

RESOLUTION NO. 6

WHEREAS, Jackson Street has previously been dedicated to the City of Mt. Carmel as a Public street; and

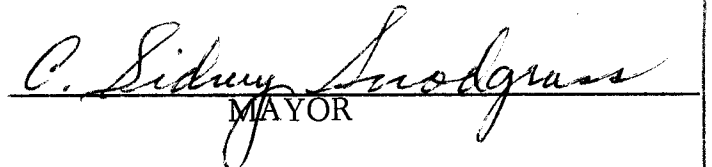
WHEREAS, said Jackson Street has not been officially opened as a public street from the corner of Spruce Street to the Gerald Kincheloe property, and

WHEREAS, by dedication of Gerald Kincheloe and wife, C. Jane Kincheloe, recently executed to the City of Mt. Carmel extending Jackson Street 150 feet further north with a width of 50 feet set out in said dedication, the Board of Mayor and Aldermen of the City of Mt. Carmel hereby accept said dedication, and

WHEREAS, it has become necessary and convenient for said Jackson Street to become an open public street to a point in the Gerald Kincheloe property set out in said dedication.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Alderman of the City of Mt. Carmel, Tennessee, that Jackson Street as shown on city maps is and the same is hereby declared to be an open street from its intersection with Spruce Street to a point in the Gerald Kincheloe property, as set out by dedication, same to be maintained by the City of Mt. Carmel, Tennessee.

PASSED this 25 day of July, 1974.


MAYOR

MINUTES OF THE MOUNT CARMEL BOARD OF MAYOR AND ALDERMEN

A called meeting of the Mount Carmel Board of Mayor and Aldermen was held on July 25, 1974 at the City Hall. Mayor Snodgrass called the meeting to order at 7:00 p.m.

MEMBERS:

Sidney Snodgrass, Mayor
Carl Newland
Jim Carmack
Guy Cobb
Mike Messick
Jerry Byerley
Keith Dishner

PRESENT

X
X
X
X
X

ABSENT

X
X

Due to information from the Hawkins County Election Commission, the Board agreed to change the date of the City Election of Mount Carmel, to Friday, October 25, 1974.

There was unanimous agreement of the Board pertaining to streets and particular work with the Hawkins County Highway Commissioner on a material and labor cost basis to resurface all of the gravel streets or any other work that we asked him to do.

The Mayor read the contract with Warren Brothers for contract paving of Spruce and Poplar Streets, *portion of those two streets*

On a motion by Guy Cobb and seconded by Jim Carmack, the Board voted unanimously to buy police equipment at the most reasonable price. The equipment has been purchased,

Mayor Snodgrass read Resolution no. 6, whereas, by dedication of Gerald Kincheloe and wife, C. Jane Kincheloe, recently executed to the City of Mount Carmel extending Jackson Street one hundred fifty (150) feet further north with a width of fifty (50) feet, set out in said dedication. On a motion by Carl Newland and seconded by Guy Cobb, the Board agreed to accept this Resolution.

There being no further business, the meeting adjourned at 8:30 p.m.

C. Sidney Snodgrass
C. Sidney Snodgrass, Mayor

Secretary & Recorder

BAILEY AND GIBSON

LAW OFFICES

ROBERT H. BAILEY

G. REECE GIBSON

433 EAST CENTER ST., KINGSFORT, TENNESSEE 37660 PHONE 245-8531
CITIZENS BANK BLDG., CHURCH HILL, TENN. 37642 PHONE 357-6311

May 3, 1974

Mr. Gerald Kincheloe
c/o Earl Horton
Route 5
Church Hill, Tennessee

Re: Wolfe and Helms fence

Dear Mr. Kincheloe:

This is to advise that I represent Mr. and Mrs. David Wolfe and Mr. and Mrs. Eric Helms in matters pertaining to the fence on the rear of their property adjoining your property.

It is my understanding that this fence is on the Wolfe and Helms property, not upon your property, nor is it even a partition fence. In any event, you are hereby advised that you are not under any circumstances to remove this fence without the expressed written agreement of my clients, and in the event you attempt to do so we will immediately proceed to enforce our rights at law.

Under Tennessee law you would be guilty of a misdemeanor should you remove this fence, and therefore, subject to a fine as well as civil damages in favor of my clients.

