

1978 WL 34787 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1978

*1 John Napier, Esquire
Marlboro County Attorney
166 North Liberty Street
Bennetsville, South Carolina 29512

Dear Mr. Napier:

Enclosed is a copy of a previous opinion of this Office relating to actions taken by county councils, whether by ordinance or by resolution. As you will note, the attachment to that opinion lists several examples of actions which can be taken by resolution under particular charters and laws, and the initiation of condemnation proceedings is one of those listed. Whether or not that interpretation applies in South Carolina depends on the nature of the action; if it can be characterized as a legislative action, it must be taken by ordinance. [§ 4-9-120, CODE OF LAWS OF SOUTH CAROLINA](#), 1976. While the matter is one not free from doubt, I think that the condemnation proceedings should be done by ordinance so as to avoid any possible objections concerning the validity of the action taken.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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