

1975 WL 29635 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1975

\*1 Mr. H. C. McCoy  
507 Whitehall Road  
Anderson, SC 29621

Dear Mr. McCoy:

Thank you for your letter of March 22, 1975, addressed to the Attorney General. He has asked that I respond to your inquiry. You have indicated that you have been approached by representatives of the State Highway Department seeking to obtain needed rights of way across your property. You have inquired in what manner the Department arrives at the amount that is offered to a landowner for needed rights of way.

Please be advised that in every case an evaluation of just compensation is made for the Department either by an independent fee appraiser or by an experienced staff appraiser. Efforts have been made by the Right of Way Agent to obtain the needed rights of way within the appraised amount. Under the laws of this State an appraiser must consider the fair market value of the land to be taken plus the amount of damage, if any, to the remaining property as a result of the right of way taken, less the value of any benefits to the remainder as a result of the construction project. As you can see the value of the land to be taken is not the only consideration in determining an offer and thus offers may differ with various landowners for the same amount of land if the residual defects differ.

Nevertheless, I am taking the liberty of forwarding copies of this letter and yours to Mr. S. O. Holstein, Right of Way Engineer, and Mr. L. D. Knight, Right of Way Agent, for such consideration as they deem appropriate. I sincerely hope that you and the representatives of the Highway Department are able to reach a satisfactory agreement concerning this matter and thus avoid any additional expenditures of time and money in condemnation proceedings.

With best wishes,  
Yours very truly,

John P. Wilson  
Senior Assistant Attorney General

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