

RESOLUTION NO. 2001-43
RESOLUTION TO APPROVE CONTRACT WITH
STATE DEPARTMENT OF TRANSPORTATION

WHEREAS, the State Department of Transportation proposes to construct a project designated as State Project 92019-1207-94 that is described as State Route 190: Bridge & Approaches Over Middle Fork Obion River @ L.M. 15.27 and Thompson Creek @L.M. 20.81 in the county of WEAKLEY, hereinafter, hereinafter COUNTY, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State; and

WHEREAS, the Board of County Commissioners of Weakley County believes that it would be in the best interest of Weakley County to enter into the attached contract with the State Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weakley County, Tennessee, assembled in regular session on the 26th day of March, 2001, that:

1. The County Executive is hereby authorized empowered and directed to sign the attached contract on behalf of Weakley County.
2. This resolution shall take effect upon passage, the public welfare requiring it.

PURSUANT TO THE RULES OF THE COMMISSION, THIS RESOLUTION IS SPONSORED BY THE FOLLOWING MEMBERS OF THE WEAKLEY COUNTY BOARD OF COUNTY COMMISSIONERS:

ACKNOWLEDGED AND APPROVED:

Chairman, Public Works Committee

Motion made by Commissioner _____ that the foregoing resolution be approved. Motion seconded by Commissioner _____. Upon being put to a roll call vote, motion _____ by a vote of:

AYES _____ NAYS _____ PASS _____ ABSENT _____

ATTEST

APPROVED:

Pat Scarbrough, County Clerk

Ron Gifford, County Executive

THIS THE 26TH DAY OF MARCH, 2001

PROPOSAL

OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE COUNTY OF WEAKLEY, TENNESSEE:

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee hereinafter "DEPARTMENT", proposes to construct a project designated as State Project 92019-1207-94 that is described as State Route 190: Bridge & Approaches Over Middle Fork Obion River @ L.M. 15.27 and Thompson Creek @ L.M. 20.8) in the county of WEAKLEY, hereinafter, hereinafter COUNTY, provided the COUNTY agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the COUNTY will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right-of-way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 404 James Robertson Parkway, Nashville, Tennessee 37243-0487, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10) days after the 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 close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

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

4. Where privately, publicly or cooperatively owned utility 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 COUNTY, or any of its instrumentalities, the COUNTY agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the COUNTY 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 COUNTY.

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

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and
7. That the COUNTY will make no changes or alter any segment of a road on its road system that lies within limits of the right-of-way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right-of-way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and
8. That no provision hereof shall be construed as changing the maintenance responsibility of the COUNTY for such part of the project as may presently be on its highway, street, road or bridge system; and
9. That it is understood and agreed between the DEPARTMENT and the COUNTY that all traffic control signs for the control of traffic on a street under the jurisdiction of the COUNTY and located within the DEPARTMENT'S right-of-way shall be maintained and replaced by the COUNTY; and
10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the COUNTY.
11. If, as a result of acquisition and use of right of way for the project, any building improvements become in violation of a COUNTY setback/building line requirement, the COUNTY agrees to waive enforcement of the COUNTY setback/building line requirement and take other proper governmental action therefore.

12. To prohibit encroachments of any kind upon the right-of-way and easements for the project; and

13. To prohibit the servicing of motor vehicles within the right-of-way and easements for the project; and

14. To obtain the approval of the DEPARTMENT before authorizing parking on the right-of-way and easements for the project and before installing any device for the purpose of regulating the movement of traffic; and

15. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e. a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The COUNTY agrees to maintain other parts of non-access control projects.

16. 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.

The acceptance of this proposal shall be evidenced by the passage of a resolution, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Therefore, the DEPARTMENT will acquire the right-of-way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

FROM : WEAKLEY CO EXECUTIVE

FAX NO. : 901 364 5414

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

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by it duly authorized officials on this 28th day of November, 2000.

COUNTY OF WEAKLEY

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: _____ DATE: _____
County Executive

STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION

BY: J. Bruce Saltsman ^{TG} DATE: 12/01/00
J. Bruce Saltsman, Commissioner

APPROVED AS TO FORM AND LEGALITY:

BY: _____ DATE: _____
Mary Moody
General Counsel