

## Oconee County files lawsuit to determine property rights at lake

By Ray Chandler

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WALHALLA — A judge will now decide whether some residents near Lake Keowee have access rights to the lake across property they no longer own.

Oconee County filed a lawsuit Friday that asks for a declaratory judgment on the issue and calls on all the parties involved with the property to show evidence to support their contentions.

Adam Artigliere, an attorney representing Oconee County, outlined in the lawsuit that no documentary evidence can be found that various easements reserved in a 1966 sale of the property were passed on in subsequent sales.

Named as defendants are Lake Keowee Investors Inc., Edalene Kelley, Cottage at Keowee LLC, Duke Energy Carolina LLC and the South Carolina Department of Transportation.

The case grows out of the plans of Lake Keowee Investors Inc., headed by developer Richard Cottingham, to build a restaurant on a lakeside site off Doug Hollow Road. The plans call for a new section of Doug Hollow Road to be built and for the present road to be abandoned.

Nearby landowners, principally members of the Kelley family, who owned the property before the lake was built, have raised objections to the rerouting of Doug Hollow Road, which they say will cut off their longstanding access to the lake, particularly to a community boat ramp. The access, they say, stems from easements granted years ago.

Artigliere outlined documentation in Friday's filing that J.F. Kelley granted the S.C. Department of Transportation a right of way in 1937 for what became S.C. 183. After the building of Lake Keowee, a portion of that old S.C. 183 route disappeared under the lake and another section became Doug Hollow Road.

In 1966, according to Artigliere, two tracts of the surrounding property were transferred to Crescent Land and Timber Corp. by members of the Kelley family and relatives, but the deed grantors reserved access to the area between the high and low watermarks of the lakeshore over the property conveyed by the deed.

The land has been sold multiple times and now a portion of it is the property owned by Lake Keowee Investors Inc., Artigliere says, but the grantors in each subsequent sale did not reserve any easements or access across the land for the Kelley family, as original owners, or their successors.

The county asks the court to determine whether there are any property rights that would impede the abandonment of the road, as the developers want.

The county council voted 3-2 on April 6 to send the questions surrounding the claimed easement to a court.

Council members Reg Dexter and Wayne McCall voted against the move. Dexter questioned the possible cost to the county. McCall wanted to give the parties involved more time to negotiate a peaceful solution among themselves.



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