

83-00009
OFFICE OF THE ATTORNEY GENERAL



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STATE OF ALABAMA

OCT 7 1982

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Executive Director
Alabama Historical Commission
725 Monroe St.
Montgomery, AL 36104-3898

Historical Commission -- State
Property -- Leases

Historical Commission may, for
adequate consideration, lease
space in Fort Morgan building
to private firm for operation
of a restaurant.

Dear Mr. Oaks:

This office has received the opinion request of the
Alabama Historical Commission which reads as follows:

The Alabama Historical Commission
hereby respectfully requests an official
opinion as to whether it will be legal
for this agency to lease space to a
private firm to operate a restaurant in
one of the buildings at Fort Morgan.
The Fort has been the responsibility of
the Commission since the Legislature
transferred the property to this agency
in 1977.

The transfer was made under the terms found in Code of
Alabama 1975, § 41-9-260. Section 41-9-260 authorizes the
Commission to operate and exhibit the property "in accor-
dance with the powers and responsibilities of said Alabama
Historical Commission."

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Code of Alabama 1975, § 41-9-249(14) provides:

The commission shall have the following duties and powers: ... (14) To rent or lease any of its acquisitions to public or private agencies.

This specific power when coupled with the broader charge of the Commission of promotion of historic preservation leaves no doubt, but that your question may be answered in the affirmative.

Therefore, it is the opinion of this office that the Alabama Historical Commission may lawfully lease space to a private firm to operate a restaurant in one of the buildings at Fort Morgan provided that adequate compensation is received.

I do hope that this response fully answers your inquiry. If, however, we may be of further service, please do not hesitate to contact us.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General

By--



CAROL JEAN SMITH
Assistant Attorney General

CJS:es