

1981 WL 158165 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 24, 1981

*1 J. E. Guerry, Jr.
Executive Director
Patriots Point Development Authority
Post Office Box 986
Mt. Pleasant, South Carolina 29464

Dear Mr. Guerry:

You have requested the opinion of this Office whether Budget and Control Board approval is required in order for Patriots Point Development Authority to make a supplemental agreement with the Sessions Family Trust to complete performance of the contract dated October 18, 1977, which was approved by the Budget and Control Board.

It is the opinion of this Office that no further approval by the Budget and Control Board is required to complete performance of the contract. The original agreement between the parties was that Patriots Point Development Authority would fill certain low lying areas in the properties of the Sessions Trust adjacent to Patriots Point. This agreement was part of the consideration for the conveyance to the Authority of the Sessions Trust title to some 319.83 acres of high land and adjacent marshlands. The supplemental agreement which the Authority proposes to make with the Sessions Trust is that Sessions will contract to fill the low lying areas in question and that the Authority will pay for the cost of this work not to exceed \$19,500.

By reason of the fact that the Authority has the obligation to perform this work, the supplemental agreement between the parties is merely a mechanical means of fulfilling this obligation and does not change the responsibilities of the parties, therefore no further approval by the Board is required, the Authority having determined that this means of performing the contract obligation in question is to the financial benefit of the State.

If you have further questions, do not hesitate to call.

Sincerely,

Frank K. Sloan
Deputy Attorney General

1981 WL 158165 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.