

1977 S.C. Op. Atty. Gen. 19 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 77-7, 1977 WL 24350

Office of the Attorney General

State of South Carolina

Opinion No. 77-7

January 6, 1977

*1 Mr. Fred P. Brinkman
Executive Director
South Carolina Department of Parks, Recreation and Tourism
Box 113
Edgar A. Brown Building
1205 Pendleton Street
Columbia, SC 29201

Dear Mr. Brinkman:

You have requested an opinion of this Office concerning the authority of Department of Parks, Recreation and Tourism as a State agency to transfer land to the Army Corps of Engineers in fee simple for use in the Murrells Inlet Channel Improvement Project. If the land in question is held by the State in the name of the Department. Section 51-76, 1962 Code of Laws governs. It provides:

[N]o real estate shall be purchased or disposed of by the Commission except on approval of the State Budget and Control Board.

If the land in question is held in the name of the State, the conveyance can only be made by the Budget and Control Board. Section 1-357.3. In either event, it is clear that the Department of Parks, Recreation and Tourism cannot by itself convey the land. This is true not only for fee simple title to the land, but would also apply to any easement to be conveyed.

We do not understand your letter to request an opinion as to whether a transfer of any sort of interest is a legal necessity to the Channel Improvement Project. If we can be of any further help, please let us know.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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