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# Public Acts of 1967 Chapter 345

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Sincerely,

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# Public Acts of 1967 Chapter 345

**COMPILER'S NOTE:** The following act is a public act of special application and is not codified in Tennessee Code Annotated.

**SECTION 1.** That it is hereby created and established the Northwest Tennessee Development Agency, being a public body corporate and politic, and for the purpose of this Act it will be hereinafter referred to as the "Agency".

The Agency is created for the purpose of developing and effectuating plans and programs for comprehensive development, including the control and development of the water resources of the Big Sandy River, West Sandy Creek, Middle Fork of the Obion River, the combined Middle Fork and South Fork of the Obion River from that point of confluence to the point of confluence with the Rutherford Fork of the Obion River, the Middle Fork, South Fork, and Rutherford Fork of the Obion River from the points of their confluence to their subsequent confluence with the North Fork of the Obion River, and of the Obion River proper from such point of its confluence with the Mississippi River, located in Benton, Henry, Obion, and Dyer Counties, Tennessee, and for the purpose of planning, developing, and constructing a fresh water canal, with the necessary lakes, locks, and dams in the watershed of and along the waters of the aforesaid rivers and creeks, and for the purpose of integrating plans, programs, and development activities with the overall development of the area described.

**SECTION 2.** That the organization of the Agency shall be as follows:

- (1) The Agency shall be governed by a Board of Directors consisting of eleven (11) members.
- (2) The County Legislative Body of each of the above-named counties shall nominate by majority vote two (2) candidates for each directorship from the county. Candidates shall include persons active in municipal, industrial, agricultural, commercial, and citizen organizations, such as the Northwest Tennessee Development Agency, active in promoting comprehensive unified development of the resources and economic growth of the watershed area of the aforesaid rivers, creeks, and tributaries. The presiding officer of the governing body of each county shall certify such nominations to the governor, who shall appoint from the nomination from each county one from each group of the two (2) nominated for each directorship. From the above, the Governor shall appoint one for a term of two years, one for a term of four years, one for a term of six years, and one for a term of eight years. However, such terms shall continue in all event until successors are appointed. Successors shall be appointed for terms of eight years. In the event of a vacancy on the Board, the Governor shall appoint a successor for the remainder of the unexpired term.
- (3) The Governor shall appoint a resident of one of the aforesaid counties as the eleventh (11) Director, to serve as such Director during the Governor's term of office.
- (4) The County Judges of Benton, Henry, Weakley, Obion and Dyer Counties shall be ex officio members of such Board of Directors.
- (5) The situs and place of business of the body corporate and politic, or Agency, herein created, shall be at Dresden, in Weakley County, Tennessee.
- (6) Upon the completion of its membership, the appointees and those designated as ex-official members shall meet and organize at Dresden, Tennessee, electing a Chairman, Vice-Chairman, and Secretary-Treasurer, and set a regular time and place for the meetings of the Board.
- (7) Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Agency.

**SECTION 3.** That the powers, duties, and functions of the Agency shall be as follows:

- (1) General
  - (a) Perpetual succession in corporate name.
  - (b) Sue and be sued in corporate name.
  - (c) Adopt, use, and alter a corporate seal, which shall be judicially noticed.
  - (d) Enter into such contract and cooperative agreements with the Federal, State, and local governments, with agencies of such governments, with private individuals, corporations, associations, and any other organizations as the Board may deem necessary or convenient to enable it to carry out the purpose of this Act.
  - (e) Adopt, amend, and repeal by-laws.
  - (f) Appoint such managers, officers, employees, attorneys, and agents as the Board deems

necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the Board may determine. Salary of any such employees may be paid out of such funds as may be available to the Agency from any source.

