

1973 WL 27677 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 9, 1973

\*1 Mr. Clyde Barnes  
Florence County Manager  
Florence, County Courthouse  
Florence, South Carolina 29501

Dear Mr. Barnes:

You have requested that this office advise you whether Florence County is under a legal obligation to maintain a dirt road which runs from the termination of the pavement of Road S-21-1000 some 400 or 500 feet to a house on the property of Mr. Aubrey Turner. As I understand it, the dirt road in question terminates on Mr. Turner's property and serves no one but the house, at which it terminates.

The question that must be addressed is whether the dirt road in issue is a private road or a county road. Apparently, from the facts which you have provided me, the county has never maintained this road nor has the dirt road in question ever been acquired by the county by either deed or prescription. Thus the question becomes whether or not the county has acquired this dirt road by dedication. From the facts as stated in your letter, it does not appear that the county has acquired the dirt road by dedication. [Woodside Mills v. U.S.](#), 160 F. Supp. 356, aff'd, 260 F.2d 935 (1958). Furthermore, the law in this state is beyond cavil that the county is not required to accept dedication of a private road and can reject dedication as it so desires. [Corbin v. Cherokee Realty Co., et al.](#), 229 S.C. 16, 25, 91 S.E.2d 542 (1956). Moreover, it is the opinion of this office that the county of Florence could not accept dedication of the dirt road in question into the county road system even if it were willing to do so. The law in this state is well settled that in order for a road to become a public way or thoroughfare, both termini of the road must be in a public highway or public place and for that proposition of law I cite [Bussell v. Kirkland](#), 242 S.C. 201, 207, 130 S.E.2d 470 (1963); [Fanning v. Stroman](#), 113 S.C. 495, 101 S.E. 861 (1919).

It is obvious from the foregoing that the road in question is a private road and the county is under absolutely no obligation to maintain the same.

Sincerely,

Ellison D. Smith, IV  
Assistant Attorney General

1973 WL 27677 (S.C.A.G.)