

1977 WL 37400 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1977

**\*1 Re: Deed restriction in Roper Mountain conveyance to Greenville County School District.**

Mr. Fred P. Brinkman  
Executive Director  
South Carolina Department of Parks, Recreation and Tourism  
Box 113  
Edgar A. Brown Building  
1205 Pendleton Street  
Columbia, SC 29201

Dear Mr. Brinkman:

In 1974, the South Carolina Department of Parks, Recreation and Tourism transferred a portion of land known as Roper Mountain to the Greenville County School District. The deed of conveyance contains certain restrictions and reversionary clauses. The question has now arisen as to the interpretation of the one particular clause. The deed provides in pertinent part: This conveyance of the above described property [Roper Mountain] is subject to the conditions that it shall be exclusively used for open space purposes and the open space use or uses of said property shall include use for park and recreational purposes, conservation of land and other natural resources and education in the practices thereof, and historical and scenic purposes. Said property shall not be used in any manner which discriminates upon the basis of race, creed, color or national origin. If the aforesaid property is used for any purpose or in any manner which is contrary and inconsistent with the above mentioned conditions, it shall revert to the grantor.

The Junior Achievement program of Greenville is interested in building its new headquarters on a portion of the Roper Mountain property deeded to the Greenville County School District. The Honorable E. P. Riley, Esquire, attorney for the Greenville County School District, has raised the following questions:

1. Can the School District of Greenville County permit the non-profit Junior Achievement organization to construct a building and accompanying facilities on the Roper Mountain property if such building and facilities will be basically for the exclusive use of Junior Achievement programs?
2. Can the School District of Greenville County permit the Junior Achievement organization to construct a building and accompanying facilities on the Roper Mountain property if such building and facilities will be available to serve the School District and other public uses in addition to serving Junior Achievement programs?

As to the first question, I am in total agreement of Mr. Riley's letter of June 1, 1977, which concluded that 'the School District could not lease or obligate its property to a private organization for the exclusive use of such organization to the exclusion of the public.' This very obviously would be a direct violation of the deed restriction quoted above. Furthermore, I believe that the second question must also be answered in the negative. 'JA, a non-profit economic education program, teaches high school students the basis principles of the free enterprise system by having them operate their own miniature corporations over a 30-week period.' See: letter of Clarence H. Burman, May 31, 1977. Junior Achievement is an economically, oriented, education, non-profit corporation. Under the terms of the deed, the Roper Mountain property is transferred to the School District of Greenville County subject to the condition that it 'shall be exclusively used for open space purposes and the open space use

or uses of said property shall include use for park and recreational purposes, conservation of land and other natural resources and education in the practices thereof, . . .’ Although Junior Achievement provides an educational experience, it is not an educational experience dealing with the conservation of land and other natural resources. Unless, Junior Achievement can guarantee to the School District of Greenville County that all of its projects will deal with conservation of land and other natural resources, Junior Achievement would be ineligible to lease or otherwise use Roper Mountain property.

\*2 If this Office may be of further assistance in this matter, please do not hesitate to contact me.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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