(2) Formulation and Execution of Development Plans

The Agency is authorized to:

(a) Investigate the resources of the watershed areas of the Big Sandy River, West Sandy Creek, Middle Fork of the Obion River, the combined Middle Fork and South Fork of the Obion River from their point of confluence to the point of confluence with the Rutherford Ford of the Obion River, the Middle Fork, South Fork, and Rutherford Fork of the Obion River from the point of their confluence to their confluence with the North fork of the Obion River, and of the Obion River proper from such point to the point of its confluence with the Mississippi River, and determine the requirements for their full development, and for the control and development of the watershed areas thereof, including, but not limited to, the building and constructing of a fresh water canal for the purpose of water transportation between the Tennessee and Mississippi Rivers, and for the further purpose of furnishing large quantities of water for manufacturing and industrial purposes, and for the better development of the economy of the general area.

(b) Develop and carry out a unified comprehensive program of resource development for the economic growth of the area. These plans shall be consistent with plans for state-wide economic development.

(c) In making such investigations and in formulating development plans, to seek and utilize the assistance of appropriate Federal, State, and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.

(d) Provide, develop, and held as appropriate the needed and feasible cooperative arrangements for the construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation, and land improvement as a part of its comprehensive plans and, in aid of such activities, to accept loans and grants, or other assistance, from Federal, State, and local governments, or from the agencies of such governments.

(e) Arrange with any city, county, municipality, or supplier of utilities for the abandonment, relocation, or other adjustment of roads, highways, bridges, and utility lines.

(f) To particularly arrange and develop plans with the Corp of engineers of the United States Army, Department of Defense, for the surveying, locating, and constructing of a navigable canal, on and along the aforesaid rivers and creeks, from the confluence of the Big Sandy River with the Tennessee River, over, through, and along the waters of the Big Sandy River, West Sandy Creek, Middle Fork of Obion River, and the combined waters of the Middle Fork, South Fork, Rutherford Fork of the Obion River to their confluence with the North Fork of the Obion River, and the Obion River proper to its confluence with the Mississippi River, so as to afford opportunity for the economic development of such areas.

(g) To arrange, develop, and make all necessary contracts and agreements with the Middle Fork Obion River Watershed District, of Henry and Weakley Counties, Tennessee, and with any and all other watershed districts within the aforesaid areas, or that may hereafter be created within such areas, or created on a tributary of any of the streams, hereinabove set out, which might be affected by the projects contemplated for this Agency.

(3) Land Acquisition:

(a) To acquire by purchase, lease, gift, or in any manner other than by condemnation, property of any kind, real, personal, or mixed, or any interest therein, which the Board deems necessary or convenient to the exercise of its powers or functions, provided, that acquisition by condemnation shall be limited to land, rights in land, including leaseholds and easements, and water rights, in, on, and adjacent to the watershed areas of the above-named rivers, streams, and creeks, that the Board deems to be necessary to the control and optimum development of the aforesaid rivers, streams, and creeks, and their tributaries. The amount and character of interest in land, rights in land, water rights to be acquired within any of these boundaries shall be determined by the Board of Directors and its determination shall be conclusive. The Agency's power of eminent domain may be exercised under Sections 23-1401 through 23-1425, Tennessee Code Annotated and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted, for the exercise of the power of eminent domain; provided, that where condemnation proceedings are filed shall, upon application of the Agency, and upon posting of a bond with the Clerk of the Court in such amount as the Court may deem commensurate with the value of the property, order that writ of

possession shall issue immediately or as soon, and upon such terms as the Court in its discretion may deem proper and just. The Agency is exclusively authorized to acquire by condemnation or otherwise and hold for resale to private or other industrial organizations waterfront land that it determines to be suitable for industrial or other appropriately planned uses, and such acquisition is hereby declared to be for the public purpose of the State's industrial development and for the increase of industrial development opportunities.

(4) Management and Operation:

(a) Enter into contracts with municipalities, corporations, or other public agencies, or political subdivisions of any kind, or with others for the sale of water for municipal, domestic, agricultural, or industrial use of or any other services, facilities, or commodities that the Agency may be in a position to supply.

(b) Develop reservoirs and shoreline lands for recreational use and provide for their operation for this purpose directly or by concessionaires, lessees, or vendees, or shoreline lands.

