

1978 WL 35296 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1978

*1 Mr. John Bose
1226 Hawthorne Circle
Hanahan, SC 29406

Dear Mr. Bose:

Your letter addressed to Senator Thurmond has been referred to this Office. You have stated that the city of Hanahan has entered into negotiations with the Federal Government to annex into the city a weapon station. You have objected to the annexation being accomplished without a vote by the people.

From this information, I do not know what actual procedure the municipal government is following to annex the property. However, there is a provision in the South Carolina Code which would authorize this procedure. [Section 5-3-140 of the South Carolina Code \(1976\)](#) states:

[i]f the territory proposed to be annexed belongs entirely to the Federal Government or to the State of South Carolina and is adjacent to municipality, it may be annexed upon the petition of the Federal Government or the State to the city or town council thereof . . . 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 §§ 5-3-50 to 5-3-80 shall not be required.

I only cite this statute for your information as I do not know what statute the municipality is actually operating under. However, if they are acting under this statute, an election would not be required.

In order to determine what procedure they are following to effect this annexation, I would refer you to your city attorney who would be in the best position to advise you on this question.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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