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# Private Acts of 1947 Chapter 529

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Sincerely,

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# Private Acts of 1947 Chapter 529

**COMPILER'S NOTE:** Private Acts of 1973, Chapter 144, found in its entirety immediately following this act, is an amendatory act which gives the quarterly county court authority to provide by resolution for the merger of the Memphis and Shelby County Port Commission with the Memphis River Front Harbor Commission.

**SECTION 1.** That there is hereby authorized and established a Commission to be composed of five (5) members, to be known as the Memphis and Shelby County Port Commission, whose terms of office shall be one, two, three, four and five years, said Commissioners to serve without compensation and to be selected as follows:

The Board of Commissioners of the City of Memphis on nomination of the Mayor of the City of Memphis shall appoint three of such Commissioners, whose terms shall be one, three and five years, respectively. The Quarterly County Court of Shelby County shall elect the other two members, whose terms shall be two and four years, respectively. Upon the expiration of the terms of said aforesaid Commissioners appointed by the Board of Commissioners and on nomination of the Mayor of said City, the then Board of Commissioners and Mayor shall appoint a successor to the Commissioners whose term of office thus expired; and upon the expiration of the term of any of said Commissioners so elected by the Quarterly County Court of Shelby County, the then Quarterly County Court shall elect a successor to the Commissioner whose term thus expired. The term of all Commissioners appointed or elected subsequently the then original members of said Commission shall be two years, and successors shall be appointed or elected from time to time as vacancies occur, as above provided, by the Mayor and Board of Commissioners of the City of Memphis or by the Quarterly County Court of Shelby County.

The members of said Commission shall give bond in the sum of Five Thousand (\$5,000.00) Dollars to the State of Tennessee for the use and benefit of the County of Shelby and City of Memphis, conditioned upon the faithful performance of their duties as such Commissioners. Said bonds are to be in solvent surety companies qualified to do business in the State of Tennessee and having an agent in Memphis, Shelby County, Tennessee, the expenses thereof to be paid from the revenue of said Commission, and as a part of the operating expenses thereof. The Mayor of the City of Memphis and the Mayor of the County of Shelby shall be exofficio members of said Commission, with the right to vote, but shall give no bond.

The Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall have the power to fix the qualifications of the members of said Commission; shall have the power to prescribe their jurisdiction and duties and said Commissioners may be removed at the will and pleasure of the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County without the necessity of a hearing, or notice, and their action in removing any Commissioner shall be final.

The Quarterly County Court of Shelby County shall have full authority to pass resolutions to carry out the aforementioned powers and any and all other or additional resolutions that may become necessary in order to carry out the purposes and provisions of this Act.

The said Commissioners shall qualify and take an oath to uphold the Constitution of the United States and of the State of Tennessee and faithfully to discharge the duties of his office, as soon as practicable after this Act becomes effective, and upon the organization thereof, the County of Shelby is hereby authorized and empowered to vest the management and control of any and all properties devoted to harbor purposes owned by the County of Shelby in the Commission herein authorized, subject to such terms and conditions as may be deemed advisable.

The County of Shelby and the City of Memphis are hereby authorized to enter into a contract or contracts with reference to the acquisition by the Memphis and Shelby County Port Commission of all right, title and interest, as well as the assumption of all liabilities of the said County of Shelby, City of Memphis and/or the Harbor Commission of the City of Memphis, or its predecessors, in and to any and all such property owned by said County, City or Harbor Commission of said City, or its predecessors.

