

RESOLUTION NO. 89-03

A RESOLUTION ADOPTING THE PROPOSAL OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION PERTAINING TO THE PROPOSED SPRING HILL BY-PASS.

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL:

WHEREAS, the Department of Transportation of the State of Tennessee proposes to construct a project designated as the Spring Hill By-Pass, along a route lying either East or West of the original corporate limits of the Town of Spring Hill; and

WHEREAS, the Department of Transportation of the State of Tennessee has submitted a proposal to the Town of Spring Hill by means of a letter from the Department Attorney, Henry K. Buckner, Jr., dated January 12, 1989, in which it requested the approval of the proposal by the City Council; and

WHEREAS, the Board of Mayor and Aldermen consider the construction of the proposed By-Pass along either of the proposed routes to be in the best interests of the Town of Spring Hill and its citizens; and

WHEREAS, the Board of Mayor and Aldermen has considered the proposal submitted by the Department of Transportation and has approved its contents; and

WHEREAS, the Board of Mayor and Aldermen desires to approve the proposal to evidence its binding nature on the Town of Spring Hill;

NOW THEREFORE, IN CONSIDERATION OF THE PREMISES, be it resolved by the Board of Mayor and Aldermen of the Town of Spring Hill that the proposal of the Department of Transportation of the State of Tennessee addressed to the City of Spring Hill,

Tennessee, transmitted by a letter from the Department Attorney, Henry K. Buckner, Jr., dated January 12, 1989, to the Mayor of Spring Hill, which proposal and its letter of transmittal are both attached hereto as Exhibit 1 to this Resolution and hereby made a part hereof, is hereby accepted on behalf of the Town of Spring Hill;

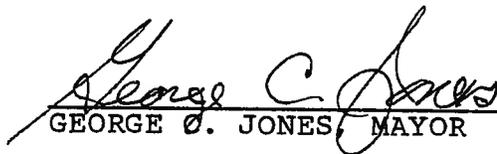
BE IT FURTHER RESOLVED, that this proposal as submitted is in all things approved by the Board of Mayor and Aldermen and this Resolution is adopted to evidence that it sets forth the respective obligations of the Town of Spring Hill and the Tennessee Department of Transportation.

PASSED AND ADOPTED at a meeting of the Board of Mayor and Aldermen of the Town of Spring Hill duly called on January 30, 1989, pursuant to and in conformity with the provisions of Section 6-1-406(4) of Tennessee Code Annotated.

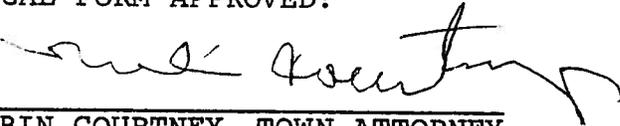
BE IT FURTHER RESOLVED, that the Recorder is hereby authorized and instructed to submit a certified copy of this Resolution to the Department of Transportation of the State of Tennessee.



JUNE QUIRK, RECORDER



GEORGE O. JONES, MAYOR

LEGAL FORM APPROVED:


ROBIN COURTNEY, TOWN ATTORNEY



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
NASHVILLE, TENNESSEE 37219

January 12, 1989

Honorable George C. Jones
Mayor
City of Spring Hill
P. O. Box 57
Spring Hill, Tennessee 37174

Re: Proposed Spring Hill Bypass

Dear Mayor Jones:

The Department is in a position to determine whether the captioned highway will be constructed along Alternate "A" or Alternate "B" as shown on the enclosed map.

Prior to making the location decision, it is appropriate for the City to accept our proposal which will govern the respective obligations of the parties as the project advances to the construction phase.

Please consider this document and, if found to be in order, have the same approved by your City Council to evidence its binding nature on the City.

Very truly yours,


Henry K. Buckner Jr.
Department Attorney

HKBJ:amh
Enclosures

EXHIBIT 1

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 the Spring Hill Bypass, along either the location identified as "PROP. ALT. 'A'" or the location identified as "PROP. ALT. 'B'" on the attached map, in the CITY of SPRING HILL, provided the CITY agrees to cooperate with the DEPARTMENT as set forth in this proposal, 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 judgements which result therefrom at its own expenses; 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 following the completion of the project, it will maintain the same at its expense, with the exception of the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist which the DEPARTMENT will maintain.

8. Where privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the CITY, or any of its instrumentalities, the CITY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would interfere with the construction of the project. But the foregoing may not be a duty of the CITY since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the CITY.

The foregoing does not apply to those utility facilities which are owned by the CITY or one of its instrumentalities, it being understood that the CITY has the duty to relocate or adjust such facilities, if required, provided the CITY is notified to do so by the DEPARTMENT with detailed advice as to this duty of the CITY; and

9. 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

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

11. That after the project is completed and open to traffic, such parts of any existing highway(s) which will be replaced by the project, will be accepted by the CITY for future maintenance; and

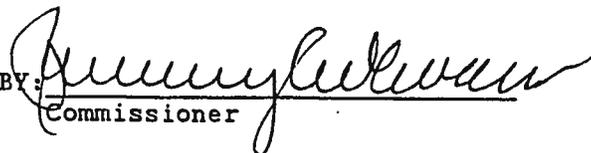
12. That the CITY will not change any road within the limits of the right-of-way acquired for any interchange(s) and it will not permit the installation or relocation of any utility facilities without first obtaining the approval of the DEPARTMENT; and

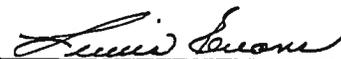
13. It is understood and agreed by the DEPARTMENT and the CITY that all traffic control signs for the control of traffic on a street under the jurisdiction of the CITY and located within the DEPARTMENT's right of way shall be maintained and replaced by the CITY.

