

RESOLUTION NO. 92

A RESOLUTION PURSUANT TO MT. CARMEL MUNICIPAL CODE 1-402 AUTHORIZING THE MAYOR TO ENTER INTO STATE OF TENNESSEE, DEPARTMENT OF TRANSPORTATION CONTRACT FOR THE MAINTENANCE OF STATE HIGHWAYS THROUGH THE TOWN OF MT. CARMEL, TENNESSEE

WHEREAS, T.C.A. §§54-5-201--203, provide that the Department of Transportation for the State of Tennessee is responsible for the maintenance of the streets in municipalities over which traffic on State highways is routed and may enter into contracts with municipalities relative to this requirement where a municipality is organized for the care of its own streets, on a reimbursement basis; and

WHEREAS, the Town of Mt. Carmel, Tennessee, is organized for the care of its own streets, and wishes to enter into an agreement to provide for the maintenance of those sections of such streets including State Routes 1 and 346; and

WHEREAS, Mt. Carmel Municipal Code Section 1-402 provides that the Mayor shall negotiate agreements such as the one attached hereto but requires that they be presented to the Board of Mayor and Aldermen for its approval; and

WHEREAS, the revenue derived from performing maintenance work pursuant to the aforescribed contract is essential to the financial well being of the Town of Mt. Carmel, Tennessee; and

WHEREAS, the public welfare requires it;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF MT. CARMEL, TENNESSEE, AS FOLLOWS:

SECTION ONE

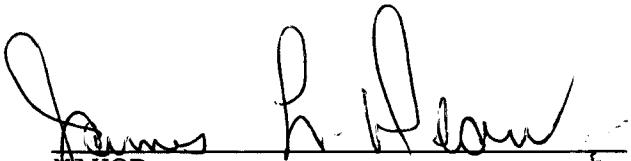
The agreement attached hereto and incorporated herein by reference thereto is and should be entered into by the Town and is therefore approved.

SECTION TWO

The Mayor shall do all things necessary to validate and make the agreement attached hereto legally binding including, but not limited to, affixing his signature thereto.

Approved this 27 day of May, 1993.

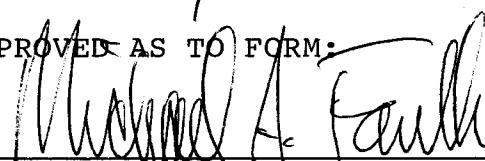
AYES 7  
NAYES 0  
OTHER 0

  
James H. Shaw  
MAYOR

ATTEST:

  
Nancy Carter  
CITY RECORDER

APPROVED AS TO FORM:

  
Michael A. Faulk  
TOWN ATTORNEY

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

CONTRACT - Town of Mount Carmel

(MAINTENANCE OF STATE HIGHWAYS THROUGH CITIES)

Copy

This agreement, made and entered into on this 27 day of  
May, 1993, by and between the State of Tennessee,  
acting through its Department of Transportation, hereinafter  
referred to as the "Department", and the Town of Mount Carmel,  
hereinafter referred to as the "Town".

Witnesseth:

WHEREAS, T.C.A., Sections 54-5-201--203, provide that the  
Department is responsible for the maintenance of the streets in  
municipalities over which traffic on State highways is routed and  
may enter into contracts with municipalities relative to this  
requirement where a municipality is organized for the care of its  
own streets, on a reimbursement basis; and

WHEREAS, the Town is organized for the care of its own streets,  
and the parties want to enter into an agreement to provide for the  
maintenance of those sections of such streets hereinafter  
itemized.

NOW, THEREFORE, in consideration of the premises, it is agreed by  
and between the parties that the Town will perform maintenance on  
the hereinafter identified sections of Town streets over which  
traffic on state highways is routed, for the period of time  
beginning July 1, 1993 and ending June 30, 1994.

It is further agreed between the parties that street maintenance  
will include the roadway only from curb to curb where curbs exist  
or to the shoulder lines where curbs do not exist, and that the  
work shall consist of those activities designated in the  
"Guidelines Covering Maintenance of State Roads through Cities", a  
copy of which is attached hereto and incorporated by reference as  
"Exhibit A".

**CONTRACT - Town of Mount Carmel  
(MAINTENANCE OF STATE HIGHWAYS THROUGH CITIES)**  
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ROUTE NO.	STREET	MILES	SQUARE YARDS
1	From City Limits Log Mile 37.49 @ Church Hill - Mount Carmel town limits to city limits Log Mile 39.63 @ Mount Carmel - Kingsport city limits.  2.14 miles @ 98.0 feet = 123,036 square yards	2.14	123,036
346	From Log Mile 13.60 to Log Mile 15.20 From Log Mile 16.60 to Log Mile 17.80  2.80 miles @ 21.0 feet = 34,496 square yards	2.80	34,496
<b>SUMMARY</b>			
		MILES	SQUARE YARDS
State Route 1		2.14	123,036
State Route 346		2.80	34,496

Total amount of Contract 157,532 Square Yards @ \$0.12 per square  
yard = \$18,903.84.

In consideration of the Town agreeing to preform maintenance of said above mentioned sections of such town streets, the Department agrees to reimburse said Town in the amount actually expended for maintenance, not to exceed a total of \$0.12 per square yard of area routinely maintained, swept and flushed.

It is further agreed between the parties that the Department will not be obligated to reimburse any costs for repairing sections of such town streets damaged as the result of the activities of any public or private utility.

