

1977 S.C. Op. Atty. Gen. 288 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-365, 1977 WL 24703

Office of the Attorney General

State of South Carolina

Opinion No. 77-365

November 14, 1977

***1 Concilman**

Mr. John Yancey McGill
Town of Kingstree
Kingstree, South Carolina 29556

Dear Mr. McGill:

You have requested advice from this Office concerning various annexation questions and I shall respond to them in the order in which you have posed them.

1. I think that Section 5-3-150(3), CODE OF LAWS OF SOUTH CAROLINA, 1976, empowers a city council to enact an ordinance declaring a certain area annexed to that city without an election or referendum on the question if 'all persons owning real estate in the area requesting annexation' file with the city council a petition requesting annexation. The phrase 'all persons,' in my opinion, would include the singular thereof [see, § 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976] and would encompass the fact situation with which you are faced; that is, one person wants to have his property annexed to the city. Pursuant to Section 5-3-150(3) of the Code, that person can petition the city council to annex his property thereto, the city council, if it agrees to accept the petition and annex the property, can then by ordinance declare that property annexed and the annexation will be complete. I am enclosing herewith a copy of Section 5-3-150(3) of the Code for your convenience.

2. I think that both property already partially within the city limits of a municipal corporation and property wholly without the city limits but contiguous thereto are to be annexed in the same way, i.e., according to the provisions of Sections 5-3-10 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1976.

3. A piece of property abutting a public street which street forms part of the city limits of a municipal corporation is considered contiguous to the city limits for the purpose of annexation. See generally, 56 AM.JUR.2d Municipal Corporations § 69; [Gainesville v. Hall County Board of Education](#), 233 Ga. 77, 209 S.E.2d 637 (1975); cf., [Tovey v. Charleston](#), 237 S.C. 475, 117 S.E.2d 872 (1961).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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