As amended by: Private Acts of 1951, Chapter 380

Private Acts of 1977, Chapter 121

**SECTION 2.** That immediately upon the qualifications of the Commissioners of the Memphis and Shelby County Port Commission, the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County shall designate one of the members of said Commission as Chairman, who shall hold office as such during the term for which he is elected a member thereof. The said Commission shall hold regular meetings each month at a definite time to be fixed by resolution of the Memphis and Shelby County Port Commission, and such special meetings as may be necessary for the transaction of business shall be held. A majority of the Commission shall constitute a quorum for the transaction of business at

any regular or special meeting. The Chairman shall receive a salary not exceeding \$1,800 per annum, to be fixed by the Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 3.** That the Memphis and Shelby County Port Commission shall, as soon as practicable after the organization thereof, certify the nomination of the following subordinate officers to the Board of Commissioners of the City of Memphis and to the Board of County Commissioners of Shelby County for approval, and said subordinate officers, after having been approved, shall receive such salaries as may be fixed by the said Port Commission, subject, however, to final approval by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

(a) A Manager, who may be required to devote his entire time and attention, or such parts thereof as may be required, to the duties of the office, and shall be subject to the supervision and direction of the Memphis and Shelby County Port Commissioners. He shall make and file a bond in such sum as may be prescribed by said Port Commissioners and shall take the same oath required of the members of said Commission. (b) A Secretary and/or Treasurer, or both, if deemed necessary, shall have charge and custody of all books, papers, documents, and accounts, and under whose supervision all necessary accounting records shall be kept and all checks and vouchers prepared. The said Commission shall, by resolution, delegate a person or persons who shall sign checks, which shall be countersigned by one of said Commissioners. Said Secretary and/or Treasurer, or both, as the case may be, shall be required to attend, in person or by assistants, all the meetings of said Commission and keep a correct record of all the proceedings of that body and perform such other duties as may be imposed by the said Port Commission. Clerical assistance shall be provided as may be deemed necessary for the work to be properly performed, and a bond or bonds shall be made in such sum as may be fixed by said Commission, and the same oath taken as required of members of the said Commission. (c) One or more attorneys may be appointed, who shall be practicing attorneys at law, and who shall make and file bonds and take the same oath required by the said Commissioners and Secretary and/or Treasurer, or both, and who shall counsel and advise the Memphis and Shelby County Port Commission in all matters of law which may arise, and whose compensation shall be fixed by said Commission.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 4.** That said Memphis and Shelby County Port Commission shall be authorized to employ such other superintendents, engineers, assistants, consultants and other subordinate officers and employees as may be necessary for the efficient operation of said Commission, who shall hold office at the will and pleasure of said Commission and shall receive such salaries as may be fixed by said Commission; provided that no salary shall be fixed in excess of the sum of Three Thousand (\$3,000.00) Dollars per annum, without the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County; and provided further that the said Port Commission shall certify to the said Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County for approval the nomination of all subordinate officers and employees whose salaries shall be fixed in excess of Three Thousand (\$3,000.00) Dollars per annum, but the consent and approval of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County to any salary or nomination shall not be necessary where the salary of any subordinate officer or employee shall be less than Three Thousand (\$3,000.00) Dollars per year.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 5.** That the revenue received from the operation of the Memphis and Shelby County Port Commission shall be used as follows:

(1) The net revenue from all properties now owned by the City of Memphis and/or the Harbor Commission of the City of Memphis and used in connection with the purposes set forth herein, shall, until such time as the City of Memphis and the County of Shelby shall agree upon the acquisition thereof by the Memphis and Shelby County Port Commission, as herein provided, be used for the deduction of the outstanding bonded indebtedness, and the remainder, if any, paid into the general funds of the City of Memphis. Separate records shall be kept of these transactions and the monies and securities shall be placed in separate funds until such time as the said Commission shall acquire such properties as above set forth.

All other revenue received each year from the operation of said Commission shall be used for the following purposes and in the order named:

(a) For the payment of all operating expenses of said Commission, for interest accruals and sinking fund accruals on bonds or mortgages issued by the County of Shelby and City of Memphis for the benefit of said Commission.

(b) For all expenditures incident to the extension and/or developments of said harbor and port as provided for and authorized herein.

(c) Any revenues thereafter remaining shall be paid into the general funds of the County of Shelby and City of Memphis in a sum equal in amount to what would be the City and County taxes on the properties owned by the City of Memphis and County of Shelby and managed and controlled by said Commission.

