) A storm drainage system designed to protect proposed developments from flooding shall be provided in every subdivision. The system shall be adequate to carry off all stormwater in its drainage area, shall not increase the hazard of flooding to areas down grade from the proposed development and shall be installed to specifications of the Stormwater Management and Sediment Reduction Act and/or the county road code as appropriate. Where a public storm sewer is reasonably accessible as determined by the planning commission, the subdivider shall connect with such drainage system. The developer shall do all grading and provide all necessary drainage structures to carry the water and to conform with town standards and specifications.

(b) Where a stormwater reduction or sediment control plan is required pursuant to section 22-123, an approved plan must be submitted with the preliminary plat application.
(Code 1998, § 5-6-46)

DLSCN 09/09/11

Sec. 30-111. Streets.

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes shall layout, grade, install necessary drainage facilities, pave, install curb and gutters and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision, in accordance with the specifications of these regulations.
(Code 1998, § 5-6-47)

Sec. 30-112. Street signs.

The subdivider shall place street name signs which meet the town specifications at all street intersections.
(Code 1998, § 5-6-48)

Sec. 30-113. Curbs and gutters.

Concrete curbs or paved valley type gutters shall be installed in accordance with the county road code or the state department of highways and public transportation standard specifications for highway construction as appropriate.
(Code 1998, § 5-6-49)

Sec. 30-114. Sidewalks.

The planning commission shall require the subdivider to construct sidewalks within the right-of-way of public streets in areas where sidewalks are needed for pedestrian circulation and safety. Sidewalks shall be constructed in accordance with specifications of the state department of highways and public transportation.
(Code 1998, § 5-6-50)

Sec. 30-115. Water systems.

(a) Though it is the intent of the town that every lot shall be served by an approved public water system, it is also realized that an undue hardship may be created where random or minor subdivisions occur distant from an approved water supply or system. The planning commission, therefore, may require larger developments to connect to an approved public water supply system and install water lines that are sufficient to meet the demands of the subdivision when it is completely developed. The water lines shall be installed in accordance with the town and/or Charleston Commissioners of Public Works (CCPW) specifications and standards and shall be of sufficient size to supply water for fire protection. The subdivider shall install fire hydrants in accordance with town and/or county specifications.

DLSCN 09/09/11

(b) All subdivisions within 500 feet of an approved public water system shall connect thereto, whereas land subdivisions resulting in four or less parcels over 500 feet distant from an approved public water system may, on a case by case basis, as determined by the planning commission, be exempted from this requirement.
(Code 1998, § 5-6-51)

Sec. 30-116. Sewerage system and wastewater disposal.

(a) The intent and criteria specified for water systems stated in section 30-115 shall apply equally insofar as sanitary sewerage systems or connections thereto are concerned. The sanitary sewers installed shall be large enough to provide adequate service to every house in the subdivision when it is completely developed. Sanitary sewers (or individual septic tanks) shall be installed in accordance with Charleston County Health Department/ DHEC, CCPW and town specifications.

(b) The developer shall pay sewer connection fees for each lot as required by the town. Fees may be paid in accordance with section 54-134. All required fees must be paid prior to approval of the final plat.

(c) As set forth in chapter 54, the town shall not be obligated to expand or extend its sewer system to serve new subdivisions or developments.
(Code 1998, § 5-6-52)

Sec. 30-117. Utility services.

It is the desire of the town that utilities will ultimately be located underground to the extent feasible. Toward that end, the planning commission will, as a condition of its approval, make a determination with each application as to the feasibility of installing electrical, telephone and other utilities underground.
(Code 1998, § 5-6-53)

Sec. 30-118. Street lighting.

Before the planning commission shall give final approval to a subdivision plat, the subdivider shall submit a street lighting plan developed in conjunction with the South Carolina Electric and Gas Company, in accordance with the established town policy regarding street lighting.
(Code 1998, § 5-6-54)

Sec. 30-119. Turning lanes.

Where the volume of vehicular traffic associated with new subdivisions and developments can be anticipated to cause road congestion on Highways 162 or 165, or on other roads in the state highway system, the planning commission may consult with the state

DLSCN 09/09/11

department of transportation concerning the installation of turning lanes to accommodate the increased traffic; and based upon the department's recommendations, the commission may require the developer to install such lanes, or to provide funds to the department for this purpose.
(Code 1998, § 5-6-55)

Sec. 30-120. Open space.

Open space shall be provided in accordance with articles V and VI of chapter 58, zoning.
(Code 1998, § 5-6-56)

Sec. 30-121. Land subject to flooding.

Development within floodplain areas shall follow the guidelines set forth in the floodplain regulations as set forth in chapter 26.
(Code 1998, § 5-6-57)

Secs. 30-122—30-140. Reserved.

ARTICLE V. PLAT SUBMISSIONS

Sec. 30-141. Sketch plans.

(a) *Scale.* The sketch plan shall be drawn at a scale of one inch equals 100 feet, or similar appropriate scale.

(b) *General information.* The following information shall be shown on all sketch plans:

(1) Total acreage in the tract to be divided.

(2) Tentative street and lot arrangement.

(3) Approximate rights-of-way, easements, and lot lines.

(4) Average lot areas and approximate number of lots.

(5) Existing and proposed uses of land throughout the subdivision with current zoning classification, existing and proposed.

(6) Proposed name of subdivision and TMS (parcel identification number) numbers.

(7) Proposed method of providing water supply and sewage disposal to all lots.

(8) Existing flood zone per the latest edition of the flood insurance rate map (FIRM).

(c) *Submission of sketch for entire tract.* The subdivider is encouraged to submit a sketch plan of the entire tract even though his present plans call for the actual development of only a part of the property.
(Code 1998, § 5-6-71)

DLSCN 09/09/11

Sec. 30-142. Contents of the preliminary plat.

(a) *Preparation of plat.* The preliminary plat shall be prepared by a registered surveyor, engineer, or landscape architect.

(b) *Drawn to scale and general information.* The plat shall be drawn to a scale of one inch equals 100 feet or similar appropriate scale, and shall contain or be accompanied by the following information:

(1) Proposed name of subdivision and TMS numbers.

(2) Graphic scale, north point and date. The north point shall be identified as magnetic, true or grid north.

(3) Deed record names of adjoining property owners or subdivisions.

(4) Acreage to be subdivided.

(5) Boundaries of the tract to be subdivided with all bearing and distances indicated. The boundary survey shall be to such a degree of accuracy that the error of closure is not greater than one to 10,000.

(6) The preliminary plat shall be presented in the format described in the latest edition of the minimum standards manual for the practice of land surveying in the state.

(7) Existing site data.

a. City limits lines, property lines, rights-of-way, easements, streets, railroads, bridges, and buildings.

b. Utilities transmission lines, storm sewers, ditches and culverts, sanitary sewers and water mains, including information on size, equipment and location.

c. Wooded areas, marshes, ponds and watercourses including the acreage of upstream draining areas.

d. Contours, when required, showing the topography of the site at a vertical interval appropriate to the site.

e. Areas within floodplain.

f. In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.

(8) Proposed site data.

a. Street rights-of-way, pavement widths, grades, and street names. Street profiles and cross sections shall be provided when required by the planning commission.

b. Preliminary plans prepared by an engineer for sanitary sewers, storm sewers, water, electricity and gas lines showing connections to existing systems or

DLSCN 09/09/11

proposals for developing new water supply, storm drainage, and sewage disposal systems. Storm and sanitary sewer profiles, cross sections and sizes shall be provided when required by the planning commission.

c. Other easements and rights-of-way including location, dimensions and purpose.

d. Contour changes to be made by grading.

e. Lot lines, lot dimensions, lot and block numbers and minimum building setback lines along street rights-of-way.

f. Parks, school sites and other public areas, if any.

g. Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.

