

EXECUTIVE ORDER NO.

2024-11

WHEREAS, on the authorization of the General Assembly, the Revenue and Fiscal Affairs Geodetic Survey Group (“RFA”) seeks to verify county lines throughout the State based on historical records and with the benefit of modern technology; and

WHEREAS, as a result of RFA’s work, certain areas have been treated as part of Union County when they are instead part of Spartanburg County (“Spartanburg County Affected Area”), and certain areas have been treated as part of Spartanburg County when they are instead part of Union County (“Union County Affected Area”); and

WHEREAS, Chapter 5 of Title 4 of the South Carolina Code of Laws, as amended, sets forth a procedure for annexing, merging, or transferring an area from one county to another (“Change of Boundaries Statute”); and

WHEREAS, the Change of Boundaries Statute provides that the governing body of a county may by resolution request that a part of such county be merged with one or more adjoining counties; and

WHEREAS, pursuant to the Change of Boundaries Statute, the Spartanburg County Council and the Union County Council have presented separate resolutions, copies of which are attached hereto as Exhibit A, requesting, *inter alia*, that that the Union County Affected Area be merged with, or annexed to, Spartanburg County and that the Spartanburg County Affected Area be merged with, or annexed to, Union County; and

WHEREAS, in accordance with the Change of Boundaries Statute, upon receipt of an annexation request from a county governing body and presentment of the requisite resolution, the undersigned shall appoint a commission of four persons, which shall, *inter alia*, investigate and report all facts pertinent to the potential annexation; and

WHEREAS, it appears to the satisfaction of the undersigned that the requested annexation and corresponding resolutions comply with the procedures set forth in the Change of Boundaries Statute; and

WHEREAS, there is no known opposition to the potential annexation, and Adam Roark and Michael Gault, of Spartanburg County, and Roger Bailey and Bob Love, of Union County, are fit and proper persons to serve on the commission, which shall appropriately investigate all facts relating to the requested annexation and report in writing to the undersigned the pertinent facts and other relevant matters as requested or required by law; and

WHEREAS, upon receipt of the requisite report and confirmation of satisfactory compliance with sections 4-5-120 through -160 of the South Carolina Code of Laws, the undersigned shall order an election in accordance with section 4-5-170 of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Appointment of Commission to Investigate Annexation of Certain Areas in Spartanburg County and Union County

A. In accordance with the Change of Boundaries Statute, I hereby establish the Commission to Investigate Annexation of Certain Areas in Spartanburg County and Union County (“Commission”) and appoint the following fit and proper persons identified by the governing bodies of Spartanburg County and Union County to serve on the Commission, which shall investigate all facts related to the requested annexation of certain areas in Spartanburg County and Union County and report in writing to the undersigned the pertinent facts and other relevant matters in accordance with the Change of Boundaries Statute or otherwise as requested or required by law:

1. Adam Roark;
2. Michael Gault;
3. Roger Bailey; and
4. Bob Love.

B. Pursuant to sections 4-5-140 and 4-5-160 of the South Carolina Code of Laws, the Commission:

1. may contract for the survey and location of the proposed change of line and for such purpose may employ three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the Commission and the third by the two selected by the Commission;
2. shall carefully investigate all facts relating to the area, population, and assessed property values of the territory proposed to be severed and that

- remaining, the proximity of the line to any courthouse, and the proper amount of indebtedness of the county losing area to be assessed to the county gaining such area;
3. shall report in writing to the Governor upon all such relevant matters as the Governor may direct for his information;
 4. shall report to the Governor an itemized statement of the expense of the survey and plats; and
 5. shall submit its final report to the Governor no later than September 1, 2024.

Section 2. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order is effective immediately and shall remain in effect unless or until modified, amended, rescinded by subsequent Order.

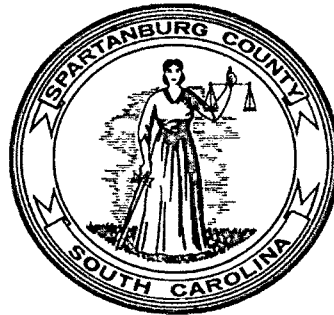
**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 21st DAY OF
JUNE, 2024.**

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State

Exhibit A



A RESOLUTION

TO SUPPORT THE PETITION FOR PROPERTY ALONG THE SPARTANBURG COUNTY AND UNION COUNTY LINE LOCATED ALONG HIGHWAY 56 IN ENOREE, SOUTH CAROLINA TO REMAIN IN SPARTANBURG COUNTY.

