

1979 WL 43019 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1979

*1 Peter D. Hyman, Esquire
Florence County Attorney
Box G, City-County Complex
Florence, South Carolina 29501

Dear Mr. Hyman:

You have requested an opinion from this Office as to whether or not the leasing of real property owned by the Florence County Industrial Development Commission (Commission) for the production of commodities to be utilized in the manufacture of gasohol satisfies restrictive covenants reserving repurchase rights to the respective grantors if the properties conveyed to the Commission are not used 'for industrial development.' In my opinion, such a use would most probably not constitute industrial development.

Assuming that the Commission contemplates leasing its real property in order to grow corn or other agricultural products to be used in the manufacture of gasohol, I think that such a use would be agricultural rather than industrial, notwithstanding the fact that the crop will eventually become part of a manufacturing process, as products of agriculture often are.

Activities which constitute the harvesting of the products of the land or sea did not qualify within scope of 'industrial and manufacturing enterprises' . . . [Opinion of the Justices \(Me.\)](#), 230 A.2d 804 at 807.

See generally, 21 WORDS AND PHRASES 'Industrial' at 492 (1960); cf., Section 1 of Act No. 103 of 1967 [55 STAT. 120 (1967)].

The question is one that is not free from doubt, of course, and a judicial determination made pursuant to the Uniform Declaratory Judgments Act is the only means by which to reach a definitive resolution.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1979 WL 43019 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.