(9) Other information.

a. Name, number and seal of registered surveyor.

b. Surveyors certificate of accuracy.

c. Date of survey and plat preparation.

d. Name and address of owners and developers.

e. Site data.

1. Total acreage in tract.

2. Acreage in public or other land usage.

3. Average lot size.

4. Total number of lots.

5. Linear feet in streets.

f. Other supplement materials including protective covenants proposed for the subdivision and any other information considered by either the subdivider or the planning commission to be pertinent to the review of the preliminary plat.

(Code 1998, § 5-6-72)

Sec. 30-143. Contents of the conditional plat.

(a) The conditional plat shall be the approved preliminary plat with the following modifications:

(1) Designation as "conditional" plat.

(2) Revised date. Any further changes from or additions to the preliminary plat must be approved by the planning commission in accordance with the requirements for preliminary plat approval.

DLSCN 09/09/11

(b) The submission for conditional plat approval must contain a surety bond meeting the requirements of this chapter.
(Code 1998, § 5-6-73)

Sec. 30-144. Surety bond.

(a) In lieu of completion of the improvements herein required prior to the approval of the final plat and the transfer of title, the developer may post a surety bond, certified check or other instrument readily convertible to cash, with the surety and conditions as approved by the town attorney. The surety must be in an amount equal to at least 125 percent of the cost of the required improvements, as certified by the town engineer. This surety must be in favor of the town to ensure that, in the event of default by the developer, funds will be used to install the required improvements at the expense of the developer.

(b) The duration of approval under surety bond shall be one year, at which time approval may be extended after proof of bond renewal.

(c) Final approval of a plat under surety bond shall not authorize occupancy of any structure, nor does such approval obligate the town in any way to accept or maintain any facility.

(d) The town shall enforce such bond by all appropriate legal means within its authority.
(Code 1998, § 5-6-74)

Sec. 30-145. Contents of the final plat.

(a) *Conform to preliminary plat.* The final plat shall conform substantially to the preliminary plat as it was approved.

(b) *Preparation of plat.* The final plat shall be prepared by a registered surveyor, engineer, or landscape architect and shall be drawn to the same scale as the preliminary plat.

(c) *Information.* The final plat shall contain or be accompanied by the following information:

(1) *Survey data based on mean sea level datum.*

a. Exact boundaries of the subdivided tract and TMS numbers.

b. Names and locations of adjoining subdivisions and streets and the located and ownership of adjoining unsubdivided property.

c. Accurate location and description of all monuments, markers, benchmarks and control points.

d. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, lot line, right-of-way, easement line, and

DLSCN 09/09/11

setback line, including linear dimensions, bearings or deflection angles, radii, arcs, chords, and central angles. (All dimensions and angles shall be measured in accordance with the latest edition of the minimum standards manual for the practice of land surveying in the state.)

(2) *Site data.*

a. All rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated.

b. Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.

c. Lot and block numbers; street names.

d. Minimum building setback line on all building lots.

e. Such cross sections and profiles of streets as may be required by the planning commission.

f. Such plans for water mains, sanitary sewers, and storm sewers, showing sizes, cross sections and profiles as required by the planning commission.

g. The current Federal Emergency Management Agency flood zone as shown on the flood insurance rate map (FIRM) and the community panel number and the effective date of the FIRM map.

(3) *Other information.*

a. Name and subdivision, owner and registered surveyor.

b. Date of survey and plat preparation; north arrow; graphic scale.

c. Deed restrictions proposed for the subdivision, if any.

d. Any other information considered by either the subdivider or the planning commission to be pertinent to the review of the final plat.

(Code 1998, § 5-6-75)

Sec. 30-146. Certificates.

The following signed certificates shall be shown on the original and all copies of the final plat submitted to the planning commission:

(1) A surveyor's certificate as to accuracy of survey and plat. The surveyor's certificate shall state the actual accuracy of the survey and that it was made on the ground.

(2) A statement of dedication by the property owner, of streets, rights-of-way, easements and any other sites for public use. If any change in ownership is made, subsequent to the submission of the plat and prior to the granting of final approval by the planning commission, the statement of dedication shall be corrected accordingly.

DLSCN 09/09/11

(3) The signature and seal of the registered surveyor in accordance with the latest edition of the minimum standards manual for the practice of land surveying in the state.

(4) The county health department, the state department of health and environment control approval of water supply and waste treatment systems.

(5) When the planning commission has recommended final approval of the plat, a stamp noting such approval and carrying the signature of the zoning administrator shall be placed on the plat.

(Code 1998, § 5-6-76)

Sec. 30-147. Filing fees.

(a) At the time of submission of the preliminary plat, the subdivider shall pay to the planning commission a fee as adopted by the town council.

(b) In addition to administrative fees, a separate fee shall be assessed for plat review in order to check the completeness and accuracy of each submitted plat.

(Code 1998, § 5-6-77)

Chapters 31—33

RESERVED

Court's Exhibit #1

Identical To Defendant's Trial Exhibit #10 -- See Defendant's Exhibit #10

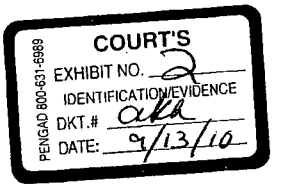
STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON THE TOWN OF HOLLYWOOD, Plaintiff, v. WILLIAM FLOYD A/K/A JEFF FLOYD, TROY READEN AND EDWARD MCCRACKEN A/K/A EDDIE MCCRACKEN Defendants.	)	IN THE COURT OF COMMON PLEAS C/A No.: 10-CP-10-002695 **TOWN OF HOLLYWOOD'S OBJECTION TO PLAINTIFFS' REQUEST FOR AN ADVERSE INFERENCE CHARGE**

"It is a general rule that a party is not to be prejudiced by his failure to call a witness who is equally available to the other party." Davis v. Sparks, 235 S.C. 326, 333, 111 S.E.2d 545, 549 (1959).

The Plaintiffs are not entitled to the jury instruction that because the Town did not call Annette Sausser, it raises the presumption that her testimony would be adverse to the party failing to produce her. In other words, this Court would not be in error for refusing such a charge.

This issue came up in Baker v. Port City Steel Erectors, Inc., 261 S.C. 469, 475-76, 200 S.E.2d 681, 683-84 (1973) where the South Carolina Supreme Court held it was not an error for the trial judge to abstain from an adverse inference charge against the Defendants where the Plaintiff's charge 1) failed to fully and properly explain the nature and effect of the presumption which might be indulged and (2) it was reasonably susceptible of the interpretation that the jury was bound to draw the unfavorable inference. The Court held, "Under the requested instruction, without further explanation, the jury would be left to grope for the proper application of the presumption and might reasonably conclude that it could be given the force of independent evidence." " The instruction, in effect, told the jury that they were bound to draw the inference, which was error."

> The unfavorable inference arising from the failure of a party to call an available material witness may be drawn only where under all the circumstances of the case, the failure to produce such witness creates suspicion of a wilful attempt to withhold competent evidence. Davis v. Sparks, 235 S.C. 326, 111 S.E.2d 545; State v. Batson, supra.



> When the presumption is drawn, it cannot be treated as independent evidence of a fact otherwise unproved, Collins v. Merrimack Mutual Fire Ins. Co., 210 S.C. 207, 42 S.E.2d 67; but can only be considered in determining the credibility or probative force of the evidence presented. 29 Am.Jur. (2 d), Evidence, Sections 187 and 188. As stated in Section 187 of the text, 'the inference has the effect only of authorizing the jury to give greater weight to the evidence of the adverse party, or to give less weight to the evidence of the party who had failed to call the witness, than it might otherwise have done.' . . .
>
> The fact that the unfavorable inference may be drawn does not require that the jury draw it. It is a matter for the jury to say whether the failure to produce the witness or evidence warrants the inference that it would be unfavorable.

