

1975 WL 28912 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 12, 1975

***1 Re: Highway Right of Way Acquisitions—New Location, Controlled Access Highways**

Mr. S. O. Holstein
Right of Way Engineer
S. C. State Highway Dept.
P. O. Box 191
Columbia, South Carolina 29202

Dear Mr. Holstein:

In reply to advisory requests from your Office, please be advised that it is the opinion of this Office that the statutory and case laws of this State would impose liability on the State Highway Department where a new highway location impairs access to and from a given piece of property, said impairment of access resulting directly in a loss in marketability and market value of the property in question. Application of this general principal would be dependent on the facts of particular cases. It would not be advisable, in the opinion of this Office, to determine specific instances prior to court litigation, in view of discovery procedures now available to landowners and plaintiffs in litigation against the State Highway Department.

Yours very truly,

Victor S. Evans
Deputy Attorney General

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