

MINUTES

FARRAGUT BOARD OF MAYOR AND ALDERMEN

September 25, 2014

WORKSHOP

5:15 PM

BMA MEETING

7:00 PM

- I. Silent Prayer, Pledge of Allegiance, Roll Call**
- II. Approval of Agenda**
- III. Mayor's Report**
- IV. Citizens Forum**
- V. Approval of Minutes**
 - A. September 11, 2014
- VI. Ordinance**
 - A. First Reading
 1. Ordinance 14-15, Ordinance to amend Ordinance 14-06, FY2015 Budget, General Fund
- VII. Business Items**
 - A. Approval of the Hot to Trot 5K/10K and Fun Run
 - B. Approval of the Farragut Fall 5K, Fun Run and Pet Parade
 - C. Approval of acceptance of Private Street within Townhomes at Wentworth
 - D. Approval of Dates for the November and December BMA meetings
 - E. Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference
 - F. Approval of Resolution R-2014-08 an Agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70
- VIII. Town Administrator's Report**
- IX. Town Attorney's Report**

It is the policy of the Town of Farragut not to discriminate on the basis of race, color, national origin, age, sex, or disability pursuant to Title VI of the Civil Rights Act of 1964, Public Law 93-112 and 101-336 in its hiring, employment practices and programs. To request accommodations due to disabilities, please call 865-966-7057 in advance of the meeting.

The Farragut Board of Mayor and Aldermen met in a regular session on Thursday, September 11, 2014 at 7:00 p.m. Members present were Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent.

Approval of Agenda

Motion was made to approve the agenda as presented. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Mayor's Report

Vice-Mayor LaMarche thanks the town for allowing her to be a part of the National League of Cities and announced that the Women in Municipal Government Conference would be in Knoxville is 2016.

Citizens Forum

Denny Wren, 12224 W. Ashton Court, addressed the board about an update on the resurfacing in Andover Subdivision.

Approval of Minutes

Motion was made to approve the minutes of September 11, 2014 with a minor correction. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Ordinance

First Reading

Ordinance 14-15, Ordinance to amend Ordinance 14-06, FY2015 Budget, General Fund

Motion was made to approve Ordinance 14-15 on first reading. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Business Items

Approval of the Hot to Trot 5K/10K and Fun Run

Motion was made to approve the Hot to Trot 5K/10K and Fun Run road closures on Parkside Drive on November 27, 2014 from 6:00 AM to 10:00 AM. Moved by Alderman Honken, Seconded by Alderman Markli; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of the Farragut Fall 5K, Fun Run and Pet Parade

Motion was made to approve the Farragut Fall 5K, Fun Run and Pet Parade road closures on Watt Road and Sedgefield subdivision on October 11, 2014 from 6:00 AM to 10:30 AM. Moved by Alderman Markli, Seconded by Alderman LaMarche; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of acceptance of Private Street within Townhomes at Wentworth

Motion was made to approve the request to allow dedication of right of way and private street (Willow Ridge Way) in the Townhouses at Wentworth to the Town of Farragut. Moved by

Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Dates for the November and December BMA meetings

Motion was made to cancel the meetings of November 27 and December 25 and to hold the meeting for November on Thursday, November 13, 2014 and the meeting for December on Thursday, December 11, 2014. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference

Motion was made to nominate Mayor McGill as the voting delegate for the NLC Conference. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Motion was made to nominate Vice-Mayor LaMarche as the alternate voting delegate for the NLC Conference. Moved by Alderman Markli, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Approval of Resolution R-2014-08 an Agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70

Motion was made to approve Resolution R-2014-08 and maintenance agreement with TDOT for maintenance of improvements at the intersection of US Highways 11 and 70. Moved by Alderman LaMarche, Seconded by Alderman Honken; voting yes, Mayor McGill, Aldermen Honken, LaMarche and Markli; Alderman Pinchok was absent; no nays; motion passed.

Town Administrator's Report

David Smoak, Town Administrator, announced that the Farragut Food Festival is Friday, September 26 and that the Town would be hosting a Green Earth/Blue Skies festival at Founders Park and the new outdoor classroom.

Meeting adjourned at 7:35 PM

Ralph McGill, Mayor

Allison Myers, Town Recorder

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Ordinance 14-15, an Ordinance on First Reading to Amend Ordinance 14-06 Fiscal Year 2015 Budget

INTRODUCTION:

The purpose of this agenda item is to approve Ordinance 14-15, to amend the Fiscal Year 2015 General Fund Budget by allocating additional expenditures for the purpose of paying back mixed drink taxes received since 1999 to the Knox County Schools.