Baker v. Port City Steel Erectors, Inc., 261 S.C. 469, 475-76, 200 S.E.2d 681, 683-84 (1973).

Should the court grant an adverse inference charge, the Town requests that it be drawn against Plaintiffs who bear the burden of proof for their failure to call 1) Annette Sausser and 2) Kenneth Edwards (who was sitting in the court room for 2 days of trial).

s/ Hugh W. Buyck

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DLSCN 09/09/11

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON THE TOWN OF HOLLYWOOD, Plaintiff, v. WILLIAM FLOYD A/K/A JEFF FLOYD, TROY READEN AND EDWARD MCCRACKEN A/K/A EDDIE MCCRACKEN Defendants.	)	IN THE COURT OF COMMON PLEAS C/A No.: 10-CP-10-002695 **TOWN OF HOLLYWOOD'S SUPPLEMENTAL BRIEF RE: TOWN'S SECOND MOTION FOR A DIRECTED VERDICT**

The only reasonable inference that can be deduced from the evidence presented during trial of this matter is that the Plaintiffs failed to prove either due process (both substantive and procedural) claims or equal protection claims, and the Town is entitled to a directed verdict as to these as well as to the corollary § 1983 claim. There is no reasonable evidence that Plaintiffs made a minimally adequate submission to the Planning Commission for subdivision approval under the Town of Hollywood Municipal Code upon which the Commission is entitled to act. Plaintiffs have not proven that the submission was denied; and Plaintiffs have not proven that the Town's Commission had an improper motive for any alleged denial or delay.

Standard of Review

Courts have consistently "shown a reluctance to sit as zoning boards of appeals when presented with claims which, though couched in constitutional language, at bottom amount only to the run of the mill dispute between a developer and a town planning agency." Scott v. Greenville County, 716 F.2d 1409, 1418 (4th Cir. 1983) (internal quotations omitted); *see also* Gardner v. Baltimore Mayor & City Council, 969

COURT'S EXHIBIT NO. 9 IDENTIFICATION/EVIDENCE DKT.# abh DATE: 4/13/10
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DLSCN 09/09/11

F.2d 63, 68 (4th Cir. 1992)("[C]ourts should be extremely reluctant to upset the delicate balance at play in local land-use disputes. Section 1983 does not empower us to sit as a super-planning commission or a zoning board of appeals. . . .").

Substantive due process

"No person shall be deprived of life, liberty, or property without due process of law." Sunset Cay, LLC v. City of Folly Beach, 357 S.C. 414, 430, 593 S.E.2d 462, 470 (2004)(citing S.C. Const. art. I, § 3). To prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law. Harbit v. City of Charleston, 382 S.C. 383, 394, 675 S.E.2d 776, 782 (Ct. App. 2009). See also MLC Auto., LLC v. Town of S. Pines, 532 F.3d 269 (4th Cir. 2008) ("To establish a violation of substantive due process, [a plaintiff] must demonstrate (1) that they had property or a property interest, (2) that the state deprived them of this property or property interest, and (3) that the state's action falls so far beyond the outer limits of legitimate governmental action that no process could cure the deficiency."). Plaintiffs have not proven that the Town's alleged deprivation of their property interest falls "so far beyond the outer boundaries of legitimate governmental authority[1] that no process could remedy the deficiency." Id.

Taken in their best light, the facts are that there is no reasonable evidence that Plaintiffs made a minimally adequate submission to the Planning Commission for subdivision approval under the Town of Hollywood Municipal Code upon which the

[1] The two-step application process outlined in the Town's ordinances is not out of the ordinary. For example, the City of Charleston's ordinance, located in Appendix H of its Zoning Ordinances, employs a six-step process for subdivision plat approval which includes preliminary plat approval by its planning commission. Charleston, S.C., Zoning Ord. App. H. Sections 18-21 through -23 in North Charleston's Code of Ordinances, like the Town of Hollywood, has a preapplication review stage, requires planning commission approval for preliminary plats, and then planning commission approval for final plats. North Charleston, S.C., Code at Ch. 18, Art. II.

DLSCN 09/09/11

Commission is entitled to act. The evidence is replete with facts establishing that the Town has repeatedly offered opportunities for the Plaintiffs to work with the Planning Commission to lawfully achieve their goals and that the process remains open to achieve their subdivision.

"Legislation is not 'overturned unless the law has no rational relationship to any legitimate interest of government.' This is the same standard we apply when reviewing substantive due process challenges to other types of statutes." R.L. Jordan Co., Inc. v. Boardman Petroleum, Inc., 338 S.C. 475, 477, 527 S.E.2d 763, 765 (2000). There is substantial evidence that the Town of Hollywood's process is similar to other municipalities throughout the tri-county region. Plaintiffs' claim must fail because there is no proof that the Town's ordinances[2] fail to bear a reasonable relationship to any legitimate government interest.

Clearly, the Town has significant public interests in traffic safety, sewage, property access and wetlands/flooding issues. The basis of the subdivision denial was succinctly set forth within the evidence produced at trial, including but not limited to the August 2008 Planning Commission minutes and the tape of the June 2007 Planning Commission meeting. There can be no reasonable interpretation of the evidence but for the Planning Commission meeting stated goals of its Ordinances, and thus, there was a reasonable relationship to the Commission's actions.

Procedural due process

[2] To clarify a matter of confusion regarding the Plaintiffs' allegations that the Town created "new" ordinances, on March 26, 2007, these ordinances were recodified, but the language of the 1998 ordinances remains in the recodified ordinances. The Town has consistently used ordinance numbers pursuant to recodification and these will be used for the purposes of stating the law.

DLSCN 09/09/11

"Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty or property interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment of the United States Constitution." Harbit v. City of Charleston, 382 S.C. 383, 393, 675 S.E.2d 776, 781 (S.C. Ct. App. 2009) (citing U.S. Const. amends. V and XIV, § 1).

> "[D]ue process is flexible and calls for such procedural protections as the particular situation demands." The requirements in a particular case are dependent upon the importance of the interest involved and the circumstances under which the deprivation may occur. The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.

S. Carolina Dept. of Soc. Services v. Wilson, 352 S.C. 445, 452, 574 S.E.2d 730, 733-34 (2002) (internal citations omitted). "The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review." Kurschner v. City of Camden Planning Comm'n, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008) (citing S.C. Const. art. 1, § 22; Stono River Envtl. Protection Ass'n v. S.C. Dep't of Health and Envtl. Control, 305 S.C. 90, 94, 406 S.E.2d 340, 342 (1991)).

There is no proof that the Planning Commission or Ed Holton denied Plaintiffs application or refused to act. Here, the Plaintiffs are not being denied a liberty or property interests, so there are no due process concerns. Instead, the Plaintiffs circumvented the process others similarly situated applicants had to follow and in essence they want a property right. They aren't, however, willing to follow the proper processes. As a matter of law, Plaintiffs have no vested right in their desired use of their property; therefore, they must go through the same process as any other applicant. Further, when the Plaintiffs applied for their subdivision approval in June of 2007, they had no rights in the property as they had yet to close with Ms. Boone.

DLSCN 09/09/11

Equal Protection

A state may not "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV, § 1; see S.C. Const. art. I, § 3 ("The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."). There has been no **complete** application which can be acted upon under the ordinance – pieces are still missing. There is no proof that the Commission denied an application or refused to act.

