

thereof.

That the City Clerk of the City of Roanoke, Alabama, is hereby ordered and directed to have this Ordinance published in the Roanoke Leader, a weekly newspaper published in said City and in general circulation therein, for two consecutive weeks, and he shall also give notice to each known owner by registered mail whose property is affected by said improvements as the law provides in such cases.

THIS ORDINANCE shall take effect from and after its passage, approval, and publication as required by Law.

Adopted and approved this 28th day of July, 1952.

K. L. Hooper
K. L. Hooper, Mayor
City of Roanoke, Alabama.

Attested:

Olin E. Sheppard
Olin E. Sheppard, City Clerk
City of Roanoke, Alabama.

I, Olin E. Sheppard, hereby certify that the above and foregoing Ordinance No. 416 was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama, on the 28th day of July 1952, and was herein recorded and was published in the Roanoke Leader, a newspaper of general circulation in the City of Roanoke, Alabama, on the 7th, 14th and 21st days of August, 1952.

Olin E. Sheppard
Clerk, City of Roanoke, Alabama.

ORDINANCE NO. 417

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE OF \$30,000 Principal Amount of Refunding General Obligation Warrants of the City of Roanoke for the Purpose of Refunding a Like Principal Amount of Outstanding Indebtedness of the City.

AIA217

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE,
ALABAMA, as follows:

Section 1. Findings Respecting Certain Outstanding Indebtedness of the City. The City Council (herein called "The Council") of the City of Roanoke (Herein called "the City") has caused an investigation to be made of the outstanding obligations of the City and, as the result of such investigation, has ascertained and declares that thereis outstanding and unpaid certain indebtedness of the City in the total principal amount of \$30,000. consisting of demand notes as follows:

To City Bank & Trust Company of Roanoke, Alabama:

\$5,000. pursuant to motion of the City Council of Roanoke, Alabama, duly adopted at regular meeting of July 24, 1950;

\$5,000. pursuant to motion of said Council duly adopted at regular meeting of October 9, 1950:

\$5,000. pursuant to motion of said Council duly adopted at regular meeting of October 23, 1950:

\$5,000. pursuant to motion of said Council duly adopted at regular meeting of June 25, 1951:

\$4,850. pursuant to motion of said Council duly adopted at regular meeting of July 28, 1952:

To the Commercial Bank of Roanoke, Alabama, and duly assigned to the City Bank & Trust Company of Roanoke, Alabama:

\$7,500. pursuant to resolution of said Council duly adopted at regular meeting of November 12, 1951; of which amount \$2334.50 was paid on April 16, 1952.

The certificates representing such indebtedness were each duly executed and the seal of the City affixed thereto and attested in the manner provided by the laws of Alabama. Such indebtedness is a valid general indebtedness of the City and with the exception of the aforesaid \$2334.50 paid on April 16, 1952, no part of the principal amount of such indebtedness has as yet been paid. The Council is of the opinion that it would be

advantageous to the City and its citizens and taxpayers if such outstanding indebtedness should be refunded at this time by the issuance of the refunding interestbearing warrants hereinafter authorized.

Section 2. Authorization of Refunding Warrants.

Pursuant to the provisions of the Constitution and Laws of Alabama, and particularly the Code of Alabama 1940, Title 37, Chapter 6 and Section 253 thereof, and for the purpose of refunding the outstanding indebtedness described in Section One above there is hereby authorized to be issued by the City 10 Refunding General Obligation Warrants (Hereinafter called "the Refunding Warrants") of the City in the aggregate principal amount of \$30,000. numbered from 1 to 10, inclusive, in the principal amount of \$3,000 each and bearing the date August 1, 1952, and maturing on each August 1st of the years set out below:

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<u>Warrant Numbers</u>	<u>Year of Maturity</u>	<u>Aggregate Principal Amount Maturing</u>
1	1953	\$3,000
2	1954	3,000
3	1955	3,000
4	1956	3,000
5	1957	3,000
6	1958	3,000
7	1959	3,000
8	1960	3,000
9	1961	3,000
10	1962	3,000

The Refunding Warrants shall bear interest from their date until their respective maturities at the rate of 5% per annum payable annually on August 1st of each year until and at their respective

maturities, as shall be evidenced by separate interest coupons (herein called "the coupons") attached thereto. Such Refunding Warrants and the coupons shall, after their respective maturities, bear interest until paid at the rate of 6% per annum and shall be payable in lawful money of the United States of America at the principal Office of the First National Bank of Birmingham, City of Birmingham, Alabama. Such Refunding Warrants shall be non-callable.

