



ALAN WILSON  
ATTORNEY GENERAL

September 08, 2023

Mr. Brian Hulbert, Esq.  
Deputy County Attorney  
Beaufort County  
P.O. Drawer 1228  
Beaufort, SC 29901-1228

Dear Mr. Hulbert:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter asks whether a county may purchase real property by resolution or ordinance.

This Office's February 17, 2009, opinion to Jasper County Attorney, Marvin C. Jones, addressed "whether or not the granting of a utility easement by the county over real property which it owns should be authorized by ordinance or by resolution." Op. S.C. Att'y Gen., 2009 WL 580557 (February 17, 2009). In part crucial point to your inquiry, the opinion states:

We find further support for our position in the fact the statutes governing counties appear to call for the transfer of property rights by use of an ordinance. Section 4-9-30 of the South Carolina Code (1986 & Supp. 2007) provides a list of the powers afforded to counties by the Legislature. Included in this list is the authority "to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property...." S.C. Code Ann. § 4-9-30(2) (1986). In addition, section 4-9-30(14) of the South Carolina Code (1986) gives counties the authority "to enact ordinances for the implementation and enforcement of the powers granted in this section...." As such, section 4-9-30 contemplates the transfer of property interests by ordinance. Moreover, as you reference in your letter, section 4-9-130 of the South Carolina Code (1986), requiring public hearings on certain actions taken by county councils, states that a public hearing is required for the "sell, lease or contract to sell or lease real property owned by the county." Moreover, this provision also references the fact that the procedures and requirements governing ordinances shall be used in taking these actions. Thus, this reference further indicates that an ordinance is required for a county to transfer an interest in real property.

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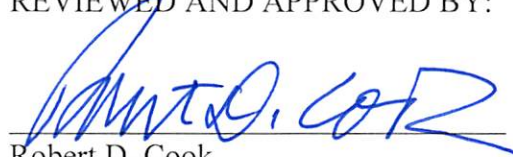
Id. While the opinion continued on to evaluate whether a transfer of an easement was also subject to these same requirements, this analysis is certainly applicable to a purchase of a fee simple interest in real property. I have attached a copy of the opinion for your reference.

Best regards,



Matthew Houck  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General

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