(c) Sell or lease shoreline lands acquired in connection with the development of the watershed areas of the above-named rivers, streams, and creeks or the tributaries thereof, and included within the area suitable to be developed by the Agency, for uses consistent with the Agency's development plan and subject to such restrictions as the Agency deems necessary for reservoir protection and to such requirements as to: (1) character of improvements and activities, and (2) time within which such improvements or activities shall be undertaken as the Agency deems appropriate to its overall development plan.

(d) Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the Federal agency having custody and control thereof under appropriate agreements with such agencies.

(e) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate the plans for comprehensive development of the area.

(f) To enter into contracts and agreements with The Tennessee Valley Authority, an agency of the United States Government, for the purpose of constructing facilities and works within the area embraced in this Act, including, but not limited to, the development of hydro-electric dams for the purpose of manufacturing electrical power.

**SECTION 4.** That the Agency shall be authorized and have the authority with respect to finances as follows:

(1) Financing

(a) Issue its bonds from time to time in an amount not to exceed a total of Ten Million Dollars (\$10,000,000) for the purpose of paying in whole or in part the cost of the acquisition of necessary land or interests therein and the development of the resources of the above-named rivers, streams, and creeks, and expenses incidental thereto;

(b) Secure such bonds by a pledge of all of any of the revenues which may now or hereafter come to the Agency from any source, by a mortgage or deed of trust of the Agency's land or any part thereof, or by a combination of the two; and

(c) May make such contracts in the issuance of such bonds as may be necessary to assure the marketability thereof.

**SECTION 5.** That the various counties, towns, and incorporated municipalities within the five above-named counties sought to be improved by this Act:

(1) To contribute to the work of the Agency any amount or amounts of money that their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county or city. Quarterly County Courts and governing bodies of such cities or towns shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for municipal and county public purposes.

(2) To issue their bonds as provided for counties in Sections 5-11-1 through 5-11-25, Tennessee Code Annotated, and for municipalities in Sections 6-1601 through 6-1632, Tennessee Code Annotated, to obtain funds for the financing of public works by the Agency, or to secure advances made by Federal agencies for the construction of public works in the above-named rivers, streams, and creeks pursuant to cooperative agreements with the Agency.

**SECTION 6.** That the Board of Directors of the Agency shall report annually to the Governor of the State of Tennessee and shall likewise report annually to the governing bodies of the various Counties, towns,

and incorporated municipalities of the area. Such reports shall include statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

**SECTION 7.** That all agencies of the State of Tennessee are hereby authorized and directed to extend their cooperation and lend assistance to the Agency in the formulation and implementation of a development program.

**SECTION 8.** That for purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the Board of Directors may establish an advisory board consisting of the Chairman of the Agency Board (who shall be chairman of the Advisory Board), and of sufficient members to represent adequately so far as possible industry, commerce, agriculture, the general public, any official planning and developmental bodies in the locality, and organized citizen groups working for the development of the aforesaid rivers, streams, creeks, and tributaries.

**SECTION 9.** That there is hereby appropriated out of the Treasury of the State of Tennessee to the Agency created by this Act, the sum of Ten Thousand and no/100 Dollars (\$10,000) for the purpose of aiding in the organization and development of the programs initiated and proposed by the Board of Directors of the Agency, and particularly to promote the building of a fresh water transportation canal, including lock and dams, as defined and set forth in this Act, by the Corp of Engineers, United States Army, Department of Defense, and of the building and construction of dams, reservoirs, and other necessary facilities for the production of hydro-electric power by the Corp of Engineers, the Tennessee Valley Authority, or any other agency of the Federal Government, or of the State of Tennessee, under the authority of the "State Rural Electrification Authority Law," the same being Sections 65-2301 through 65-2323, Tennessee Code Annotated, or the Tennessee Rural Electrification Authority, when and if organized by authority of Sections 65-2301 through 65-2323, Tennessee Code Annotated, provided, however, that the funds or portions thereof, so appropriated, shall be paid out only upon a voucher approved by the member of the Board of Directors appointed by the Governor under the terms of this Act and subject to the approval of the Governor.

**SECTION 10.** 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 part held to be invalid, if any.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 25, 1967.

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