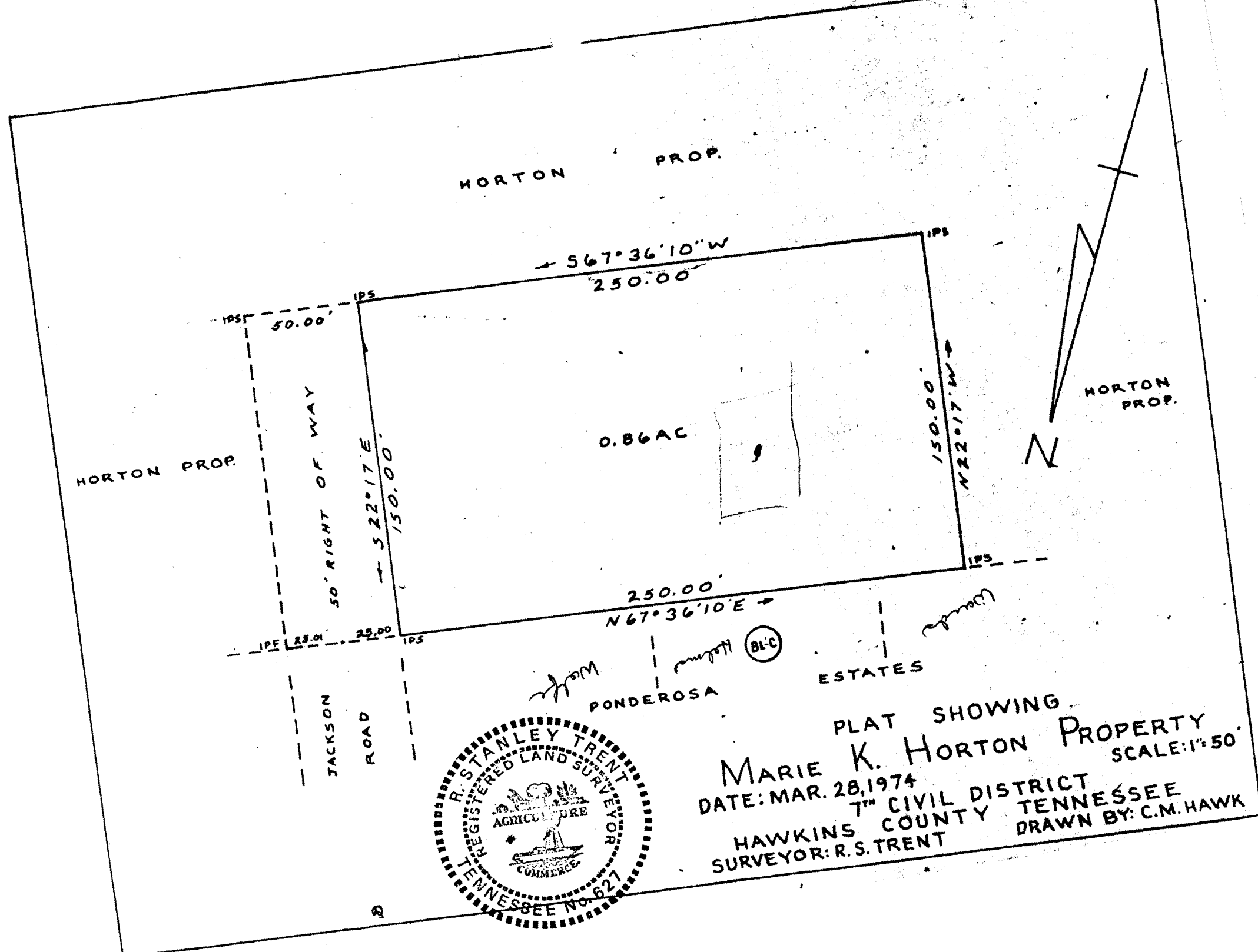
If you have any questions concerning this matter do not hesitate to contact me at my Church Hill office.

Cordially yours,


G. Reece Gibson

GRG:pl

cc: Mr. & Mrs. David Wolfe
Mr. & Mrs. Eric Helms



MEMORANDUM

To: Mayor Sidney Snodgrass and the Aldermen, Town of Mount Carmel,
Tennessee

From: Mr. and Mrs. David E. Wolfe

Date: July 11, 1974

Subject: Paving and maintaining a portion of Jackson Street

Last September, 1973, we began attending meetings of the mayor and aldermen for the purpose of calling their attention to the condition of a portion of Jackson Street. At that time Mayor Tom Dean and a few of the aldermen took the entire matter very lightly suggesting at first that the city had no obligation for paving or maintaining this street. One short-sighted aldermen even suggested that we might like to use a portion of the right-of-way for a picnic table and added that it was unlikely that anyone would build on the Kendrick property adjoining the back of our lot.

After considerable debate, the mayor and aldermen decided that perhaps they could pay for one-third of the work if the two property owners whose lots adjoined Jackson street paid the other two-thirds. Apparently, in light of subsequent developments, the city officials agreed to this policy thinking the property owners would not put up the money. On the contrary, A. L. Webb who owned the property on one side joined with us in going so far as to get bids to submit to the city government. When these bids were submitted, the city fathers raised the question of whether such paving would be up to the standards of their other streets (ALMOST ANYTHING WOULD HAVE BEEN). They also argued that they could get a lower bid. Again, we agreed to wait for the city. The officials

pointed out that no contractor could be found to do paving that late in the autumn--that we would have to wait until the following summer.

