

1974 WL 28045 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 7, 1974

***1 In Re: Construction of County Building on Private Property for Public Use - - - Constitutionality Thereof**

Honorable Robert W. Kemp
Member
House of Representatives Bamberg
South Carolina

Dear Mr. Kemp:

You have inquired generally as to the constitutionality of expending county funds for the construction of a multi-purpose building to be located on property which is owned by the Bamberg County Improvement Association, which is not publicly owned. I understand that the building will be used for child care purposes, services for the elderly, recreational purposes, etc.

I am hesitant to give you a firm opinion at this time inasmuch as I have not researched the question fully. However, at first blush it does appear to me that there is a serious question as to the validity of such an expenditure because, as you know, when a building is constructed upon land, it then becomes a part of the real property, and it appears to me that there would thereby be created a very knotty question as to ownership of the entire parcel, that is, land and building.

I will study the question more fully and let you have a firm opinion as soon as I have satisfied myself as to what the law is.

I believe that Article 10, Section 6, of the South Carolina Constitution and the cases annotated thereunder, [Powell, et al., v. Thomas, et al.](#), 214 S.C. 376, and other cases, might be applicable to your question.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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