

1983 WL 181939 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 12, 1983

*1 Honorable Chris Pracht
Member
House of Representatives
Post Office Box 574
Anderson, South Carolina 29622

Dear Representative Pracht:

You have requested an opinion as to the authority of the Pendleton District Historical and Recreational Commission to convey the property known as the 'Woodburn Place' to the Foundation to Historic Restoration in the Pendleton area, an eleemosynary corporation. The property had previously been conveyed by Clemson University to the Foundation, which conveyed it to the Commission in 1972. A HUD grant of approximately \$25,000 was awarded in 1972 to the Commission for the restoration of the property. A condition of the contract with HUD which accompanied the grant was that the Commission would not sell, transfer, lease or otherwise dispose of the property without prior written approval of the secretary. The contract further provided that approval would be given only if such transfer, lease, or sale is 'consistent with the project. . . .'

The proposed transfer, if it occurs, is intended to enhance the restoration of the project and to aid other aspects of historic preservation connected with it. Under these circumstances, it is likely that HUD approval would be given, although this decision is obviously one which HUD has to make itself.

Under state law, there is no question that the property may be conveyed if the conveyance would lead to the further development and operation of the property as a historic site. [Section 51-13-520 of the 1976 Code](#) of Laws provides that the Commission may enter into agreements, leases and working arrangements with eleemosynary corporations for such purposes.

Sincerely yours,

Kenneth P. Woodington
Senior Assistant Attorney General

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