Meanwhile, city elections transpired and Sidney Snodgrass became mayor accompanying several new aldermen into office. Again we attended a business meeting to remind the officials of the agreement of the former mayor and aldermen. We were assured that the city officials intended to follow through on the agreement. Also, a new party, Ted Mosley and his wife, became the owners of the property formerly owned by Webb.

On one occasion, Mayor Snodgrass volunteered to have this portion of Jackson Street tarred and gravelled at complete city expense. He asked if we would agree to this. Naturally, we gave him an affirmative answer. We understand that Snodgrass made this same promise to the Mosleys on one occasion when he talked with Mrs. Mosley on the telephone.

About the first week in May with the problem of Jackson Street already difficult enough, Mr. and Mrs. Gerald Kincheloe began the construction of a house on former Kendrick property at the rear of our property (the same land that the short-sighted alderman the previous autumn had told us was unlikely to be developed). Not long thereafter, Mr. Kincheloe took it upon himself

to dig a waterline down the middle of Jackson Street one Saturday. He followed this act with a grand finale by grading on his property and the edge of city property tearing away topsoil and grass which had previously acted as a deterrent to some of the water which rushed off the nearby hills. Although flooding and clogged drains had been no strangers to this unkept right-of-way, this act on Kincheloe's part greatly worsened the problem; for he put down no bed of rocks, did no paving, and graded no ditches to carry the water effectively. At the time, Kincheloe was grading, we asked the mayor to intervene or at least suggest to Kincheloe the ramifications of his irresponsible action. The mayor refused.

As was to be expected, the grading on that particular Saturday was followed by a downpour the following Sunday morning. Nearly one and one-half feet of water was in the waterline ditch ~~the~~ Kincheloe had dug; the intersection of Jackson and Spruce was completely flooded; and we found ourselves confined by a moat which cut our driveway off completely from Jackson Street--our only access to city streets. We have photographs to document these conditions. Mr. Jimmy Carmack saw them also that Sunday morning and Mr. Keith Dishner witnessed them later in the day. Mr. Dishner also tried to conduct a conversation with Kincheloe who arrived on the scene--a futile effort at best. Dishner left almost immediately. Meanwhile our mayor still refused to come out. *Not true*

About the third week of June, we contacted the mayor again about the future of having this portion of Jackson Street paved and ditched properly. He informed us that someone had told him that we did not want the street paved. When we inquired who the person was, he could not recall leading us to believe that the mayor's statement was a figment of his imagination. Later, he

did show up with Alderman Carmack to look the road over. We also learned that bids had been submitted for paving in other areas; yet nothing had been done to honor the city's promise to us. We also learned that the mayor planned to have someone from Warner's come out to give an estimate on what the paving would cost on the portion of Jackson Street. It is our understanding that the policy of getting only one bid for public construction projects is highly unethical if not indeed illegal. The mayor has again changed his story--now saying that the Mosleys and Wolfes must pay for two-thirds of the paving all the way to the former Kendrick property. When we asked what had happened to his promise about the free tar and gravel, he replied that it had not developed. As to why? He refused to explain but did say he had never submitted the matter to the aldermen. He also added that we had to get all the parties to come to an agreement of terms before he would do anything, suggesting that if we would not or could not get along with our neighbors something was wrong with someone, but he would not say who.

*Same as 1973
by previous Board*

This is the present status of the city's attitude toward Jackson Street at least from the mayor's point-of-view. We asked him for a ruling of whether we would at some future date be held responsible in anyway for the construction of this portion of Jackson Street if we went ahead and built an access to our house on our own property from Spruce Street. To date we have no ruling.

*the att. was
out of town*

CONCLUSIONS:

- (1) We ask the aldermen to review the actions of Mayor Snodgrass on the whole issue of this portion of Jackson Street;
- (2) We contend that the city alone has responsibility for constructiong and maintaining a permanent road on this portion of Jackson Steet, for the city allowed the developer to escape his obligations for building an access to the Kendrick property. Furthermore, the city building inspector approved houses with access only to this portion of Jackson Steet. If this were indeed not a city street and the responsibility of the city (the official map says it is an official street), then the city should never have allowed contractors to construct family dwellings with access to Jackson Street only;
- (3) We remind the city that we and the former owners of our property have almost exclusively kept this road open to traffic. The city, however, did pay for and deliver eleven tons of rocks after the Kincheloe debacle. We content that Kincheloe should have been held liable. Nonetheless, when the city purchased the rocks, we contend that the city was acknowledging its responsibility for upkeep of the road;
- (4) We demand that the city immediately begin paving and draining this portion of Jackson Street properly. Otherwise, we intend to build a road on our own property. We fear that the city (at least the mayor) is stalling and waiting for the onset of another winter so again the officials can say it is too late to pave and again we will have a winter similar to the past one on Jackson Street.

John,