Section 3. Pledge of Revenues. The indebtedness evidenced and ordered paid by the Refunding Warrants is and shall be a general obligation of the City, for the payment of the principal of and interest on which the full faith and credit of the City are hereby irrevocably pledged. In addition thereto, there is hereby appropriated and ordered segregated, and there is hereby irrevocably pledged, for payment of principal and interest on such indebtedness so much as may be necessary for such purpose from the revenues from the assessments for local improvements imposed on account of the paving improvements to certain streets, curbs and gutters in the City of Roanoke by virtue of Improvement Ordinances of the City of Roanoke Numbers 349, 388, 390 and 403 heretofore adopted by the City Council of the City of Roanoke on June 10, 1946, March 28, 1950 May 22, 1950 and August 13, 1951, respectively. The pledge herein made of the revenues from such assessments is for the benefit of all the Refunding Warrants, pro rata and without preference of one over the other; provided, that while no default exists in the payment of the principal of or interest on the Refunding Warrants the revenues from such assessments shall be used first for payment of the said principal and interest at their respective maturities, and any balance remaining may be used by the City for any lawful purpose. To such extent, if any, as the revenues from such assessments available for payment of principal of and interest on the

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Refunding Warrants may not be sufficient to pay said principal and interest at their respective maturities, the City further agrees to use for such purpose so much of the general revenues of the City derived from other sources as, when added to the revenues from such assessments that are so available, shall be sufficient to pay at their respective maturities the principal of and interest on the Refunding Warrants. The City agrees diligently to collect such assessments as imposed by the aforementioned ordinances, and in the event any such collection be not made the City agrees to transfer and assign for the benefit of the holder of these warrants, the lien of the municipality on the property benefited by such improvements and subjected to such assessments, with power to enforce such lien at law or in equity.

Section 4. Form of Refunding Warrants. The Refunding Warrants and the coupons and provisions for registration and assignment thereof shall be substantially in the following form, with appropriate insertions and variations therein to conform to the provisions hereof:

No. _____ (Form of Warrant) \$3000

UNITED STATES OF AMERICA

STATE OF ALABAMA

CITY OF ROANOKE

REFUNDING GENERAL OBLIGATION WARRANT

The City of Roanoke, a municipal corporation in the State of Alabama, hereby acknowledges that it is indebted, and hereby directs the city treasurer to pay, to the City Bank & Trust Company of Roanoke, Alabama, or assigns, the principal sum of

T H R E E T H O U S A N D D O L L A R S

on the 1st day of August 195___, with interest thereon from the date hereof until the maturity hereof at the rate of 5% per

annum, payable annually on August 1 upon surrender of the appropriate interest coupons hereto attached. Both the principal hereof and interest hereon shall be payable in lawful money of the United States of America at the principal office of the First National Bank of Birmingham, in the City of Birmingham in the State of Alabama.

This warrant is one of an issue aggregating \$30,000. in principal amount, consisting of ten coupon warrants numbered from 1 to 10, inclusive (herein called "the warrants"), issued pursuant to the constitution and laws of Alabama, including particularly the Code of Alabama of 1940, Title 37, Chapter 6 and Section 253 thereof and an ordinance of the City duly and legally adopted for the purpose of refunding a valid general indebtedness of the City in said principal amount.

All of such warrants shall be non-callable.

The indebtedness evidenced and ordered paid by the warrants is a general obligation of the City for the payment of the principal of and interest on which the full faith and credit of the City have been irrevocably pledged. In addition thereto the City has irrevocably pledged for payment of the principal of and interest on the warrants so much as may be necessary for such purpose of those certain improvement assessments imposed by Ordinances 349, 388, 390 and 403 of the City of Roanoke and of the proceeds from such assessments.

It is hereby certified and recited that the indebtedness evidenced and ordered paid by this warrant is lawfully due without condition, abatement or offset of any description; that this warrant has been registered in the manner provided by Law; that all conditions, actions and things required by the constitution and laws of Alabama to exist, be performed or happen

precedent to and in the issuance of this warrant exist, have been performed and have happened; and that the indebtedness evidenced and ordered paid by this warrant, together with all other indebtedness of the City, was at the time the same was created and is now within every debt and other limit prescribed by the Constitution and laws of the State of Alabama.

This warrant is non-negotiable but is transferable by assignment. Each taker, owner, purchaser or holder hereof, by receiving or accepting this warrant or any interest coupon, shall consent and agree and shall be estopped to deny: (1) that title to the coupons hereunto appertaining may be transferred by delivery without the necessity of a written assignment; (2) that any person in possession of any such coupon, regardless of the manner in which he shall have acquired possession, is authorized to represent himself as the absolute owner thereof, and has the power and authority to transfer absolute title thereto by delivery thereof to a bona fide purchaser for value (present or antecedent) without notice of prior defenses or equities or claims of ownership enforceable against his transferor or any person in the chain of title and before the maturity thereof; (3) that he has waived and renounced all of his equities or rights therein in favor of every such bona fide purchaser, and every such bona fide purchaser shall acquire absolute title thereto and to all rights represented thereby; and (4) that whenever and so long as this warrant may be assigned in blank by written assignment by the original payee hereof or by any subsequent assignee hereof in the chain of title to whom written assignment is made, the city may treat any person in possession of this warrant, regardless of how such possession may have been acquired and regardless of the genuineness or effectiveness of any assignment, as the absolute

owner hereof for all purposes, and payment to such person shall discharge all obligations hereunder.