The Equal Protection Clause requires that a state "apply each law, within its scope, equally to persons similarly situated, and that any differences of application must be justified by the law's purpose." Harbit v. City of Charleston, 382 S.C. 383, 396-397, 675 S.E.2d 776, 782 - 83 (Ct. App. 2009). The Equal Protection Clause "does not prohibit different treatment of people in different circumstances under the law." Id. "The *sine qua non* of an equal protection claim is a showing that similarly situated persons received disparate treatment." Olson v. S.C. Dept. of Health and Envtl Control, 379 S.C. 57, 70, 663 S.E.2d 497, 504 (Ct. App. 2008). Moreover, "[w]hile an equal protection claim must be rooted in an allegation of unequal treatment for similarly situated individuals, a showing of such disparate treatment, even if the product of erroneous or illegal state action, is not enough by itself to state a constitutional claim." Harbit, 382 S.C. at 397, 675 S.E.2d at 783 (internal citations omitted).

To show discriminatory enforcement violating the Equal Protection Clause, Plaintiffs must demonstrate arbitrary and purposeful discrimination in the administration

DLSCN 09/09/11

of the law being enforced. Id. Even selective enforcement of an ordinance against a non-protected class does not rise to the level of an equal protection violation. Denene, Inc. v. City of Charleston, 359 S.C. 85, 94-96, 596 S.E.2d 917, 922-23 (2004) (holding "'the conscious exercise of some selectivity in enforcement is not in itself a federal constitutional violation,' provided the selection is not 'deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification'") (quoting Oyler v. Boles, 368 U.S. 448, 456 (1962)).

Plaintiffs have not proven that the Town's Commission had an improper motive for any alleged denial or delay. The only reasonable inferences in the record are that the Planning Commission similarly declined another subdivision gaining access to Highway 162 by was of the intersection at issue on Brittain's curve. The Plaintiffs then argue that Traxler Avenue is a similarly narrow road and that a Town Park is allowed to utilize this road which does not enter Brittain's curve. Finally, the Plaintiffs argue that a Planned Unit Development on a 35 miles per hour road was approved. The Plaintiffs have never introduced any evidence of disparate treatment within the Planning Commission approval process for any of these alternative applicants. The record is devoid of evidence concerning disparate treatment by the Planning Commission for comparative purposes.

§ 1983

"The right of action granted by Section 1983 is limited in its scope to situations where the thing done has had some attribute of state authorization or warrant for having been engaged in, and the wrongdoer must actually represent the state whereby his or her act is the act of the state, or there is no action under color of state law." 14A C.J.S.

DLSCN 09/09/11

Civil Rights § 369. Section 1983 allows a civil action to recover damages for deprivation of a constitutionally protected right where three elements are pled: "'(1) an official policy or custom (2) that causes the [plaintiffs] to be subjected to (3) a denial of a constitutional right.'" Stanley v. Kirkpatrick, 357 S.C. 169, 176, 592 S.E.2d 296, 299 (2004) (quoting Moore v. City of Columbia, 284 S.C. 278, 326 S.E.2d 157 (Ct. App.1985)). Without proving equal protection or due process violations, Plaintiffs similarly have no evidence of a 1983 claim.

Again as the Fourth Circuit has succinctly stated, "Section 1983 does not empower us to sit as a super-planning commission or a zoning board of appeals, and it does not constitutionalize every " 'run of the mill dispute between a developer and a town planning agency.' " Gardner v. City of Baltimore Mayor & City Council, 969 F.2d 63, 68 (4th Cir. 1992) (quoting Scott v. Greenville County, 716 F.2d 1409, 1419 (4th Cir.1983)). Plaintiffs' entire case amounts to a fishing expedition to find any reason to question or second guess the Town's tabling of Plaintiffs' subdivision application. After four days of presenting their case, Plaintiffs have submitted no evidence of any constitutional violation.

Plaintiffs' Erroneous Application of Law

Plaintiffs have not proven that their applications for the land use permits (outside of Edwards' ultra vires acts) were not treated rationally. Plaintiffs have not proven that the Planning Commission's tabling of their subdivision development was made under "the undue influence of political influence." Plaintiff's Pre-Trial Brief, p. 16. There is no reasonable evidence that anyone influenced the Commission improperly as the records of the meetings and related minutes prove the rational basis for each decision.

DLSCN 09/09/11

In Village of Willowbrook v. Olech, 528 U.S. 562 (2000), the plaintiffs asked the Village to connect their property to municipal water supply. The Village conditioned that connection on the plaintiffs granting the Village a 33-foot easement. The plaintiffs objected claiming that the Village only required a 15-foot easement from other property owners seeking the water supply. After a three month delay, the Village agreed to provide the service in exchange for a 15-foot easement. The plaintiffs then sued the village and alleged that the Village's demand of an additional 18-foot easement (the initial 33-foot easement requested) violated the Equal Protection Clause of the Fourteenth Amendment because the demand was "irrational and wholly arbitrary" and "that the Village's demand was actually motivated by ill will resulting from the Olechs' previous filing of an unrelated, successful lawsuit against the Village; and that the Village acted either with the intent to deprive the plaintiff of her rights or in reckless disregard of her rights. Vill. of Willowbrook v. Olech, 528 U.S. 562, 563, 120 S. Ct. 1073, 1074, 145 L. Ed. 2d 1060 (2000) (emphasis added).

A federal district court dismissed plaintiff's complaint under F.R.C.P 12(b)(6), and the Seventh Circuit reversed, and the Supreme Court held that the plaintiffs sufficiently alleged that the Village intentionally demanded a 33-foot easement as a condition of connecting her property to the municipal water supply where the Village only required a 15-foot easement of others. Vill. of Willowbrook v. Olech, 528 U.S. 562, 564, 120 S. Ct. 1073, 1074, 145 L. Ed. 2d 1060 (2000) (emphasis added). The allegations that the Village's demand was "irrational and wholly arbitrary" and that the Village ultimately connected the water after receiving a "clearly adequate" 15-foot easement were sufficient to state a claim for equal protection.

DLSCN 09/09/11

Here, we are not merely at the pleadings stage as was the case in Olech. Plaintiffs have failed to **prove** that they were treated any differently from any other applicant. They have not even shown other applicants by which the Court or the jury may compare the situation. On the contrary, numerous legitimate state objectives were presented as to why the Plaintiffs needed to work with the Town further to accomplish their goal of developing a subdivision on the Bryan Road property, including but not limited to access issues, public safety, wetlands and sewage.

I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 409-10, 526 S.E.2d 716, 717-18 (2000) is factually inapposite. There, a developer asked the Mt. Pleasant Board of Planning and Zoning to rezone a 243-acre tract from R-1 (typically single-family houses) to PD (allows a mix of residential and commercial uses). The rezoning request was initially denied, and two years later, the developer resubmitted its rezoning request after modifying portions of the project and the proposal was approved. Of interest, in that case, the citizens opposing the project "immediately launched a petition drive to submit a proposed ordinance to the Town Council that would restore the zoning" back to R-1, and if the Town Council rejected the proposed ordinance, they would submit the matter to voters in a referendum. The referendum was struck down by Judge Dennis who was affirmed by the South Carolina Supreme Court. The case simply did not involve similar matters to those presented in this case.

In A Helping Hand, L.L.C. v. Baltimore County, 515 F.3d 356, 373 (4th Cir. 2008), the county passed a zoning ordinance to declare a private meth treatment clinic unlawful. This case is inapposite to the present case because the Town did not rezone or create new policy to prevent Plaintiffs proposed subdivision. Helping Hand primarily

DLSCN 09/09/11

deals with vested rights, which are no longer up for discussion in the present case in light of the Court's Summary Judgment Order which held that Plaintiffs plats were not "approved", which is a requirement to succeed on a vested rights claim under South Carolina law. See S.C. Code § 6-29-1530 (establishes a two year vested right "upon the approval of a site specific development plan").

