



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter IX - Highways and Roads

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

Table of Contents

Chapter IX - Highways and Roads 3
Superintendent of Highways 3
Private Acts of 1981 Chapter 100 3
Highways and Roads - Historical Notes 3

Chapter IX - Highways and Roads

Superintendent of Highways

Private Acts of 1981 Chapter 100

SECTION 1. The office of Superintendent of Highways for Morgan County is hereby created. The Superintendent of Highways shall be considered the chief administrative officer for purposes of the Tennessee County Uniform Road Law, Tennessee Code Annotated, Title 54, Chapter 7.

SECTION 2. The Superintendent of Highways shall be elected by the qualified voters of Morgan County in accordance with the general election laws of the state of Tennessee in the general election to be held in August 1982 and every four (4) years thereafter. Upon certification of the results of the August 1982 election the Superintendent of Highways elected shall take office September 1, 1982 for a term of four (4) years.

A vacancy in the office of Superintendent of Highways shall be filled by an appointee of the county legislative body, in accordance with Article 7, Section 2 of the Tennessee Constitution, who shall serve until a successor is elected at the next election occurring after the vacancy, whether general, primary or special.

SECTION 3. The county legislative body shall have the authority to set the salary of the Superintendent of Highways at a rate higher than the minimum salary established in Tennessee Code Annotated, Section 54-7-106. The county legislative body shall also have the authority to add duties and responsibilities to the office of Superintendent of Highways in addition to those provided in the Tennessee County Uniform Road Law.

SECTION 4. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the county legislative body of Morgan County, its approval or nonapproval shall be proclaimed by the presiding officer of the Morgan County Legislative Body and certified by him to the Secretary of State.

SECTION 5. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 4.

PASSED: April 22, 1981

Highways and Roads - Historical Notes

The following is a listing of acts which once had some effect upon the county road system in Morgan County, but which are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1817, Chapter 152, authorized Adam Helms to cut and open a turnpike road in Morgan County from a point at Wall's in Morgan County on Piles Turnpike Road to intersect the Cumberland Turnpike Road between Robert Johnson's and the standing Stone in Overton County.
2. Private Acts of 1824, Chapter 148, authorized the proprietors of turnpike roads in Morgan County to change their roads so that said roads could run through the seat of justice of Morgan County.
3. Private Acts of 1826, Chapter 173, Section 12, authorized Thomas Butler, William Marchbanks and Samuel Scott, the proprietors of a turnpike road which led through the counties of Morgan and Fentress, to turn said road so as to pass Conrad Pile's plantation.
4. Private Acts of 1829-30, Chapter 122, appointed Thomas Jack as commissioner of the turnpike road leading through Morgan County. This act was repealed by Private Acts of 1832, Chapter 13.
5. Public Acts of 1829-30, Chapter 136, authorized Allen McDonald to open a turnpike road which ran from Pleasant Chitwood's on the Kentucky State line to the town of Montgomery in Morgan County.
6. Private Acts of 1831, Chapter 43, authorized Amos Marney to open and keep up a turnpike road, starting at the Kentucky state line at Little South Fork, crossing the clerk fork of the Cumberland River at or near James Brusters, and thence so as to intersect Scott's Turnpike Road at or near Montgomery in Morgan County.
7. Public Acts of 1831, Chapter 48, Section 6, appointed Arthur R. Frogg and William Travis commissioners of a turnpike road which led through Morgan and Fentress counties.

