

1973 WL 26647 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 7, 1973

***1 Re: P/N 71-1291 Lockwood Boulevard Ashley River Charleston County**

State Budget and Control Board
Columbia
South Carolina

Gentlemen:

The above application is for the purpose of securing the right to construct a State highway over marshlands adjacent to the Ashley River on the western shore of the Charleston peninsula in Charleston County.

The Budget and Control Board, pursuant to the provisions of Section 1-3572, Code of Laws, 1962, as amended, has authority to grant to agencies and political subdivisions of the State, without compensation, rights of way through and over the marshlands for the construction, etc., of highways, if, in the judgment of the State Budget and Control Board, the interest of the State will not be adversely affected thereby.

I advise therefore that the Budget and Control Board has discretion to act in the matter and may legally grant a right of way across the affected marshlands pursuant to the authority cited above.

Very truly yours,

Daniel R. McLeod
Attorney General

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