



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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# Private Acts of 1927 Chapter 520

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Dear Reader:

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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,

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# Private Acts of 1927 Chapter 520

**SECTION 1.** That hereafter in Montgomery County, and all other counties of the State of Tennessee having a population of not less than 32,265 inhabitants nor more than 32,280 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, the County Board of Highway Commissioners provided for by Chapter 312, of the Private Acts of 1923, shall have, and is hereby given, in addition to the powers conferred upon it by said Chapter 312, of the Private Acts of 1923, the right and power to locate, open, change, close or restore any public roads, ferries or bridges, either upon its own initiative or upon application of any five freeholders of the County by written petition, where the public welfare requires, in the manner and form as is herein provided.

**SECTION 2.** That all petitions provided for in Section 1 of this Act shall be filed with said Board of Commissioners within the time and upon the conditions provided by existing laws applicable to said county with relation to the filing of such petitions with the Quarterly Court. The said Board of Commissioners, upon due consideration thereof, approve or reject, for good cause shown, any such petitions. If approved, the said Board of Commissioners shall forthwith enter upon negotiations with the landowners affected by such petitions with the view of settling with them directly the questions of rights of way and incidental damages. And in the event settlement cannot be effected with any such landowners, the said Board of Commissioners may direct the Sheriff to summon three impartial free-holders as a jury of view who, after five days notice to the landowners, if they be residents, or ten days written or printed notice posted at the door of the County Court House if they be non-residents, shall go upon the premises described in the petitions and assess the damages and make due report thereof of said Board of Commissioners and the landowners so affected, either of whom may appeal from said verdict within ten days after its rendition to the next term of the Circuit Court, said proceeding to be in the name of the County or in the name of the said Board of Commissioners in the behalf and for the benefit of the County. In case of appeal by either or both parties, the said Board of Commissioners may proceed with the road work or other improvement sought to be done notwithstanding the pending litigation; provided, it execute to the land owners a bond in double the amount of the verdict of the jury of view, conditioned to pay any judgment and costs that may be rendered against the county by said Circuit Court. But said Board of Commissioners, upon its failure to make settlement with any landowners so affected, may proceed, in its discretion and without regard to the foregoing provisions, to a condemnation of the lands and interests in lands so involved under the laws of eminent domain as hereinafter provided.

**SECTION 3.** That said Board of Commissioners is hereby vested with the right of eminent domain and authorized and empowered, upon its own initiative and in all cases where the public welfare requires it, to take and appropriate lands and interest in lands situated within said County necessary for rights of way in the opening, changing or restoring any and all public roads, ferries and bridges therein and for quarries, gravel-pits and borrow-pits and rights of way thereto for use in the construction, maintenance and repair of said public roads, ferries and bridges; provided, however, that the owners of lands and interests in lands so sought to be taken and appropriated shall be paid just compensation therefor as provided in Section 4 of this Act. Said condemnation proceedings shall be commenced by petition filed in the Circuit Court in the name of the County, or in the name of said Board of Commissioners in the behalf and for the benefit of said County, and shall be prosecuted in the manner provided in Sections 1326 to 1348, inclusive, of the Code of Tennessee.

**SECTION 4.** That the County Judge or the Chairman of the County Court, within thirty days after the termination of any of the proceedings provided for by this Act, the full amount of damage or damages and costs having been ascertained and fixed, shall pay to those entitled the full amount of their respective claims, such payments to be made in manner and form as is provided by Section 6 of said Chapter 312, Private Acts of 1923. And the said Board of Commissioners shall take deeds and, in proper cases, certified copies of decrees in the Circuit Court, duly authenticated, conveying to the county title to the properties so taken.

**SECTION 5.** That said Board of Commissioners shall keep full and complete minutes of all its Acts and doings and make detailed reports thereof to each Quarterly Court, filing with its reports and as a part thereof plats and full descriptions of all such lands and interest in lands taken over by the County under the provisions of this Act within the periods covered by the respective reports, which said reports shall be entered on the minutes of said court.

**SECTION 6.** That it is not intended by this Act to limit, abridge or repeal any existing law or laws relating to State Aid Roads or State and Federal Aid Roads, as now laid out or hereafter to be laid out in said County after same shall have been taken over and so designated, and the provisions of this Act shall apply to no such roads except by the consent, with the cooperation and under the jurisdiction of the State Department of Highways and Public Works.

**SECTION 7.** That if for any reason any section or part of this Act shall be held unconstitutional or invalid, then that fact shall not invalidate any other part of this Act; but the same shall be enforced without reference to the part so held to be invalid.

**SECTION 8.** That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 20, 1927.

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