WHEREAS, the South Carolina General Assembly authorized the Revenue and Fiscal Affairs Geodetic Survey Group to verify county lines throughout the State of South Carolina based on historical records and the benefit of modern technology; and

WHEREAS, as a result of the surveys some areas in Spartanburg County along its boundary with Union County shows that some properties have been treated a part of Spartanburg County when instead the properties were a part of Union County; and

WHEREAS, Spartanburg County has been made aware of a certain petition signed by property owners along Highway 56 in Enoree, South Carolina, which asserts that these citizens desire their property be located in Spartanburg County; and

WHEREAS, Spartanburg County and Union County discussed the request to discern whether there would be opposition to such a petition or request and are under belief that such action would be beneficial for all involved:

NOW THEREFORE, IT IS HEREBY RESOLVED, by Spartanburg County, acting by and through its governing body, the Spartanburg County Council, that:

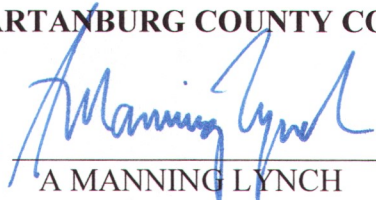
1. Spartanburg County Council supports of Petition for Annexation executed by the Property Owners along Highway 56 located in Enoree, South Carolina; and

2. Should any portion of this Resolution be deemed unconstitutional or otherwise enforceable by any court of competent jurisdiction, such determination should not affect the remaining terms and provisions of this resolution, all of which are hereby deemed separable.
3. All orders, resolutions, and enactments of Spartanburg County Council inconsistent herewith are to the extent of such inconsistency only, hereby repealed, revoked and rescinded.
4. This Resolution shall take effect and be in full force and effect after enactment by Spartanburg County Council.

RESOLVED in meeting duly assembled the 20th day of November, 2023.

SPARTANBURG COUNTY COUNCIL

BY:



A MANNING LYNCH
Chairman

ATTESTED



B. Cole Alverson
County Administrator

UNION COUNTY

RESOLUTION 2024- 02

A UNION COUNTY RESOLUTION SUPPORTING THE PETITION OF FORMER CITIZENS OF UNION COUNTY SUPPORTING ANNEXATION BACK INTO UNION COUNTY FROM SPARTANBURG COUNTY AND A RECIPROCAL REQUEST OF GOVERNOR HENRY MCMASTER TO APPOINT A COMMISSION FOR ANNEXATION PURSUANT TO SECTION 4-5-130 OF THE SOUTH CAROLINA CODE OF LAWS ANNOTATED, 1976, AS AMENDED.

WHEREAS, the South Carolina General Assembly authorized the Revenue and Fiscal Affairs Geodetic Survey Group to verify county lines throughout the State of South Carolina based on historical records and the benefit of modern technology; and

WHEREAS, as a result of these surveys it was discovered that areas formerly treated as a part of Union County along its boundary line with Spartanburg County were actually a part of Spartanburg County, and in turn, portions of Spartanburg County along its boundary with Union County were actually a part of Union County; and

WHEREAS, Union County was previously made aware of a certain petition signed by the entirety of Rockport subdivision, wherein these former Union County residents desired to be annexed back into Union County; and

WHEREAS, Union County has since been informed that additional former residents similarly situated to those of Rockport subdivision also joined in a petition requesting to be annexed back into Union County; and

WHEREAS, Union County communicated with Spartanburg County to discern whether there would be opposition to such a petition or request and Union County is under the belief that such action would be beneficial for all involved as certain former Spartanburg County residents wish to be annexed back into Spartanburg County:

NOW, THEREFORE, IT IS HEREBY RESOLVED BY UNION COUNTY, ACTING BY AND THROUGH ITS GOVERNING BODY, THE UNION COUNTY COUNCIL, that:

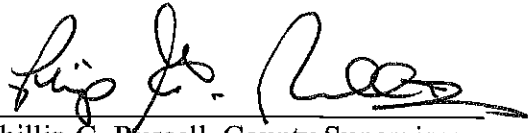
1. Union County Council formalizes its support of the Petition for Annexation executed by these former Union County residents, including those residents of Rockport subdivision; and
2. Union County Council further requests that Governor Henry McMaster appoint a Commission for Annexation to investigate all facts relating to the area, population, property values, proximity, and indebtedness, in addition to all such other matters relevant to a proposed annexation in accordance with South Carolina law; and
3. Should any portion of this Resolution be deemed unconstitutional or otherwise enforceable by any court of competent jurisdiction, such determination should not affect the remaining terms and provisions of this resolution, all of which are hereby deemed separable.

4. All orders, resolutions and enactments of Union County Council inconsistent herewith are to the extent of such inconsistency only, hereby repealed, revoked and rescinded.

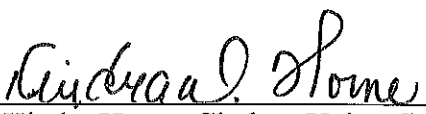
5. This Resolution shall take effect and be in full force and effect after enactment by Union County Council.

RESOLVED in meeting duly assembled, this 12 day of March, 2024.

UNION COUNTY, SOUTH CAROLINA

By: 
Phillip G. Russell, County Supervisor
Union County, South Carolina

ATTEST:

By: 
Kindra Horne, Clerk to Union County Council
Union County, South Carolina