

THE STATE OF SOUTH CAROLINA
OFFICE OF THE ATTORNEY GENERAL
COLUMBIA

OPINION NO. _____

May 8, 1991

SUBJECT: Taxation and Revenue - Roll back tax on property acquired by a political entity and subsequently sold.

SYLLABUS: A roll back tax is not due in the year of sale on the conveyance of land by the Irmo Chapin Recreation District.

TO: Jeff M. Anderson, Esq.

FROM: Joe L. Allen, Jr. *JLA*
Chief Deputy Attorney General

QUESTION: The Irmo Chapin Recreation District purchased a 65.2 acre parcel of land in 1990 for the purpose of providing a recreation facility. It now has determined that such will not be provided. At the time of purchase, the land was classified and taxed as agricultural lands. The land will be sold and its use changed by the purchaser. The inquiry is whether a roll back tax is due.

APPLICABLE LAW: S.C. Code Ann. § 12-43-220d(4).

DISCUSSION:

The Irmo Chapin Recreation District was created by Act 329, Acts of 1969. It was constituted a body politic. Among its powers is the authority

To acquire, by gift, purchase, or through the exercise of eminent domain, lands or interest thereon whereupon to establish general recreational facilities.¹

¹For purposes of this Opinion, it is assumed that the property was acquired under this authority and for the purpose therein named.

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Property of the State and its political subdivisions is exempt from taxation when used exclusively for public purposes. The acquisition of this land by the District for recreational purposes would in our view constitute a public purpose. Charleston County Aviation Authority v. Wasson, 277 S.C. 480, 289 S.E.2d 416 (1982); Taylor v. Davenport, 281 S.C. 497, 316 S.E.2d 389 (1984); and South Carolina Public Service Authority v. Summers, 282 S.C. 148, 318 S.E.2d 113 (1984). Further, statutes that grant exemptions from taxation to publicly-owned property are liberally construed in favor of the exemption, Taylor v. Davenport, supra.

In an Opinion of January 18, 1979, OAG 79-9, this office advised that a county when purchasing agriculturally classified lands would not be subject to the roll back tax on the property provided the roll back tax had not at the time of acquisition become a fixed charge. See Myrtle Beach v. Holliday, 203 S.C. 25, 26 S.E.2d 12. In the instant case, the District was not liable for a roll back tax because of its acquisition of the land in 1990. The property is exempt from taxation for the 1991 tax year and hence there could be no roll back tax caused by the conveyance of the property by the District.

CONCLUSION:

A roll back tax is not due in the year of sale on the conveyance of land by the Irmo Chapin Recreation District.

JLAJr:wcg