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The State of South Carolina



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October 28, 1986

Leo H. Hill, Esquire
Post Office Box 2585
Greenville, South Carolina 29602

Dear Mr. Hill:

This is in reply to your letter of September 26, 1986 regarding the procedure which Western Carolina Water and Sewer Authority should follow in selling certain real property. There is no statutory procedure governing the sale of public property by a public service district. We have considered on another occasion a similar question as it relates to a particular state agency. Op. Atty. Gen., August 27, 1985. A copy of that opinion is attached and is useful in that it sets out general procedures which would relate to the sale of public property generally. The applicable law requires that a public entity receive "reasonably equivalent value" for the sale of any such property. Haesloop v. City Council of Charleston, 123 S.C. 272, 115 S.E. 596, 600 (1923).

You asked an additional question as to whether the question of value could be determined by submission of that issue to the circuit court for approval of the sale at a price determined by the court to be the fair market value. Although that does not appear to be a standard procedure for effecting the sale of public property, we have found a reported case in which that was apparently done. In the case of Bobo v. City of Spartanburg, 230 S.C. 396, 96 S.E. 24, 67, 68, 71 (1956), the court apparently

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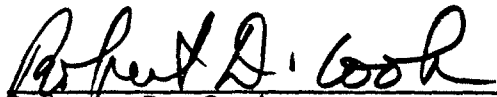
found a sale to be valid based on a finding that the consideration received, which was based on an actual appraisal, satisfied the "equivalent value" requirement as set forth above. I hope that this will be of assistance to you in determining the appropriate course of action for the Authority in this matter.

Sincerely yours,



David C. Eckstrom
Assistant Attorney General

Reviewed and approved by:



Robert D. Cook
Executive Assistant, Opinions

DCE/dac

Attachment