

1972 WL 25211 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 18, 1972

*1 Mr. R. Newton Pough
Attorney at Law
Box 504
South Carolina State College
Orangeburg, South Carolina

Dear Mr. Pough:

Thank you for your letter of February 17, 1972, inquiring as to the procedure which the Trustees of State College may use so as to bring all of the property of State College within the City limits of Orangeburg.

It appears to me that section 47-19.2 of the Code of laws for South Carolina, as amended in 1971, provides the most feasible means of incorporating the College property as a part of the City of Orangeburg. The section provides

If the territory proposed to be annexed belongs entirely to the Federal Government or to the State of South Carolina and is adjacent to a municipality, it may be annexed upon the petition of the Federal Government or of the State to the city or town council thereof. Is used in this section, a petition by the State shall mean a petition executed by the State Budget and Control Board. Upon agreement of the city or town council to accept the petition and the passage of an ordinance to that effect, the annexation shall be complete, and the election provided for in §§ 47-14 through 47-17 shall not be required.

This statute will appear to serve the purpose, as State College property is undoubtedly owned by South Carolina, and a petition by the State Budge and Control Board asking incorporation into the City would doubtless be presented if the Trustees of the College request this of the State Budget and Control Board. The only remaining hurdle would then be to have the City Council accept the College property as a part of the City.

Please advise me if you concur in these facts.

In your letter you also enclosed a copy of an Order of Reference in the case of Sarter v. Franklin, et al., which is in the Greenville County Court of Common Pleas. I am returning this, as a assume this was forwarded by inadvertence.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1972 WL 25211 (S.C.A.G.)

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.