Said Commission shall have no authority to issue bonds or notes, or any other obligations constituting a lien upon the properties managed, controlled or owned, or hereafter to be acquired by it, except by and with the consent of the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

In the event a deficit should result by reason of the ownership, operation, maintenance or development of said harbor and port, the County of Shelby shall pay one-half (1/2) of any such amount from its general funds, to said Memphis and Shelby County Port Commission.

The County of Shelby shall be authorized to levy and collect, if necessary, an annual tax, in addition to all other taxes authorized by law, for the purpose of paying its part of the expenses, incident to the ownership, operation, maintenance and development of the harbor and port authorized and provided for herein.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 6.** That the Memphis and Shelby County Port Commission, in addition to the other duties prescribed for it, shall perform all duties to be performed by the River and Rail Terminal Commission created by an ordinance passed pursuant to the provisions of Chapter 483 of the Private Acts of the General Assembly of 1917; the duties of the Board of Terminal Commissioners created by Chapter 641 of the Private Acts of the General Assembly of 1919; the duties of the Memphis Wharf Master, and also the duties of the Memphis Harbor Commission created by Chapter 513 of the Private Acts of the General Assembly of 1929, as amended by the Private Acts of the General Assembly of 1931, Chapter 479; and shall also perform the duties of any or all other Boards or Commissions which had like or similar powers or duties; all of the rights and powers conferred by the Acts hereinbefore mentioned are hereby transferred to, vested in, merged with and conferred by this Act on the said Memphis and Shelby County Port Commission, except where the same conflict with the terms and provisions of this Act.

As amended by: Private Acts of 1951, Chapter 380

**COMPILER'S NOTE:** Private Acts of 1951, Chapter 380, transfers all of the duties set forth in this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

**SECTION 7.** That this Act shall not in any way impair any obligations heretofore entered into by the County of Shelby to any person or persons, and shall not change or alter the obligations of any existing contracts, but all contracts outstanding, heretofore made under the existing law, shall be binding upon the County of Shelby and the Memphis and Shelby County Port Commission as herein established.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 8.** That the said Memphis and Shelby County Port Commission, subject to such term and conditions as may be provided by action of the Mayor and Board of Commissioners of the City of Memphis, shall have general charge and supervision of the River and Rail Terminals owned and operated by the City of Memphis, and the operation of such railroads, tracks, locomotives, barges, boats and water craft as may be owned and operated by the City in furtherance of its river and rail terminal facilities, together with the general supervision, development, operation and conduct of warehouse, elevators and storage facilities owned and operated in the City of Memphis; provided, however, that this provisions is subject to the terms and conditions of any contract or contracts that may be entered into by and between the City of Memphis and County of Shelby as hereinabove set forth.

Said Memphis and Shelby County Fort Commission, likewise, shall have general charge and supervision of all wharves erected and maintained, or to be erected and maintained within the area hereinafter described, and shall have general supervision of those portions of the Mississippi River and Nonconnah Creek that lie within the area hereinafter described, and the landing, docking, mooring, departure and removal of steamboats, gasoline boats, motor propelled boats, house boats, wharf boats, and other crafts, and the fixing and collection of wharfage and other fees due from river craft within the area hereinafter described.

The said Commission shall have charge, control and management of all property, other than property already devoted, or hereafter to be acquired and devoted to park and flood control purposes, now owned, or hereafter to be acquired by the County of Shelby, City of Memphis or by the said Commission, on those banks of the Mississippi River and Nonconnah Creek lying within the area hereinafter described; shall safeguard, protect and advance the right and interest of the City of Memphis and the County of Shelby in any riparian rights and powers it may have in, on or under the waters and banks of any navigable stream,

or any island now owned or that may hereafter be acquired pursuant to the powers herein conferred.

As amended by: Private Acts of 1951, Chapter 380

**COMPILER'S NOTE:** Private Acts of 1951, Chapter 380, transfers the powers found in the first paragraph of this section from the Memphis-Shelby County Port Commission to the Memphis River Front Harbor Commission.