Plaintiffs seem to primarily rely on Scott v. Greenville County, 716 F.2d 1409 (4th Cir. 1983) which involved §1983, due process, and equal protection claims discussed, *infra*. There, a real estate developer sought to build low-income housing – 156 units over 13 acres zoned for multi-family dwellings. The plans passed the unofficial courtesy review by the planner before its formal permit application. The developer went to get the building permit via the formal application process. Community opposition led the County to move to re-zone the property to make it so that single family homes would only be permitted at the proposed development site. This motion caused the County to place a moratoria on building permits via a "freeze order." In that case, the executive director for the town's planning commission testified it was the first time he had ever been instructed NOT to process a building permit. There is no evidence that the planning director was in any way given instructions not to assist Plaintiffs. On the contrary, the record is replete with evidence that Ed Holton, the Town Planning Director, tried to assist the Plaintiffs in meeting their goals.

1983/ equal protection claim in Scott

In Scott, the developer succeeded on his § 1983 equal protection claim because there was evidence that the county council conspired with private landowners who acted with racially discriminatory intent when directing the executive director to withhold

DLSCN 09/09/11

the building permit. There, evidence of racially discriminatory local land use was found. Ultimately, the issue before the court was whether any or all of the defendants could be held liable for damages for harm resulting from the continued unavailability of the permit during the appeal was at least in part taken out of discriminatory animus. Scott actually disproves Plaintiffs' claims in the present case. Here, the Plaintiffs have not proven any conspiracy as the closest thing they have to a "conspiracy" is Annette Sausser's hand gesture. Testimony showed that the Town was not contacted separately by Annette Sausser and that the Town officials were unaware of the alleged throat-cutting gesture until the Plaintiffs made it the focal point of their lawsuit against the Town. There is no evidence of any intent to prevent Plaintiffs from developing their land. To the contrary, Matt Wolf testified that he tried to come up with creative solutions because of the traffic density challenges inherent with the proposed development site. Of course, the burden of proof is not on the Town and Plaintiffs have failed to prove the Town acted unconstitutionally.

Due process claim in Scott

The court in Scott noted that even if the plaintiff could not prove a racially discriminatory motivation, the test for a violation of due process should be whether the council's treatment of the developer's individual application denied him a protected property right without due process of the law pursuant to the 14th Amendment. In Scott, the plaintiff alleged a vested interest which legitimately entitled him to the issuance of a building permit under the zoning ordinance in effect at the time of his application. In the present case, however, this Court has made clear that there is no vested right because

DLSCN 09/09/11

the previous "approval" was ultra vires and not in accordance with the Town's ordinances. It is null, void and of no legal effect.

Takings alleged in Scott

It is important to note that Scott, unlike the present case, also involved a takings challenge. The Town asserts that any allusion by Plaintiffs to 5th Amendment takings jurisprudence should be prohibited in jury charges and in the Court's decision-making process for the present directed verdict motion because Plaintiffs have alleged neither an actual taking nor inverse condemnation.

Conclusion

The Town asks this Court to direct a verdict because no reasonable juror will be able to find any evidence to support the remaining causes of action, even in the light most favorable to the Plaintiffs: (1) there has been no application which can be acted upon under the ordinance (pieces are missing); (2) the Commission has not denied an application or refused to act; (3) there is no evidence that Holton or the Planning Commission's actions are motivated by improper motives.

Respectfully submitted,

DLSCN 09/09/11

s/ Hugh W. Buyck

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DLSCN 09/09/11

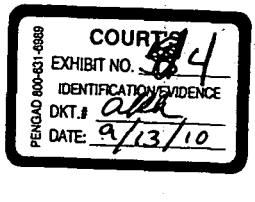
State of South Carolina	)	In the Court of Common Pleas
	)	
County of Charleston	)	Case No.: 2010-CP-10-2695 Formerly Case No. 07-CP-10-4559
The Town of Hollywood,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	FLOYD, READON, et. al., ADDITIONAL REQUEST TO CHARGE
	)	
William Floyd a/k/a Jeff Floyd, Troy Readen, and Edward McCracken a/k/a Eddie McCracken,	)	
	)	
Defendants.	)	
	)	

The defendants (now realigned as plaintiffs) respectfully submit that the following charges 1- 7 and 9-13 should be incorporated into the charge on "Constitutionally Protected Property Interest." The plaintiffs request that charge number 8 should be incorporated into the section entitled "Defendants—now Plaintiffs' Damages," and 14 on "Evidence."

1. I charge you that the term "due process" includes two aspects: procedural, in which a person is guaranteed fair procedures and substantive, which protects a person's property from unfair governmental interference or taking.

Black's Law Dictionary, 5th edition, South Carolina Constitution, Article I, Section 3, United States Constitution, Amendment V.

2. I charge you that "the right of an owner to devote his land to any legitimate use is property within the protection of the Constitution."



DLSCN 09/09/11

Harris v. County of Riverside, 904 F.2d 497, 498, (9th Cir. 1990) quoting Washington ex rel. Seattle Trust Co. v. Roberge, 278 U.S. 116, 121 (1928)

3. I charge you that the United States Constitution requires that a municipal government treat its citizens fairly and equally, and that if you find that the plaintiffs prove, by a preponderance of the evidence, that municipal officials acting under color of law, deprived them of rights protected by the Constitution, then you may consider awarding damages.

United States Constitution, Amendment V and XIV, Bell v. Hood, 327 U.S. 678, 66 S.Ct. 773 (1946): "And it is established practice for this Court to sustain the jurisdiction of federal courts to issue injunctions to protect rights safeguarded by the Constitution [citations omitted] and to restrain individual state officers from doing what the 14th Amendment forbids the State to do. [citations omitted] Moreover, where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief, [citations omitted] and it is also well settled that where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done. [citations omitted]"

4. I charge you that if you find by a preponderance of the evidence that the Town of Hollywood's refusal to act upon the plaintiffs' subdivision plat application renders it worthless or worth so little that it has no reasonable economic use, that such a condition is considered a taking under federal law and you can award whatever value to the loss you find by a preponderance of the evidence is the value of the property rights taken away.

Lucas v. Coastal Council, 505 U.S. 1003 (1992)

5. I charge you that if you find by a preponderance of the evidence that the Town's reason for not acting upon the plaintiffs' subdivision plat application "does not substantially

DLSCN 09/09/11

advance legitimate state interest or denies the owners all economically beneficial or productive use of land," then you can award compensation for the loss in whatever value you find the loss to be.

Lucas v. Coastal Council, 505 U.S. 1003 (1992)

6. I charge you that an act is "arbitrary" if it is done "without adequate determining principle; not founded in the nature of things; nonrational; not done or acting according to reason or judgment; depending on the will alone; absolutely in power; capriciously; tyrannical; despotic. Without fair, solid, and substantial cause; that is without cause based upon the law, not governed by any fixed rules or standard. Ordinarily, 'arbitrary' is synonymous with bad faith or failure to exercise honest judgment and an arbitrary act would be one performed without adequate determination of principle and one not founded in nature of things.

[internal citations omitted], Black's Law Dictionary, 5th Edition

7. I charge you that an act is capricious if it is governed or characterized by caprice: apt to change suddenly or unpredictably. Caprice emphasizes lack of evident motivation and suggests willfulness. Caprice means whim, arbitrary, seemingly unfounded motivation.

Webster's Seventh New Collegiate Dictionary, 1971; Black's Law Dictionary, 5th Edition

8. I charge you that an owner of property may testify to its value and to the damages thereto.

DLSCN 09/09/11

Seaboard Coast Line R.R. v. Harrelson, 262 S.C. 43, 46, 202 S.E.2d 4, 5 (1974), S. C. Dept. of Transp. V. Richardson, 335 S.C. 278, 516 S.E.2d 3 (Ct. App. 1999)

9. I charge you that the law does not require a person to undertake a futile act as a pre-condition of seeking judicial review if the evidence shows that the agency is taking 'a hard and fast position that makes and adverse ruling a certainty.'

