

1983 WL 182045 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1983

\*1 Mr. Ferrell J. Prosser  
State Surveyor  
South Carolina Geological Survey  
Harbison Forest Road  
Columbia, South Carolina 29210

Dear Mr. Prosser:

Mr. Medlock has referred your letter to me for reply. You have stated that you have been requested by the residents of Hemingway, Johnson Township, Williamsburg County, to 'determine the area and prepare a legal description of the proposed annexation.' You have stated that you believe the best method to survey this area would be by photogrammetric surveying and not the standard ground survey methods which would be time consuming, costly and probably less accurate. You have inquired if Section 14-105 of the Code requires three surveyors to be employed or if the South Carolina Geodetic Survey prepares the required plat.

In your letter you do not state the purpose of the survey. The Code provision you cite is a 1962 Code provision regarding a petition to change county boundaries. This section has been repealed and replaced with a substantially similar provision which is set out at [Section 4-5-140 of the South Carolina Code](#) of Laws, 1976, as amended.

A prior opinion of this office interpreted this statute to require the Annexation Commission to employ a team of three surveyors to prepare a plat of a proposed change in a county annexation petition. It further interpreted the statute to require a ground survey of the proposed area (copy attached).

However, if the survey is being requested in regards to municipal annexation and not a boundary change, a different Code provision would apply and no survey would be required. South Carolina Code of Laws, 1976, Section 5-3-20. This section only requires an 'adequate description.' In [Harrell v. Columbia](#), 216 S.C. 346, 58 S.E.2d 91 (1950), the South Carolina Supreme Court stated that an adequate description may be made by reference to roads, drives, highways and adjacent boundaries which are clearly expressed.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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