

**ACTS**  
OF THE  
**LEGISLATURE OF ALABAMA**  
OF  
**LOCAL, PRIVATE AND SPECIAL CHARACTER**

PASSED AT THE  
**SESSION OF 1927**  
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,  
Commencing Tuesday, January 11, 1927

BIBB GRAVES, GOVERNOR.  
WM. C. DAVIS, LIEUTENANT-GOVERNOR.  
WATT T. BROWN, PRESIDENT PRO TEM. OF THE SENATE.  
J. LEE LONG, SPEAKER OF THE HOUSE.



I, JOHN BRANDON, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

JOHN BRANDON,  
Secretary of State.

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No. 380.)

(H. 923. Goodwyn

## AN ACT

To alter and rearrange the boundaries of the City of Montgomery, Alabama, extending the corporate limits of said City and to zone parts of the annexed territory.

*Be it Enacted by the Legislature of Alabama, as follows:*

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City all that territory lying within the County of Montgomery included within the following boundaries, to-wit: Beginning at the water's edge on the south side of the Alabama River at a point where the North line of section 11, township 16, Range 17, touches said River, thence West along the North lines of said Section 11 to the northwest Corner thereof; thence South along the West line of said section 11, 1320 feet; thence West and parallel to the North line of Section 10 to the North side of Broadfoot Street; thence Northwesterly along the North side of Broadfoot Street to the Northwest side of Bibb Street; thence southwesterly along the Northwest side of Bibb Street to the boundary of the United States Reservation, Maxwell Field: thence along the Northern and Eastern boundaries of the United States Reservation, Maxwell Field, to the Northeast corner of Lot 18 of the Ashley Plat of Section 10; thence southeasterly along the West side of a forty foot street, (being the Eastern boundary of the United States Reservation, Maxwell Field), to the North side of the Cahaba or Selma Road; thence Southwesterly along the North side of the Cahaba or Selma Road; to the Half Section line running North and South through Section 15; thence South along the Half Section line running North and South through Section 15 to the Quarter Section Post on the South Side of Section 15; thence East along the South line of Section 15 to the Southeast Corner of Section 15; thence South along the Section lines between Sections 22 and 23 to the Southwest corner of Section 23; thence East along the section line on the South Side of Section 23 to the East right of way line of the Atlantic Coast Line Railway; thence southeasterly along the said East Right of Way line of the Atlantic Coast Line Railway to the Half Section line running East and West through Section 25; thence East along the Half section line running East and West through Section 25 to South Court Street Extension, which is the East line of Section 25, all of the above described territory being in Township 16, Range 17; thence continuing East along the Half Section lines running East and West through Sections 30 and 29 to the Quarter Section post on the East side of Section

29; thence North along the Section lines between Sections 28 and 29; and 20 and 21 to the Southwest corner of Section 16; thence East along the South line of Section 16 to the South east corner of Section 16; thence North along the East line of Section 16 to the Northeast Corner of Section 16; thence West along the line between the Sections 9 and 16 to the Quarter Section Post on the South side of Section 9; thence North along the Half Section lines of Sections 9 and 4 to the Quarter Section post on the North side of Section 4; thence West along the North line of Section 4 to the Northwest corner of Section 4; all of the above sections after crossing Court Street Extension being in Township 16, Range 18; from the Northwest Corner of Section 4, or the Southeast corner of Section 32, Township 17, Range 18; thence North along the East line of Section 32; 1320 feet; thence west and parallel to the South line of Section 32 to the West line of Section 32; thence North 1320 feet to the quarter section post on the east side of Section 31, thence west along the half section line running east and west through Section 31, Township 17, Range 18, to the West line of Section 31, said point being on the continuation of North Court Street; thence continuing West along the half section line running East and West through Sections 36 and 35, Township 17, Range 17, to the water's edge on the East side of the Alabama River; thence down the Alabama River along the water's edge thereof, to the point of beginning; all of the above described territory being in Montgomery County, Alabama.

Section 2. (a) That the territory herein zoned as a residential zone, now included within the corporate limits of the Town of Capitol Heights, was planned and platted and has been developed primarily as and for a residential section, including such buildings as schools and churches; that the purchasers of lots in said Town, where structures of any sort have been built on the lots, have, almost without exception erected residences thereon; that there is at this time scarcely a block within the limits of that territory herein zoned as a residential zone, which does not have thereon one or more residences; that the people of said Town have, in this way, by their own acts, dedicated said territory as and for a residential section; that the present Mayor and Town Council and the previous Mayors and Councils of said Town have exercised the strictest regulations in limiting the erection and maintenance of any business houses or structures or businesses within said territory herein zoned in order to give effect to the will of the people of Capitol Heights; that with one or two exceptions, no such business houses or structures or businesses have been permitted within said territory; (b) That the territory within the limits of said Town consists of a plateau of much greater altitude, comparatively, than the territory within the