Brown v. James, ___ S.C. ___, ___ S.E.2d ___ (Opinion No. 4674 filed April 12, 2010)

"The legislature will not require a futile act; therefore, a commonly recognized exception to the requirement of exhaustion of administrative remedies exists when a party demonstrates that pursuit of administrative remedies would be a vain or futile act."

"It is well settled law that equity will not require the doing of a futile act." Carmichael v. Dan Nance Corp., 274 S.C. 357, 264 S.E.2d 601 (1980)
Shupe v. Settle, 315 S.C. 510, 445 S.E.2d 651 (Ct. App. 1994)

10. I charge you that South Carolina law has adopted an orderly structure for public participation in the [land development] process. That process also contemplates the rational development of land use, free from undue political influence.

I'ON v. Town of Mt. Pleasant, 338 S.C. 406, 526 S.E.2d 716 (2000)

11. I charge you that "it is the function and duty of the local planning commission . . . to undertake a continuing planning program for the physical, social, and economic growth,

DLSCN 09/09/11

development, and redevelopment of the area within its jurisdiction.

§ 6-29-340, S. C. Code, ann.

12. I charge you that if the plaintiffs show by a preponderance of the evidence that the Town of Hollywood Planning Commission denied their subdivision application for reasons that you are satisfied by a preponderance of the evidence are arbitrary or capricious, then the plaintiffs have demonstrated a violation of their civil rights.

G. T. Scott v. Greenville County, 716 F.2d 1409 (4th Cir. 1983)

"Nonetheless, it has been recognized that zoning action which is 'tainted with fundamental procedural irregularity, racial animus, or the like' does amount to an actionable denial of due process. Id.; cf. South Gwinnett Venture v. Pruitt, 491 F.2d 5, 7 (5th Cir. 1974) (in banc) (dictum) (zoning reclassification, normally not subject to federal court scrutiny, may violate due process where 'the action of the zoning commission is arbitrary and capricious'). Cert. denied, 419 U.S. 837, 95 S.Ct. 66, 42 L.Ed2d 64 (1974). As we suggested in United Land Corp. supra, 613 F.2d at 501, where there is fairly alleged a biases for finding either 'abuse of discretion [or] caprice in [a] zoning administrator's refusal to issue' a building permit, a Fourteenth Amendment claim is properly stated.

Arbitrariness, abuse of discretion, caprice or unfairness giving rise to constitutional claim has been found by other courts in various forms of official permit processing actions. For example, in Coredeco Development Corp. v. Vasquez, 539 F.2d 256, 260 (1 Cir.), cert denied 429 U.S. 978, 97 S.Ct. 488, barber licensing boards were found to have denied the plaintiff due process in refusing a license to potential competitor of one board member. **'The regular and impartial administration of public rules governing [liberty and property] interests, as required by due process, prohibits the subtle distortions or prejudice and bias' even where no class-based or other generalized invidious discrimination motivates the adverse treatment of a particular applicant.** Id. at 328." (emphasis added)

13. I charge you that a municipal corporation, such as the Town of Hollywood, has a duty to treat similarly situated property owners in a like manner.

Village of Willowbrook v. Olech, 528 U.S. 562 (2000)

"Our cases have recognized successful equal protection claims bought by a 'class of one,' where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.

DLSCN 09/09/11

[citations omitted] '[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.'" [citations omitted]

14. I charge you that when a party fails to call a witness within its control, you may draw an inference that the witness'' testimony would have been unfavorable. "Control" means only that the witness is in such relationship to the party that it is likely that her presence could be procured. The word "available" is sometimes used with a meaning similar to "control" and is held not to mean merely available or accessible for service of compulsory process.

Duckworth v. First National Bank, 254 S.C. 563, 176 S.E.2d 297 (1970)

September 10, 2010

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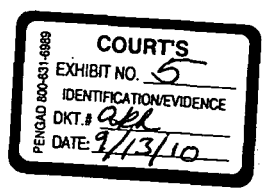
STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	C/A No.: 10-CP-10-002695
THE TOWN OF HOLLYWOOD, Plaintiff,	)	
v.	)	**TOWN OF HOLLYWOOD'S SUPPLEMENTAL JURY CHARGES**
WILLIAM FLOYD A/K/A JEFF FLOYD, TROY READEN AND EDWARD MCCRACKEN A/K/A EDDIE MCCRACKEN Defendants.	)	

The Town of Hollywood, by and through its undersigned counsel, hereby proposes the following supplemental Jury Charges:

1. Citizens are presumed to know the law and are charged with exercising reasonable care to protect their own interests. Am. Legion Post 15 v. Horry County, 381 S.C. 576, 584, 674 S.E.2d 181, 185 (Ct. App. 2009).

2. Ladies and Gentlemen of the jury, it is not your role to second guess the decision of the planning Commission as it is not this Court's function to serve as a super planning commission. Gardner v. City of Baltimore Mayor & City Council, 969 F.2d 63, 68 (4th Cir. 1992) (quoting Scott v. Greenville County, 716 F.2d 1409, 1419 (4th Cir.1983)). Rather it is your sole duty to determine whether the actions of the Town of Hollywood were arbitrary, capricious and purposely intended to deprive the Plaintiffs of a known Constitutional right. Harbit v. City of Charleston, 382 S.C. 383, 397, 675 S.E.2d 776, 783 (Ct. App. 2009).

3. Substantive due process means that "No person shall be deprived of life, liberty, or property without due process of law." Sunset Cay, LLC v. City of Folly Beach, 357 S.C. 414, 430, 593 S.E.2d 462, 470 (2004)(citing S.C. Const. art. I, § 3). To prove a denial of substantive due process, a party must show that he was arbitrarily and capriciously deprived of a cognizable property interest rooted in state law. Harbit v. City of Charleston, 382 S.C. 383, 394, 675 S.E.2d 776, 782 (Ct. App. 2009). See also MLC Auto., LLC v. Town of S. Pines, 532 F.3d 269 (4th Cir. 2008) ("To establish a violation of substantive due process, [a plaintiff] must demonstrate (1) that they had property or a property interest, (2) that the state deprived them of this property or property interest, and (3) that the state's



DLSCN 09/09/11

action falls so far beyond the outer limits of legitimate governmental action that no process could cure the deficiency.").

Plaintiffs have not proven that the Town's alleged deprivation of their property interest falls "so far beyond the outer boundaries of legitimate governmental authority that no process could remedy the deficiency." Id.

When reviewing the ordinances as they were applied to the Plaintiffs' application, should you find a rational relationship to any legitimate government interest, then the Plaintiffs substantive due process has not been denied. R.L. Jordan Co., Inc. v. Boardman Petroleum, Inc., 338 S.C. 475, 477, 527 S.E.2d 763, 765 (2000).

4. "Procedural due process imposes constraints on governmental decisions that deprive individuals of liberty or property interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment of the United States Constitution." Harbit v. City of Charleston, 382 S.C. 383, 393, 675 S.E.2d 776, 781 (S.C. Ct. App. 2009) (citing U.S. Const. amends. V and XIV, § 1).

> "[D]ue process is flexible and calls for such procedural protections as the particular situation demands." The requirements in a particular case are dependent upon the importance of the interest involved and the circumstances under which the deprivation may occur. The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.

S. Carolina Dept. of Soc. Services v. Wilson, 352 S.C. 445, 452, 574 S.E.2d 730, 733-34 (2002) (internal citations omitted). "The fundamental requirements of due process include notice, an opportunity to be heard in a meaningful way, and judicial review." Kurschner v. City of Camden Planning Comm'n, 376 S.C. 165, 171, 656 S.E.2d 346, 350 (2008) (citing S.C. Const. art. 1, § 22; Stono River Envtl. Protection Ass'n v. S.C. Dep't of Health and Envtl. Control, 305 S.C. 90, 94, 406 S.E.2d 340, 342 (1991)).

