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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

July 1, 1997

The Honorable Lynn Seithel
Member, House of Representatives
980 Travers Drive
Charleston, South Carolina 29412

Re: Informal Opinion

Dear Representative Seithel:

Attorney General Condon has forwarded your opinion request to me for reply. You have informed this Office that the Charleston County Parks and Recreation Commission (hereinafter the "Commission") has entered into a lease agreement with the City of Charleston for the Charleston Maritime Center. You ask for an opinion of this Office regarding whether the Commission is authorized by its enabling legislation to enter into lease agreements.

You note that the Commission was created by the General Assembly pursuant to Act 1595 of 1972. This Act sets forth the numerous powers granted to the Commission. Included among these powers is the power "[t]o acquire, by gift or purchase, lands or interest thereon whereupon to establish county parks, tourist attractions and other facilities of like nature."

It is well settled that the authorization given to a body such as the Commission to acquire property by purchase or otherwise includes the lesser power to acquire a leasehold in such property. Op. Atty. Gen. dated July 31, 1985; Op. Atty. Gen. dated August 3, 1966; 56 Am. Jur.2d Municipal Corporations § 540 (1971). Accordingly, since the General Assembly has granted the Commission the power to acquire, by gift of purchase, lands or interest thereon whereupon to establish county parks, tourist attractions and other

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facilitates of like nature, the Commission also possesses the lesser included power to acquire a leasehold in such properties.

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

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General