

RESOLUTION 2012-25

**A RESOLUTION APPROVING 2012 PRIVATE ACT, CHAPTER NUMBER
40**

WHEREAS, the Board of Mayor and Aldermen approved, by unanimous vote, Resolution 2011-17 relative to maintenance of public sidewalks; and

WHEREAS, the Tennessee Legislature, on request of the Board of Mayor and Aldermen considered and approved Resolution 2011-17, subsequently assigning it to Private Act, Chapter Number 40 (2012 Tenn. Priv. Acts 40); and

WHEREAS, pursuant to Resolution 2011-17 and Private Act, Chapter Number 40, Section 2, the Board of Mayor and Aldermen must approve the 2012 Tenn. Priv. Acts 40 by a 2/3 vote of the whole membership.

**NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE THAT:**

2012 Tenn. Priv. Acts 40 is hereby approved.

Approved this ____ day of _____, 2012.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
City Recorder/Administrator

BY: _____
DR. KEN MOORE
Mayor

Approved as to form by:



Kristen L. Corn, Staff Attorney

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

April 3, 2012

The Honorable Ken Moore
Mayor
109 Third Ave. South
Franklin, TN 37064

Dear Mayor Moore,

Enclosed is a certified copy of Private Chapter 40 relating to the City of Franklin. This legislation was recently passed by the Tennessee General Assembly.

Pursuant to T.C.A. §§8-3-201 and 8-3-202, the local legislative body must send notice to the secretary of state of its action by December 1 of the year of passage by the General Assembly. Please see Section 2 of Private Chapter 40 for instructions on ratification and notice to the secretary. Notification forms are enclosed for your convenience.

Please feel free to contact me at the number above if you have any questions. You may also contact Mr. Cody Ryan York, Director of Publications, at 615-741-2650. We are here to assist you in any way.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Tre Hargett".

Tre Hargett
Secretary of State

cc: Senator Jack Johnson
Representative Charles M. Sargent, Jr.
Private Chapter 40 file - Publications

Enclosures



**NOTICE TO
SECRETARY OF STATE
OF
RATIFICATION OF PRIVATE ACT**

**SECRETARY OF STATE
Division of Publications
312 – Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243**

Private Chapter No. 40, which is House
(House or Senate)

Bill No. 3844, of the 107th General Assembly, was:

approved _____

disapproved _____

no action taken _____

Presiding Officer of the Local
Legislative Body

Embossed Seal:
(if applicable)

County or City

Date



**NOTICE TO
LOCAL LEGISLATIVE BODY OF
LEGISLATIVE ACTION ON
PRIVATE ACT**

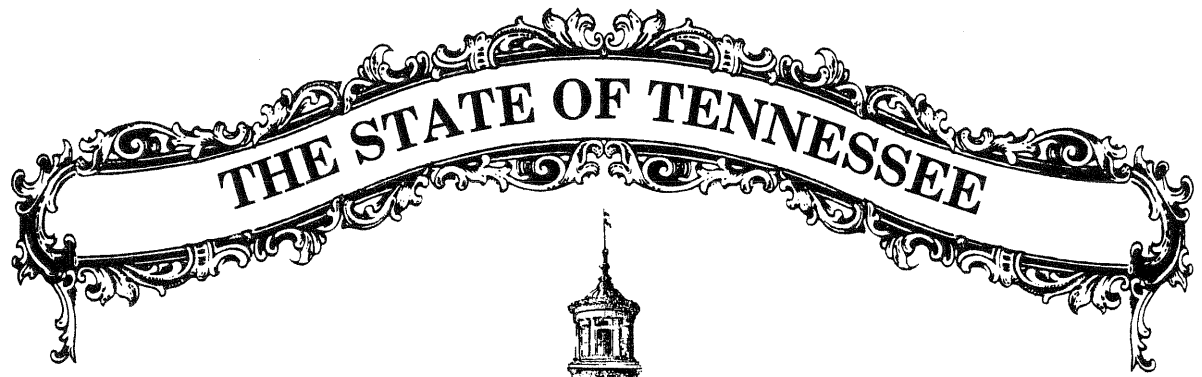
Private Chapter No. 40, which is House
(House or Senate)
Bill No. 3844, of the 107th General Assembly, was passed on
March 15, 2012.

