

1981 WL 158066 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 7, 1981

\*1 Honorable H. Parker Evatt  
Representative  
District No. 71  
Box 363  
Columbia, South Carolina 29202

Dear Representative Evatt:

Your recent letter concerning annexation raised several questions regarding possible annexation of St. Andrews into the City of Columbia. These questions primarily concern if a municipality may extend its boundaries when the land is divided by a body of water and spanned by a bridge.

The South Carolina Supreme Court has held that an area can be contiguous even though it is separated by a body of water. [Tovey v. City of Charleston](#), 237 S.C. 475, 117 S.E.2d 872 (1961). See also McQuillin on [Municipal Corporations](#) § 7.20. A bridge that spans the water dividing the two areas further enhances the factors in favor of the annexation of the land on the other side of the area divided by water. The fact that the bridge is closed for repairs or prohibits pedestrian traffic or that no public or private transportation is available to certain groups to provide access across the bridge would have no effect on the fact that the land is contiguous and, therefore, subject to annexation.

However, you inquired as to the effect if the bridge became unusable. A bridge is not necessarily a determining factor on if land can be annexed if it is separated by water; however, it is a contributing factor. If land spanned by a bridge was annexed and then the bridge was allowed to decay and eventually closed forever thereby permanently dividing the two areas, it may have an effect on the annexation. However, that could only be determined within the confines of a specific situation. It would not appear this would be a problem with the I-126 bridge.

Act No. 263 of the 1971 Acts and Joint Resolutions has been codified as [Section 5-3-110 of the South Carolina Code of Laws, 1976](#); it is one of many alternate plans for annexation. Several of the annexation provisions do not call for a vote of the electorate even when it entails annexing large bodies of land as opposed to a strip of land as this section provides. See South Carolina Code of Laws, 1976, §§ 5-3-100, 5-3-120, 5-3-130, 5-3-140, 5-3-150. [Section 5-3-110](#) would, therefore, appear to be consistent with other annexation provisions.

I hope this letter answers the basic questions you have raised. If not, or if I can be of further assistance, please inform me.

Sincerely,

Treva G. Ashworth  
Senior Assistant Attorney General

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