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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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March 4, 2014

Honorable Courtney R. Potthoff
Attorney, City of Eufaula
Williams, Potthoff, Williams &
Smith, L.L.C.
Post Office Box 880
Eufaula, Alabama 36072-0880

Municipalities – Entertainment Districts – Alabama Main Street Program – Historical Preservation – Barbour County

Assuming all other aspects of section 28-3A-17.1 of the Code of Alabama are met, the City of Eufaula is authorized to establish an entertainment district because the city operates a recognized main street program as required for Class 7 municipalities pursuant to section 28-3A-17.1.

Dear Mrs. Potthoff:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Eufaula.

QUESTION

Does the main street program in Eufaula authorize the city to have an entertainment district as provided in Act 2012-438?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that the City of Eufaula is exploring the possibility of creating and establishing an entertainment district as provided in Act 2012-438, which has been codified in section 28-3A-17.1 of

the Code. ALA. CODE § 28-3A-17.1 (Supp. 2013). This statute authorizes Class 7 municipalities, like Eufaula, to create an entertainment district if, among other things, the municipality has an incorporated arts council, main street program, or downtown development entity. The City of Eufaula has a main street program, Main Street Eufaula, Inc. This program was initiated in 2001 with the primary purpose of promoting the historic preservation, protection, and use of Eufaula's traditional downtown areas and commercial enterprises. You question whether the main street program that is established in Eufaula is sufficient to authorize the city to establish an entertainment district as set forth in section 28-3A-17.1 of the Code.

Section 28-3A-17.1 does not define the term "main street program." The Alabama Historical Commission, however, works with thirteen Alabama main street programs. Although the Historical Commission is no longer accepting additional main street programs at this time, Main Street Eufaula is one of the thirteen established main street programs that has worked with and been recognized by the Historical Commission. Accordingly, it is the opinion of this Office that Main Street Eufaula qualifies as a main street program, as such term is contemplated in section 28-3A-17.1 of the Code.

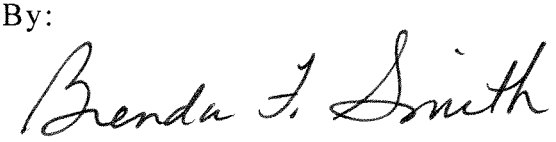
CONCLUSION

Assuming all other aspects of section 28-3A-17.1 of the Code are met, the City of Eufaula is authorized to establish an entertainment district because the city operates a recognized main street program as required for Class 7 municipalities pursuant to section 28-3A-17.1.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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