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

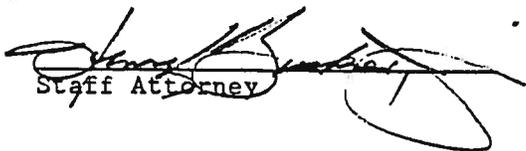
IN WITNESS WHEREOF, the DEPARTMENT has caused this instrument to be executed by its duly authorized officials on this the 20th day of January, 1989.

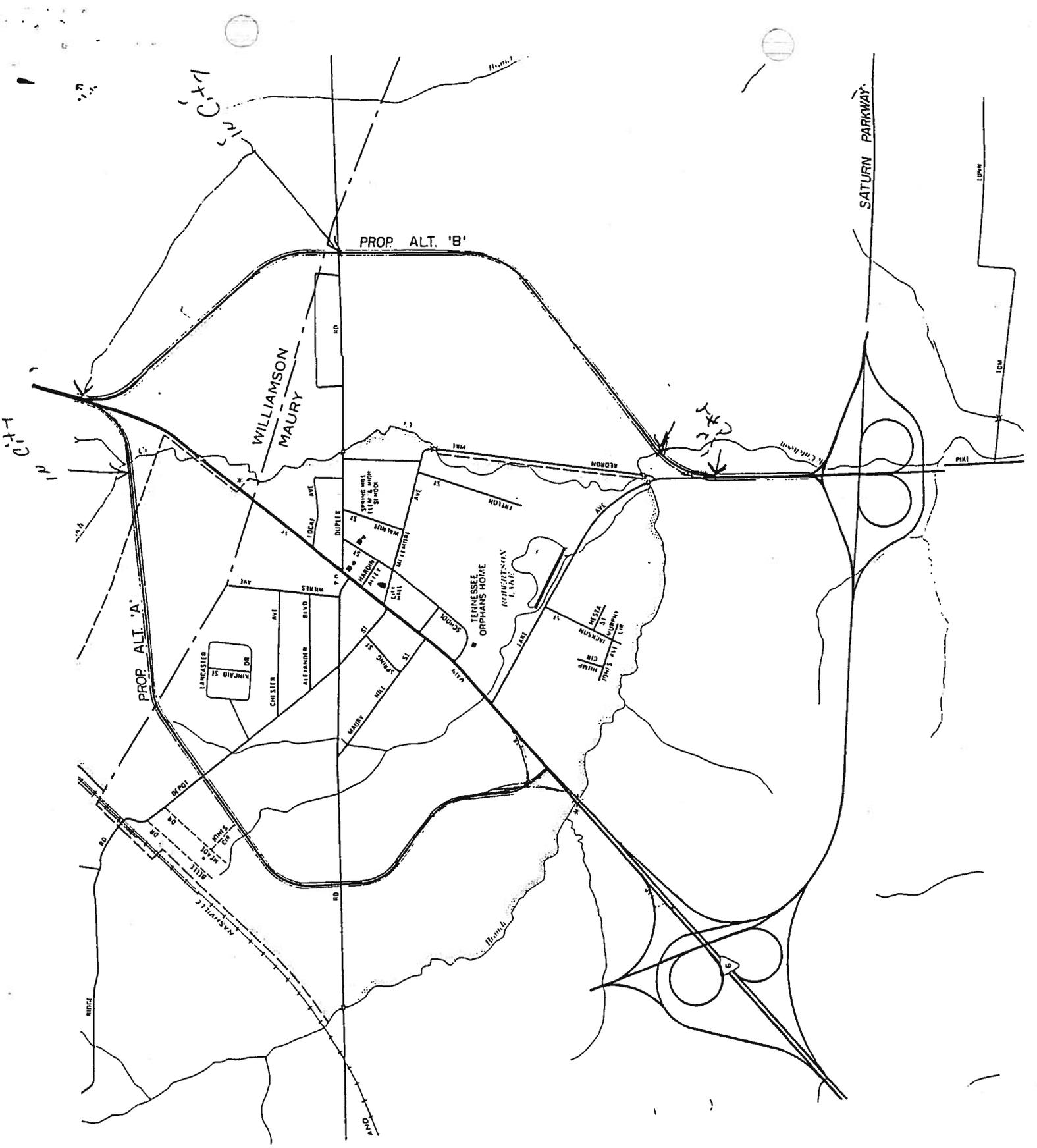
STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: 
Commissioner

BY: 
State Transportation Engineer

APPROVED:


Staff Attorney



C E R T I F I C A T E

I, June Quirk, do hereby certify that I am the Recorder for the Town of Spring Hill, Tennessee, and the foregoing Resolution is a true copy of a Resolution adopted by the Board of Mayor and Aldermen at a meeting held the 13th day of February 1989.


June Quirk, Recorder