**SECTION 9.** That the power to promulgate and enforce rules and regulations governing the matters and things over which said Port Commission had jurisdiction and control by this Act is hereby expressly conferred on said Commission, and the authorized agents of said Commission shall have police powers, in order to carry out and effectuate the purposes of this Act. The said Memphis and Shelby County Port Commission shall cooperate with the Mississippi River Commission, an agency of the United States Government, and with all other agencies, public or private, in the development, preservation and utilization of the harbor and port of the County of Shelby and City of Memphis; and the said Commission shall have power to regulate the movement and speed of vessels, to establish anchorage areas, harbor lines and grade of slope of banks and to prohibit filling or dumping in violation of such established lines and grades and to prohibit pollution of harbor waters by the discharge of wastes or oils therein within the area hereinafter described.

The said Commission may collect data, hold hearings, and do all other things necessary to inform itself as to the best method of developing, policing and beautifying and harbor and port of the City of Memphis and County of Shelby, increasing river traffic, building transportation facilities, both by water and rail, into and through the City of Memphis and County of Shelby and furthering industrial development, trade and commerce within the area hereinafter described.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 10.** That the said Fort Commission shall have the authority and power to purchase, receive by deed or otherwise hold, lease, improve, exchange and condemn as more particularly set forth hereinafter, and/or sell real estate for the development and/or extension of the City of Memphis and County of Shelby port and harbor and the furtherance of commerce and transportation by water, railroad, truck, airplane or other transportation facilities to contract with any person, firm, corporation or agency, public or private, with reference to any of the objects of its creation and in the performance of the duties imposed on said Commission, provided, any purchase, condemnation, lease, sale or exchange of real estate shall first be approved by the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County.

Any contract or expenditure for improvements that involve more than Five Thousand (\$5,000.00) Dollars shall be valid only if approved by the Mayor and the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County. Deeds, leases, and other instruments evidencing conveyances, contracts and other obligations of said Commission shall be executed by the Chairman and the Secretary and/or Treasurer of said Commission; and purchasers from said Commission shall not be bound to see to the application or use of any sums paid to said Commission. Any general plan for the development and extension of the City of Memphis and/or County of Shelby port and harbor and the improvement of real estate conveyed to or placed under the jurisdiction of said Commission shall first be submitted to the City of Memphis Planning Commission and/or the County of Shelby Planning Commission, whichever of said Planning Commissions may have jurisdiction, for an advisory opinion.

As amended by: Private Acts of 1963, Chapter 580

**SECTION 11.** That the County of Shelby and the Memphis and Shelby County Port Commission are hereby authorized to purchase, or otherwise acquire title to land, easements or rights-of-way, to be used in connection with the authority herein granted and may likewise condemn any land, riparian rights, easements and rights-of-way under, on or above the ground or water in connection with said harbor and port within the area hereinafter described, as now provided and set out by the mode of condemnation in the statute law of the State of Tennessee. Said area hereinabove referred to being described as follows:

Beginning at the point of intersection of the center line of the Mississippi River with the center line of the Memphis and Arkansas Bridge and running thence eastwardly in the center line of said Bridge and the center line of E. H. Crump Boulevard to its point of intersection with a northerly projection of the center line of Delaware Street; thence southwardly along said northerly projection of the center line of Delaware Street and along the center of Delaware Street to its intersection with the center line of Wisconsin Avenue; running thence westwardly in the center line of Wisconsin Avenue to its intersection with the center lines of Riverside Boulevard, running thence southwardly in the center line of Riverside Boulevard to its intersection with the center line of Mallory Avenue at the southeast corner of Riverside Park, running thence eastwardly in the center line of Mallory Avenue to its intersection with the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to a point 1000 feet north of center line of Nonconnah River, running thence eastwardly, southwardly and westwardly to an arc of 1000 feet radius (with a radius point at the intersection of the center line of Hernando Road and the center line of