8. Private Acts of 1833, Chapter 247, exempted the proprietors of the Emory Turnpike Road, in Morgan County, from the provisions of a general act passed December 15, 1831, which forced owners of a turnpike to meet certain maintenance standards.
9. Acts of 1841-42, Chapter 23, provided that William Staples of Morgan County be constituted a corporation sole for the purpose of constructing a turnpike road from Tandy Centers, in Roane County, crossing Emory River, to intersect the Turnpike Road leading from Sparta to the Crab Orchard, at or near John Kimmer's.
10. Acts of 1841-42, Chapter 44, authorized David Smith to open a turnpike road in Morgan County.
11. Acts of 1841-42, Chapter 106, appointed George McCormick, Hiram Millsaps of Fentress County, and Nicholas J. Kington of Morgan County, commissioners for Scott's Turnpike Road leading through Morgan and Fentress counties.
12. Acts of 1843-44, Chapter 83, authorized Julian F. Scott, of Morgan County, to open and keep up a turnpike road which ran from Montgomery to the Kentucky state line.
13. Acts of 1847-48, Chapter 184, authorized Caleb Ellis to open a turnpike road which ran from the foot of the Cumberland Mountain in Roane County to Scott's Road in Morgan County.
14. Acts of 1847-48, Chapter 219, authorized the Montgomery Turnpike Company to construct a turnpike which ran from Wolf River in Fentress County to the town of Montgomery in Morgan County. This act was repealed by Acts of 1849-50, Chapter 158.
15. Acts of 1849-50, Chapter 154, appointed William R. Campbell, David Hall, Sr. and Mitchell H. Frogge as commissioners of the Montgomery Turnpike Road which ran from Wolf River in Fentress County to the town of Montgomery in Morgan County.
16. Acts of 1851-52, Chapter 268, authorized the opening of a turnpike road in Morgan County beginning at Montgomery and running to the Tennessee River.
17. Private Acts of 1865-66, Chapter 88, Section 36, incorporated the Western and Montgomery Turnpike Company and to macadamize the turnpike road leading from Knoxville to the town of Montgomery in Morgan County.
18. Acts of 1903, Chapter 267, authorized the Morgan County Court to issue bonds in an amount not to exceed \$80,000.00 to build roads. These bonds were to bear interest at a rate not to exceed 4% and required the approval of a majority of the county's voters. This act also created a board of commissioners to carry out the provisions of the act.
19. Acts of 1905, Chapter 298, authorized the Morgan County Court to issue bonds in an amount not to exceed \$50,000.00 and at a rate of interest not to exceed 5% for the purpose of maintaining and building roads.
20. Acts of 1907, Chapter 552, created a board of public road commissioners to lay out and maintain the public roads in Morgan County.
21. Private Acts of 1913, First Extra Session, Chapter 37, regulated the working and laying out of public roads in Morgan County.
22. Private Acts of 1917, Chapter 164, authorized the Morgan County Court to issue bonds in the amount of \$200,000.00 to build roads in the county. These bonds were to mature within 40 years and to bear interest at a rate not to exceed 5%.
23. Private Acts of 1921, Chapter 180, authorized Morgan County, through its county court, to issue and sell interest-bearing coupon bonds in an amount not to exceed \$75,000.00, for the purpose of building a concrete bridge across the Emory River at or near Oakdale. The act also provided for the levy and collection of taxes with which to pay principal and interest on said bonds when due.
24. Private Acts of 1921, Chapter 613, prescribed the general road law for Morgan County. This act was amended by Private Acts of 1929, Chapter 637, which abolished the offices of associate members of the board of road commissioners and assign their duties to the superintendent of roads. The act as amended was further amended by Private Acts of 1933, Chapter 705, to provide for the election of the superintendent of roads.
25. Public Acts of 1921, Chapter 65, authorized and provided for the location and construction of a railroad to the state owned lands located on the waters of Flat Fork Creek in Morgan County.
26. Private Acts of 1929, Chapter 684, authorized Morgan County to issue and sell interestbearing coupon bonds in an amount not to exceed \$200,000.00 for the purpose of rebuilding certain bridges across the Emory River and its tributaries and other streams in said county. This act also provided for the levy of a tax to pay the interest on said bonds and created a sinking fund to pay the same when due.

27. Private Acts of 1937, Chapter 150, was a comprehensive road law for Morgan County. This act was amended by Private Acts of 1937, Chapter 549, to provide extra compensation to the road commissioners when overseeing work on the public roads. The act as amended was then repealed by Private Acts of 1941, Chapter 93.
28. Private Acts of 1941, Chapter 108, provided for the laying out, construction, working and maintain of all the public roads in Morgan County. In addition, this act created the office of superintendent of roads in the county. This act was amended by Private Acts of 1943, Chapter 208, which set the election for the superintendent of roads at the next general election in August, 1944, and every four years thereafter. The act as amended was further amended by Private Acts of 1947, Chapter 161, which set the salary of the superintendent of roads at \$2,400.00 per annum. Private Acts of 1949, Chapter 174, further increased the salary of the superintendent of roads to \$3,000.00 per annum.
29. Private Acts of 1941, Chapter 127, authorized Morgan County, through its county judge as financial agent, to issue interest bearing county warrants to raise money for purchasing easement rights for highways or roads right-of-ways. These warrants were to bear interest at a rate not to exceed 6%.
30. Private Acts of 1951, Chapter 475, established a system of county roads in Morgan County. This act was found constitutional in Wilson v. Williams, 194 Tenn. 200, 250 S.W.2d 73 (1952). This act was later repealed by Private Acts of 1978, Chapter 290.
31. Private Acts of 1978, Chapter 290, was a general road law for Morgan County. This act provided for the maintenance and upkeep of roads; provided for the election of a road supervisor and a bookkeeper. This act was repealed by Private Acts of 1979, Chapter 113.

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