DISCUSSION:

The Board of Mayor and Aldermen on August 28, 2014 authorized the Town Administrator and Town Attorney to make an offer to the Knox County Schools (KCS) for the purpose of settling litigation regarding mixed drink tax revenues that had been received by the Town of Farragut. That agreement would stipulate that the Town would pay KCS \$1,106,829, which represents 50% of the revenues collected from the mixed drink tax from 1999-2013. This amount will be paid out in installments over a three year period, with each installment being \$368,943.

In the FY2015 budget, the Town has already allocated \$100,000 for this payment, making the necessary budget amendment a total of \$268,943. Funding for this additional expense will be transferred from General Fund reserves. We anticipate the formal settlement agreement to be available for the Board of Mayor and Aldermen's consideration on second reading of this ordinance.

RECOMMENDATION BY: Town Recorder Allison Myers for approval.

PROPOSED MOTIONS: Motion to approve Ordinance 14-15 on first reading.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>PINCHOK</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Allison Myers, Town Recorder**SUBJECT:** Hot to Trot 5K/10K and Fun Run**INTRODUCTION:**

This item involves a request for approval of a special event application related to the Hot to Trot 5K/10K and Fun Run to be held along portions of Parkside Drive on Thanksgiving morning, November 27, 2014.

DISCUSSION:

This will be the sixth year for the Hot to Trot running events that are sponsored by Fleet Feet Knoxville Running Club. Proceeds from the events will help raise money for A Hand Up for Women/Food for Sister Martha's Pantry. As shown in the race information packet, the events will start and end at the Fleet Feet store in the Parkside Station shopping center west of Lakesedge Drive. Each event will feature a loop (2 loops for the 10K) along portions of Parkside Drive. There will be some short term road/lane closures within the affected portion of Parkside Drive. Set up time will begin at 6:00 a.m. and all clean-up will be complete by 10:00 a.m.

As in previous years, the organizers of the event have been working with the affected entities to make them aware of this ahead of time. Major retailers (Wal-Mart and Target), Regal Cinema, nearby hotels, and Tennova Healthcare have already given their approval. Event organizers have been careful to minimize any impact to vehicular traffic and access.

The Parkside Station shopping center will be used for all staging facilities, including portable restrooms. Most of the parking will be provided on adjoining properties, including JCPenney and, if necessary, the primary school property on the west side of N. Campbell Station Road. The event is anticipated to have as many as 2,500 participants. Traffic control from parking areas and along the route itself will be addressed with Knox County and City of Knoxville police staff. The City of Knoxville will provide roughly 300-350 cones to mark off the course and barricade the staging area. EMS personnel from Rural Metro will also be on hand. Fleet Feet volunteers will provide clean up for the event.

RECOMMENDATION:

Staff recommends approval provided that representatives from the affected subdivision (the Cove at Turkey Creek) be notified of the event ahead of time. The staff would also recommend that the sponsors ensure that, upon the event's conclusion, the entire course is free of any litter.

PROPOSED MOTION:

Motion to approve the Hot to Trot 5K/10K and Fun Run road closures on Parkside Drive on November 27, 2014 from 6:00 to 10:00 AM.

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Allison Myers, Town Recorder**SUBJECT:** Farragut Fall 5K, Fun Run and Pet Parade**INTRODUCTION:**

This item involves a request for approval of a special event application related to the Farragut Fall 5K, Fun Run and Pet Parade to be held along portions of Watt Road and Sedgfield subdivision on Saturday, October 11, 2014.

DISCUSSION:

This will be the 20th year for the Farragut 5K running event that is sponsored by the Farragut/West Knox Chamber of Commerce. As shown in the race information packet, the events will start on Watt Road, wind through Sedgfield and end in Mayor Bob Leonard Park. Watt Road will need to be closed from Kingston Pike to just north of Sedgfield. The detour will be directed on Harrison Road. There will also be some short term road closures within the affected portion of Sedgfield subdivision. The roads will be opened up as soon as the last runner has completed the race. The race and set up time will begin at 6:00 a.m. and all clean-up will be complete by 10:30 a.m.

RECOMMENDATION:

Staff recommends approval provided that representatives from Sedgfield subdivision are notified of the event ahead of time. The staff would also recommend that the sponsors ensure that, upon the event's conclusion, the entire course is free of any litter.

PROPOSED MOTION:

Motion to approve the Farragut Fall 5K, Fun Run and Pet Parade road closures on Watt Road and Sedgfield subdivision on October 11, 2014 from 6:00 to 10:30 AM.