Nonconnah River) to a point in the center line of Hernando Road, running thence southwardly in the center line of Hernando Road to its intersection with the center line of Brooks Avenue, running thence westwardly in the center line of Brooks Avenue to its intersection with the center line of Horn Lake Road, running thence northwardly in the center line of Horn Lake Road to its intersection to its intersection with the center line of Peebles Avenue, running thence westwardly in the center line of Peebles Avenue and continuing in the projection of said center line of its intersection with the eastern or southern right-of-way line of the Y. & M. V. Railroad; thence continuing westwardly and southwardly along the south and/or the eastern right-of-way line of the Yazoo and Mississippi Valley Railroad low line or southbound main line to the south line of the County of Shelby; thence westwardly with the south line of the County of Shelby to the center line of the Mississippi River being defined as the state line between Arkansas and Tennessee, running thence northwardly in the center line of the Mississippi River to the point of beginning, save and except that portion of the Memphis River and Rail Terminal which lies within the area hereinabove defined. Provided, however, the Mayor and Board of Commissioners of the City of Memphis and the Quarterly County Court of Shelby County, Tennessee, by joint resolution from time to time may redefine the territorial limits of the area over which the Memphis and Shelby County Port Commission has jurisdiction, which area shall not extend outside of Shelby County, Tennessee.

As amended by: Private Acts of 1951, Chapter 380  
Private Acts of 1957, Chapter 118

**SECTION 12.** That the said Memphis and Shelby County Port Commission shall, on or before January 30th of each year, and at such other times as may be requested by the Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County, file with the Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County a report in writing of its activities of the previous year, together with an accurate account of all its receipts and expenditures. The Mayor and Board of Commissioners of the City of Memphis and the Board of County Commissioners of Shelby County shall have the right, at all times, to inspect all books, papers and accounts of said Commission, and shall have the right to audit, or cause to be audited, the books of said Commission at such times as they may elect.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 13.** That the Quarterly County Court of Shelby County is authorized and empowered to provide and appropriate out of the revenue of said County its proper and proportionate share with the City of Memphis of the funds necessary to carry out the purposes and requirements of this Act.

**SECTION 14.** That the Memphis and Shelby County Port Commission shall be empowered to fix rates, charges and wharfage, and grant permits for the use of all harbor and port facilities.

As amended by: Private Acts of 1951, Chapter 380

**SECTION 15.** That the County of Shelby may enter into any other contract or agreement, not hereinbefore specifically or expressly authorized, with the City of Memphis with reference to any matter which may appear consistent with the provisions of this Act and necessary to carry out the objects thereof and in conjunction with the City of Memphis and/or the Memphis and Shelby County Port Commission, to acquire, lease, erect, construct, make, equip, operate and maintain port and harbor facilities; to sell, rent, exchange or dispose of any property, real or personal, as may seem advisable; to construct docks, wharves, terminals, warehouses and all other necessary port and harbor facilities; to contract with any and all persons, individuals, firms or corporations, including, but not limited to, steamship and railroad companies, with reference to the development of transportation and other utility services and to do and perform any and all other acts which may tend, either directly or indirectly, to promote trade, industry and commerce.

As amended by: Private Acts of 1951, Chapter 380,

**SECTION 16.** That the development, maintenance and operation of and all matters incident to the ownership of the harbor and port provided for and authorized herein is declared a public government function and no action shall be brought or maintained against the Port Commission or the County of Shelby, on account of any claim arising from or growing out of either one or all of the aforesaid provisions and/or authorizations.

As amended by: Private Acts of 1951, Chapter 380,

**SECTION 17.** That if any clause, sentence, paragraph, section or any part of this Act shall be held or declared to be unconstitutional and void, it shall not affect the remaining part or parts of this Act, it being hereby declared to be the legislative intent to have passed the remainder of this Act, notwithstanding the parts so held to be invalid, if any.

**SECTION 18.** That this Act take effect April 1, 1947, except as to the provision authorizing the Mayor of the City of Memphis and the Quarterly County Court of Shelby County to appoint and elect members of the Commission, and as to such provision, this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 4, 1947.

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