

1979 WL 43028 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1979

*1 Honorable Robert A. Kohn
Representative
District No. 113
State House
Columbia, SC 29202

Dear Representative Kohn:

Mr. McLeod has referred your recent letter to me for reply. You have inquired if an area not presently included in the municipal boundaries of a proposed municipality of St. Andrews can be annexed to the municipality if the incorporation of St. Andrews succeeds. It is my understanding from our discussion and the maps you have shown me that the area desiring annexation is surrounded by the City of Charleston on three sides and a body of water within also separates the area from the City of Charleston on the fourth side.

After researching this question, I have not found any South Carolina case which has dealt with this exact question. However, the law is clear that municipalities must consist of an area that is contiguous and not separated by bodies of land. 56 Am. Jur. 2d, Municipal Corporations, Etc., § 69; 62 C.J.S., Municipal Corporations, § 46, p. 134. The area proposed to be annexed is surrounded on three sides by land making up the City of Charleston.

The fourth boundary as stated previously is made up of water. Directly across the body of water lies the City of Charleston. An area can be contiguous even though it is separated by a body of water. [Tovey v. City of Charleston, 237 S.C. 475, 117 S.E.2d 872 \(1961\)](#). However, it is contiguous to the area lying across from it.

Therefore, the only alternative remaining would be strip annexation down the bottom of the river until the city limits of Charleston, which surround the area desiring annexation, are passed and the proposed incorporated bound-areas for St. Andrews begin. I have not found any law which would authorize annexing a portion of the river bottom. If it would be allowable, it would amount in this situation to strip annexation. Our Office has previously issued opinions holding that strip annexation is not sufficient to meet the requirements of contiguity and, therefore, is prohibited. I am attaching copies of these opinions.

Therefore, it is my opinion that the designated area is isolated by land and water from the proposed incorporated area of St. Andrews and could not be annexed to the proposed municipality.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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