

1975 WL 29516 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 20, 1975

*1 The Honorable James P. Harrelson
The State Senate
Columbia, South Carolina 29211

Dear Senator Harrelson:

You have requested an opinion of this office as to whether or not a county may annex a State Park. It is my understanding that when the residents of Colleton County voted on the question of annexation of Edisto Beach the property described for proposed annexation included the State Park. As long as the description of the area to be annexed included the State Park, there would be no reason that the Park could not be annexed.

In the case of [Tovey v. City of Charleston](#), 237 S.C. 475, 483; 117 S.E. (2d) 872 (1961) the court was faced with the question of whether or not a municipality could annex marshland which may have been owned by the State. The court held in part:

The record does not disclose the owner of this property but the fact that it may be owned by the State would not prevent its annexation to the [City of Charleston](#). [Howard v. Commissioners of Sinking Fund](#), 344 U.S. 624, 73 S.Ct. 465, 97 L.Ed. 617. It was there held that the City of Louisville, Kentucky, had the power to annex certain federally owned land upon which was located a naval ordinance plant. The following is from 62 C.J.S. Municipal Corporations § 46, p. 133: 'State property may be included in territory annexed to a municipality, as may be territory under exclusive jurisdiction of the federal government.'

See also 1968 Attorney General Opinion 143 (Op. No. 2474).

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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