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____

REPORT TO THE BOARD OF MAYOR AND ALDERMEN**PREPARED BY:** Darryl W. Smith, PE**SUBJECT:** Approval of acceptance of Private Street within Townhomes at Wentworth

INTRODUCTION: The purpose of this item is to consider a request by residents of the Townhomes at Wentworth to re-plot their development in order to make their existing roadway (Willow Ridge Way) into a public road, with the Town responsible for maintenance of streets and sidewalks.

BACKGROUND: In 2002, several subdivisions with private streets requested that the Board of Mayor and Aldermen allow them to re-plot their respective developments as a means of turning over private streets to the Town for maintenance. FMPC and the Board of Mayor and Aldermen considered each request on a case by case basis, as each development had its unique limitations. At that time (2002), the Engineering Staff was asked to prepare an evaluation of all the private streets in the Town. In that evaluation, staff noted that while many of our private streets meet our requirements of asphalt and base stone thickness, others fall quite short. Please see the attached table from that evaluation, which includes average surface, binder and base stone thickness for all our private streets, with Willow Ridge Way (called "Townhomes at Wentworth" in the evaluation) noted with an asterisk. These values are based upon averages obtained by Foundation Systems Engineering, PC by examining core samples taken from the evaluated streets. While the Engineering staff inspects all of our public streets during their construction, we have not inspected construction of private streets. As a result, we believe variations in course thickness (both positive and negative) have occurred, leaving some of our private streets with less than our required pavement thickness. Please note that our thickness requirements for public residential streets at the time of Foundation Systems Engineering's report were as follows:

- Asphalt Surface Course: 1.25 inches
- Asphalt Binder Course: 2.50 inches
- Aggregate Base Course: 6.00 inches

Foundation Systems Engineering applied strength conversion factors to the average course thickness shown in the table, in order to properly compare the streets with our standards (with our standards meeting the equivalent of 6.5 inches of asphalt). As shown on the second attached sheet, that evaluation indicates that **Willow Ridge Way falls slightly short of meeting our strength requirements**, based upon *equivalent pavement thickness*, with an *equivalent pavement thickness of 6.2 inches*. Please note that Willow Ridge Way currently appears to be in good condition, and we do not anticipate the need for resurfacing within the next few years. However, staff's current estimate to resurface the street (when necessary) is approximately \$21,000.

PROPOSED MOTION: Approval of request to allow dedication of right of way and private street (Willow Ridge Way) in the Townhomes at Wentworth to the Town of Farragut.

BOARD ACTION:**MOTION BY:** _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>HONKEN</u>	<u>MARKLI</u>	<u>PINCHOK</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

AGENDA NUMBER VII.D.

MEETING DATE September 25, 2014

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Consider Approval of Dates for the November and December BMA meetings

BACKGROUND:

In the past the Board of Mayor and Aldermen have chosen to cancel the second meeting in November due to Thanksgiving and the second meeting in December due to Christmas.

DISCUSSION:

The dates for the meeting in November is Thursday, November 13, 2014 and the December meeting is Thursday, December 11, 2014.

PROPOSED MOTION:

To cancel the meetings of November 27 and December 25 and to hold the meeting for November on Thursday, November 13, 2014 and the meeting for December on Thursday, December 11, 2014.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

AGENDA NUMBER VII.E.

MEETING DATE September 25, 2014

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Allison Myers, Town Recorder

SUBJECT: Approval to Elect Voting Delegate (1) and Alternate Voting Delegates (2) to the National League of Cities Conference

INTRODUCTION:

This agenda item is to elect voting delegates for the National League of Cities Conference in November. Each year the Board of Mayor and Aldermen elect a voting delegate and two alternate voting delegates.

DISCUSSION:

At the Annual Business Meeting on Saturday, November 22, 2014 the Town of Farragut is entitled to cast one vote based on the 2010 population. The Board is to elect one voting delegate and two alternate delegates for the Annual National League of Cities Conference in November. At this time, Mayor McGill and Vice-Mayor LaMarche will be attending.

PROPOSED MOTION:

To nominate _____ as the voting delegate and _____ and _____ as alternate voting delegates.

BOARD ACTION:

MOTION BY: _____ SECONDED BY: _____

<u>VOTE/TOTAL</u>	<u>HONKEN</u>	<u>LAMARCHE</u>	<u>MARKLI</u>	<u>PINCHOK</u>	<u>MCGILL</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____

AGENDA NUMBER VII. F. MEETING DATE September 25, 2014

REPORT TO THE BOARD OF MAYOR AND ALDERMEN

PREPARED BY: Darryl W. Smith, PE

SUBJECT: Approval of Resolution in Support of Maintenance Agreement with TDOT for Improvements to Intersection of US Highway 11 and US Highway 70 (Dixie Lee Junction)

INTRODUCTION: The purpose of this agenda item is to consider approval of a resolution and agreement to maintain planned improvements to the intersection of US Highways 11 and 70 (the Dixie Lee Junction) that are to be constructed within the Town Limits. While this project is primarily located within Loudon County, a small portion of the improvements will overlap the Town Limits.