If you find that the Planning Commission and the Planning Director Ed Holton gave the Plaintiffs notice and an opportunity to be heard in a meaningful way, then they have been given their procedural due process rights guaranteed by the South Carolina and United States Constitutions.

5. If you find that the Town of Hollywood Planning Commission applied its ordinances equally to persons similarly situated, then the Plaintiffs have been given Equal Protection under the laws and the Constitution has not been violated. Harbit v. City of Charleston, 382 S.C. 383, 396-397, 675 S.E.2d 776, 782 - 83 (Ct. App. 2009).

6. If you find that the Town of Hollywood Planning Commission applied the laws differently to person's similarly situated, then you must consider whether the

DLSCN 09/09/11

differences in the application of the laws are justified by the law's purpose. Harbit v. City of Charleston, 382 S.C. 383, 396-397, 675 S.E.2d 776, 782 - 83 (Ct. App. 2009). Should you find that such differences were justified under the law's purpose, then Plaintiffs have been given Equal Protection under the laws and the Constitution has not been violated.

7. To show discriminatory enforcement violating the Equal Protection Clause, Plaintiffs must demonstrate arbitrary and purposeful discrimination in the administration of the law being enforced. Harbit v. City of Charleston, 382 S.C. 383, 396-397, 675 S.E.2d 776, 782 - 83 (Ct. App. 2009). Arbitrary is defined as "founded on prejudice or preference rather than on reason or fact." Black's Law Dictionary. If you find that the Town administered its ordinances without arbitrary and purposeful discrimination towards the Plaintiffs, then the Plaintiffs have been given Equal Protection under the laws and the Constitution has not been violated.

8. I charge you that Plaintiffs are not members of a protected class. As such, if you should find even selective enforcement, such selective enforcement does not rise to the level required by law for an equal protection violation. Denene, Inc. v. City of Charleston, 359 S.C. 85, 94-96, 596 S.E.2d 917, 922-23 (2004).

9. I charge you that in evaluating a § 1983 cause of action, you must only look at situations "where the thing done has had some attribute of state authorization or warrant for having been engaged in, and the wrongdoer must actually represent the state whereby his or her act is the act of the state" or else "there is no action under the color of state law." This means that any potential wrongdoing must have occurred by public officials acting in their public "or state" capacity – not in their individual capacity – in order for you to find that a violation of civil rights has occurred "under color of state law." 14A C.J.S. Civil Rights § 369.

10. During the course of this trial testimony has been elicited concerning the former Town of Hollywood Planning Director, Kenneth Edwards. Mr. Edwards' actions cannot be considered as being under the Color of State Law as the actions of Mr. Edwards have previously been judicially determined as a matter of law to be beyond the scope of his authority. Therefore, his actions cannot form the basis for any Constitutional claim against the Town of Hollywood. Further, the plats approved by Mr. Edwards have previously been judicially determined to be null, void and of no effect.

11. § 1983 will only need to be analyzed by you if you find that there has been a violation by the Town of Hollywood against the Plaintiffs' equal protection or due process rights.

DLSCN 09/09/11

s/ Hugh W. Buyck

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Katie F. Monoc
PRATT-THOMAS WALKER, PA
PO Drawer 22247
Charleston, SC 29413-224
Attorneys for Town of Hollywood

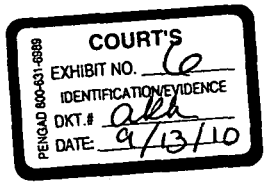
Charleston, SC
September 12, 2010

DLSCN 09/09/11

Clarify the laws you have provided - we would like to review those.

By "Clarify the laws you have provided" Do you mean my jury charges or do you mean the town ordinances?

Jury Charges



DLSCN 09/09/11

Claify the laws you have provided - we would like to review those.

By "Clarify the laws you have provided" Do you mean my jury charges or do you mean the town ordinances?

Ron Guy

COURT'S EXHIBIT NO. 7 IDENTIFICATION/EVIDENCE DKT.# akg DATE: 9/13/10 PENGAD 800-631-6989

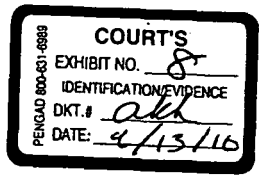
DLSCN 09/09/11

Can we have transcripts of the court?

Collin A ✓

You have the transcripts that are in evidence. If you want to hear testimony that was given at trial, we can have the court reporter play back any you desire to hear. We don't have the trial testimony in transcript form.

Roger Young

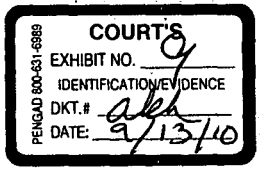


DLSCN 09/09/11

Judge

We are a hung jury. We can not even come close to an outcome

Foreperson



State of South Carolina	)	In the Court of Common Pleas
	)	
County of Charleston	)	Case No.: 09-CP-10- Formerly Case No. 07-CP-10-4559
The Town of Hollywood,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	AFFIDAVIT OF JEFF FLOYD
	)	
William Floyd a/k/a Jeff Floyd, Troy Readen, and Edward McCracken a/k/a Eddie McCracken,	)	
	)	
Defendants.	)	
	)	

FILED
2010 JUL 23 PM 3:38
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Personally appeared before me, Jeff Floyd, who being duly sworn, does depose and say:

I am one of the defendants in the above entitled action. I have read the Town's papers filed in support of the Town's motion for summary judgment. While I am not a lawyer, I think I understand enough about ordinary matters to comprehend what the Town is saying. In essence the Town is saying that we had no right to subdivide our property based on the Town's ordinances. However, in reading the Town's characterization of the events, I feel like I am reading about some other case, because in this case, the Ordinances had nothing to do with what occurred.

Troy, Eddie and I bought the property from Ann Boone in June 2007. Before we paid for the property, we investigated everything connected with developing the property for 17 homes, which included conversations with the Town of Hollywood. In fact, the Town of Hollywood directed us to an appearance before the Town of Hollywood Planning Commission on June 14, 2007. While we ("we" means my partners, Troy and Eddie, me, our real estate agent, Mary Wolf, and Ann Boon) were waiting for our appearance, a member of the Town Council, Annette Sausser, came in to the lobby and asked if we were the people there on the Bryan Road matter. We replied we were. She looked at us, made a throat cutting gesture, and said to us "It will never happen!" We were shocked.

We went in to the meeting, which was very chaotic. During the meeting, the Planning Commission informed us that we were in the wrong place and directed us to go back to the Town of

Hollywood's Planning Director. We followed the Planning Commission's instructions, went to the Town of Hollywood, and asked to see the Planning Director. The Town personnel directed us to the Planning Director, Kenneth Edwards. We met with Mr. Edwards, who informed us that he could approve the subdivision provided we did it in conformity with the Town's zoning requirements and in two phases. We left and instructed our engineer, Curtis Lybrand, to communicate directly with the Town. Mr. Lybrand communicated with the Town, obtained all their requirements, and drew the plans in conformity to what the Town told him. Thereafter, we presented our site plan in two phases. Mr. Edwards stamped Phase one on June 22, 2007, and thereafter approved Phase two on June 27, 2007. Only then did we elect to close on the property and pay our purchase money to Ann Boone.

We took our approved site plans to the R.M.C., which recorded them. Thereafter, the Auditor's office assigned each lot a separate tax map identification number. Then we applied for a logging permit, which included a submission of our approved site plan. The Town of Hollywood approved the permit. While we were on the site working, the mayor of Hollywood, Jacqueline Heyward, showed up in her car and asked us to stop work. When she pulled up, we noticed a group of neighbors from the adjoining gated subdivision gathered on the property line with cameras. When the Mayor showed up, they all started taking photos. I asked the Mayor why she wanted us to stop work, and she said: "I am asking you to stop work out of respect for me until I can smooth this over." We did not know what she meant and to this day, we do not know what she meant although it seems clear now that Annette Sausser and Matt Wolf used their powers as members of Town Council and the Planning Commission to thwart our project.

