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OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON  
ATTORNEY GENERAL

August 7, 2000

The Honorable Annette Young-Brickell  
Member, House of Representatives  
410 Barfield Road  
Summerville, SC 29485

**RE: Informal Opinion**

Dear Representative Young-Brickell:

By your letter of June 23, 2000, you have asked for this Office's opinion regarding a municipality's ability to annex property across county lines. At the outset, I must note that annexations raise numerous factual questions that cannot be resolved by an opinion of the Attorney General. *See, Op. Atty. Gen.*, December 12, 1983. Thus, while only a court of competent jurisdiction may rule upon the legality of specific annexations, I can offer the following legal research for your use.

As you know, Article VII, §14 of the South Carolina Constitution provides, "[h]ereafter no County lines shall be so established as to pass through any incorporated city or town of this State." Previous opinions addressing this provision have stated, "there is no statute which authorizes a municipality annexing land in another county and that, therefore, there would be great doubt as to whether or not this procedure would be valid." *See, Ops. Atty. Gen.*, June 22, 1984 and October 21, 1983 (enclosed). Moreover, in an opinion dated March 16, 1973 (enclosed), Attorney General Daniel McLeod concluded that a municipality's authority to extend its boundaries into adjacent boundaries is "extremely doubtful" and that "there is no statute specifically authorizing this procedure." Since prior opinions are not overruled unless found to be clearly erroneous or based upon applicable law which has since changed, these earlier decisions continue to represent the opinion of this Office.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific

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questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,



Zeb C. Williams, III  
Deputy Attorney General

ZCW/an  
enclosures