

The State of South Carolina



Office of the Attorney General

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October 9, 1987

The Honorable Herbert Kirsh
Member, House of Representatives
State of South Carolina
Box 31
Clover, South Carolina 29710

Dear Representative Kirsh,

You have informed this Office that some of your constituents would like to incorporate an area that lies on either side of Kings Mountain State Park and Kings Mountain National Park. If the Park area is included they will not meet the required population density set out in the South Carolina Code of Laws, 1976, Section 5-1-30 of at least three hundred persons per square mile. You have inquired if this area could be included for purposes of being part of the proposed Town but excluded for purposes of the required population figures.

Incorporation is strictly governed by statutory provisions and there must be strict compliance with these provisions. See, 62 CJS Municipal Corporations, §6.

Our research has failed to disclose a previous opinion or case that would be directly on point. However, the statutes do not appear to authorize or contemplate the proposal set out above, nor has research indicated that this procedure would be authorized. See in general, McQuillen on Municipal Corporations, Section 3.15 a,b,c.

However, since we are not aware of all the factual issues involved in this question and as our Office is unable to make such factual determinations, should the individuals living in

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this area still want to pursue the possibility of incorporation,
they may want to consult a private attorney regarding the
applicable law in this area.

Sincerely yours,



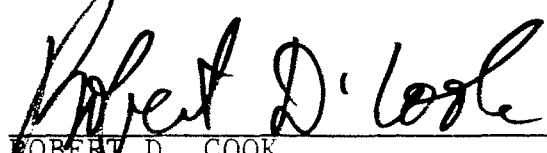
Treva G. Ashworth
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TGA:ss

REVIEWED AND APPROVED BY:



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ROBERT D. COOK
EXECUTIVE ASSISTANT OPINIONS