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JUL 30 1985

Honorable J. D. Falkner
Mayor
City of Columbiana
P. O. Box 528
Columbiana, Alabama 35051

Municipalities - Funds -
Industrial Development

City of Columbiana may expend funds to purchase pipe to be placed on state right-of-way to support driveway for new business.

Dear Mayor Falkner:

Reference is made to the request by the City of Columbiana for an opinion from the Attorney General as to whether that city may purchase pipe to be placed in a ditch on a state highway right-of-way. This pipe will support a driveway for a new business in the community.

Your question is to be answered in the affirmative.

This office has concluded on numerous occasions that the state and local governments may cooperate with one another in performing governmental functions. Therefore, if the State Highway Department consents, the pipe may be placed on the state right-of-way by the city.

Code of Alabama 1975, Section 11-47-11 authorizes a municipality to expend funds for the promotion of industry within the municipality or elsewhere within the county not more than 15 miles from the municipality. Therefore, the Attorney General concludes that this statute allows the City of Columbiana to expend funds to buy pipe to be placed on a

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state right-of-way to support a driveway for a new business
in the community.

I hope that your question has been adequately answered.

If our office can be of further assistance, please do
not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By:



LYNDA K. OSWALD
Assistant Attorney General

LKO/dn