The Mayor promised to call us on the following day to inform us what deficiency if any there was in our project. We are still waiting for that phone call. The Town makes repeated arguments that we violated their Ordinances. This is not true. First of all, I made demands in person upon the Town time and time again to show me what Ordinance was preventing us from moving forward. Not only could the Town not identify any Ordinance, but also it could not even provide a copy of its Ordinances to me. I made 3 trips to the City Hall, each time asking for a copy of the Ordinances. At one meeting set up specifically to get the Ordinances, Troy and I met with the mayor's assistant, Beth Carpenter and with Ed Holton, the current Zoning Administrator, and they told Troy and me that the Town could not produce any Ordinances for us because the Town was in

the process of "recodifying" them and the Ordinances were not in any one place where they could be retrieved.

In short, the Town's position that we violated some Ordinance is a post stop work rationalization. Our engineer, Curtis Lybrand, followed every instruction given to him by the Town of Hollywood. The Town of Hollywood had no written Ordinances that they could provide to us until after this lawsuit. Even now the versions that the Town now produces do not match up. The fact is that we have violated nothing. Our subdivision meets all the requirements of the Town of Hollywood. The explanations from the Town as to why we cannot move forward change from day to day and from person to person. One day it is because of septic tanks. Another day it is because of Bryan Road. Another time it is because we do not have a traffic study. The Town has never adopted a consistent policy with us. Rather, it evolves as is necessary to stop us. For example, the Planning Commission is dominated by Matt Wolf, who is a neighbor of our property and who is violently, personally opposed to our project. Matt Wolf lives in Stono Plantation, an exclusive, gated community. Our project proposes the construction of work force housing. Mr. Wolf and Annette Sausser, a former resident of Stono Plantation, have characterized our project at various times such "plastic, plastic, plastic." Matt Wolf has stated at various times that he has no opposition provided the lots are bigger, which would require a higher price point. The fact is that our project is dead and killed because the Town of Hollywood singled us out for discriminatory treatment. It is shocking that the Town now cites Ordinances which did not exist when this controversy began, and if the Ordinances did exist, which I doubt, the Town was unable to produce them.

Further your deponent saith:

July 13, 2010

Jeff Floyd

Sworn to before me this

13 day of July 2010

Notary Public for South Carolina
My Commission expires: April 16, 2020

3

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge
R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2010-CP-10-2695

The Town of Hollywood..... ..... Appellant,

vs.

William J. Floyd a/k/a Jeff Floyd,
Troy Readen, and Edward McCracken
a/k/a Eddie McCracken ..... Respondents.

NOTICE OF APPEAL

William J. Floyd a/k/a Jeff Floyd, *et. al.*, appeal the Order Denying New Trial signed by the Honorable Roger M. Young and filed March 7, 2011 and received by counsel on April 29, 2011.

May 16, 2011

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E-mail: tgoldstein@cobblaw.net

Other counsel of Record:
Hugh Buyck, Esq.
P.O. Box 2424
Mt. Pleasant, SC 29465

CERTIFICATE OF COUNSEL

The undersigned counsel certify that the Record on Appeal contains all material proposed to be included by all parties and not any other material.

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BY: _____

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Counsel for Appellant-Respondent

Columbia, South Carolina

June 5, 2012

CERTIFICATE OF COMPLIANCE

The undersigned counsel for the Appellant-Respondent certify that the Record on Appeal complies with the Supreme Court's Order of August 13, 2007, regarding personal identifiers and sensitive information.

DAVIDSON & LINDEMANN, P.A.

BY: _____

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(843) 727-2200

Counsel for Appellant-Respondent

Columbia, South Carolina

June 5, 2012

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Circuit Court Judge

Case No. 2010-CP-10-2695

The Town of Hollywood, ... Appellant-Respondent,

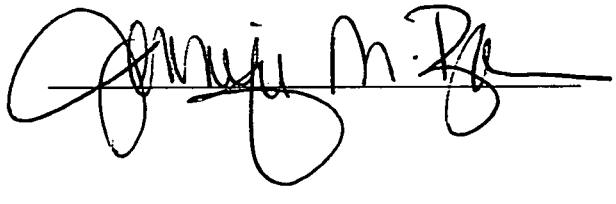
v.

William Floyd a/k/a Jeff Floyd, Troy Readen and
Edward McCracken a/k/a Eddie McCracken, ... Respondents-Appellants.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant-Respondent Town of Hollywood, does hereby certify that service of the **Record on Appeal** (three volumes) in the above-captioned matter was made upon counsel for the Respondents-Appellants by placing copies in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 5th day of June 2012:

Thomas R. Goldstein, Esquire
Belk, Cobb, Infinger & Goldstein, P.A.
Post Office Box 71121
Charleston, South Carolina 29415-1121



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Roger M. Young, Circuit Court Judge

Case No. 2010-CP-10-2695

The Town of Hollywood, ... Appellant-Respondent,

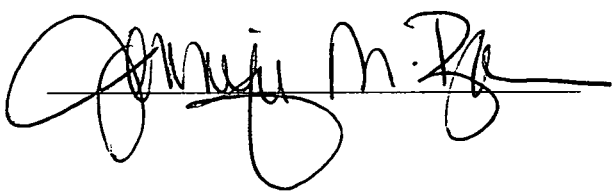
v.

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Charleston, South Carolina 29415-1121



RECEIVED
JUN 07 2012
SC Court of Appeals

DAVIDSON & LINDEMANN, P.A.

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Of Counsel
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Writer's Email: alindemann@dml-law.com

June 5, 2012

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The Town of Hollywood v. William Floyd a/k/a Jeff Floyd, Troy Readen and Edward McCracken a/k/a Eddie McCracken
SCCA Tracking Number: 2010-174946
Civil Action Number: 2010-CP-10-2695
Claim Number: 54721
Our File Number: 103.8743

Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the **Certificate of Service** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am advising all counsel of record of this filing with the Court.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

RECEIVED
JUN 07 2012
SC Court of Appeals

cc: Thomas R. Goldstein, Esquire *(w/ Enclosure)*
Hugh W. Buyck, Esquire *(w/ Enclosure)*
W. Andrew Gowder, Jr., Esquire *(w/ Enclosure)*
Katie F. Monoc, Esquire *(w/ Enclosure)*

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JUN 07 2012
SC Court of Appeals

DAVIDSON & LINDEMANN, P.A.

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July 9, 2012

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

RECEIVED
JUL 09 2012
SC Court of Appeals

RE: The Town of Hollywood v. William Floyd a/k/a Jeff Floyd, Troy Readen and Edward McCracken a/k/a Eddie McCracken
SCCA Tracking Number: 2010-174946
Civil Action Number: 2010-CP-10-2695
Claim Number: 54721
Our File Number: 103.8743

Dear Ms. Kitchings:

Please find enclosed for filing the originals and fifteen copies each of the three volume **Record on Appeal** in the above referenced matter. Please file the originals and return one clocked-in copy of each volume to me by way of my courier.

By copy of this letter, I advising all counsel of record that the Record on Appeal has now been filed with the Court. The final briefs and supplemental record on appeal of the appellant-respondent will be filed under separate cover.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

cc: Thomas R. Goldstein, Esquire *(w/out Enclosure)*
Hugh W. Buyck, Esquire *(w/out Enclosure)*
W. Andrew Gowder, Jr., Esquire *(w/out Enclosure)*
Katie F. Monoc, Esquire *(w/out Enclosure)*