SECRETARY OF STATE

by: *Lee Kargett*
Division of Publications
312 Rosa L. Parks Avenue
Eighth Floor
Snodgrass Tennessee Tower
Nashville, TN 37243

Pursuant to *T.C.A. 8-3-201* and *8-3-202*, the attached is being provided by the Secretary of State. A two-thirds majority of the local legislative body is required for approval. The presiding officer shall complete the attached form, certify within 30 days of action, and return to the Secretary of State, Publications Division at the given address. In the absence of a deadline in the act, failure to approve by December 1 of the year of passage by the General Assembly will render the act null and void. **TO GUARANTEE PROPER AND TIMELY DELIVERY OF YOUR DOCUMENTS TO THE SECRETARY OF STATE, PUBLICATIONS DIVISION, A COURIER DELIVERY SERVICE IS RECOMMENDED. (Examples: Overnight Postal, Express Postal, Federal Express, etc.)**

cc: Senator Jack Johnson
Representative Charles M. Sargent, Jr.



To all to whom these Presents shall come, Greeting:

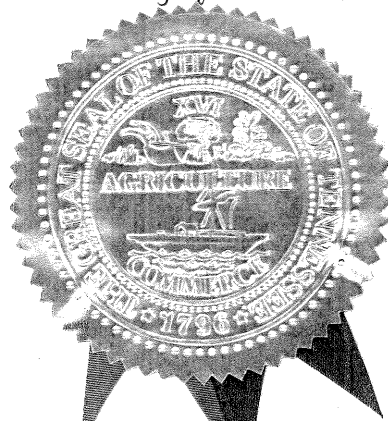
I, Tre Hargett, Secretary of State of the State of Tennessee,
do hereby certify that the annexed is a true copy of

Private Chapter 40

House Bill 3844

Senate Bill 3773

the original of which is now on file and a matter of record in this office.
In Testimony Whereof, I have hereunto subscribed my official signature and by
order of the Governor affixed the Great Seal of Tennessee at the Department in
the City of Nashville, this 3rd day of April, A.D. 2012.




Tre Hargett, Secretary of State



State of Tennessee

PRIVATE CHAPTER NO. 40

HOUSE BILL NO. 3844

By Representative Sargent

Substituted for: Senate Bill No. 3773

By Senator Johnson

AN ACT to amend Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 54 of the Private Acts of 1987; Chapter 114 of the Private Acts of 2006 and Chapter 59 of the Private Acts of 2010; and any other acts amendatory there by relative to public sidewalks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 54 of the Private Acts of 1987; Chapter 114 of the Private Acts of 2006 and Chapter 59 of the Private Acts of 2010 and any other acts amendatory thereto is amended by deleting the language in Article II, Section I, Subsection (35) in its entirety and by substituting instead the following language as a new Subsection (35):

(35) Construct, maintain, and repair sidewalks located within the public right-of-way and City easements as needed, at the City's expense except for public sidewalks within development projects involving vacant land, redevelopment of previously improved property, or damage caused by the property owner or by a third party which will be repaired at the developers' or property owners' expense.

SECTION 2.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin or unless it is approved by a majority of the number of qualified voters of the City of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by the presiding officer of the legislative body of the City of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The results of the referendum shall be certified to the secretary of state by the presiding officer of the legislative body of the City of Franklin.


SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon ratification as provided in Section 2.

HOUSE BILL NO. 3844

PASSED: MARCH 15, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 30th day of March 2012



BILL HASLAM, GOVERNOR