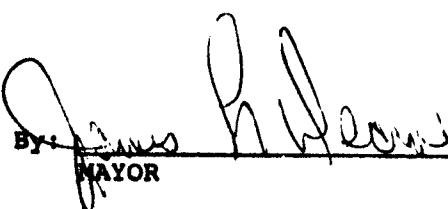
It is further agreed between the parties that the Town will furnish the Department with itemized monthly sworn statements in quadruplicate, by the 20th of each month, setting out in detail the amount expended for labor, copies of receipted bills for materials and for rental equipment for the month billed. In no event will accounts be paid which were incurred more than sixty (60) days prior to submission to the Department unless an extension of time has been requested and granted by the Engineering Director of Maintenance. The Town has submitted to the Department, a statement showing the wage scale proposed to be paid and the per diem rental value of equipment proposed to be charged, identified as "Exhibit B", attached hereto and incorporated herein by reference, which exhibit shall be subject to approval of the Department. The Department agrees to pay monthly bills as soon after receipt thereof as same can be checked and warrants issued.

Prior to the beginning of major maintenance work, the Town shall notify the Department of its intentions, and shall give the Department an opportunity to inspect the sections of such Town streets proposed to be maintained. During the time such maintenance work is being performed, the Department shall have a right to inspect said work and the Town hereby agrees to carry out such instructions as may be given by the representatives of the Department making any such inspection.

The Department, by the execution of this agreement, does not assume any liability for damages caused to any persons or property by reason of the Town maintaining said sections of such town streets, nor does the Department assume any liability for injury to any employee of the Town in carrying out work under this agreement, the Department's liability only being for sums expended for labor, material and the rental of equipment.

In Witness Whereof, the parties hereto have caused this contract to be executed by their respective authorized officials on the date set forth above.

TOWN OF MOUNT CARMEL

  
By: James R. Johnson  
MAYOR

STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION

By: Carl Johnson  
Commissioner

APPROVED:

By: Michael C. Faughn  
TOWN ATTORNEY

APPROVED:

By: Henry K. Buckner, Jr.  
Department Attorney

"EXHIBIT A"

GUIDELINES COVERING MAINTENANCE  
OF STATE ROADS THROUGH THE CITIES

The following items where applicable are eligible for reimbursement by the State to the Cities under our Standard Maintenance Agreement:

**Activity**

401	Spot Patching
402	Crack Pouring
403	Continuous Patching
406	Surface Replacement
410	Spot Patching (PCC)
411	Concrete Patching
412	Joint Repair
415	Surface Treatment Patching
419	Other Surface
420	Spot Patch Shoulders
421	Continuous Patch Shoulders
425	Grade Shoulders
427	Patch Gravel Shoulders
429	Other Shoulder
435	Machine Mowing
446	Mechanical Roadway Sweeping
447	Manual Roadway Sweeping
460	Plow Snow
461	Spread Chemicals
470	Paint Pavement Markings

The following items are the responsibility of the Cities and are not eligible for State maintenance reimbursement.

1. Crosswalk striping
2. Mowing rights-of-way back of shoulder line or curbs
3. Litter removal from right-of-way back of curbs and shoulder lines
4. Storm drainage
5. Traffic control signs and signals
6. Street lighting
7. Street name signs

**NOTE:**

1. Major resurfacing when generally required will be performed by the Tennessee Department of Transportation as a construction project, in accordance with a program developed after consultation with the municipalities.
2. The Department of Transportation will furnish and maintain route markers through the Cities.
3. The Department of Transportation assumes responsibility for maintaining everything inside the right-of-way fences on the Interstate System of Defense Highways with its own forces, except lighting systems. (Chapter 54-552, Tennessee Code Annotated.)

## **CERTIFICATION OF CITY RECORDER**

I, Nancy Carter, am the duly certified City Recorder for the Town of Mt. Carmel, Tennessee. It is my duty and obligation as the City Recorder to maintain all official records of the Town of Mt. Carmel, Tennessee. One of the official documents of the Town of Mt. Carmel, Tennessee is the Mt. Carmel Municipal Code.

On or about October 3, 1993, the text which follows hereinafter of Mt. Carmel Municipal Code Section 15-106 was in full force and effect. Title 15, Chapter 1, of the Mt. Carmel Municipal Code on or about October 3, 1993, contained the following section:

### **Section 15-106. Unlaned streets.**

(1) Upon all unlaned streets of sufficient width, a vehicle shall be driven upon the right half of the street except:

(a) When lawfully overtaking and passing another vehicle proceeding in the same direction.

(b) When the right half of a roadway is closed to traffic while under construction or repair.

(C) Upon a roadway designated and signposted by the town for one-way traffic.

(2) All vehicles proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. (1978 Code, sec. 9-108, modified)"

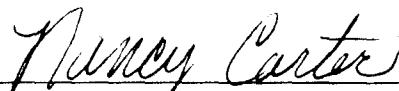
The seal which appears hereinafter is the seal of the Town of Mt. Carmel, Tennessee, a political subdivision of the State of Tennessee. My signature which appears hereinafter is my attestation as to the accuracy of the section of the Municipal Code and its effectiveness on the date hereinabove noted.

I understand that I am providing this certified copy of the Mt. Carmel Municipal Code pursuant to Rules 902 and 202 of the Tennessee Rules of Evidence.

I certify that the foregoing is a true, accurate, and complete copy of subsections 1 and 2 of the Mt. Carmel Municipal Code, Section 15-106 and the same was in full force and effect on or about October 3, 1993.

Dated: 4-8-94

(SEAL)

  
NANCY CARTER  
City Recorder  
Town of Mt. Carmel, Tennessee