

STATE OF CHARLESTON
COUNTY OF CHARLESTON

COURT OF COMMON PLEAS FOR THE
NINTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-10-00739

H. Martin Sprock, III,

Plaintiff,

vs.

City of Charleston,

Defendants.

**ANSWER
(Non-Jury)**

TO: JOHN P. LINTON, JR., ESQ., ATTORNEY FOR PLAINTIFF H. MARTIN SPROCK, III

The Defendant, City of Charleston, answering the Complaint of the Plaintiff, above named, and responding to the allegations states as follows:

1. Defendant admits that Plaintiff Sprock is the owner of the applicable property. Any and all remaining allegations contained in paragraph 1 of Plaintiff's Complaint are denied.

2. Defendant admits the allegations contained in paragraph 2 of Plaintiff's Complaint.

3. Defendant admits Plaintiff appears by property records to have purchased the parcel for \$1.4 million dollars.

4. Defendant lacks sufficient information of the allegations contained in paragraph 4 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

5. Defendant admits the zoning on the applicable property is DR-1F.

6. Defendant admits that City staff was requested to confirm the zoning and the City staff correctly confirmed the zoning. Any remaining allegations contained in paragraph 6 of Plaintiff's Complaint are denied.

7. Defendant lacks sufficient information of the allegations contained in paragraph 7 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

8. Defendant City admits its staff reviewed and commented on applications made by the Plaintiff as the City normally would with any landowner.

9. Defendant lacks sufficient information of the allegations contained in paragraph 9 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

10. Defendant lacks sufficient information of the allegations contained in paragraph 10 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

11. Defendant lacks sufficient information of the allegations contained in paragraph 11 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

12. Defendant lacks sufficient information of the allegations contained in paragraph 12 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

13. Defendant lacks sufficient information of the allegations contained in paragraph 13 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

14. Defendant City denies paragraph 14 of Plaintiff's Complaint as stated. Defendant City admits the Mayor had conversations with concerned citizens about the negative potential impact of development of this parcel.

15. Defendant City admits that at least one landowner was willing and did make a large donation to the City so that all citizens could benefit from an expansion of the waterfront park. Any remaining allegation of paragraph 15 is denied.

16. Defendant lacks sufficient information of the allegations contained in paragraph 16 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

17. Defendant admits the allegations contained in paragraph 17 of Plaintiff's Complaint.

18. Defendant City admits the future land use map shows existing parks, but denies that this prevents the City from identifying additional properties that it wishes to create into parks or to add to parks. Any remaining allegation of paragraph 18 of the complaint is denied.

19. Defendant City lacks sufficient information to admit or deny the allegations of paragraph 19 of the Complaint. If any response is required, the allegations are denied.

20. Defendant denies the allegations as stated contained in paragraph 20 of Plaintiff's Complaint.

21. Defendant admits the allegations as stated contained in paragraph 21 of Plaintiff's Complaint.

22. Defendant admits the allegations as stated contained in paragraph 22 of Plaintiff's Complaint.

23. Defendant admits the allegations as stated contained in paragraph 23 of Plaintiff's Complaint.

FOR A FIRST CAUSE OF ACTION

(Declaratory Judgment, Action for Injunctive Relief and Request for Stay of Any Action by the City to Condemn the Property)

24. Defendant's responses to the allegations contained in the preceding paragraphs are incorporated herein as if fully repeated verbatim.

25. Defendant denies the allegations as stated in paragraph 25 of the Plaintiff's Complaint and further denies the Plaintiff has stated a case.

26. Defendant admits the allegations as stated contained in paragraph 16 of the Plaintiff's Complaint.

27. Defendant denies the allegations as stated in paragraph 27 of Plaintiff's Complaint.

28. Defendant City states the allegations as stated in paragraph 28 of Plaintiff's Complaint are conclusions of law and need not be admitted nor denied. If a response is required, same is denied.

29. Defendant denies the allegations as stated in paragraph 29 of Plaintiff's Complaint.

30. Defendant City denies paragraph 30 of Plaintiff's Complaint as stated.

31. Defendant denies the allegations as stated in paragraph 31 of Plaintiff's Complaint.

32. Defendant denies the allegations as stated in paragraph 32 of Plaintiff's Complaint.

FOR A SECOND CAUSE OF ACTION
(Estoppel)

33. Defendant's responses to the allegations contained in the preceding paragraphs are incorporated herein as if fully repeated verbatim.

34. Defendant denies the allegations as stated in paragraph 34 of Plaintiff's Complaint.

35. Defendant lacks sufficient information of the allegations contained in paragraph 35 of Plaintiff's Complaint to admit or deny this allegation and accordingly denies the same.

36. Defendant denies the allegations as stated in paragraph 36 of Plaintiff's Complaint.

37. Defendant denies the allegations as stated in paragraph 37 of Plaintiff's Complaint.

38. Defendant denies the allegations as stated in paragraph 38 of Plaintiff's Complaint.

FOR A THIRD CAUSE OF ACTION
(Declaratory Judgment-Violation of South Carolina Constitution)

39. Defendant's responses to the allegations contained in the preceding paragraphs are incorporated herein as if fully repeated verbatim.

40. Defendant denies the allegations as stated in paragraph 40 of Plaintiff's Complaint.

41. Defendant denies the allegations as stated in paragraph 41 of Plaintiff's Complaint.

42. Defendant denies the allegations as stated in paragraph 42 of Plaintiff's Complaint.

43. Defendant denies the allegations as stated in paragraph 43 of Plaintiff's Complaint.

44. Defendant denies the allegations as stated in paragraph 44 of Plaintiff's Complaint.

45. Defendant denies the allegations as stated in paragraph 45 of Plaintiff's Complaint.

46. That the Defendant denies each and every allegation of the Plaintiff's Complaint not hereinabove specifically admitted.\

**FURTHER ANSWERING
(12(B)(6))**

47. That the complaint fails to state a cause of action or a basis for relief as there is no conduct that has been alleged that could or would estop a municipality from exercising its powers to condemn property for public use and that use as a park is unquestionably a public use, especially under the established case law of South Carolina.

WHEREFORE, having fully answered the Complaint of the Plaintiff, the Defendants pray for the Plaintiff's Complaint be dismissed, together with the costs and

disbursements of this action and for such other and further relief as this Court may deem just and proper.

CLAWSON and STAUBES, LLC

s/ Timothy A. Domin

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