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# Private Acts of 1937 Chapter 242

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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](http://www.ctas.tennessee.edu)

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## Private Acts of 1937 Chapter 242

**SECTION 1.** That in counties of this State having a population of not less than 19,900, nor more than 20,000 by the Federal Census of 1930, or any subsequent Federal Census, there is hereby created the Office of County Highway Commissioner.

As amended by: Private Acts of 1990, Chapter 171

**SECTION 2.** At the August 1990 General Election, and every four (4) years thereafter, there shall be elected by the qualified voters of McNairy County, a County Highway Department, whose term shall be for four (4) years beginning September 1 following election. The candidates for the office of County Highway Department shall possess the qualifications required by and have the powers and duties specified in the County Uniform Highway Law (Tennessee Code Annotated, Title 54, Chapter 7). The County Highway Department shall be paid the salary established in Tennessee Code Annotated, Section 54-7-106.

As amended by: Private Acts of 1947, Chapter 43

Private Acts of 1953, Chapter 567

Private Acts of 1963, Chapter 86

Private Acts of 1965, Chapter 192

Private Acts of 1969, Chapter 125

Private Acts of 1972, Chapter 310

Private Acts of 1973, Chapter 80

Private Acts of 1990, Chapter 171

**SECTION 3.** All expenditures from the highway funds of said county shall be by means of a warrant signed by the Commissioner of Highways and drawn upon the highway funds in the hands of the County Trustee. It shall be the duty of the County Highway Department to keep a permanent record of the amount, payee, number, and consideration of each warrant so drawn by him and upon request shall furnish an itemized list of said expenditures and such other information as may be requested to the County Legislative Body. Such records shall be kept during the calendar year in which they were drawn and for the two next succeeding calendar years, during which time such record shall be open to inspection, during reasonable hours, by any interested taxpayer of said county.

As amended by: Private Acts of 1972, Chapter 310

**SECTION 3-A.** That the County Highway Department shall submit to each Quarterly Session of the County Court a full and complete report of his activities as such County Highway Department, showing in each report the amount of road funds on hand at the beginning of the quarter, together with the amount expended for labor, supplies, materials and equipment, and the amount expended on each account, together with a list of articles purchased, the number of laborers employed, the number of new miles constructed or the fractions thereof, and where located, during the quarter for which said report is made. Each of said reports shall be published by the Commissioner of Highways in some newspaper of general circulation in said County at the time it is submitted to the County Legislative Body.

The County Highway Department shall have an annual audit of all books and records of the County Highway Department made by some firm of certified public accountants prior to the regular April term of the County Legislative Body, and a copy of said audit shall be submitted to the County Legislative Body at its regular April term, beginning with the April term, 1941.

All expenses incident to publishing the said quarterly reports and the expenses of the annual audit of all books and records of the County Highway Department as hereinbefore provided, shall be paid by the County Highway Department out of the road funds coming into its hands as other obligations are paid.

As amended by: Private Acts of 1972, Chapter 310

Private Acts of 1990, Chapter 171

**SECTION 4.** That the County Highway Department of said counties is hereby authorized to open and close and re-locate such roads as in his judgment may be necessary to provide an adequate and complete system of County Highways and for the purpose of opening or relocating the roads, the power of eminent domain is expressly conferred upon such County Highway Department. In case it becomes necessary to procure right-of-way for any road by eminent domain proceedings, the County Highway Department shall serve upon the landowner affected, if he be a resident of said county, a notice five days in advance of the proposed taking of his intent to take such lands, accompanied by a reasonable definite description of the lands sought to be taken, together with a notice that on the day mentioned in his notice that a jury of view will be concerned for the purpose of assessing the damages occasioned by such taking. It shall be the duty of the sheriff of counties to which this Act applies, upon application by such official to the County Highway Department to appoint the jury of view consisting of three persons, who shall go upon the land described in said notice, shall assess the damages occasioned by the taking thereof and shall file their report in writing in the office of the County Court Clerk of counties to which this Act applies. All damages for rights-of-way taken under this Act shall be paid out of the general county fund of said counties and

shall be a definite charge there against. Any person deeming himself to be aggrieved by the action of the jury of view may have such action reviewed by petition for certiorari filed in the Circuit Court of counties to which this Act is applicable within twenty days after the filing of such report by the jury of view in the office of the County Court Clerk. However, upon the hearing in the Circuit Court upon such petition for certiorari the action of the county Highway Department in selecting the particular land to be taken shall be final but the power of the County Highway Department to condemn and the amount of damages occasioned by such condemnation shall be open to investigation by such court. Either party, upon the trial in the Circuit Court, may have a jury in the same manner as now provided by law for other civil cases. Any party aggrieved by the judgment of the Circuit Court may appeal from it to the Court of Civil Appeals and by certiorari to the Supreme Court as now provided by law for other civil cases.

As amended by: Private Acts of 1990, Chapter 171

Passed: February 16, 1937.

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