BACKGROUND: TDOT is currently preparing plans for the reconstruction of the Dixie Lee Junction. The project will include a "T" signalized intersection of the two highways, with a double left turn for westbound Kingston Pike motorists turning onto southbound Highway 11, as well as a free movement for northbound Highway 11 motorists turning right onto eastbound Kingston Pike. It should be noted that while preliminary plans first included a roundabout, traffic projections indicated that the roundabout would provide a poor level of service in the future. The current design provides a good level of service, even in the design year. As this is an intersection of state routes (SR 1 and SR 2) with improvement being made within the jurisdiction of both Loudon County and the Town of Farragut, TDOT has requested approval of the attached resolution (as well as a similar resolution from Loudon County) in favor of the attached maintenance agreement, which outlines the Town's responsibility to maintain the proposed improvements outside the new roadway. This is a standard agreement that is used for projects on all state routes, and staff recommends approval.

RECOMMENDATION BY: Darryl Smith, Town Engineer, for approval.

PROPOSED MOTION: Approval of Resolution R-2014-08 and maintenance agreement.

BOARD ACTION:

MOTION BY: _____ **SECONDED BY:** _____

<u>VOTE/TOTAL</u>	<u>MCGILL</u>	<u>LAMARCHE</u>	<u>HONKEN</u>	<u>MARKLI</u>	<u>PINCHOK</u>
YES	_____	_____	_____	_____	_____
NO	_____	_____	_____	_____	_____
ABSTAIN	_____	_____	_____	_____	_____



TOWN OF FARRAGUT

RESOLUTION R-2014-08

**ACCEPTANCE OF THE PROPOSAL OF THE TENNESSEE DEPARTMENT
OF TRANSPORTATION TO CONSTRUCT PROJECT STP-M-1(316),
STATE PROJECT NO. 53003-2209-94,
SR-1 (KINGSTON PIKE); INTERSECTION AT SR 2 (LEE HIGHWAY) –
DIXIE LEE JUNCTION**

WHEREAS, the Tennessee Department of Transportation has presented a Proposal to the Town of Farragut, Tennessee, concerning Federal Project No. STP-M-1(316), State Project No. 53003-2209-94, which involves the reconstruction of the intersection of SR-1 (Kingston Pike) at SR-2 (Lee Highway), known as the Dixie Lee Junction; and

WHEREAS, the Farragut Board of Mayor and Aldermen has determined that the above referenced project will benefit the Town of Farragut, Tennessee and the citizens thereof; and

WHEREAS, the Farragut Board of Mayor and Aldermen wishes to cooperate with the State of Tennessee Department of Transportation in its road and bridge improvements in the Town of Farragut, Tennessee; and

WHEREAS, said Proposal is incorporated herein by reference, the same as if copied herein verbatim, with a copy of said Proposal attached hereto; and

WHEREAS, the terms and conditions of said proposal to the Town of Farragut as submitted by the State of Tennessee, Department of Transportation, are accepted and approved by the Farragut Board of Mayor and Aldermen, and the Town of Farragut shall fulfill all obligations concomitant thereto; now

THEREFORE, BE IT RESOLVED, by the Farragut Board of Mayor and Aldermen that this resolution is duly passed and approved this 25th day of September, 2014, and shall take effect from and after its passage.

Ralph McGill, Mayor

ATTEST:

Allison Myers, Recorder

APPROVED FOR ENTRY:

Tom Hale, Town Attorney

PROPOSAL
OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF TENNESSEE
TO THE TOWN OF FARRAGUT, TENNESSEE

The DEPARTMENT OF TRANSPORTATION of the State of Tennessee, hereinafter "DEPARTMENT", proposes to construct a project designated as No. STP-M-1(316); 53003-2209-94 that is described as S.R. 1 (Kingston Pike); Intersection at S.R. 2 (Lee Highway) – Dixie Lee Junction in the TOWN of FARRAGUT, hereinafter TOWN, provided the TOWN agrees to cooperate with the DEPARTMENT as set forth in this proposal, so that the general highway program may be carried out in accordance with the intent of the General Assembly of the State.

