

1972 S.C. Op. Atty. Gen. 119 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3302, 1972 WL 21435

Office of the Attorney General

State of South Carolina

Opinion No. 3302

April 27, 1972

***1** A county has the power of eminent domain to acquire property to be used for a public works project.

Assistant Director

Resource Development Soil and Water Conservation Commission

You have requested that this office advise you as to whether a county has the power of eminent domain. Section 25–101, et seq., Code of Laws of South Carolina, 1962, known as the “Public Works Eminent Domain Law,” provides that any federal agency, state public body or authorized corporation may institute proceedings hereunder for the acquisition of any real property necessary for any public works project. This provides that condemnation proceedings may be enacted by a state public body, of which a county is included, for a public works project, which is defined therein as any work or undertaking financed in whole or in part by a federal agency or a state public body. The answer, therefore, is that a county does have the power of eminent domain if utilized for a public works project.

Timothy G. Quinn

Assistant Attorney General

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