

ORDINANCE NO. 88-02

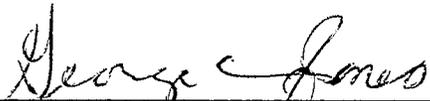
AN ORDINANCE ACCEPTING A PROPOSAL FROM THE DEPARTMENT OF HIGHWAYS
IN CONNECTION WITH THE SOUTH SATURN PARKWAY INTERCHANGE AT U. S.
HIGHWAY 31

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF
THE TOWN OF SPRING HILL, TENNESSEE, that a proposal presented by
the Department of Transportation of the State of Tennessee, as
amended, as is set forth in Exhibit 1 to this Ordinance, is
hereby accepted by the Board.

The proposal, a copy of which is attached to this
Ordinance as Exhibit 1, is hereby incorporated verbatim by
reference.

The Town of Spring Hill agrees to be bound by the terms
of the proposal.

This Ordinance was passed on second reading as provided
in Section 6-2-308 of Tennessee Code Annotated on this the 24th
day of February, 1988.



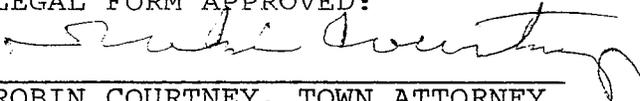
GEORGE C. JONES, MAYOR

ATTEST:



JUNE QUIRK, CITY RECORDER

LEGAL FORM APPROVED:



ROBIN COURTNEY, TOWN ATTORNEY

Passed on 1st reading: 2-15-88

Passed on 2nd reading: 2-24-88

P R O P O S A L

OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE TO
THE CITY OF SPRING HILL, TENNESSEE

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter called "DEPARTMENT", proposes to construct a project designated as No. 60002-2252-04, State Route 6, South Saturn Parkway Interchange at State Route 6, three miles southwest of Spring Hill, (0.564 Miles) in the CITY or SPRING HILL and the COUNTY of MAURY, provided the CITY and COUNTY agree to cooperate with the DEPARTMENT as set forth in the respective proposal to each, so that the general highway program be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the CITY will agree:

1. That in the event any civil actions in cross-eminent domain or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, the CITY will notify in writing the Attorney General of the State, whose address is Room 230, 450 James Robertson Parkway, Nashville, Tennessee 37219, of the institution of each civil action, the complaint and all subsequent pleadings, within seven (7) days after service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

2. To prohibit encroachments of any kind upon the

right-of-way and easements appertaining thereto; and

3. To prohibit the servicing of motor vehicles within the right-of-way and easements appertaining thereto; and

4. To close or otherwise modify any of its streets or other public ways as indicated on the project plans, as provided by law; and

5. To obtain the approval of the DEPARTMENT before authorizing parking and before installing any device for the purpose of regulating the movement of traffic; and

6. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the CITY or by any of its instrumentalities as required for right-of-way or easement purposes, provided such land is being used or dedicated for street or other public way purposes; and

7. That when said project is completed, it thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation or governmental agency, without first obtaining the approval of the DEPARTMENT; and

8. That any frontage street(s) that may be constructed by the DEPARTMENT will be maintained by the CITY in the same manner as its streets are maintained, without cost to the DEPARTMENT; and

9. As a result of acquisition and use of right-of-way for the subject project, certain building improvements within the CITY may be in violation of a CITY setback/building line ordinance. The CITY agrees to waive enforcement of any CITY setback/building line ordinance which may be violated as a result

of the subject project. The CITY further agrees to enact an ordinance or to take other proper governmental action, to this effect with reference to the entire project; and

10. That no provision hereof shall be construed as changing the maintenance responsibility of the CITY for such part of the project as may presently be on its highway, street, road or bridge system; and

11. It is understood and agreed by the DEPARTMENT and the CITY that all existing traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right-of-way shall be maintained and replaced by the CITY.

The acceptance of this proposal shall be evidenced by the enactment of an Ordinance, or by other proper governmental action, which shall incorporate the same verbatim, or by reference thereto; then

Following the acceptance of this proposal, the DEPARTMENT will acquire the rights-of-way and easements, construct the project and defend any cross-eminent domain or damage civil actions of which the Attorney General has received the pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated by reference thereto and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the CITY.

IN WITNESS WHEREOF, the DEPARTMENT has caused this

instrument to be executed by its duly authorized officials on
this ____ day of _____, 1988.

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____
Commissioner

BY: _____
State Transportation Engineer

APPROVED:

STAFF ATTORNEY