

1982 WL 189420 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1982

**\*1 RE: Batteries on Sullivan's Island**

Honorable Richard W. Riley, Jr.  
Governor  
State of South Carolina  
State House  
Columbia, South Carolina 29201

Dear Governor Riley:

You have requested an opinion as to what the Town of Sullivan's Island might legally be able to do to protect certain batteries on Sullivan's Island from vandalism and other unlawful actions. The plans include such things as using the batteries for storage space for a civil engineer's plans, practice rooms for musicians, rooms in which artists may work, and similar uses.

The land in question was deeded to the Town of Sullivan's Island by the Budget and Control Board in 1967 under the condition that 'if said lands should cease to be used for public purposes, said lands shall revert to the grantor. . . .' I believe that the uses contemplated would be difficult to fit within the concept of 'public purposes.' However, there is no question that the Budget and Control Board could release this possibility of reverter or could modify it, for instance, so as only to prohibit commercial uses.

If the state deed referenced above is the only one with which we need concern ourselves, it would seem that the Budget and Control Board could easily take the necessary action described above. However, there is also a possibility that there is a reverter in the federal government, based on a 1950 deed. I had requested this deed in a letter to the Mayor of Sullivan's Island on April 20, but received only the 1967 deed. Accordingly, before this question can be definitively answered, I will need to see the deed from the United States to the State of South Carolina, March 6, 1950, Deed Book Z51, page 253, Charleston County, as well as a deed from the State to the federal government found in Deed Book X87, page 253 or page 413, Charleston County.

By copy of this letter to Mr. I. C. Ward, Administrative Assistant for Sullivan's Island, I am requesting that copies of these deeds be sent.

Sincerely yours,

Kenneth P. Woodington  
Senior Assistant Attorney General

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