Accordingly, if the TOWN will agree:

1. That in the event any civil actions in inverse condemnation or for damages are instituted by reason of the DEPARTMENT, or its contractor, going upon the highway right of way and easements, and constructing said project in accordance with the plans and as necessary to make the completed project functional, it will notify in writing the Attorney General of the State, whose address is 425 Fifth Avenue North, Nashville, Tennessee 37243, of the institution of each civil action, the complaint and all subsequent pleadings, within ten (10)

days after the service of each of the same, under penalty of defending such actions and paying any judgments which result therefrom at its own expense; and

2. To close or otherwise modify any of its roads or other public ways if indicated on the project plans, as provided by law; and

3. To transfer or cause to be transferred to the DEPARTMENT without cost to it, all land owned by the TOWN or by any of its instrumentalities as required for right of way or easement purposes, provided such land is being used or dedicated for road or other public way purposes; and

4. Where privately, publicly or cooperatively owned utility lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, and other similar commodities, including publicly owned facilities such as fire and police signal systems and street lighting systems are located within the right of way of any road or other public way owned by the TOWN, or any of its instrumentalities, the TOWN agrees that it will take action necessary to require the removal or adjustment of any of the above described facilities as would conflict with the construction of the project. But the foregoing may not be a duty of the TOWN since it shall become operative only after the DEPARTMENT has been unsuccessful in its efforts to provide for said removals or adjustments for the benefit of the TOWN.

The foregoing does not apply to those utility facilities which are owned by the TOWN or one of its instrumentalities, it being understood that the TOWN has the duty to relocate or adjust such facilities, if required, provided the TOWN is notified to do so by the DEPARTMENT with detailed advice as to this duty of the TOWN; and

5. To maintain any frontage road to be constructed as part of the project; and

6. That after the project is completed and open to traffic, to accept for jurisdiction and maintenance such parts of any existing DEPARTMENT highway to be replaced by the project, as shown on the attached map; and

7. That the TOWN will make no changes or alter any segment of a road on its road system that lies within the limits of the right of way acquired for any interchange to be constructed as part of the project and will not permit the installation or relocation of any utility facilities within the right of way of any such a segment of one of its roads without first obtaining the approval of the DEPARTMENT; and

8. That no provision hereof shall be construed as changing the maintenance responsibility of the TOWN for such part of the project as may presently be on its highway, street, road or bridge system; and

9. That it is understood and agreed between the DEPARTMENT and the TOWN that all traffic control signs for the control of traffic on a street under the

jurisdiction of the TOWN and located within the DEPARTMENT'S right of way shall be maintained and replaced by the TOWN; and

10. That when traffic control devices for the direction or warning of traffic, lighting of roadways or signing, or any of them, which are operated or function by the use of electric current are constructed or installed as part of the project, they will be furnished with electricity and maintained by the TOWN.

11. If, as a result of acquisition and use of right of way for the project, any structures that become in violation of a TOWN setback/building line requirement, the TOWN agrees to waive enforcement of the TOWN setback/building line requirement and take other proper governmental action therefor.

12. To prohibit encroachments of any kind upon the right of way and easements for the project; and

13. To prohibit the servicing of motor vehicles within the right of way and easements for the project; and

14. To obtain the approval of the DEPARTMENT before authorizing parking on the right of way and easements for the project and before installing any device for the purpose of regulating the movement of traffic; and

15. The DEPARTMENT will maintain the completed project if it is classified as full access control (i.e. a project which has no intersecting streets at grade), and it will maintain the pavement from curb to curb where curbs exist or the full width of the roadway where no curbs exist on non-access control projects. The TOWN agrees to maintain other parts of non-access control projects.

16. That when said project is completed, it thereafter will not permit any additional median crossovers, the cutting of the pavement, curbs, gutters and sidewalks, by any person, firm, corporation or governmental agency, without first obtaining the approval of the DEPARTMENT.

The acceptance of this proposal shall be evidenced by the passage of a ordinance, or by other proper governmental action, which shall incorporate this proposal verbatim, or by reference thereto. Thereafter, the DEPARTMENT will acquire the right of way and easements, construct the project and defend any inverse condemnation or damage civil actions of which the Attorney General has received the notice and pleadings provided for herein.

The project plans hereinbefore identified by number and description are incorporated herein by reference and shall be considered a part of this proposal, including any revisions or amendments thereto, provided a copy of each is furnished the TOWN.

IN WITNESS WHEREOF, the DEPARTMENT has caused this proposal to be executed by its duly authorized official on this _____ day of _____,

20 .

THE TOWN OF FARRAGUT

BY: _____ DATE: _____
MAYOR

**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

BY: _____ DATE: _____
John Schroer
Commissioner

APPROVED AS TO FORM AND LEGALITY:

BY: _____ DATE: _____
John Reinbold
General Counsel