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Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-758-3970

May 31, 1985

The Honorable John T. Campbell
Secretary of State
Post Office Box 11350
Columbia, South Carolina 29211

Dear Mr. Campbell:

After forwarding you a letter this date concerning the interpretation of § 5-1-30 of the Code, this Office became aware of, and your office confirmed the fact that the area in question may be actually touching the three surrounding municipalities. Our earlier letter in response to your April 19th letter did not reach this question, but simply addressed a situation where three municipalities surrounded a proposed area to be incorporated, yet did not touch that area. If the proposed area to be incorporated actually touches the three municipalities, which is of course a question of fact, further review of this novel situation would be required. Frankly however, we are not aware of any guiding precedent in such a situation and the matter may well have to be decided by the courts.

Sincerely,

A handwritten signature in black ink, appearing to read "RDC", written over the typed name.

Robert D. Cook
Executive Assistant for Opinions

RDC:djg

REQUEST LETTER