present limits of the City of Montgomery and greater than the altitude of practically all the other territory to be annexed by this Act to and made a part of the City of Montgomery; that said territory herein zoned, within Capitol Heights is naturally and admirably adapted to use as such residential section; (c) That it appears to be the desire of the majority of the people residing in that territory herein zoned as a residential zone, that all of said district so zoned herein subject to the provisions hereof, be preserved and safeguarded to them as a residential section, free from any additional business houses or structures, or businesses of any sort, in accordance with the original plan and purpose of said district and in accordance with said policy of the people of said Town and its municipal authorities, permitting in such residential section in the future only such buildings and structures as residences and apartment houses for residential uses, schools and churches; therefore, In consideration of the matters and things in this section of this Act stated, among other material and relevant consideration, the following described territory is hereby made a residential zone for the erection and maintenance, or the maintenance therein, with appropriate uses, of the following described buildings and structures only, to-wit: residences and apartment houses for use and occupation as homes or residences for the people, schools and churches, the said territory hereby included in said residential zone being particularly described as follows: Beginning at a point on the east side of Hopper Street, which street is dividing line between the City of Montgomery and the Town of Capitol Heights, the point of beginning being 225 feet north of the north side of said Madison Avenue, thence east and parallel to Madison Avenue to a point one hundred fifty-three feet west of the west side of Lewis Street, thence north and parallel to Lewis Street to Yancey Avenue, thence east along the boundary line of Yancey Avenue to the east boundary line of Lewis Street, thence north across Yancey Avenue and along the east boundary line of Lewis Street to a point one hundred feet north of the north side of Yancey Avenue, thence east and parallel with Yancey Avenue to a point three hundred feet east of the east side of Panama Street; thence south and parallel to Panama Street to a point two hundred feet south of the south side of Madison Avenue, if extended; thence southwesterly and parallel to the south boundary line of Mt. Meigs Road to the West side of Panama Street; thence north along the west side of Panama Street to the north side of the Mt. Meigs Road, thence southwesterly along the north side of Mt. Meigs Road to a point two hundred feet south of the south side of Capitol Avenue; thence west and parallel to Capitol Avenue to a point one hundred fifty feet east of the east side of Vickers Street, or Madison Terrace;

thence south and parallel to Vickers Street, or Madison Terrace to a point two hundred fifty feet south of the south side of Washington Street, if extended; thence West and parallel to Washington Street and extension thereof to a point one hundred fifty feet west of the west side of Lewis Street, if extended; thence north and parallel to Lewis Street to a point two hundred feet south of the south side of Madison Avenue; thence west and parallel to Madison Avenue and two hundred feet distant therefrom to the east side of Hopper Street, thence to the point of beginning, all said territory so zoned as a residential zone, being included in that territory which is annexed to the City of Montgomery by this Act. Provided, however, that the City of Montgomery, and the municipal authorities thereof, subsequent to the approval of this Act, may, in their discretion, grant a permit for the erection and maintenance, or for the maintenance within said residential zone hereby created, of buildings and structures, and of businesses, other than residences and apartment houses, for residential purposes, and other than schools and churches, when and only when, the following conditions have first been complied with, namely: Every applicant for any such permit, before the same may be granted to him, must file with the City of Montgomery, or the governing authorities thereof, the consent in writing to the issuance of such permit, of two thirds of the property owners within a radius of five hundred feet from the exterior lot lines of the lot whereon such building or structure and business is proposed to be erected and maintained, or maintained, and also the unanimous consent in writing to the issuance of such permit, of the property owners first and second removed from the site of such proposed structure and business, and like consent thereto by the two property owners immediately across the street in front of such proposed site. (d) The City of Montgomery and the municipal authorities thereof shall not in the future, except as permitted under the provisions of this section of this act, grant or issue any permit or authority to any person, firm or corporation to erect or maintain within said territory hereinabove zoned as a residential zone, any business or structure or any business other than those permitted in said zone under the provisions of this section. Any person, firm or corporation who violates any of the provisions of this section by erecting and maintaining, or by maintaining, in said district hereby made a residential zone, any building or structure, or any business of any sort other than those permitted therein under the provisions of this section of this Act, shall be guilty of a misdemeanor, and shall be punished therefor under and in accordance with the laws of this State. The provisions of this section do not require and shall not be construed to require the discontinuance of those business

houses and businesses situated within the boundaries of said residential zone hereby created, which are in operation at the time of the approval of this Act, and the maintenance of such business houses and businesses so in operation at the time of the approval of this Act shall not subject the owners or operators thereof to punishment hereunder; but such business houses and businesses, their successors and assigns, in the future shall be and remain in all respects subject to the exercise of all the jurisdiction, power and authority of the City of Montgomery and the municipal authorities. If this section of this Act, or any part of this section, is decreed to be unconstitutional or invalid for any reason by any court of competent jurisdiction, this shall not affect the remainder of this Act, nor any part of the remainder of this Act.

Section 3. That the boundaries set out in section one of this Act be and the same are hereby established as the corporate limits of the said City of Montgomery effective September 30, 1927.

Approved August 26, 1927.

No. 383.)

### AN ACT

(H. 857. Beebe

To form road districts in Baldwin County, Alabama, and to provide for the establishment, betterment, construction and maintenance of public roads, bridges, causeways and ferries in such districts, for levying and collecting annually a tax not exceeding one per centum on the value of the taxable property in such district, in addition to all taxes now authorized under the constitution and laws of the State of Alabama, or that may be hereafter authorized under any amendment thereof, other than the amendment submitted by this Legislature validating this act, to be applied on account of the expense of the establishment, construction, betterment and maintenance of public roads, bridges, causeways and ferries in such districts; for holding elections in such districts to authorize such tax; for authorizing additional or successive levies of such tax unless and until the aggregate of annual levies shall be one per centum on the value of the taxable property in such districts for a period of twenty (20) years from the date of the vote thereon: for the advancement of said county of monies to be used for the establishment, construction, betterment and maintenance of public roads, bridges, causeways and ferries in such districts: for the return to the county from the proceeds of such special tax all monies so advanced: for the borrowing by said County on its credit of monies to be advanced for the establishment, betterment, construction and maintenance of such public roads, bridges, causeways and ferries in such districts, all indebtedness so created to be in addition to that now allowed to be incurred by such County under the Constitution of Alabama or that may hereafter be allowed under any amendment thereof other than the amendment submitted by this Legislature validating this Act.