IN WITNESS WHEREOF, the City has caused this warrant to be executed and its official seal to be hereto affixed by its Mayor and to be attested by its City Clerk, who have hereunto subscribed their signatures, has caused the annexed interest coupons to be executed and attested with the facsimile signatures of said officers, and has caused this warrant to be dated August 1, 1952.

Seal of the City of Roanoke:

CITY OF ROANOKE

By: K. L. Hooper
K. L. Hooper, Mayor

Attest:

Olin E. Sheppard
Olin E. Sheppard, City Clerk

(Form of Coupon)

No. _____

\$150.00

On the 1st day of August 195__, the City Treasurer of the City of Roanoke, a municipal corporation in the State of Alabama, is hereby ordered to pay to the bearer hereof One Hundred Fifty and No/100 Dollars upon surrender hereof at the principal office of The First National Bank of Birmingham, in the City of Birmingham in the State of Alabama, being one year's interest then due on the Refunding General Obligation Warrant of the Said City of Roanoke dated August 1, 1952, and numbered _____.

CITY OF ROANOKE

By: (Facsimile Signature)
K. L. Hooper, Mayor

Attest:

Facsimile signature)
Olin E. Sheppard, City Clerk

Form of Warrant

Form of ASSIGNMENT

For value received, this warrant and the interest coupons applicable thereto and the indebtedness evidenced and ordered paid thereby are hereby transferred and assigned, without recourse or warranties, to _____

Section 5. Provisions Constitute Contract. The provisions of this Ordinance shall constitute a contract between the City and the holders of the Refunding Warrants and the coupons.

Section 6. Refunding Warrants Payable at Par. Each bank at which the Refunding Warrants and the coupons shall at any time be payable, by acceptance of its duties as paying agent therefor, shall be construed to have agreed thereby with the holders of the Refunding Warrants and the coupons that all remittances made by it on the Refunding Warrants and the coupons shall be made in bankable funds at par and without deduction for exchange, fees or expenses. The City agrees with the holders of the Refunding Warrants and the coupons that it will pay all charges for exchange, fees or expenses which may be made by any such bank in the making of remittances in bankable funds of the Refunding Warrants and the coupons.

Section 7. Execution of the Refunding Warrants. The Refunding Warrants shall be executed and the corporate seal of the City shall be affixed thereto by the Mayor, and the City Clerk shall attest the same by affixing his signature thereto. The coupons shall be executed with the facsimile signatures of the Mayor and the City Clerk. The Refunding Warrants and the coupons shall be registered by the City Treasurer, in the records maintained by him, as a claim against the City and the paving improvement assessment

and the revenues therefrom pledged therefor, which registration shall be made simultaneously with respect to all the Refunding Warrants and the coupons. Said officers are hereby directed so to execute, attest, and register the Refunding Warrants and the coupons.

Section 8. Severability of Provisions. The Several provisions of this Ordinance are hereby declared to be severable and, in the event any provision or provisions hereof shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Section 9. Sale of the Refunding Warrants. The Refunding Warrants are hereby sold to the City Bank & Trust Company, of Roanoke, Alabama, at a purchase price equal to the face value thereof plus accrued interest thereon to the date of delivery thereof and plus a premium of \$2,500. Upon payment to the City of the said purchase price, the Mayor of the City is hereby authorized and directed to deliver the Refunding Warrants to the said purchaser thereof. Such Refunding Warrants shall be issued in the name of the City Bank & Trust Company of Roanoke, Alabama, in accordance with directions given by it. The outstanding indebtedness described in Section 1 above shall be paid forthwith out of the proceeds of the said sale.

Adopted and approved this 11th day of August, 1952.

K. L. Hooper
K. L. Hooper, Mayor

Authenticated:

Olin E. Sheppard
Olin E. Sheppard, City Clerk

I, Olin E. Sheppard, hereby certify that the above and foregoing Ordinance No. 417 was passed and adopted by the

Mayor and City Council of the City of Roanoke, Alabama, on the 11th day of August, 1952, and was herein recorded and was published in the Roanoke Leader, a newspaper of general circulation in the City of Roanoke, Alabama, on the 18th day of September, 1952.

Olin E. Sheppard
Clerk, City of Roanoke, Alabama.

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ORDINANCE NO. 418

AN ORDINANCE TO AMEND SECTION 31 OF ARTICLE 3 OF THE ROANOKE ZONING ORDINANCE

BE IT ORDAINED by the City Council of the City of Roanoke Alabama, as follows:

Section 1. That Section 31 of Article 3 of the Roanoke Zoning Ordinance be amended to read as follows:

Section 31. USES PERMITTED.

Section 31. 1. All uses permitted in a Resident "A" District, as set forth in Section 21 hereof, except as has been amended by Ordinance No. 405, and except as may be hereinafter modified.

Section 31. 2. Dwelling for two families and apartment houses.

Section 31. 3. Accessory structures and home occupations customarily incidental to any of the aforesaid permitted uses subject to all conditions set forth in Sub-Section 21.7 hereof as amended by Ordinance #405, except that the area used for home occupations in a dwelling shall not exceed forth (40) per cent of the total floor area of said dwellings.

Section 31. 4. Provided further, that in any place located in