Councilman: Oconee County flirting with lawsuit

Crescent Resources to protect McCall Brothers' deed in court

BY CARLOS GALARZA
THE JOURNAL

WALHALLA — An elected official whose property is caught up in the Stamp Creek/Keowee Key rezoning petition is warning that Oconee County could be flirting with another lawsuit if changes are made to the industrial description of his land.

Council is expected to make a third and final vote tonight on the rezoning petition.

Councilman Wayne McCall of McCall Brothers Inc. claims to have exclusive industrial use of almost 11 acres where the company operates a commercial diving business on the east side of state Highway 130.

A special warranty deed from Crescent Resources Inc. includes a description of the nature of the McCall Brothers' business:

"These operations generate noise and night time lighting and activities, including manufacturing ... construction, and repairs and operation of construction equipment which may be considered a nuisance, and will further include storage of diving apparatus, trailers, trucks and fuel on this property."

Recorded in 1999, the deed goes on to say that Crescent Resources, or the surviving corporation in case of a merger, reserves the right to "prosecute any proceedings at law or in equity" against any attempt to violate the conditions of the deed.



McCall

The Oconee County Planning Commission recommended by a split vote that McCall's commercial diving business property be rezoned Community Commercial District.

The McCall Brothers' property is buffered from nearby upscale Wynward Pointe subdivision, which is being rezoned Lake Residential under the Stamp Creek/Keowee Key petition.

Wynward Pointe residents filed an unsuccessful lawsuit against Crescent Resources and McCall Brothers in 2004. A court order in that case also reiterates the right of Crescent Resources to protect the McCall Brothers' deed.

McCall Brothers have said that Crescent Resources would go to bat for them in court, and are warning the county that it is inviting a lawsuit.

An aide to Councilman Wayne McCall said he plans to spell out on behalf of McCall Brothers the imminent legal liability facing the county.

C.W. "Bozo" Richards said Monday that he would speak during the public comments session of tonight's meeting.

Richards said McCall would not cast a vote when the rezoning issue surfaces, but would remain in Council Chambers during the vote.

"He wants to know what the other councilmen have to say," Richards said.

carlos@dailyjm.com | (864) 973-6685